

Annex

Inventory of domestic and international legal documents of the People's Republic of China and the Republic of Korea related to marine environmental protection

As of October 2019

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Preface

The Yellow Sea plays critical roles for the overall environment, economy and society of the three neighbouring countries. However, the semi-closed nature of the Yellow Sea and the rapid development of the surrounding area have rendered an increasingly polluted and over-exploited area. This large marine ecosystem faces major transboundary problems, inter alia, pollution and contaminants, eutrophication, plankton community changes, habitat loss and degradation, climate change related issues.

UNDP/GEF YSLME Phase II Project is built upon four years' regional cooperation for the sustainable use of the Yellow Sea Large Marine Ecosystem put in place by China and the Republic of Korea, supported by the DPRK, the Yellow Sea Partnership and the GEF. The initial project completed a regional Transboundary Diagnostic Analysis and finalized a regional Strategic Action Programme (SAP).

Component 3 of the Strategy aims at improving ecosystem carrying capacity with respect to regulating and cultural services. Output 3.3.1 of Component 3 is specifically entitled with "Strengthened legal and regulatory processes to control pollution", though marine pollution control could be related to all ecological services. The charge thus can be divided into two Activities, the first from legal perspective and the second technological, according to the agreed Project Document.

Activity One as the main task for the present consultancy project may be further broken into three sub-activities which are as follows: 1) review of policies and regulations in China and RO Korea dealing with pollution control, 2) assess compliance with UNCLOs, the Future We Want, multi-lateral environmental agreements and programmes ratified by China and RO Korea, and 3) prioritize legal and regulatory reforms at domestic level.

Review of current policies and regulations on pollution control can lead to not only a library for policy-makers for informed decisions but also to precisely find their inherent inconsistencies and gaps including those as described in SAP for YSLME and propose targeted solutions. Compliance assessment with applicable agreements establishes a two-way channel by which domestic regulations and policies can be analyzed and improved to be compliant with international or regional standards, and best domestic practices may be identified and populated into related agreements in future.

For the purpose of satisfactory implementation of Activity One of Output 3.3.1 of Component 3, the first step is apparently to compile two inventories as described in the TOR, i.e. *Inventory of domestic legal sources on marine pollution of the People's Republic of China and the Republic of Korea* and *Inventory of transnational authorities on marine pollution effective both for the People's Republic of China and the Republic of Korea*. The interim report hereby submitted has largely finished the compilation of the inventories, which will be used as a starting point for the following stages of systematic review, compliance assessment, and improvement recommendation.

Inventory of domestic legal sources related to marine pollution of the People's Republic of China and the Republic of Korea

Part I Chinese Legal Sources on Marine Pollution

Chapter I Overview

The domestic legal sources of China on marine pollution heavily rely on its administrative laws and regulations while some other important provisions are reflected in its civil law, criminal law, procedural law and their judicial interpretations. Policies in particular formulated by the Central Committee of CPC or the State Council despite of their non-legally binding nature may play critical role for marine environmental stake-holders as well, which should not be underestimated. Domestic authorities in this report are arranged mainly based on Chinese legal system, i.e. (1) Laws enacted by the National People's Congress (NPC) or its Standing Committee, (2) Regulations formulated by the State Council, (3) Measures formed by the administrative departments of the State Council or (4) the local governments, (5) Regulations adopted by the Local People's Congress, and (6) Judicial Interpretations promulgated by the Supreme People's Court, besides with (7) National Policies with significant values.

Chapter II Authorities Arranged Based on the Domestic Legal System

1. Laws

- (1) Environmental Protection Law of the People's Republic of China
- (2) Marine Environmental Protection Law of the People's Republic of China
- (3) Law of the People's Republic of China on Environmental Impact Assessment
- (4) Law of the People's Republic of China on the Administration of Sea Areas
- (5) Water Pollution Prevention and Control Law of the People's Republic of China
- (6) Law of the People's Republic of China on the Prevention and Control of Environment Pollution Caused by Solid Wastes
- (7) Law of the People's Republic of China on Prevention and Control of Radioactive Pollution
- (8) Fisheries Law of the People's Republic of China
- (9) Law of the People's Republic of China on Ports
- (10) Atmospheric Pollution Prevention and Control Law of the People's Republic of China
- (11) Maritime Law of the People's Republic of China
- (12) Wild Animal Conservation Law of the People's Republic of China
- (13) Environmental Protection Tax Law of the People's Republic of China

- (14) Emergency Response Law of the People's Republic of China
- (15) Tort Law of the People's Republic of China
- (16) Public Security Administration Punishments Law of the People's Republic of China
- (17) Criminal Law of the People's Republic of China
- (18) Civil Procedure Law of the People's Republic of China
- (19) Administrative Litigation Law of the People's Republic of China
- (20) Special Maritime Procedure Law of the People's Republic of China
- (21) Resolution of the Standing Committee of the National People's Congress on Comprehensively Tightening Ecological and Environmental Protection and Lawfully Promoting Triumph in the Uphill Battle for Prevention and Control of Pollution

2. Regulations (by the State Council)

- (1) Regulations of the People's Republic of China on Nature Reserves
- (2) Regulation on Environmental Impact Assessment of Planning
- (3) Regulations on the Administration of Construction Project Environmental Protection
- (4) Administrative Regulation on the Prevention and Treatment of the Pollution and Damage to the Marine Environment by Marine Engineering
- (5) Regulations of the People's Republic of China Concerning Environmental Protection in Offshore Oil Exploration and Exploitation
- (6) Administrative Regulation on the Prevention and Control of Pollution Damages to the Marine Environment by Coastal Engineering Construction Projects of the People's Republic of China
- (7) Regulations of the People's Republic of China on the Dumping of Wastes at Sea
- (8) Regulation on the Prevention and Control of Vessel-induced Pollution to the Marine Environment
- (9) Regulations on the prevention of environmental pollution by ship recycling
- (10) Regulations of the People's Republic of China Governing Survey of Ships and Offshore Installations
- (11) Regulations on the prevention and control of marine pollution caused by land-based sources
- (12) Regulation on the Safety Management of Radioactive Waste
- (13) Regulations of the People's Republic of China on the Protection of Aquatic Wild Animals
- (14) Detailed Rules for the Implementation of Fisheries Law of the People's Republic of China
- (15) Regulation on the Implementation of the Environmental Protection Tax Law of the People's Republic of China

3. Measures (by the administrative departments of the State Council)

- (1) Measures for the Implementation of the Regulation of the People's Republic of China on the Administration of Environmental Protection for Offshore Oil Exploration and Exploitation
- (2) Interim Provisions on Administration over the Abandonment and Disposal of Offshore Oil and Gas Production Facilities
- (3) Measures for the Implementation of the Regulations of the People's Republic of China on the Dumping of Wastes at Sea
- (4) Administrative Provisions of the People's Republic of China on the Prevention and Control of Marine Environmental Pollution by Vessels and Their Operations
- (5) Provisions on Safety Production and Environmental Protection for Ship Recycling
- (6) Rules on Supervision and Administration of Ship Recycling
- (7) Measures for the Implementation by Competent Environmental Protection Departments of Consecutive Daily Penalties
- (8) Measures for Pollutant Discharge Permitting Administration
- (9) Directory of National Hazardous Wastes

4. Regulations (by the Local People's Congress)

- (1) Regulations on Marine Environmental Protection of Jiangsu Province
- (2) Regulations on Administration of Sea Areas of Jiangsu Province
- (3) Regulations on Marine Environmental Protection of Shandong Province
- (4) Regulations on Environmental Protection of Dalian Municipality
- (5) Regulations on Administration of Sea Ranches of Lianyungang Municipality
- (6) Regulations on Protection of Coastal Zones of Weihai Municipality

5. Measures (by the local governments)

- (1) Measures on Protection of Fishery Resources of Shandong Province
- (2) Measures on Marine Environmental Protection of Liaoning Province
- (3) Provisions of Marine Environmental Protection of Qingdao Municipality

6. Judicial Interpretations

- (1) Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Cases of Disputes over Compensation for Vessel-induced Oil Pollution Damage
- (2) Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Marine Natural Resources and Ecological and Environmental Damage Compensation Disputes

- (3) Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Disputes over Liability for Environmental Torts
- (4) Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in the Conduct of Environmental Civil Public Interest Litigations
- (5) Provisions of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues concerning the Application of Law in the Handling of Criminal Cases of Environmental Pollution

7. National Policies (by the Central Committee of CPC and/or the State Council)

- (1) The CPC Central Committee's Decision on Some Major Issues of Comprehensive Reform
- (2) Opinions of the CPC Central Committee and the State Council on Accelerating the Ecological Civilization Construction
- (3) Integrated Reform Plan for Promoting Ecological Progress
- (4) Opinions of the Central Committee of CPC and the State Council on Comprehensively Tightening Ecological and Environmental Protection and Firmly Fight in the Uphill Battle for Prevention and Control of Pollution
- (5) National Major Marine Functional Zoning Plan
- (6) Outline of National Land Planning (2016-2030)
- (7) The 13th Five-Year Plan for the Protection of Ecology and Environment
- (8) Several Opinions of the State Council on Promoting the Sustainable and Healthy Development of Marine Fishery
- (9) Action Plan for Prevention and Control of Water Pollution
- (10) Outline of the 13th Five-Year Plan for the National Economic and Social Development of the People's Republic of China
- (11) Opinions of the General Office of the State Council on Improving the Compensation Mechanism for Ecological Protection
- (12) Wetland Protection and Restoration Program
- (13) Several Opinions on the Delineation and Observance of the Red Line of Ecological Protection

Chapter III Full Texts of Laws Relevant to Marine Pollution

1. Environmental Protection Law of the People's Republic of China

(Adopted at the 11th session of the Standing Committee of the Seventh National People's Congress on December 26, 1989, and revised at the 8th session of the Standing Committee of the Twelfth National People's Congress on April 24, 2014)

Chapter I General Provisions

Article 1 This Law is developed for the purposes of protecting and improving environment, preventing and controlling pollution and other public nuisances, safeguarding public health, promoting ecological civilization, and enhancing sustainable economic and social development.

Article 2 For the purposes of this Law, “environment” means the entirety of all natural elements and artificially transformed natural elements that affect the survival and development of human beings, including but not limited to air, water, seas, land, minerals, forests, grasslands, wetland, wildlife, natural and cultural relics, nature reserves, scenic spots, historical sites, and urban and rural areas.

Article 3 This Law shall apply to the territory of the People's Republic of China, and other sea areas under the jurisdiction of the People's Republic of China.

Article 4 Protecting environment is a fundamental national policy of the state.

The state shall adopt economic and technological policies and measures conducive to economically and cyclically utilizing resources, protecting and improving environment and enhancing the harmony between mankind and nature to coordinate economic and social development with environmental protection.

Article 5 Environmental protection shall adhere to the principles of giving priority to protection, focusing on prevention, conducting comprehensive treatment, engaging the general public, and enforcing accountability for damage.

Article 6 All entities and individuals shall have the obligation to protect environment.

The local people's governments at all levels shall be responsible for the environmental quality within their respective administrative regions.

Enterprises, public institutions, and other businesses shall prevent and reduce environmental pollution and ecological disruption, and assume liabilities for damage caused by them.

Citizens shall raise their awareness of environmental protection, adopt low-carbon and economical lifestyles, and conscientiously fulfill their obligation to protect environment.

Article 7 The state shall support scientific and technological research, development, and application for environmental protection, encourage the development of environmental protection industries, promote the information technology development for environmental protection, and increase the scientific and technological level of environmental protection.

Article 8 The people's governments at all levels shall provide more financial input in the protection and improvement of environment and the prevention and control of pollution and other public nuisances, and increase the utilization efficiency of financial funds.

Article 9 The people's governments at all levels shall strengthen the publicity and dissemination of information on environmental protection, encourage basic-level self-governing organizations of the masses, social organizations, and environmental protection volunteers to conduct publicity of environmental protection laws and regulations and environmental protection knowledge, and create a favorable atmosphere for environmental

protection.

Education administrative departments and schools shall include environmental protection knowledge in school education to cultivate students' awareness of environmental protection. News media shall publicize environmental protection laws and regulations and environmental protection knowledge, and oversee environment-related illegal acts.

Article 10 The environmental protection administrative department of the State Council shall generally supervise and administer the national environmental protection work, while the environmental protection administrative departments of the local people's governments at and above the county level shall generally supervise and administer the environmental protection work within their respective administrative regions.

The relevant departments of the people's governments at and above the county level and the environmental protection departments of the armed forces shall supervise and administer resource protection, pollution prevention and control, and other environmental protection work in accordance with the provisions of relevant laws.

Article 11 The people's governments shall reward outstanding entities and individuals in protecting and improving environment.

Article 12 Environment Day is celebrated on June 5 every year.

Chapter II Supervision and Administration

Article 13 The people's governments at and above the county level shall include the environmental protection work in their plans on national economic and social development. The environmental protection administrative department of the State Council shall, in conjunction with the relevant departments, develop a plan on national environmental protection in accordance with the plan on national economic and social development, and submit it to the State Council for approval, publication, and implementation.

The environmental protection administrative departments of the local people's governments at and above the county level shall, in conjunction with the relevant departments, develop the plans on environmental protection for their respective administrative regions in accordance with the requirements of the plan on national environmental protection, and submit them to the people's governments at the same level for approval, publication, and implementation.

A plan on environmental protection shall include the objectives and tasks of and safeguards for ecological protection and pollution prevention and control, and be connected with the major function zoning plan, comprehensive plan on land use, and urban and rural development plan, among others.

Article 14 In organizing the development of economic and technological policies, the relevant departments of the State Council and the people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government shall fully consider the environmental impact thereof, and hear the opinions of the relevant parties and experts.

Article 15 The environmental protection administrative department of the State Council shall

develop the national environmental quality standards.

For matters not included in the national environmental quality standards, the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may develop local environmental quality standards; and for matters included in the national environmental quality standards, they may develop local environmental quality standards higher than the national standards. Local environmental quality standards shall be submitted to the environmental protection administrative department of the State Council for recordation.

The state shall encourage research on environmental criteria.

Article 16 The environmental protection administrative department of the State Council shall develop the national pollutant discharge standards in accordance with the national environmental quality standards and the national economic and technological conditions.

For matters not included in the national pollutant discharge standards, the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may develop local pollutant discharge standards; and for matters included in the national pollutant discharge standards, they may develop local pollutant discharge standards higher than the national standards. Local pollutant discharge standards shall be submitted to the environmental protection administrative department of the State Council for recordation.

Article 17 The state shall establish and improve environmental monitoring rules. The environmental protection administrative department of the State Council shall develop monitoring norms, organize a monitoring network in conjunction with the relevant departments, develop a general plan on the distribution of national environmental quality monitoring stations (points), establish a monitoring data sharing mechanism, and strengthen the administration of environmental monitoring.

The distribution of various types of environmental quality monitoring stations (points) for the relevant industries or specialties shall comply with the requirements of laws and regulations and the monitoring norms.

Monitoring institutions shall use monitoring equipment up to the national standards, and comply with the monitoring norms. Monitoring institutions and the persons in charge thereof shall be responsible for the truth and accuracy of monitoring data.

Article 18 The people's governments at and above the provincial level shall organize the relevant departments or commission specialized institutions to survey and assess the environmental condition, and establish an environmental and resource carrying capacity monitoring and early warning mechanism.

Article 19 An environmental impact assessment shall be conducted as legally required in the preparation of a relevant development and utilization plan or the construction of a project impacting the environment.

A development and utilization plan that has not undergone environmental impact assessment as legally required may not be implemented. The construction of a construction

project that has not undergone environmental impact assessment as legally required may not be commenced.

Article 20 The state shall establish a coordination mechanism across administrative regions for the joint prevention and control of environmental pollution and ecological disruption in key regions and valley areas, and apply a uniform plan, uniform standards, uniform monitoring, and uniform prevention and control measures.

The prevention and control of environmental pollution and ecological disruption across administrative regions other than that in the preceding paragraph shall be coordinated by the people's governments at higher levels, or resolved through consultations by the relevant local people's governments.

Article 21 The state shall adopt policies and measures in finance, taxation, price, and government procurement, among others, to encourage and support the development of environmental protection industries such as technological equipment for environmental protection, comprehensive utilization of resources, and environmental services.

Article 22 The people's governments shall adopt policies and measures in finance, taxation, price, and government procurement, among others, to encourage and support the further pollutant discharge reduction by enterprises, public institutions, and other businesses after meeting the statutory requirements for the discharge of pollutants.

Article 23 The people's governments shall support the production changes, relocation, or closedown of enterprises, public institutions, and other businesses for the purpose of improving environment in accordance with the relevant provisions.

Article 24 The environmental protection administrative departments of the people's governments at and above the county level, the environmental supervision institutions authorized by them, and other departments with environmental protection supervision and administration functions shall have the authority to conduct the on-site inspection of enterprises, public institutions, and other businesses that discharge pollutants. Those under inspection shall honestly provide relevant information and necessary materials. The departments or institutions conducting such inspection and the employees thereof shall keep the trade secrets of those under inspection.

Article 25 Where the discharge of pollutants by enterprises, public institutions, and other businesses in violation of laws and regulations has caused or may cause any serious pollution, the environmental protection administrative departments of the people's governments at and above the county level and other departments with environmental protection supervision and administration functions may seize or impound the facilities or equipment causing the discharge of pollutants.

Article 26 The state shall apply an objectives responsibility system and an evaluation and review system to environmental protection. The people's governments at and above the county level shall include the achievement of environmental protection objectives in the evaluation of their respective departments with environmental protection supervision and administration functions and the persons in charge thereof as well as the people's

governments at lower levels and the persons in charge thereof, as an important basis for the evaluation and review of them. The evaluation results shall be made available to the public.

Article 27 The people's governments at and above the county level shall report annually the environmental condition and the achievement of environmental protection objectives to the people's congresses at the same level or the standing committees thereof, and report in a timely manner the major environmental events to the standing committees of the people's congresses at the same level, to receive supervision according to the law.

Chapter III Environmental Protection and Improvement

Article 28 The local people's governments at all levels shall, according to environmental protection objectives and pollution control tasks, adopt effective measures to improve environmental quality.

The relevant local people's governments in key regions and valley areas that fail to reach the national environmental quality standards shall develop plans on reaching such standards during a specified period, and adopt measures to reach such standards as scheduled.

Article 29 The state shall draw ecological red lines in key ecological function zones, ecological sensitive areas and fragile areas, and other areas to apply strict protection.

The people's governments at all levels shall adopt measures to protect and prohibit any damage to the regions with various types of typical natural ecosystems, regions with a natural distribution of rare or endangered wild animals or plants, regions where major sources of water are conserved, natural relics such as geological structures of great scientific and cultural values, famous regions where karst caves or fossil deposits are distributed, glaciers, volcanoes, and hot springs, cultural relics, and ancient and precious trees.

Article 30 In the development and utilization of natural resources, the development shall be rational to protect biological diversity and ecological safety, and the relevant ecological protection and rehabilitation management plans shall be developed and implemented according to the law.

In the introduction of alien species and the research, development, and utilization of biotechnologies, measures shall be adopted to prevent any damage to biodiversity.

Article 31 The state shall establish and improve an ecological compensation mechanism.

The state shall increase financial transfer payments to ecological protection areas. The relevant local people's governments shall oversee the use of ecological compensation funds to ensure that such funds are used for ecological compensation purposes.

The state shall guide the people's governments of ecologically benefited areas and ecological protection areas in making ecological compensation through consultations or under the market rules.

Article 32 The state shall strengthen the protection of air, water, and soil, among others, and establish and improve the corresponding survey, monitoring, assessment, and remediation rules.

Article 33 The people's governments at all levels shall strengthen the protection of agricultural environment, promote the application of new technologies for protecting agricultural environment, strengthen the monitoring and early warning of agricultural pollution sources, and coordinate the relevant departments in adopting measures to prevent and control soil pollution, the desertification, alkalization, impoverishment and rocky desertification of land, land subsidence, vegetation deterioration, water loss and soil erosion, eutrophication of water bodies, exhaustion of water sources, extinction of species, and other ecological disturbances and promote the comprehensive prevention and control of plant diseases and insect pests.

The people's governments at the county and village levels shall improve the public service level for environmental protection in rural areas, and promote the comprehensive control and management of environment in rural areas.

Article 34 The State Council and the local people's governments at all levels in coastal areas shall strengthen the protection of marine environment. The discharge of pollutants and the dumping of wastes into the sea or the construction of coastal or marine engineering projects shall comply with laws and regulations and the relevant standards, and pollution and damage to the marine environment shall be prevented or reduced.

Article 35 In urban and rural construction, the characteristics of the local natural environment shall be considered, vegetation, waters and natural landscapes shall be protected, and the construction and management of gardens, green land, and scenic spots and historic sites in urban areas shall be strengthened.

Article 36 The state shall encourage and direct citizens, legal persons, and other organizations to use products and recycled products conducive to protecting environment to reduce wastes.

Government agencies and other organizations using fiscal funds shall, when purchasing and using products, equipment and facilities, give priority to those that are energy-saving, water-saving, material-saving or otherwise conducive to protecting environment.

Article 37 The local people's governments at all levels shall take measures to organize the sorting and recycling of domestic wastes.

Article 38 Citizens shall abide by environmental protection laws and regulations, cooperate in the implementation of environmental protection measures, and drop domestic wastes in waste separation bins as required to reduce damage to environment in daily lives.

Article 39 The state shall establish and improve the environment and health monitoring, survey and risk assessment rules, encourage and organize research on the impact of environmental quality on public health, and adopt measures to prevent and control diseases related to environmental pollution.

Chapter IV Prevention and Control of Pollution and Other Public Nuisances

Article 40 The state shall promote cleaner production and resource recycling.

The relevant departments of the State Council and the local people's governments at all levels shall adopt measures to promote the production and use of clean energy.

Enterprises shall give priority to the use of clean energy, and adopt techniques and equipment with higher resource utilization ratios and less pollutant discharges, technologies for the comprehensive utilization of wastes, and technologies for the decontamination of pollutants to reduce pollutants.

Article 41 The pollution prevention and control installations included in a construction project shall be designed, constructed and put to use simultaneously with the body of the construction project. Such installations shall satisfy the requirements of the approved environmental impact assessment document, and may not be dismantled or left unused without permission.

Article 42 Enterprises, public institutions, and other businesses that discharge pollutants shall adopt measures to prevent and control pollution and damage to environment caused by waste gas, waste water, waste residue, medical wastes, dust, malodorous gases, radioactive substances, noise, vibration, optical radiation, electromagnetic radiation, and other substances generated in their production, construction, and other activities.

Enterprises and public institutions that discharge pollutants shall establish accountability rules for environmental protection to specify the duties and responsibilities of persons in charge of them and other relevant persons.

Pollutant discharging entities under intensified supervision shall install and use monitoring equipment in accordance with the relevant provisions of the state and the monitoring norms, ensure the normal functioning of monitoring equipment, and preserve the original monitoring records.

It shall be prohibited to illegally discharge pollutants by installing underground pipelines, using seepage wells or pits, conducting perfusion, or altering or forging monitoring data, through the abnormal operation of pollution prevention and control installations, or by other means to avoid supervision.

Article 43 Enterprises, public institutions, and other businesses that discharge pollutants shall pay pollutant discharge fees in accordance with the relevant provisions of the state. Pollutant discharge fees shall be all used for the prevention and control of environmental pollution. No entity or individual may withhold such funds or use such funds for similar or other purposes.

No pollutant discharge fees shall be levied if environmental pollution tax has been levied according to the law.

Article 44 The state shall apply a total discharge volume control system to key pollutants. The State Council shall assign the total discharge volume control indicators of key pollutants to the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for further breakdown and implementation. When implementing the national and local pollutant discharge standards, enterprises and public institutions shall comply with the total discharge volume control indicators of key pollutants further assigned to them.

For areas which exceed the state's total discharge volume control indicators of key pollutants

or fail to achieve the environmental quality objectives determined by the state, the environmental protection administrative departments of the people's governments at and above the provincial level shall suspend the procedures for approving the environmental impact assessment documents on construction projects in such areas that will increase the total discharge volume of key pollutants.

Article 45 The state shall, according to the law, apply a licensing system to the discharge of pollutants.

Enterprises, public institutions, and other businesses subject to pollutant discharge licensing management shall discharge pollutants according to the requirements of their respective pollutant discharge licenses; and those without a pollutant discharge license may not discharge pollutants.

Article 46 The state shall apply an elimination system to techniques, equipment, and products that cause serious environmental pollution. No entity or individual may produce, sell, transfer, or use techniques, equipment, or products that cause serious environmental pollution.

It shall be prohibited to introduce any technology, equipment, material, or product that fails to comply with the environmental protection provisions of China.

Article 47 The people's governments at all levels, the relevant departments thereof, enterprises, and public institutions shall effectively conduct the risk control, preparedness, response, rehabilitation, and other work on environmental emergencies, in accordance with the Emergency Response Law of the People's Republic of China.

The people's governments at and above the county level shall establish public monitoring and early warning mechanisms for environmental pollution, organize the development of early warning plans, and, when any environmental pollution may endanger public health and environmental safety, release early warning information and activate emergency response measures in a timely manner according to the law.

Enterprises and public institutions shall prepare emergency response plans for environmental emergencies in accordance with the relevant provisions of the state, and submit them to the environmental protection administrative departments and other relevant departments for recordation. Where any environment emergency occurs or may occur, an enterprise or public institution shall immediately take response measures, notify in a timely manner the entities and citizens to which any harm may be caused, and report to the environmental protection administrative department and other relevant departments.

After the end of the emergency response to an environmental emergency, the relevant people's government shall immediately organize an assessment on the environmental impact of and the losses caused by the event, and disclose the assessment results to the public in a timely manner.

Article 48 The production, storage, transportation, sale, use, and disposal of chemicals and materials containing radioactive substances must comply with the relevant provisions of the state to prevent environmental pollution.

Article 49 The people's governments at all levels and the agricultural and other relevant departments and institutions thereof shall guide agricultural businesses in plant and animal farming in a scientific manner, apply pesticides, chemical fertilizers and other agricultural inputs in a rational and scientific manner, and dispose of agricultural films, agricultural straws and other agricultural wastes in a scientific manner to prevent agricultural non-point source pollution.

It shall be prohibited to apply any solid wastes or waste water in noncompliance with agricultural standards or environmental protection standards to farmland. In the application of pesticides, chemical fertilizers, and other agricultural inputs or irrigation, measures shall be taken to prevent environmental pollution caused by heavy metals and other toxic and harmful substances.

The site selection, construction, and management of farms, breeding areas, and designated slaughter enterprises of livestock and poultry shall comply with the provisions of relevant laws and regulations. Entities and individuals engaging in livestock and poultry breeding or slaughter shall take measures to dispose of livestock and poultry manure and corpses, sewage, and other wastes in a scientific manner to prevent environmental pollution.

The people's governments at the county level shall be responsible for organizing the disposal of domestic wastes in rural areas.

Article 50 The people's governments at all levels shall arrange funds in their fiscal budgets for supporting the protection of drinking water sources, the treatment of domestic sewage and other wastes, the prevention and control of pollution from livestock and poultry breeding and slaughter, the prevention and control of soil pollution, the control of pollution from industrial and mining activities, and other environmental protection work in rural areas.

Article 51 The people's governments at all levels shall make overall plans on the construction of sewage treatment facilities and related pipeline networks, environmental sanitation facilities for the collection, transportation, and disposal, among others, of solid wastes, facilities and sites for the centralized disposal of dangerous wastes, and other public facilities for environmental protection in urban and rural areas, and ensure their normal functioning.

Article 52 The state shall encourage the purchase of environmental pollution liability insurance.

Chapter V Information Disclosure and Public Engagement

Article 53 Citizens, legal persons, and other organizations shall, according to the law, have the rights to obtain environmental information and participate in and oversee environmental protection.

The environmental protection administrative departments and other departments with environmental protection supervision and administration functions of the people's governments at all levels shall, according to the law, disclose environmental information, and improve the procedures for public engagement, to facilitate the participation in and oversight of environmental protection by citizens, legal persons, and other organizations.

Article 54 The environmental protection administrative department of the State Council shall

release information on environmental quality and the monitoring of key pollution sources and other significant environmental information of the state in a unified way. The environmental protection administrative departments of the people's governments at and above the provincial level shall periodically release reports on the state of environment.

The environmental protection administrative departments and other departments with environmental protection supervision and administration functions of the people's governments at and above the county level shall, according to the law, disclose information on environmental quality, environmental monitoring, environmental emergencies, environmental administrative licensing, environmental administrative punishment, and collection and use of pollutant discharge fees, among others.

The environmental protection administrative departments and other departments with environmental protection supervision and administration functions of the local people's governments at and above the county level shall record the environmental violations of law by enterprises, public institutions, and other businesses in their social integrity files, and disclose the names of violators to the public in a timely manner.

Article 55 Pollutant discharging entities under intensified supervision shall honestly disclose to the public the names of their major pollutants, the discharge methods, the concentration and total volume of pollutants discharged, any discharge beyond the approved quota, and the construction and operation of pollution prevention and control installations to receive supervision from the general public.

Article 56 For a construction project for which an environmental impact report is required by the law, when preparing such a report, the construction employer shall provide an explanation to the public that may be affected, and fully solicit their opinions.

After receiving the environmental impact report for a construction project, the department approving the environmental impact assessment documents for construction projects shall disclose the full text of the report, except the part involving any state secret or trade secret; and if it discovers that public opinions have not been fully solicited regarding the project, the department shall order the construction employer to solicit public opinions.

Article 57 Citizens, legal persons, and other organizations that discover any environmental pollution or ecological damage caused by any entity or individual shall have the right to report to environmental protection administrative departments or other departments with environmental protection supervision and administration functions.

Citizens, legal persons, and other organizations that discover any failure of the local people's governments at any level or the environmental protection administrative departments or other departments with environmental protection supervision and administration functions of the people's governments at and above the county level to legally perform their duties shall have the right to report to the authorities at higher levels or the supervisory authorities.

The authorities receiving such reports shall keep confidential the relevant information on whistleblowers, and protect the lawful rights and interests of whistleblowers.

Article 58 For an act polluting environment or causing ecological damage in violation of

public interest, a social organization which satisfies the following conditions may institute an action in a people's court:

(1) It has been legally registered with the civil affairs department of the people's government at or above the level of a districted city.

(2) It has specially engaged in environmental protection for the public good for five consecutive years or more without any recorded violation of law.

A people's court shall, according to the law, accept an action instituted by a social organization that satisfies the provision of the preceding paragraph.

A social organization may not seek any economic benefit from an action instituted by it.

Chapter VI Legal Liability

Article 59 Where any enterprise, public institution, or other business is fined and ordered to make correction for illegally discharging pollutants but refuses to make correction, the administrative agency legally making the punishment decision may impose continuous fines on it in the amount of the original fine for each day from the next day after it is ordered to make correction.

The fine punishment as mentioned in the preceding paragraph shall be determined on the basis of factors such as the operation costs of pollution prevention and control installations, the direct losses caused by the illegal act and the illegal income as provided for by the relevant laws and regulations.

Based on the actual needs for environmental protection, the types of illegal acts subject to continuous daily fines as mentioned in the first paragraph hereof may be increased in local regulations.

Article 60 Where any enterprise, public institution, or other business discharges pollutants beyond the pollutant discharge standards or the total discharge volume control indicators of key pollutants, the environmental protection administrative department of the local people's government at or above the county level may order it to adopt measures such as restricting production or suspending business for rectification; and if the circumstances are serious, order it to terminate business or close down with the approval of the people's government with such approval power.

Article 61 Where any construction employer fails to submit the environmental impact assessment documents for its construction project according to the law or commences construction without permission before the environmental impact assessment documents are approved, the department with environmental protection supervision and administration functions shall order it to cease construction, and impose a fine on it, and may order restoration to the original state.

Article 62 Where, in violation of this Law, any pollutant discharging entity under intensified supervision fails to disclose or honestly disclose environmental information, the environmental protection administrative department of the local people's government at or above the county level shall order it to disclose the information, impose a fine on it, and issue a public announcement of the punishment.

Article 63 Where any enterprise, public institution, or other business commits any of the following acts, if no crime is constituted, in addition to imposing punishment in accordance with the provisions of relevant laws and regulations, the environmental protection administrative department or any other relevant department of the people's government at or above the county level shall transfer the case to the public security authority, which shall detain the directly liable person in charge and other directly liable persons for not less than 10 days but not more than 15 days; or, if the circumstances are relatively minor, for not less than 5 days but not more than 10 days:

(1) It refuses to comply with an order requiring it to cease construction of a construction project which has not undergone environmental impact assessment as legally required.

(2) It refuses to comply with an order requiring it to cease discharge of pollutants for its illegal discharge of pollutants without a pollutant discharge license.

(3) It illegally discharges pollutants by installing underground pipelines, using seepage wells or pits, conducting perfusion, or altering or forging monitoring data, through the abnormal operation of pollution prevention and control installations, or by other means to avoid supervision.

(4) It refuses to comply with an order requiring it to make correction for its production or use of pesticides which have been expressly prohibited by the state from production or use.

Article 64 Where any damage is caused by environmental pollution or ecological disruption, the tortfeasor shall assume tort liability in accordance with the relevant provisions of the Tort Law of the People's Republic of China.

Article 65 Where any environmental impact assessment institution, environmental monitoring institution, or institution engaging in the maintenance or operation of environmental monitoring equipment and pollution prevention and control installations makes falsification in the provision of relevant environmental services and is liable for the environmental pollution or ecological disruption caused, it shall assume joint and several liability with other parties liable for the environmental pollution or ecological disruption, in addition to punishment in accordance with the provisions of relevant laws and regulations.

Article 66 The time limitation for instituting an environmental action for damages shall be three years, starting from the time when a party knows or should have known the harm caused to the party.

Article 67 The people's governments at higher levels and the environmental protection administrative departments thereof shall strengthen supervision over the environmental protection work of the people's governments at lower levels and the relevant departments thereof, and, if they discover that any employees have committed any illegal acts for which disciplinary actions shall be taken according to the law, recommend disciplinary actions to the appointment and removal authorities or supervisory authorities for such employees.

Where the relevant environmental protection administrative department fails to impose administrative punishment as otherwise legally required, the environmental protection administrative department of the people's government at a higher level may directly make a

decision to impose administrative punishment.

Article 68 Where a local people's government at any level or the environmental protection administrative department or any other department with environmental protection supervision and administration functions of a people's government at or above the county level commits any of the following acts, the directly liable person in charge and other directly liable persons shall be subject to a demerit, a major demerit, or demotion; and if the consequences are serious, they shall be removed from office or expelled, and the primary person in charge thereof shall resign to assume the responsibility for the act:

(1) Granting any administrative license despite that the conditions for granting the administrative license are not satisfied.

(2) Harboring any environment-related illegal acts.

(3) Failing to make a decision to order cessation of business or closedown as otherwise legally required.

(4) Failing to investigate any discharge of pollutants beyond the prescribed standards, discharge of pollutants by means to avoid supervision, environmental accident, or ecological disruption caused by a failure to implement ecological protection measures and impose punishment in a timely manner, after discovering or receiving a report on it.

(5) Seizing or impounding any facility or equipment of any enterprise, public institution, or other business in violation of this Law.

(6) Altering or forging monitoring data or instigating others to do so.

(7) Failing to disclose environmental information as otherwise legally required.

(8) Withholding or using for similar or other purposes the pollutant discharge fees collected.

(9) Other illegal acts as specified by laws and regulations.

Article 69 Whoever is suspected of a crime for violating this Law shall be subject to criminal liability according to the law.

Chapter VII Supplementary Provisions

Article 70 This Law shall come into force on January 1, 2015.

2. Marine Environmental Protection Law of the People's Republic of China

(Adopted at the 24th Session of the Standing Committee of the Fifth National People's Congress on August 23, 1982; revised at the 13th Session of the Standing Committee of the Ninth National People's Congress on December 25, 1999; amended in accordance with the Decision on Amending Seven Laws Including the Marine Environment Protection Law of the People's Republic of China at the Sixth Session of the Standing Committee of the Twentieth National People's Congress on December 28, 2013; and amended for the second time in accordance with the Decision of the Standing Committee of the National People's Congress on Amending the Marine Environment Protection Law of the People's Republic of China adopted at the 24th Session of the Standing Committee of the Twelfth National People's Congress on November. 7, 2016; amended for the third time in accordance with

the Decision of the Standing Committee of the National People's Congress on Amending Eleven Laws including the Accounting Law of the People's Republic of China, as adopted at the 30th Session of the Standing Committee of the Twelfth National People's Congress of the People's Republic of China on November 4, 2017.)

Chapter I General Provisions

Article 1 This Law is enacted to protect and improve the marine environment, conserve marine resources, prevent pollution damages, maintain ecological balance, safeguard human health and promote sustainable economic and social development.

Article 2 This Law shall apply to the internal waters, territorial seas, contiguous zones, exclusive economic zones and continental shelves of the People's Republic of China and all other sea areas under the jurisdiction of the People's Republic of China.

All entities and individuals engaged in navigation, exploration, exploitation, production, tourism, scientific research or other operations in the sea areas under the jurisdiction of the People's Republic of China, or engaged in operations in the coastal land areas which have impact on the marine environment shall comply with this Law.

This Law shall also apply to pollution to the sea areas under the jurisdiction of the People's Republic of China originating from areas beyond the sea areas under the jurisdiction of the People's Republic of China.

Article 3 The State shall delineate the red lines of ecological protection in key marine ecological function zones, ecological sensitive areas and fragile areas, and other sea areas to conduct strict protection.

The State shall establish and put into practice a system of controlling the total sea-disposal pollution discharge for the key sea areas, determine the standards for controlling the total sea-disposed main pollutants discharge and shall assign controlled pollution discharges to key pollution sources. The specific measures therefor shall be formulated by the State Council.

Article 4 All entities and individuals shall have the obligation to protect the marine environment and have the right to supervise and expose the act of any entity or individual that causes pollution damage to the marine environment, as well as the act of any functionary engaged in marine environment supervision and control that constitutes a neglect of duty in violation of the law.

Article 5 The administrative department in charge of environment protection under the State Council, as the department to exercise unified supervision and control over the nation-wide environment protection work, shall guide, co-ordinate and supervise the nation-wide marine environment protection work and be responsible for preventing and controlling marine pollution damages caused by land-based pollutants and coastal construction projects.

The State oceanic administrative department shall be responsible for the supervision and control over the marine environment, organize survey, surveillance, supervision, assessment and scientific research of the marine environment and be responsible for the nation-wide environment protection work in preventing and controlling marine pollution

damages caused by marine construction projects and dumping of wastes in the sea.

The State administrative department in charge of maritime affairs shall be responsible for the supervision and control over marine environment pollution caused by non-military vessels inside the port waters under its jurisdiction and non-fishery vessels and non-military vessels outside the said port waters, and be responsible for the investigation and treatment of the pollution accidents. In the event of a pollution accident caused by a foreign vessel navigating, berthing or operating in the sea under the jurisdiction of the People's Republic of China, inspection and treatment shall be conducted on board the vessel in question. Where the pollution accident caused by a vessel results in fishery damages, the competent fishery administrative department shall be invited to take part in the investigation and treatment.

The State fishery administrative department shall be responsible for the supervision and control over the marine environment pollution caused by non-military vessels inside the fishing port waters and that caused by fishing vessels outside the fishing port waters, be responsible for the protection of ecological environment in the fishing zones, and shall investigate and handle the fishery pollution accidents other than those specified in the preceding paragraph.

The environment protection department of the armed forces shall be responsible for the supervision and control over the marine pollution caused by military vessels and for the investigation and handling of the pollution accidents caused by military vessels.

The functions and responsibilities of the departments empowered to conduct marine environment supervision and control under the coastal local people's governments at or above the county level shall be determined by the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government in accordance with this Law and the relevant regulations of the State Council.

Article 6 The administrative department in charge of environment protection, oceanic administrative departments and other departments empowered to conduct marine environment supervision and control shall publicly disclose the relevant information on marine environment in accordance with the law according to the division of functions and powers; and relevant pollutant discharging entities shall publicly disclose the pollutant discharge information in accordance with the law.

Chapter II Supervision and Control over the Marine Environment

Article 7 The State oceanic administrative department shall, in conjunction with the relevant departments of the State Council and the people's governments of the coastal provinces, autonomous regions and municipalities directly under the Central Government, work out a national marine functional zonation scheme according to the national major marine functional zoning plan, and submit it to the State Council for approval.

The coastal local people's governments at all levels shall, according to the national and local marine functional zonation schemes, protect and use sea areas in a scientific and rational manner.

Article 8 The State shall draw up, in accordance with the marine functional zonation scheme, national marine environment protection plan and regional marine environment protection plans in key sea areas.

The relevant people's government of the coastal provinces, autonomous regions and municipalities directly under the Central Government adjacent to key sea areas and the departments empowered to conduct marine environment supervision and control may set up regional co-operation organizations for marine environment protection which shall be responsible for the implementation of regional marine environment protection plans in key sea areas as well as for the prevention and control of marine environment pollution and the marine ecological conservation work.

Article 9 Trans-regional marine environment protection problems shall be solved through consultations by the relevant coastal local people's governments or be solved through coordination by the people's government at the higher level.

Major trans-department marine environment protection work shall be coordinated by the administrative department in charge of environment protection under the State Council. The problems that fail to be settled through coordination shall be submitted to the State Council for decision.

Article 10 The State shall work out the national marine environment quality standards in accordance with the marine environment quality conditions and the economic and technological level of the country.

The people's governments of the coastal provinces, autonomous regions and municipalities directly under the Central Government may work out the local marine environment quality standards for those items not specified in the national marine environment quality standards. The coastal local people's governments at various levels shall, in accordance with the stipulations laid down in the national and local marine environment quality standards and the coastal sea area environment quality conditions in their respective administrative areas, work out their marine environment protection targets and tasks, incorporate them into their respective government work plans and exercise control thereover in accordance with the corresponding marine environment quality standards.

Article 11 In working out the national and local water pollutant discharge standards, the national and local marine environment quality standards shall be taken as one important basis. For the key sea areas where the State has established and put into practice the system of controlling the total volume of pollutants discharged, the indicators for the control of the total volume of key pollutants discharged into the sea shall also be taken as an important basis in determining the water pollutant discharge standards.

When implementing the national and local water pollutant discharge standards, pollutant discharging entities shall comply with the indicators for the control of the total volume of key pollutants discharged into the sea assigned to them.

In key sea areas where the indicators for the control of the total volume of key pollutants discharged into the sea are exceeded and sea areas where the objectives and tasks of

marine environment protection fail to be completed, the environment protection administrative departments of the people's governments at or above the provincial level and the oceanic administrative departments shall, according to the division of functions, suspend the approval of the environmental impact reports (forms) for the construction projects which would newly increase the total volume of corresponding types of pollutants discharged into the sea.

Article 12 All entities and individuals directly discharging pollutants into the sea must pay pollutant discharge fees in accordance with the provisions of the State. Whoever has paid environmental pollution tax in accordance with the legal provisions is no longer required to pay pollutant discharge fees.

Whoever dumps wastes in the sea must pay dumping fees in accordance with the State regulations.

Pollutant discharge fees and dumping fees levied in accordance with the provisions of this Law must be used for the prevention and control of marine environment pollution and may not be appropriated for any other purposes. Specific measures shall be formulated by the State Council.

Article 13 The State shall strengthen the research and development of science and technology in the field of prevention and control of marine environment pollution damages and shall put into practice an elimination system with regard to any out-of-date production techniques and equipment that cause serious marine environment pollution damages.

Enterprises shall give priority to the introduction of clean energies and clean production technology with higher resources utilization ratio and less pollutant discharges, so as to prevent pollution to the marine environment.

Article 14 The State administrative department in charge of maritime affairs shall manage in accordance with the State environmental monitoring and supervisory norms and standards the investigation, monitoring and supervision of the nation-wide marine environment and work out specific measures of implementation, and shall organize, in conjunction with the relevant departments, nation-wide marine environment monitoring and supervision network, conduct regular assessment of marine environment quality and release regular sea cruise supervision dispatches.

Departments empowered by this Law to conduct marine environment supervision and control shall be responsible for the monitoring and supervision of the water areas under their respective jurisdiction.

Other relevant departments shall, in accordance with the division of work under the nation-wide marine environment monitoring network, be respectively responsible for the mouths of rivers that empty into the sea and the main pollutant discharge outlets.

Article 15 Relevant departments of the State Council shall provide the administrative department in charge of environment protection under the State Council with the marine environment monitoring data necessary for the compilation of national environment quality bulletins.

The administrative department in charge of environment protection shall provide relevant departments with data relating to marine environment supervision and administration.

Article 16 The State administrative department in charge of maritime affairs shall, in accordance with the environment monitoring and supervision information management system formulated by the State, be responsible for the management of the comprehensive marine information system and render services to the supervision and control over the marine environment protection.

Article 17 Any entity or individual that has caused or may possibly cause marine environment pollution because of an accident or any other contingency must immediately adopt effective measures, promptly inform all parties that are potentially endangered, report to the department empowered by this Law to conduct marine environment supervision and control and accept investigation and treatment.

Coastal local people's government at or above the county level must, whenever the offshore environment within their administration is seriously polluted, adopt effective measures to relieve or mitigate the pollution damage.

Article 18 The State shall, in accordance with the necessity to prevent marine environment pollution, draw up State contingency schemes to cope with major marine pollution accidents. The State oceanic administrative department shall be responsible for drawing up a State contingency scheme to cope with any major oil spill accidents on the sea caused by offshore oil exploration and exploitation and report to the administrative department in charge of environment protection under the State Council for the record.

The State administrative department in charge of maritime affairs shall be responsible for drawing up a contingency scheme to cope with any nation-wide major vessel oil spill accidents on the sea and report to the administrative department in charge of environment protection under the State Council for the record.

All entities in the coastal areas where marine environment pollution accidents may happen shall draw up in accordance with the State regulations contingency schemes to cope with pollution accidents and report to the local administrative departments respectively in charge of environment protection and maritime affairs for the record.

The coastal people's governments at or above county level and the relevant departments thereunder shall relieve or mitigate damages in accordance with the contingency schemes in case of any major marine pollution accidents.

Article 19 Departments empowered by this Law to conduct marine environment supervision and control may conduct joint law enforcement operations on the sea. In their monitoring cruise, whenever any marine pollution accident or act of violation of the provisions of this Law is discovered, they shall check it, conduct on-the-spot investigation, collect evidence, and if necessary, have the power to adopt effective measures to prevent the spread of pollution, and in the meantime report the case to the relevant competent department for the treatment.

Departments empowered by this Law to conduct marine environment supervision and

control have the right to conduct on-the-spot inspections of the entities and individuals discharging pollutants within the sphere of their jurisdiction. Those under inspection shall report the situation faithfully and provide necessary data.

Inspection departments shall keep the technical and business knowhow of the inspected secret.

Chapter III Marine Ecological Protection

Article 20 The State Council and the coastal local people's governments shall adopt effective measures to protect typical and representative marine ecosystems such as mangroves, coral reefs, coastal wetlands, islands, bays, estuaries and important fishery waters, protect sea areas where rare and dying out marine organisms are naturally and densely scattered, protect habitats of marine organisms having important economic value, and protect marine natural historic relics and natural landscapes having great scientific and cultural significance. Efforts shall be made to renovate and restore damaged marine ecosystems having important economic and social values.

Article 21 The relevant departments of the State Council and the coastal people's governments at provincial level shall, in accordance with the need for marine ecosystem conservation, delimit and establish marine nature reserves.

The establishment of marine nature reserves at state level shall be subject to approval by the State Council.

Article 22 A marine nature reserve shall be established where one of the following situations exists:

(1)being a typical marine physiographic area as well as a representative natural ecosystem area, or an area where the natural ecosystem has been damaged to some extent, but may be recovered through efforts of conservation;

(2)being an area with higher marine biodiversity, or an area where rare and dying out marine species are naturally and densely scattered;

(3)being a sea area, seashore, island, coastal wetland, estuary, bay or the like with special conservation;

(4)being an area where marine natural remains of great scientific and cultural values are located; or

(5)any other area calling for special conservation.

Article 23 For any area having special geographic conditions, ecosystem, living or non-living resources and where the marine development and exploitation have special needs, a marine special reserve may be established, so that a special management may be ensured by adopting effective conservation measures and scientific development modes.

Article 24 The State shall establish and improve the system of marine ecological protection compensation.

The development and exploitation of the marine resources shall be rationally distributed in accordance with the marine functional zonation scheme, strictly comply with the red lines of ecological protection, and shall not bring about damages to marine ecological environment.

Article 25 Any introduction of marine animal or plant species shall be subjected to scientific assessment so as to avoid damages to marine ecosystems.

Article 26 In exploiting resources of an island and its surrounding sea area, strict ecological protection measures shall be adopted, and no damage shall be brought to the island topography, beach, vegetation and the ecological environment of the surrounding sea area.

Article 27 Coastal local people's governments at all levels shall, in accordance with the characteristics of the respective local natural environment, construct shore protection installations, coastal shelter belts, as well as gardens and greenlands in the coastal cities and towns, and undertake comprehensive treatment in the areas affiliated with shore erosion and saline water intrusion.

Destruction of shore protection installations, coastal shelter belts and gardens or greenlands in the coastal cities and towns is forbidden.

Article 28 The State shall encourage the development of ecological fishery, popularize multiform ecological fishery production methods and improve marine ecological conditions. Environmental impact assessment shall be conducted while establishing a new marine culture, renovating or extending an existing marine culture.

In marine culture, breeding density shall be scientifically determined, bait and manure be rationally spread, medicines be accurately applied, and pollution to the marine environment be prevented.

Chapter IV Prevention and Control of Pollution Damage to the Marine Environment by Land-Based Pollutants

Article 29 The discharge of land-based pollutants into the sea shall strictly comply with the State or local standards and relevant stipulations.

Article 30 Any sea-disposed pollutant discharging outlet shall be sited in accordance with marine functional zonation scheme, marine dynamic conditions and relevant regulations, and shall, after scientific assessment, be reported to the administrative department in charge of environment protection under a people's government at or above the level of a districted city for recordation.

The administrative department in charge of environment protection shall, within 15 working days after completing recordation, notify the information on the setup of the outlets to the oceanic, maritime affairs and fishery administrative departments and the environment protection department of armed forces.

It is not allowed to site any new pollutant discharging outlets within marine nature reserves, important fishery waters, coastal historic sites and scenic spots, and areas which call for special protection.

In areas with conditions, pollution discharging outlets shall be built in the deep sea and offshore discharging shall be practised. The installation of land-based pollutant discharging outlets in deep offshore waters shall be determined in accordance with marine functional zonation scheme, marine dynamic conditions and seabed conditions for engineering facilities. Specific measures shall be formulated by the State Council.

Article 31 The administrative departments in charge of environment protection and the administrative departments in charge of water under the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with relevant laws on the prevention and control of water pollution, strengthen their control over the rivers that empty into the sea, prevent and control their pollution so as to ensure that the water quality at the river mouths be in good state.

Article 32 Entities discharging land-based pollutants shall report to the interested administrative department in charge of environment protection their land-based pollutant discharging facilities and treatment facilities, the kinds, quantities and density of the discharged land-based pollutants under normal operation conditions, and shall provide relevant techniques and data related to the prevention and control of marine environment pollution.

Any major changes in the kinds, quantities and density of the discharged land-based pollutants must be reported in a timely manner.

Article 33 It is prohibited to discharge into the sea such wastes as oils, acid liquids, alkaline liquids, hypertoxic waste liquids and waste water with high or medium radioactivity.

The discharge of waste water with low radioactivity into the sea shall be strictly controlled; where the discharge is necessary, the State regulations concerning radiation prevention must be strictly complied with.

The discharge of waste water containing persistent organic matters and waste water containing heavy metals shall be strictly controlled.

Article 34 Medical sewage, domestic sewage and industrial waste water carrying pathogens can only be discharged into sea areas after they have undergone necessary treatment and reached the relevant discharge standards of the State.

Article 35 The discharge of industrial waste water and domestic sewage containing organic and nutrient matters into bays, semi-closed seas and other sea areas with low self-purification capacity shall be strictly controlled.

Article 36 In discharging thermal waste water into sea areas, effective measures shall be taken to ensure the conformity of the water temperature in the adjacent fishing areas with the marine environment quality standards of the State and the avoidance of any damage to aquatic resources by thermal pollution.

Article 37 The use of chemical pesticides in coastal farmlands and forest farms must comply with the State provisions and standards governing the safe use of pesticides.

Coastal farmlands and forest farms shall use chemical fertilizers and plant growth regulators in a rational way.

Article 38 The discharging, piling up and disposal of mining tailings, waste ores, cinders, garbage and other solid wastes on shores or beaches shall be conducted in accordance with the relevant provisions of the "Law of the People's Republic of China on the Prevention and Control of Environment Pollution Caused by Solid Wastes.

Article 39 It is prohibited to shift dangerous wastes through internal waters or territorial seas

of the People's Republic of China.

Prior written consent must be obtained from the administrative department in charge of environment protection under the State Council for shifting any dangerous wastes through the other sea areas under the jurisdiction of the People's Republic of China.

Article 40 The people's governments of the coastal cities shall build and perfect the urban drain pipes net and construct urban sewage treatment plants or other sewage concentrated treatment facilities in a planned way and strengthen comprehensive control and management of urban sewage.

The construction of any sewage sea-disposed project must comply with the relevant regulations of the State.

Article 41 The State shall adopt necessary measures to prevent, reduce and control marine environment pollution damage arising from or through the atmosphere.

Chapter V Prevention and Control of Pollution Damage to the Marine Environment by Coastal Construction Projects

Article 42 Construction of new coastal projects, renovation or extension of existing coastal projects must be conducted in compliance with relevant State regulations governing environment protection in construction projects and shall channel the capital needed for the prevention and control of pollution into construction project investment plan.

Within the lawfully delimited marine nature reserves, coastal historic sites and scenic spots, important fishery waters and other areas which call for special protection, no coastal construction project or any other operation that may cause pollution to environment or damage to landscape shall be undertaken.

Article 43 Any entity undertaking a coastal construction project must conduct a scientific survey of the marine environment, rationally select a site based on the natural and social conditions, and prepare an environmental impact report (form). The environmental impact report (form) shall be submitted to the administrative department in charge of environment protection for examination and approval before the start of the construction project.

The administrative department in charge of environment protection must, before approving the environmental impact report (form), solicit opinions of the oceanic, maritime affairs, and fishery administrative departments as well as the environment protection department of the armed forces.

Article 44 The environment protection installations for a coastal construction project must be designed, built and put into use simultaneously with the construction project itself. The environment protection installations must comply with the requirements of the environmental impact [assessment] report (form) as approved.

Article 45 It is prohibited to construct in coastal land areas any new industrial projects that do not possess effective pollution treatment measures, such as chemical pulp and paper mill, chemical plant, dye printing mill, tannery, electroplating mill, brewery, oil refinery, beach ship-dismembering and other projects which cause serious marine environment pollution.

Article 46 In building coastal construction projects, effective measures must be taken to

protect wild animals and plants and their living environment as well as marine aquatic resources under State and local particular protection.

It is strictly prohibited to mine sand and gravel along the shore. In conducting coastal open air placer mining or shore-based well drilling to exploit seabed mineral resources, effective measures must be taken to prevent pollution to the marine environment.

Chapter VI Prevention and Control of Pollution Damage to the Marine Environment by Marine Construction Projects

Article 47 In carrying out any marine construction project, national major marine functional zoning plan, marine functional zonation scheme, marine environment protection plan and relevant State environment protection standards must be complied with. Any entity undertaking a marine construction project must conduct a scientific survey of the marine environment and prepare a marine environmental impact report (form). The marine environmental impact report (form) shall be submitted to the oceanic administrative department for examination and approval before the start of the construction project.

The oceanic administrative department must, before approving the marine environmental impact report (form), solicit opinions of the maritime affairs and fishery administrative departments as well as the environment protection department of the armed forces.

Article 48 The environment protection installations for a marine construction project must be designed, built and put into use simultaneously with the construction project itself. The construction project may not be put into production or use if the environment protection installations are not yet checked and accepted by the oceanic administrative department or are found not up to the standard for acceptance after the check.

Prior consent must be obtained from the interested oceanic administrative department if the environment protection installations are to be dismantled or laid idle.

Article 49 Materials containing radioactivity in excess of standards or materials containing toxic and harmful substance easy to dissolve in the water may not be used in a marine construction project.

Article 50 Where a marine construction project needs explosive operations, effective measures must be taken to protect marine resources.

In the course of offshore petroleum exploration and exploitation as well as oil transportation, effective measures must be taken to avoid occurrence of oil spill.

Article 51 Oily waste water and oily mixtures from offshore oil rigs, drilling platforms and oil extraction platforms must be properly treated and reach discharge standards before their discharge into the sea. Residual and waste oil must be recovered and may not be discharged into the sea. In discharging any recovered residual or waste oil that has undergone treatment, the oil content thereof may not exceed the standards laid down by the State.

Oil-based mud and toxic compound mud used in drilling may not be discharged into the sea. The discharge of any water-based mud, non-toxic compound mud or drilling breaks into the sea must comply with the relevant provisions of the State.

Article 52 Offshore oil rigs, drilling platforms, oil extraction platforms and their ancillary installations on the sea shall not dispose oil-containing industrial garbage in the sea. The disposal of other industrial garbage must not cause pollution to the marine environment.

Article 53 In any offshore well testing, it shall be ensured that the oil and gas be thoroughly burned, and that no oil and oily mixtures be discharged into the sea.

Article 54 For the exploration and development of offshore oil, an oil spill contingency plan must be prepared as legally required and submitted to the local sea area office of the state oceanic administrative department for recordation.

Chapter VII Prevention and Control of Pollution Damage to the Marine Environment caused by Dumping of Wastes

Article 55 Without approval of the State oceanic administrative department, no entity may dump any wastes into the sea areas under the jurisdiction of the People's Republic of China. Any entity that needs to dump wastes in the sea must submit a written application to the State oceanic administrative department, and may dump its wastes only after the State oceanic administrative department has examined and approved the application and a permit is granted.

It is prohibited to dump any wastes originating from outside the territory of the People's Republic of China into the sea areas under the jurisdiction of the People's Republic of China.

Article 56 The State oceanic administrative department shall work out assessing procedures and standards for wastes dumping into the sea according to the toxicity and poisonous substance content of the wastes and their impact degree to the marine environment.

Dumping wastes into the sea shall follow a graded management based on the categories and quantities of the wastes.

The State oceanic administrative department shall work out a catalogue of the wastes permitted to be dumped into the sea, which shall be submitted to the administrative department in charge of environment protection under the State Council for deliberation and commenting, and then submitted to the State Council for approval.

Article 57 The State oceanic administrative department shall, in the light of the principle of being scientific, rational, economic and safe, select and delimit the sea dumping sites which shall be submitted to the administrative department in charge of environment protection under the State Council for deliberation and commenting, and then submitted to the State Council for approval.

Temporary sea dumping sites shall be approved by the State oceanic administrative department and be reported to the administrative department in charge of environment protection under the State Council for the record.

The State oceanic administrative department must solicit opinions from the State administrative departments respectively in charge of maritime affairs and fishery before delimiting any sea dumping sites approving any temporary sea dumping sites.

Article 58 The State oceanic administrative department shall exercise supervision and control over the use of the sea dumping sites and organize the environmental monitoring

thereof. Where a dumping site proves no longer suitable for use, the State oceanic administrative department shall close it down after verification, terminate all dumping activities conducted there and report thereon to the State Council for the record.

Article 59 Any entity with a permit to dump wastes must act in accordance with the time limit and conditions set down on the permit and carry out dumping in the designated site. After the wastes have been loaded for dumping, the approval department shall check for verification.

Article 60 The entity with a permit to dump wastes shall record down the details of dumping and submit a written report to the approval department after dumping. The vessels engaged in the waste dumping must report to the administrative department in charge of maritime affairs of the departure port.

Article 61 Incineration of wastes on the sea is forbidden.

Disposal of wastes with radioactivity and other radioactive substances on the sea is forbidden. The exemptible radioactive content in the wastes shall be determined by the State Council.

Chapter VIII Prevention and Control of Pollution Damage to the Marine Environment Caused by Vessels and Their Related Operations

Article 62 No vessels and their related operations may discharge in the sea areas under the jurisdiction of the People's Republic of China any pollutants, wastes, ballast water, vessel garbage or other harmful substances into the sea in violation of the provisions of this Law. Those engaged in collecting pollutants, wastes and garbage from vessels or in clearing and washing vessel cabins must possess corresponding collection and treatment capacities.

Article 63 All vessels must, in accordance with relevant regulations, possess certificates and documents for the prevention of pollution to marine environment and make factual records whenever conducting pollutant discharge or any other operations involving pollutants.

Article 64 All vessels must be equipped with adequate pollution prevention facilities and equipment.

For a vessel engaged in transporting cargo apt to cause pollution damage, its structure and equipment shall be capable of preventing or reducing the pollution that the loaded cargo may cause to the marine environment.

Article 65 All vessels shall observe the stipulations of the marine traffic safety laws and regulations and prevent marine environment pollution caused by such sea accidents as collision, running on rocks, stranding, fire and explosion.

Article 66 The State shall perfect and put into practice the civil liability system of compensation for vessel-induced oil pollution, and shall establish a fund system for vessel-induced oil pollution insurance and oil pollution compensation based on the principle of the vessel owner jointly undertaking the risks of any vessel-induced oil pollution compensation liability.

Specific measures for the implementation of the vessel-induced oil pollution insurance and oil pollution compensation fund system shall be formulated by the State Council.

Article 67 For a vessel that sails into or out of a port and engages in transporting cargo apt to cause pollution damage, the carrier and the owner of the cargo or his agent must declare in advance to the interested administrative department in charge of maritime affairs. The vessel may sail into or out of the port, make a transit stop or conduct loading and unloading handling in the port only after approval.

Article 68 While any cargo apt to cause pollution damage is delivered to a vessel for shipping, its vouchers, packages, marks and quantity limitations must be in conformity with the relevant regulations governing the cargo in question.

In case it is necessary for a vessel to transport any cargo with uncertainty whether apt to cause pollution damage, an assessment shall be made beforehand in accordance with the relevant regulations.

In undertaking loading and unloading operation of any oil or toxic and harmful cargo, the vessel and the port shall both comply with the relevant operation rules and regulations to ensure safety and pollution prevention.

Article 69 Ports, docks, loading and unloading spots and shipyards must, be equipped with proper facilities to collect and treat vessel-induced pollutants and wastes in accordance with the relevant regulations, and shall keep these facilities in good conditions.

Ports, docks, loading and unloading spots and shipyards must draw up oil spill pollution contingency scheme and shall be equipped with corresponding contingency equipment and devices.

Article 70 Relevant laws, regulations and standards must be complied with and effective measures shall be adopted to prevent marine environment pollution from vessel and its related operations. The administrative departments in charge of maritime affairs and other related departments should strengthen supervision and control upon vessels and their related operations.

The operation of ship-to-ship transfer of bulk liquid cargo apt to cause pollution damage shall, in accordance with relevant regulations, be reported to the administrative department in charge of maritime affairs for approval beforehand.

Article 71 In case of the sea accident of a vessel that has caused or may cause major pollution damage to the marine environment, the State administrative department in charge of maritime affairs is entitled to adopt enforcement measures to avoid or reduce the pollution damage.

In case of any sea accident taken place on the high sea that has resulted in major pollution damage to a sea area under the jurisdiction of the People's Republic of China or in case of any vessel or facilities on the sea that threaten to pollute such sea area, the State administrative department in charge of maritime affairs is entitled to adopt necessary measures sufficient to cope with the pollution that has actually taken place or may possibly take place.

Article 72 All vessels have the obligation to supervise pollution on the sea and, whenever discovering any pollution accident on the sea or any act that violates the provisions of this

Law, they must immediately report to the nearest department empowered by this Law to conduct marine environment supervision and control.

Whenever a civil aircraft discovers any pollutant discharge or any pollution accident on the sea, it must immediately report to the nearest civil aviation air traffic control entity. The entity that has received such report shall immediately notify the department empowered by this Law to conduct marine environment supervision and control.

Chapter IX Legal Liabilities

Article 73 In case of any of the following acts, in violation of the provisions of this Law, the department empowered by this Law to conduct marine environment supervision and control shall order to suspend illegal activities and correct before required limit of time, or order to take such measures as restricting production and suspending production for renovation, and fine; if the order to correct is refused, the competent department issuing punishment decision may, as of the following date after the order to correct, impose continuous punishment by day based on the original fine; if the circumstance is serious, a cessation and shut-down order may be issued after report to and approval by the competent people's government:

- (1) discharging into the sea any pollutants or any other substances the discharge of which is prohibited by this Law;
- (2) discharging pollutants into the sea in a way inconsistent with the provisions of this Law, or discharging pollutants in excess of standards or the control indicators of the total volume;
- (3) dumping wastes in the sea without obtaining a permit for dumping; and
- (4) failing to take prompt measures for a treatment in the event of an accident or any other contingency that has caused pollution to the marine environment.

For any violation as mentioned in (1) and (3) of the preceding paragraph, a fine of not less than RMB 30,000 yuan but not more than 200,000 yuan shall be imposed; for any violation as mentioned in (2) and (4) of the preceding paragraph, a fine not less than 20,000 yuan but not more than 100,000 yuan shall be imposed.

Article 74 In case of any of the following acts in violation of the provisions of this Law, the department empowered by this Law to conduct marine environment supervision and control shall give a warning or impose a fine in accordance with the provisions of this Law:

- (1) failing to declare or even refusing to declare matters involving the discharge of pollutants in accordance with the relevant provisions, or resorting to falsification in declaring;
- (2) failing to report in accordance with the relevant provisions in the event of an accident or any other contingency;
- (3) failing to make records of a dumping in accordance with the relevant provisions or failing to submit the dumping report in accordance with the relevant provisions; and
- (4) refusing to declare or declaring untruthfully matters involving the transportation of any cargo apt to cause pollution damage by a vessel.

For any violation as mentioned in (1) and (3) of the preceding paragraph, a fine not more than 20,000 yuan shall be imposed; for any violation as mentioned in (2) and (4) of the preceding paragraph, a fine not more than 50,000 yuan shall be imposed.

Article 75 In case of a violation of the provisions of the second paragraph of Article 19 of this Law by refusing an on-the-spot inspection or resorting to falsification during the inspection, the department empowered to conduct marine environment supervision and control shall give a warning and impose a fine not more than 20,000 yuan in accordance with the provisions of this Law.

Article 76 In case of a violation of the provisions of this Law that results in damage to marine ecosystems of coral reefs and mangroves, to marine aquatic resources or to marine protected areas, the department empowered to conduct marine environment supervision and control shall order a correction and adoption of remedial measures within a prescribed time limit in accordance with the provisions of this Law and impose a fine not less than 10,000 yuan but not more than 100,000; where there are any illegal gains, the illegal gains shall be confiscated.

Article 77 In case of the installation of any pollutant discharge outlet into the sea in violation of the provisions of the first and third paragraphs of Article 30 of this Law, the department in charge of environment protection under the relevant local people's government at or above the county level shall order its closing down and impose a fine not less than 20,000 yuan but not more than 100,000 yuan.

Where the oceanic, maritime affairs or fishery administrative department or the environment protection department of armed forces finds that the setup of an outlet violates the provisions of the first or the third paragraph of Article 30 of this Law, it shall notify the administrative department in charge of environment protection to punish the violator in accordance with the provisions of the preceding paragraph.

Article 78 In case of the shift of any dangerous wastes through the sea areas under the jurisdiction of the People's Republic of China in violation of the provisions of the second paragraph of Article 39 of this Law, the State administrative department in charge of maritime affairs shall order the vessel illegally shifting the dangerous wastes to withdraw from the sea areas under the jurisdiction of the People's Republic of China, and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Article 79 If a coastal construction project has not undergone environmental impact assessment in accordance with law, Law of the People's Republic of China on Environmental Impact Assessment shall apply.

Article 80 In case of putting into production or use of any coastal construction project without completing the construction of environment protection installations or with environment protection installations failing to meet prescribed requirements, thus in violation of Article 44 of this Law, the interested administrative department in charge of environment protection shall order suspension of the production or use of the project and impose a fine not less than 20,000 yuan but not more than 100,000 yuan.

Article 81 In case of building any new industrial construction project causing serious pollution to the marine environment in violation of the provisions of Article 45 of this Law, the relevant people's government at or above the county level shall order its closing down in accordance

with the scope of authority in administration.

Article 82 In case of building any marine construction project in violation of the provisions of the first paragraph of Article 47 of this Law, the oceanic administrative department shall order suspension of the construction and based on the circumstances of illegal activities and harmful consequences impose a fine no less than one percent but no more than five percent of the total investment of the construction project, and may order to restore to the original conditions.

In case of putting any marine construction project into production or use without completing the construction of environment protection installations or with environment protection installations failing to meet the prescribed requirements in violation of Article 48 of this Law, the oceanic administrative department shall order suspension of production or use of the project, and impose a fine not less than 50,000 yuan but not more than 200,000 yuan.

Article 83 In case of the use of any material containing radioactive substance in excess of standards or toxic and harmful substances easy to dissolve in the water in violation of the provisions of Article 49 of this Law, the interested oceanic administrative department shall order suspension of the operation of the construction project in question till the relief of the pollution damage, and impose a fine not more than 50,000 yuan.

Article 84 In case of the conduct of any offshore oil exploration and exploitation in violation of the provisions of this Law, thus causing pollution damage to the marine environment, the State oceanic administrative department shall give a warning and impose a fine not less than 20,000 yuan but not more than 200,000 yuan.

Article 85 In case of a violation of the provisions of this law by dumping wastes not in compliance with requirements as specified on the permit, or by dumping wastes in the dumping zone already closed down, the interested oceanic administrative department shall give a warning and impose a fine not less than 30,000 yuan but not more than 200,000 yuan; where the case is serious, the permit may be temporarily detained or revoked.

Article 86 In case of a violation of the provisions of the third paragraph of Article 55 of this Law by transporting wastes from the outside of the People's Republic of China and dumping them in the sea areas under the jurisdiction of the People's Republic of China, the State oceanic administrative department shall give a warning and shall, in accordance with the consequences of the damage that has been caused or may possibly be caused, impose a fine not less than 100,000 yuan but not more than 1,000,000 yuan.

Article 87 In case of a violation of the provisions of this Law by committing any of the following acts, the interested department empowered to conduct marine environment supervision and control shall give a warning or impose a fine in accordance with the provisions of this Law:

- (1) failing to equip with pollution prevention facilities and devices for ports, docks, loading and unloading spots or vessels;
- (2) failing to possess pollution prevention certificate or pollution prevention document for vessels, or failing to take records of pollutant discharge in accordance with the relevant

provisions;

(3) engaging in such operations as surface and port water area ship dismantling, old vessel refitting, salvaging and other surface and underwater operations that cause pollution damage to the marine environment; and

(4) transportation by vessels such cargoes that do not meet the pollution prevention and transportation requirements.

For any act as mentioned in (1) and (4) of the preceding paragraph, a fine not less than 20,000 yuan but not more than 100,000 yuan shall be imposed; for any act as mentioned in (2) of the preceding paragraph, a fine not more than 20,000 yuan shall be imposed; and for any act as mentioned in (3) of the preceding paragraph, a fine not less than 50,000 yuan but not more than 100,000 yuan shall be imposed.

Article 88 In case of a violation of the provisions of this Law by failing to work out oil spill contingency scheme for vessels, oil platforms or ports, docks, loading and unloading spots engaged in oil handling the interested department empowered to conduct marine environment supervision and control shall give a warning in accordance with the provisions of this Law, or shall order a correction within a time limit.

Article 89 Any party that is directly responsible for a pollution damage to the marine environment shall relieve the damage and compensate for the losses; in case the pollution damage to the marine environment is entirely caused by an intentional act or a fault of a third party, that third party shall relieve the damage and be liable for the compensation.

For any damages caused to marine ecosystems, marine aquatic resources or marine protected areas that result in heavy losses to the State, the interested department empowered by the provisions of this Law to conduct marine environment supervision and control shall, on behalf of the State, claim compensation to those held responsible for the damages.

Article 90 Any entity that violates the provisions of this Law and causes marine environment pollution accident shall compensate in accordance with law and be fined by the interested department empowered by the provisions of this Law to conduct marine environment supervision and control according to the second paragraph of this Article; the persons in charge directly responsible for the accident and the other directly responsible persons may be imposed upon a fine no more than fifty percent of his last year's income from such entity; where the persons in charge directly responsible for the accident and the other directly responsible persons are State functionaries, they shall receive administrative sanctions pursuant to law.

The amount of fine mentioned in the preceding paragraph shall be so calculated that it amounts to 20 percent of the direct losses for general or large accidents, and 30 percent for major or extraordinary accidents.

For any accident that severely pollutes marine environment and damages marine ecology, criminal responsibility shall be investigated according to law.

Article 91 Where damage to the marine environment caused by a pollution can not be

avoided despite prompt and reasonable adoption of measures, and where the pollution is entirely attributable to any of the following circumstances, the parties concerned held responsible shall be exempt from liability:

- (1)war;
- (2)irresistible natural calamities; or
- (3)negligence or other wrongful acts in the performance of a department responsible for the maintenance of beacons or other navigation aids.

Article 92 Administrative penalties for any violations of the provisions of Article 12 of this Law concerning the payment of pollutant discharge fees and dumping fees shall be prescribed by the State Council.

Article 93 Where a functionary engage in marine environment supervision and control abuses his power, neglects his duty or perpetrates malpractice for personal gains, thus causing pollution damage to the marine environment, administrative sanction shall be given pursuant to law; if the case constitutes a crime, criminal responsibility shall be investigated according to law.

Chapter X Supplementary Provisions

Article 94 For the purpose of this Law, the following expressions shall have the meanings hereunder assigned to them:

- (1)"Pollution damage to the marine environment" means any direct or indirect introduction of substances or energy into the marine environment which results in deleterious effects such as harm to marine living resources, hazards to human health, hindrance to fishing and other legitimate operations at sea, impairment of the utilization quality of sea water and degradation of environment quality.
- (2)"Internal waters" means all sea areas on the land-ward side of the baseline of the China's territorial sea.
- (3)"Coastal wetland" means water areas where the depth of water is less than 6 metres at low tides and its coastal flooded and wet areas, including the permanent water areas, the intertidal zones and other coastal low lands (or flooded areas) where the depth of water is less than 6 metres.
- (4)"Marine functional zonation scheme" means delimitation of dominant functions and scope in marine utilization in the light of marine natural attributes and social attributes as well as natural resources and specified environment conditions.
- (5)"Fishing areas" means spawning grounds, feeding grounds, wintering grounds and migration channels of fishes and shrimps ,and the mariculture waters of fishes, shrimps shellfishes and algae.
- (6)"Oils" means any kind of oil and its refined products.
- (7)"Oily mixtures" means any mixtures containing oil.
- (8)"Discharge" means acts to drain pollutants into the sea, where by pumping, spilling, releasing, gushing or pouring.
- (9)"Land-based pollution sources" refers to the sites or facilities that discharge from the land

into the sea pollutants which cause or may cause marine environment pollution.

(10)"Land-based pollutant " means pollutant discharged from land-based sources.

(11)"Dumping" means to dispose of wastes or other harmful substances in the sea from vessels, aircraft, platforms or other means of transport, including the abandonment of vessels, aircraft, platforms and other floating apparatus.

(12)"Coastal land areas" means areas connected with the coast or areas where pollutants are directly or indirectly discharged into the sea through pipelines, channels and facilities installations, and where related operations are conducted.

(13)"Incineration on the sea" means intentional act of burning wastes or other substances by burning devices on the sea aiming at destruction by heat; however, such acts that occur accidentally during normal operation of vessels, platforms or other man-made structures shall be excluded.

Article 95 Where specific divisions of functions and powers for the relevant departments involved in marine environment supervision and control are not defined in this Law, the State Council shall define them.

Article 96 Where an international treaty regarding marine environment protection concluded or acceded to by the People's Republic of China contains provisions differing from those contained in this Law, the provisions of the international treaty shall apply; however the provisions about which the People's Republic of China has declared reservations shall be excepted.

Article 97 This Law shall come into force as of April 1, 2000.

3. Law of the People's Republic of China on Environmental Impact Assessment

(Adopted at the 30th session of the Standing Committee of the Ninth National People's Congress on October 28, 2002, and amended in accordance with the Decision of the Standing Committee of the National People's Congress on Amending Six Laws including the Energy Conservation Law of the People's Republic of China at the 21st Session of the Standing Committee of the Twelfth National People's Congress on July 2, 2016)

Chapter I General Provisions

Article 1 The present Law has been enacted for the purpose of carrying out the strategy of sustainable development, prevent the unfavorable impacts of programs and constructions projects upon the environment after they are carried out, and promote the concerted development of the economy, society and environment.

Article 2 The term "appraising environmental impacts" as mentioned in the present Law refers to the methods and institutions for analyzing, predicting and appraising the impacts of programs and construction projects that might incur after they are carried out so as to propose countermeasures for preventing or mitigating the unfavorable impacts and make follow-up monitoring.

Article 3 To work out any of the programs as described in Article 9 of the present Law or to build any project within the territory of the People's Republic of China or within other seas subject to the jurisdiction of the People's Republic of China, appraisals shall be conducted about the environmental impacts according to the present Law.

Article 4 The appraisals of the environmental impacts shall be objective, open and impartial, and shall take the impacts imposed upon the various environmental factors and the corresponding ecosystem by the programs or construction project after they are carried out so as to provide a scientific basis for decision-making.

Article 5 The state encourages relevant entities, experts and the general public to participate in the appraisal of the environmental impacts in appropriate ways.

Article 6 The state shall strengthen the construction of the basic databases for the appraisal of environmental impacts and the system of indicators for appraisal, encourage and support the scientific research of the methods and technical specifications for appraising environmental impacts, and build a system for sharing the information about environmental impacts so as to make the environmental impact appraisals more scientific.

The administrative department in charge of the environmental protection under the State Council shall, in collaboration with other relevant departments under the State Council, organize, establish and improve the basic databases for appraising environmental impacts and the system of appraisal indicators.

Chapter II Appraisal of the Environmental Impacts of Programs

Article 7 The relevant departments of the State Council and the local people's governments at(above) the level of the cities with districts as well as the relevant departments thereof shall, in the process of working out the relevant programs concerning the use of land and the programs for constructing, developing and utilizing the areas, drainage areas or sea areas, conduct environmental impact appraisals, draft chapters or explanations concerning environmental impacts.

In the chapters or explanations of the programs concerning environmental impacts, an analysis, prediction and appraisal of the environment impacts of the program after it is implemented shall be made, and countermeasures shall be put forward for preventing or mitigating the unfavorable environmental impacts. Such chapters or explanations shall form a part of the draft of the programs and shall be reported to the organ in charge of the examination and approval of the programs.

The examination and approval organ may not approve any draft of program which does not have a chapter or explanation of the environmental impacts.

Article 8 With regard to the relevant special programs of industry, agriculture, animal husbandry, forestry, energy, water conservancy, communications, municipal construction, tourism, and natural resources development (hereafter "special programs"), the relevant departments of the State Council and the local people's government of the cities with districts as well as the relevant departments thereof shall, prior to reporting the draft of the special program for examination and approval, organize appraisals of environmental impacts, and

submit a report of environmental impacts to the organ in charge of the examination and approval of the special program.

For the directive program for the special programs as mentioned in the preceding paragraph, an appraisal shall be made about the environmental impacts according to the provisions of Article 7 of the present Law.

Article 9 The specific scope of programs for which environmental impact appraisals shall be made according to the provisions of Articles 7 and 8 of the present Law shall be prescribed by the administrative department under the State Council in charge of environmental protection jointly with other relevant departments of the State Council and be submitted to the State Council for ratification.

Article 10 The report of the environmental impacts of special program shall include the following elements:

- a. An analysis, prediction and appraisal of the environmental impacts that might occur if the program is implemented;
- b. The countermeasures for predicting or mitigating the unfavorable environmental impacts;
- c. The conclusion of the appraisal upon the environment.

Article 11 In case a program may cause unfavorable environmental impacts or directly involve the environmental interests of the general public, the organ that works out the special programs shall, prior to submitting the draft of the programs for examination and approval, seek the opinions of the relevant entities, experts and the general public about the draft of the report about the environmental impacts by holding demonstration meetings or hearings or by any other means, except it is provided by the state that it shall be kept confidential.

The drafting organ shall take the opinions of the relevant entities, experts and the general public about the draft report of environmental impacts into careful consideration, and shall attach a remark whether the opinions are adopted or refused to the report of environmental impacts to be submitted for examination and approval.

Article 12 The organ that works out a special program shall, when reporting the draft of the program for examination and approval, submit the report about the environmental impacts at the same time. In case it fails to submit the report about the environmental impacts, the examination and approval organ may not grant approval.

Article 13 When the people's government at (above) the level of the cities with districts examines the draft of a special program and before making the decision, the administrative department in charge of environmental protection designated by the people's government or other relevant departments shall summon the representatives of relevant departments and experts to form an examination and approval group so as to examine the report of environmental impacts. The examination and approval group shall submit their opinions in written form.

The experts of the examination and approval group as described in the preceding paragraph shall be determined randomly from the list of experts within the relevant majors of the databases of experts established by the administrative departments of the State Council in

charge environmental protection.

The measures for the examination of the special programs subject to the examination and approval of the relevant departments of the people's government on the provincial level and above shall be formulated by the administrative department of the State Council in charge of environmental protection jointly together with other relevant departments of the State Council.

Article 14 Where the examination team offers an amendment opinion, the authority that makes the special plan shall, according to the conclusion of the environmental impact report and examination opinion, amend and improve the draft plan, and give an explanation on the adoption of the conclusion of the environmental impact report and the examination opinion; and give the reason if it does not adopt the conclusion or the opinion.

When examining and approving the draft of a special program, the people's government at(above)the level of the cities with districts and on higher levels or the relevant departments of the people's government shall take the conclusion of the report of environmental impacts and the opinions of examination as an important basis for their decision-making.

In case the conclusion of the report about the environmental impacts or any of the examination opinions is not accepted in the examination and approval, an explanation shall be made and shall be kept in archivist files for further reference.

Article 15 After a program which has significant environmental impacts is carried out, the drafting organ shall organize follow-up appraisals about the environmental impacts in good time, and report the results of appraisal to the organ of examination and approval. If it finds that there are obviously unfavorable environment impacts, it shall propose improvement measures in good time.

Chapter III Appraisal of the Environmental Impacts of Construction Projects

Article 16 The state practices classified management over the appraisals of the environmental impacts of construction projects according to the seriousness of the impacts. The construction entities shall work out the report of environmental impacts, the report form of environmental impacts or the registration form of environmental impacts (hereafter “environmental impact appraisal documents”) according to the following principles:

- a. If the environmental impacts may be significant, it shall work out a report of environmental impacts so as to include an all-round appraisal of the environmental impacts;
- b. If the environment impacts may be gentle, it shall work out a report form of environmental impacts so as to include an analysis or special appraisal of the environmental impacts;
- c. If environment impacts may be very small so that it is not necessary to conduct an appraisal of the environmental impacts, it shall fill in a registration form of the environmental impacts.

The names of the construction projects subject to classified management of appraisal of environmental impacts shall be determined and published by the administrative department of the State Council in charge of environmental protection.

Article 17 The report of the environmental impacts of a construction project shall include the

following elements:

- a. An introduction of the construction project;
- b. The surrounding environment of the construction project;
- c. An analysis, prediction and appraisal of the environmental impacts that may be caused by the construction project;
- d. The measures for protecting the environment of the construction project as well as a technical and economical demonstration;
- e. An analysis of the economic gains and losses of the environmental impacts that may be caused by the construction project;
- f. Suggestions for carrying out environmental monitoring over the construction project;
- g. Conclusion of appraisal of the environmental impacts.

For a construction project which involves water conservancy, there shall be a plan of water conservancy which has been examined and approved by the administrative department of water.

Article 18 The appraisal of the environmental impacts of a construction project shall not be a repetition of the appraisal of the environmental impacts of the program.

As the program of an integrated construction project, the appraisal of the environmental impacts shall be conducted on the basis of the construction project rather than of the program.

Where a specific construction project is covered in a plan on which environmental impact assessment has been conducted, the conclusion of environmental impact assessment of the plan shall be taken as an important basis of environmental impact assessment of the construction project, and the content of environmental impact assessment of the construction project shall be simplified according to the examination opinion of environmental impact assessment of the plan.

Article 19 The institution that provides technical services, upon entrustment, to the appraisal of the environmental impacts of a construction project shall be subject to the examination and inspection of the administrative department of the State Council in charge of environmental protection. If it passes the examination and inspection and is granted a certificate of qualifications, it shall provide services of appraisal of the impacts according to the grade as prescribed in the certificate and the scope of appraisal, and shall be responsible for the conclusion of appraisal. The requirements of qualifications and the measures of administration of the institutions that provide technical services to the appraisal of the environmental impacts of construction projects shall be formulated by the administrative department of the State Council in charge of environmental protection.

The administrative department of the State Council in charge of environmental protection shall publish the names of institutions that have obtained a certificate of qualifications for providing technical services to the appraisal of the environmental impacts of construction projects.

There shall not exist any relationship of interest between the institutions that provide

technical services to the appraisal of the environmental impacts of construction projects and the administrative department in charge of environmental protection and any other department of examination and approval.

Article 20 The report of environmental impacts or the report form of environmental impacts as included in the environmental impact appraisal documents shall be formulated by the institutions that have corresponding qualifications for making appraisals of the environmental impacts.

No entity or individual may designate for any construction entity any institution to make appraisals of the environmental impacts of any construction project.

Article 21 Unless it is provided by the state that it is necessary to keep confidential, for the construction projects which may impose significant environmental impacts and for which it is necessary to work out a report of environmental impacts, the construction entity shall, before submitting the construction project for examination and approval, seek the opinions of relevant entities, experts and the general public by holding demonstration meetings, hearings or by any other means.

The report of environmental impacts submitted by the construction entity for examination and approval shall include an explanation of why the opinions of relevant entities, experts and the general public is accepted or rejected.

Article 22 The environmental impact report and report form of a construction project shall be submitted by the construction entity to the environmental protection administrative department with the approval authority for approval in accordance with the provisions of the State Council.

The approval of marine environmental impact report on a marine construction project shall be governed by the provisions of the Marine Environment Protection Law of the People's Republic of China.

The approval department shall make an approval or disapproval decision and notify the construction entity in writing respectively within 60 days of receipt of the environmental impact report and within 30 days of receipt of the environmental impact report form.

The state shall conduct recordation administration of the environmental impact registration form.

No fees may be charged for the examination and approval of the environmental impact report and report form of a construction project and for the recordation of the environmental impact registration form.

Article 23 The administrative department of the State Council in charge of environmental protection shall be responsible for examining and approving the environmental impact appraisal documents of the following construction projects:

- a. Special construction projects including nuclear facilities and top secret projects;
- b. Construction projects that include different provinces, autonomous regions or municipalities directly under the Central Government;
- c. Construction projects subject to the examination and approval of the State Council or the

relevant departments authorized by the State Council.

The power to examine and approve the environmental impact appraisal documents of any construction project not mentioned in the preceding paragraph shall be subject to the prescription of the people's government of the provinces, autonomous regions and municipalities directly under the Central Government.

In case a construction project may cause unfavorable environmental impacts covering more than one administrative region or if the relevant administrative departments of environmental protection have disputes over the appraisal conclusion of the impacts imposed by the project concerned upon the environment, the environmental impact appraisal documents shall be subject to the examination and approval of the administrative department of environmental protection that is the superior of all the administrative departments concerned.

Article 24 If, after the environmental impact appraisal document of a construction project has been approved, either the nature or scale or venue or the production techniques employed or the measures for preventing pollution and preventing ecological damage has undergone substantial changes, the construction entity shall submit anew the environmental impact appraisal documents of the construction project for examination and approval.

In case five years has passed after the environmental impact document of a construction project is approved when it is decided to start the construction of the project, the environmental impact appraisal document thereof shall be submitted to the original examination and approval department for examination and approval anew. The original examination approval department shall, within 10 days after receiving the environmental impact appraisal document of the construction project, inform the construction entity of the opinions of examination in written form.

Article 25 Where the environmental impact assessment document of a construction project fails to undergo the examination of the approval department in accordance with the law or is disapproved after examination, the construction entity shall not commence construction.

Article 26 In the process of constructing a project, the construction entity shall carry out the countermeasures for environmental protection as proposed in the comments of the examination and approval department of the environmental impact report, the report form of environmental impacts and environmental impact appraisal documents.

Article 27 If, in the process of building or operating a project, any circumstance that is inconsistent with the approved environmental impact appraisal document occurs, the construction entity shall organize a post-appraisal of the environmental impacts, take measures for improvement and report to the original examination and approval department of the environmental impact appraisal documents and the examination and approval department of the construction project for archivist purposes. The original examination and approval department of the environmental impact appraisal document may order the construction entity to conduct the post-appraisal of the environmental impacts and take measures for improvement.

Article 28 The administrative department of environmental protection shall make follow-up

inspections to the environmental impacts incurred after the construction project is put into production or use, and shall find out the causes of and those responsible for any serious environmental pollution or ecological damages. If it is caused by the untruthful environmental impact appraisal document worked out by the institution that provides technical services to the environmental impact appraisal of the construction project, the institution shall be subject to assuming legal liabilities as provided in Article 33 of the present Law. If it is caused by the negligence of duties or malfeasance of any of the staff of the examination and approval department who has granted approval to the environmental impact appraisal document that should not have been approved, the person concerned shall be subject to assuming the legal liabilities as provided in Article 35 of the present Law.

Chapter IV Legal Liabilities

Article 29 Where any authority that makes a plan fails to organize environmental impact assessment in violation of the provisions of this Law, or practices fraud or neglects duty when organizing environmental impact assessment, which causes that the environment impact assessment is significantly inconsistent with the facts, the superior authority or the supervisory authority shall, in accordance with law, take disciplinary actions against its directly responsible person in charge and other directly liable persons.

Article 30 Where any program examination and approval organ unlawfully approves any program draft for which a chapter or explanation of the environmental impacts should have been drafted or any special program draft to which an environmental impact report should have been attached, the person in-charge or other personnel who are held to be directly responsible shall be given an administrative punishment by the superior organ or the government supervision organ.

Article 31 Where a construction entity unlawfully commences the construction of a project without submitting for approval its environmental impact report or report form in accordance with the law, or without reporting for approval anew or requesting the re-examination of the environmental impact report or report form in accordance with the provision of Article 24 of this Law, the environmental protection administrative department at or above the county level shall order it to cease construction, and according to the circumstances of violation of law and damage, impose a fine of not less than 1% but not more than 5% of the total investment of the construction project on it, and order it to restore to the original state; and in accordance with the law, take disciplinary actions against the directly responsible person in charge and other directly liable persons of the construction entity.

Where the construction entity unlawfully commences construction of a project without obtaining the approval of its environmental impact report or report form or without obtaining new approval of the original approval department upon examination, it shall be punished or given disciplinary action in accordance with the provisions of the preceding paragraph.

Where the construction entity fails to undergo recordation formalities for the environmental impact registration form of a construction project in accordance with the law, the environmental protection administrative department at or above the county level shall order

it to undergo recordation, and impose a fine of not more than 50,000 yuan on it.

The construction entity of any marine construction project that commits any violation of law as set forth in this Article shall be punished in accordance with the provisions of the Marine Environment Protection Law of the People's Republic of China.

Article 32 Where any institution that provides, upon entrustment, technical services in making environmental impact appraisals for construction projects is remiss or practices fraud in the appraisal work so that the appraisal documents are inconsistent with the facts, it shall be degraded or the qualification certificate thereof shall be canceled by the administrative department of environmental protection that has granted to it the qualifications for environmental impact appraisals, and be fined up to three times the commissions charged. If any crime has been constituted, it shall be subject to criminal liabilities.

Article 33 Where the department responsible for the examination, approval and recordation of environmental impact assessment documents of construction projects charges fees in examination and recordation, its superior authority or supervisory authority shall order it to return the fees; and if the circumstances are serious, take disciplinary actions against its directly responsible person in charge and other directly liable persons in accordance with the law.

Article 34 In case any of the staff of the administrative department of environmental protection or any other department seeks private gains by illegal means or abuses its power or neglects its duties or unlawfully grants approval to any environmental impact appraisal document of any construction project, he shall be given an administrative punishment. If any crime has been constituted, he shall be subject to criminal liabilities.

Chapter V Supplementary Provisions

Article 35 The people's government of the provinces, autonomous regions and municipalities directly under the Central Government may, according to the practical situation of the local places, demand that environmental impact appraisals be conducted for the programs worked out by the county-level people's government within their respective jurisdictions. The specific measures shall be formulated by the provinces, autonomous regions and municipalities directly under the Central Government according to the provisions of Chapter II of the present Law.

Article 36 The measures for conducting environmental impact appraisals to the construction projects of military facilities shall be formulated by the Central Military Committee according to the present Law.

Article 37 The present Law shall become effective on September 1, 2003.

4. Law of the People's Republic of China on the Administration of Sea Areas

(Adopted at the 24th meeting of the Standing Committee of the Ninth National people's Congress on October 27, 2001)

Chapter I General Principles

Article 1 This law has been enacted for the purpose of strengthening the administration of using sea areas, safeguarding the ownership of the state to the sea areas and the lawful rights and interests of the holders of the right to use sea areas and promoting the reasonable development and sustainable utilization of the sea areas.

Article 2 The term “sea area” as mentioned in this law shall refer to the interior waters, the surface, body, seabed and bottom soil of the territorial seas.

The term “interior waters” as mentioned in this law shall refer to the sea area of the people's Republic of China stretching from the base line on side of the land of the territorial seas to the coastline.

This law shall be applicable to any exclusive continuous use of the seas within specific sea areas of the interior waters or territorial seas for three months or longer.

Article 3 The sea areas shall belong to the state, and the State Council shall exercise ownership over the sea areas on behalf of the state. No entity or individual may usurp on, buy or sell or by any other means transfer sea areas.

The right to use sea areas shall be lawfully obtained for the use of sea areas by any entity or individual.

Article 4 The state practices the system of functional division of the sea. The use of sea areas shall be in conformity with the functional divisions of the sea.

The state shall rigidly administer the use of seas that changes the natural quality of sea areas such as filling up the sea or encircling the sea.

Article 5 The state shall establish a system of information for administering the use of sea areas and shall watch out and monitor the use of sea areas.

Article 6 The state shall establish a system of registering the right to use sea areas. The lawfully registered rights to use sea areas shall be protected by law.

The state shall establish a statistical system for the use of sea areas, and shall disseminate statistical materials concerning the use of sea areas.

Article 7 The maritime administrative department of the State Council shall be responsible for the supervision and administration of the use of sea areas within the whole country. The maritime administrative departments of the local people's government on the county level and above within the coastal regions shall, on the basis of authorization, be responsible for the supervision and administration of the use of adjacent sea areas within their respective administrative divisions.

The fishery administrative departments shall, in accordance with the Fishery Law of the people's Republic of China, exercise supervision and administration over the fishing activities on the sea.

The maritime affairs administrations shall, according to the Law of the people's Republic of China on the Security of Maritime Traffic, be responsible for exercising supervision and administration of the security of the maritime traffic.

Article 8 All entities and individual persons shall bear the obligation of observing the laws and regulations regarding the use of sea areas, and shall be entitled to report and prosecute

violations of the laws or regulations regarding the use of sea areas.

Article 9 Any entity or individual that have made remarkable achievements in the protection or rational use of sea areas or in relevant scientific research shall be granted awards by the people' governments.

Chapter II Functional Divisions of the Sea

Article 10 The maritime administrative department of the State Council shall, jointly with other relevant departments of the State Council and the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government, work out the functional divisions of the seas of the whole country.

The maritime administrative department of the local people's governments on the county level and above within the coastal regions shall, jointly with other relevant departments of the people's governments on the same level, work out the local functional divisions of the seas on the basis of the functional divisions of the seas worked out by the next high authorities.

Article 11 The functional divisions of the sea shall be worked out under the following principles:

1. Scientifically defining the functions of sea areas according to the natural qualities including the location, natural resources and natural environment, etc;
2. Planning the use of the seas by various trades as whole in accordance with the demand of economic and social development;
3. Protecting and improving the ecological environment, ensuring the sustained utilization of sea areas and promoting the development of the maritime economy;
4. safeguarding the security of maritime traffic;
5. safeguarding the security of national defense, ensuring the use of sea for military purposes.

Article 12 The functional divisions of the sea shall be subject to the hierarchical examination and approval.

The functional divisions of the seas within the whole country shall be subject to the approval of the State Council.

The functional divisions of the seas under the jurisdictions of the provinces, autonomous regions and municipalities directly under the Central Government within the coastal regions shall be subject to the approval of the State Council after obtaining the consent of the people's government of the respective province, autonomous region or municipality directly under the Central Government.

The functional divisions of the seas of the counties and cities within the coastal regions shall be subject to the approval of the people's government of their respective province, autonomous region or municipality directly under the Central Government after obtaining the consent of the people's government of the county or city and be submitted to the maritime administrative department of the State Council for archival purposes.

Article 13 In terms of the revision of the functional divisions of the sea, the original organ

that worked out functional divisions shall, jointly with other relevant departments, propose suggestions of revision and submit to the original approving authority for approval. If the revisions are not approved, the functions of the sea areas defined by the functional divisions of the seas shall not be changed.

Where it is necessary to change the functional divisions of the seas for public interests, national defense or large-scale infrastructure construction including energy, traffic, etc., the functional divisions of the seas may be revised upon the approval of the State Council and in accordance with the approving documents of the State Council.

Article 14 The functional divisions of the seas shall, after being approved, be publicized to the general public, with the exception of those that relate to the secrets of the state.

Article 15 The use of sea areas by the trades like aquatics breeding, salt, traffic and tourism based on their industrial plans shall be infirmity with the functional divisions of the seas.

The overall plans, municipal plans and port plans for utilizing coastal land but including the use of sea areas shall be in conformity with the functional divisions of the seas.

Chapter III Application and Approval for the Use of Sea Areas

Article 16 The entities and individuals may apply to the maritime administrative department of the people's government on the county level or above for using the sea areas.

When applying for using the sea areas, the applicant shall submit the following written materials:

1. an application for using sea areas;
2. materials justifying the use of sea areas;
3. relevant certification materials of credit standing;

4. other written materials as provided by law or regulations.

Article 17 The maritime administrative department of the people's governments on the county level and above shall, according to the functional divisions of the seas, be responsible for the examination of applications for using sea areas and shall, pursuant to this Law and the provisions of the people's government of the provinces, autonomous regions and municipalities directly under the Central Government, submit the application to the competent people's government for approval.

In the examination of the applications for using sea areas, the maritime administrative departments shall solicit the advice of other relevant departments on the same level.

Article 18 The use of sea for the purposes as mentioned below shall be subject to the approval of the State Council:

1. the use of sea for projects of filling up the sea up to 50 hectares or more;
2. the use of sea for projects of encircling the sea up to 100 hectares or more;
3. the use of sea for projects of using the sea up to 700 hectares or more without changing the natural qualities of the sea areas;
4. the use of the sea for key state construction projects;
5. the use of the sea for other projects as provided by the State Council.

The power to examine and approve the use of the sea for purposes not mentioned in the preceding paragraph shall be provided by the people's government of the provinces, autonomous regions and municipalities directly under the Central Government under the authorization of the State Council.

Chapter IV The Right to Use Sea Areas

Article 19 After an application for using sea areas is lawfully approved and if the State Council approves the use of the sea, the maritime administrative department of the State Council shall register it in detail lists, and issue a certificate to the applicant indicating the right to use sea areas. If the application for using sea areas is approved by the local people's government, the local people's government shall register it in detailed lists, and issue a certificate to the applicant indicating the right to use sea areas. The applicant for using sea areas shall obtain the right to use sea areas on the day when he obtains the certificate of using sea areas.

Article 20 The right to use sea areas may not only be obtained in the way as mentioned in Article 19 of this Law, it may also be obtained by way of tenders or auctions. The plans of tenders and auctions shall be formulated by the maritime administrative departments and shall be submitted to the competent people's government for approval and implementation. The maritime administrative departments shall, when working out plans for tenders or auctions, solicit the advice of other relevant departments on the same level.

When the tender or auction finishes, the bid-winner or auction winner shall be issued a certificate of right to use sea areas. The bid winner or auction winner shall obtain the right to use sea areas on the day when he obtains the certificate.

Article 21 Any certificate of rights to use sea areas granted shall be publicized to the general public.

No fees other than the royalty for using sea areas may be lawfully charged for the granting of certificates of right to use sea areas.

The measures for the issuance and administration of certificates of right to use sea areas shall be formulated by the State Council.

Article 22 If any sea area has already used for aquatic breeding under the management and administration of rural collective economic organizations or villagers' committee prior to the implementation of this Law, and if it is in conformity with the functional divisions of the sea and approval of the local people's government on the county level has been obtained, the right to use sea areas may remain with the rural collective economic organization or villagers' committee so that the sea areas may be contracted by the members of the collective economic organizations for aquatic breeding.

Article 23 The right of holder of the right to lawfully use sea areas and obtain proceeds shall be protected by law, and may not be infringed upon by any entity or individual.

The holder of the right to use sea areas shall bear the obligation of protecting and rationally using sea areas; the holder of the right to use sea areas may not hinder the non-exclusive use of the sea so that it does not hamper its use of the sea areas.

Article 24 The holder of the right to use sea areas may not, during the term of using the sea areas, engage in the basic mapping of the sea without being approved by law.

If the holder of the right to use the natural resources or the natural conditions of the sea areas under his use are undergoing remarkable changes, he shall report to the maritime administrative department in a timely way.

Article 25 The maximum term for using sea areas shall be defined according to the following purposes:

1. 15 years for aquatic breeding;
2. 20 years for shipbreaking;
3. 25 years for tourism and entertainment;
4. 30 years for salt production and mineral exploitation;
5. 40 years for public interests;
6. 50 years for construction projects including ports, shipbuilding factories, etc.

Article 26 When the term for using the sea area expires, the right holder may, if he needs to continue the use of the sea area, apply to the people's government that approved the use of the sea for renewal no later than 2 months prior to the expiration. Unless for public interest or the security of the state which necessitates the withdrawal of the right to use the sea areas, the people's government that made the approval shall approve the renewal. Where renewal is approved, the holder of the right to use the sea areas shall pay, as pursuant to the provisions of law, corresponding royalties for the renewed use of the sea areas.

Article 27 If it is necessary to alter the holder of the right to use sea areas due to corporate merger, separation or setting up equity joint ventures or cooperative enterprises, approval of the people's government that made the approval shall be obtained.

The right to use sea areas may be lawfully transferred. The specific measures for the transfer of the right to use sea areas shall be formulated by the State Council.

The right to use the sea areas may be inherited.

Article 28 The holder of the right to use the sea areas shall not change the approved uses of the sea areas without authorization. Where it is necessary to change, the change shall be in conformity with the functional divisions of the sea and approval of the people's government that made the approval shall be obtained.

Article 29 Where the right to use sea areas expires and no application for renewal is made or the application for renew is not approved, the right to use sea areas shall be terminated. After the termination of the right to use sea areas, the original right holder shall dismantle all facilities and buildings for the use of the sea that may cause environmental pollution or affect the use of the sea in other projects.

Article 30 For the purpose of public interest or the security of the state, the people's government shall made the approval may lawfully take back the right to use sea areas.

If the right to use sea areas is withdrawn pursuant to the provisions of the preceding paragraph prior to the expiration of the term of use, appropriate compensations shall be made to the right holder.

Article 31 Any dispute arising from the use of sea areas that could not be settled through negotiations shall be settled through mediation by the maritime administrative department of the people's government on the county level or above. The parties to the dispute may also institute directly a suit at the people's court.

Before the dispute over the use of sea areas is settled, no party may change the status quo of using the sea areas.

Article 32 The land emerged after the project of filling up the sea finishes shall belong to the state.

The holder of the right to use sea areas shall, within three months after the completion of the project of filling up the sea, apply, by presenting the certificate of the right to use the sea areas, to the land administrative department of the people's government on the county level or above for registration. The people's government on the county level or above shall register the land in detailed lists, reissue a certificate of the right to use state-owned land and confirm the right to use the land.

Chapter V Royalties for Using Sea Areas

Article 33 The state practices the system of using sea areas on the paid basis.

Any entity or individual that uses a sea area shall pay royalties for the use according to the rates as provided by the State Council. The royalties for using sea areas shall, pursuant to the provisions of the State Council, be turned over to the state treasury.

The concrete steps and measures for charging royalties for the use of sea areas by fishermen for breeding aquatics shall be separately formulated by the State Council.

Article 34 The royalties for using sea areas may, according to the nature or circumstance of using the sea, be paid once for all or be paid on the yearly basis as pursuant to relevant provisions.

Article 35 The use of the sea for the following purposes shall be exempted from paying royalties:

1. military purposes;
2. quays specifically used by official vessels;
3. traffic infrastructure facilities such as non-commercial sea routes and anchorage ground;
4. non-business use of the sea for public interests including teaching, research, prevention and relief of disasters, search and salvage of shipwreck, etc.

Article 36 The royalties for the use of the sea for the following purposes may, pursuant to the provisions of the public fiscal department of the State Council and the maritime administrative department of the State Council, and upon the approval of the public fiscal department and the maritime administrative department of competent people's governments, be paid at reduced rates or be exempted:

1. for public facilities;
2. for key construction projects of the state;
3. for aquatic breeding.

Chapter VI Supervision and Inspection

Article 37 The maritime administrative department of the people's government on the county level and above shall strengthen the supervision and inspection of the use of sea areas.

The public fiscal department of the people's government on the county level and above shall strengthen the supervision and inspection of the payment of royalties for using sea areas.

Article 38 The maritime administrative department shall lay emphasis on building a good team and raise the political and professional qualities of the people responsible for supervising and inspecting the use of sea areas. The people responsible for supervising and inspecting the use of sea areas shall be impartial, devoted, upright and clean in the enforcement of laws, show good manners in providing services, and shall accept the lawful supervision of other people.

The maritime administrative department and the staff members thereof shall not engage in the production or management relating to the use of sea areas.

Article 39 The maritime administrative department of the people's government on the county level and above shall be entitled to take the following measures when discharging their duties of supervision and inspection:

1. requesting the entity or individual subject to inspection to submit relevant documents and materials to justify the use of sea areas;
2. requesting the entity or individual subject to inspection to make statements about relevant issues with regard to the use of sea areas;
3. entering the sea area under the use of an entity or individual subject to inspection for perambulation;
4. ordering the parties concerned to stop the lawbreaking acts in process.

Article 40 The persons responsible for supervising and inspecting the use of sea areas shall, in discharging their supervision and inspection duties, show valid certificates of law enforcement.

The relevant entities and individuals shall facilitate the supervision and inspection of the maritime administrative departments, and shall not refuse or hinder the law enforcement of the supervising and inspecting people.

Article 41 The competent departments that exercises the power of supervision and inspection as pursuant to the provisions of law shall, in their enforcement on the sea, cooperate closely with each other and give mutual support so as to jointly safeguard the ownership of the state and lawful rights and interests of the right holders.

Chapter VII Legal Liabilities

Article 42 Any one who illegally occupies any sea areas without approval or with fraudulently obtained approval shall be ordered to return the illegally occupied sea areas, recover them to their original state with the illegal gains be confiscated and shall be imposed upon a fine of not less than 5 times but not more than 15 times the amount of royalties that should have been paid according to the size of the sea areas during the illegal occupation. Any one who encircles or fills up any part of the sea without approval or with fraudulently obtained approval shall be imposed upon a fine of not less than 10 times but not more than 20 times

the amount of royalties that should have been paid according to the size of the sea areas during the illegal use.

Article 43 If any entity that is not entitled to approve the use of sea areas illegally approves the use of sea areas or approves the use of sea areas beyond its power or fails to approve the use of sea areas according to the functional divisions of the sea, the approving documents shall be invalid, and the sea areas under illegal use shall be taken back. The person-in-charge who is directly responsible for the approval and other persons who are held to be directly responsible shall be given an administrative punishment.

Article 44 If any one violates the provisions of Article 23 of this Law by hampering or disturbing the right holder to use sea areas, the right holder may plead the maritime administrative department to remove the hindrance, or institute a suit at the people's court. If any losses have resulted, he may also plead for damages.

Article 45 Any one who violates the provisions of Article 26 of this Law by continuing the use of sea areas after the expiration of his right without going through relevant procedures shall be ordered to go through the procedures within a stipulated time limit and be fined not less than 10,000 yuan. If he refuses to go through the procedures, he shall be held to be illegally using the sea areas.

Article 46 Any one who violates the provisions of Article 28 of this Law by changing the uses of the sea areas shall be ordered to make corrections within a stipulated time limit with the illegal gains be confiscated and shall be imposed upon a fine of not less than 5 times but more than 15 times the amount of the royalties that should have been paid according to the size of sea areas for the illegal change of the uses of the sea areas. If he refuses to make corrections, the people's government that granted the certificate of right to use sea areas shall write off the certificate and rescind right to use the sea areas.

Article 47 If the original right holder violates the provisions of Article 29 of this Law by failing to dismantle the facilities or buildings within the stipulated time limit after the termination of the right to use sea areas, he shall be ordered to dismantle within a stipulated time limit. If he refuses to dismantle after the expiration of the time limit, he shall be fined an amount of not more than 50,000 yuan and the maritime administrative department of the people's government on the county level or above may entrust relevant entity to dismantle with the expenses therefor be borne by the original right holder.

Article 48 Any one who should, pursuant to the provisions of this Law, pay the royalties on the yearly basis but fails to make the payment in good time shall be ordered to make the payment within a time limit. If he still refuses to make the payment within the time limit, the people's government that granted the certificate of right to use sea areas shall write off the certificate and rescind the right to use the sea areas.

Article 49 Any one who refuses to accept the supervision or inspection or fails to provide truthful information or other relevant materials as against the provisions of this Law shall be ordered to make corrections within a stipulated time limit, be given a warning and be fined an amount of not more than 20,000 yuan.

Article 50 The administrative punishments as mentioned in this Law shall be decided by the maritime administrative department of the people's government on the county level or above within their respective functions with the exception of those for which this Law has provided the organ to give punishments.

Article 51 If the maritime administrative department of the State Council and that of the people's government on the county level or above grants any certificate of right to use sea areas as against the provisions of this Law or fails to discharge its duty of supervision or administration after granting the certificate or fails to make investigations of and punishes illegal acts, the person-in-charge who is directly responsible and other persons who are held to be directly responsible shall be given an administrative punishment; any staff member who is guilty of malpractice for private gains, misuses power or neglects his duties and a criminal offence has been constituted, criminal liabilities shall be investigated.

Chapter VIII Supplementary Provisions

Article 52 If any exclusive use of any specific part of the sea within the interior waters or territorial seas for not more than three months may have great effect on the national defense, maritime traffic or other use of the sea, a provisional certificate of right to use sea areas shall be obtained as pursuant to the provisions of this Law.

Article 53 The measures for the use of the sea for military purposes shall be formulated by the State council and the Central Military Committee in accordance with this Law.

Article 54 This Law shall become effective as of January 1, 2002.

5. Water Pollution Prevention and Control Law of the People's Republic of China

(Adopted at the fifth session of the Standing Committee of the sixth National People's Congress on May 11th, 1984; revised for the first time according to the Decision on Revising the Water Pollution Prevention and Control Law of the People's Republic of China which was adopted at the 19th session of the Standing Committee of the eighth National People's Congress on May 15th, 1996, and revised at the 32nd session of the Standing Committee of the 10th National People's Congress on February 28th, 2008; revised as at the 32nd Session of the Standing Committee of the Tenth National People's Congress on Feb. 28, 2008; and amended for the second time according to the Decision on Amending the Water Pollution Prevention and Control Law of the People's Republic of China as adopted at the 28th Session of the Standing Committee of the Twelfth National People's Congress on June 27, 2017)

Chapter I General Provisions

Article 1 This Law is developed for the purposes of protecting and improving the environment, preventing and controlling water pollution, protecting water ecology, guaranteeing the safety of drinking water, protecting the health of the public, promoting the construction of ecological civilization, and promoting the sustainable economic and social development.

Article 2 This Law applies to the prevention and control of pollution of rivers, lakes, canals,

irrigation channels, reservoirs and other surface waters and ground waters within the territory of the People's Republic of China.

The prevention and control of marine pollution shall be governed by the Marine Environmental Protection Law of the People's Republic of China.

Article 3 In the prevention and control of water pollution, we shall follow the principles of giving priority to prevention, combining prevention with control and preventing and controlling in an all-round way, protect drinking water sources first, rigorously control industrial pollution and urban domestic pollution, prevent and control agricultural non-point pollution, vigorously promote the construction of ecological management projects, and prevent, control and reduce water pollution and ecological damage.

Article 4 The people's governments at or above the county level shall bring the protection of water environment into the national economic and social development planning.

Local people's governments at all levels shall be responsible for the water environment quality of their respective administrative regions, and take measures in a timely manner to prevent and control water pollution.

Article 5 A province, city, county or township shall establish a river chief system, and organize and lead such work as the water resource protection of rivers and lakes, administration of waters and bank lines, prevention and control of water pollution, and governance of water environment within its administrative region by degree and section.

Article 6 The state practices the objective responsibility system and the evaluation system for the protection of water environment, and takes the accomplishment of the protection objectives of water environment as a content for evaluating and assessing the local people's governments and persons in charge of them.

Article 7 The state encourages and supports the scientific and technological research on the prevention and control of water pollution, the application and promotion of advanced technologies as well as the publicity and education of water environment protection.

Article 8 The state shall, in the mode of financial transfer payment or other, establish a compensation mechanism for the ecological protection of the water environment in drinking water source reserve areas and upper reaches of rivers, lakes and reservoirs.

Article 9 The administrative departments of environmental protection under the people's governments at or above the county level shall exercise unified supervision and administration over the prevention and control of water pollution.

The maritime administrative body under the administrative department of traffic shall exercise supervision and administration over the prevention and control of water pollution from vessels.

The departments in charge of water administration, state land and resources, health, construction, agriculture and fishery under the people's governments at or above the county level as well as institutions in charge of protecting water resources in important rivers and lakes shall, within their respective scope of duties and functions, exercise supervision and administration over the prevention and control of water pollution.

Article 10 Discharge of water pollutants shall be within the state or local standards for the discharge of water pollutants and indicators for the total discharge control of major water pollutants.

Article 11 All entities and individuals have the obligation to protect water environment, and have the right to report to authorities acts polluting or damaging water environment.

The people's governments at or above the county level and the relevant administrative departments thereunder shall honor and reward entities and individuals that have made great contributions to the prevention and control of water pollution.

Chapter II Standards and Planning for the Prevention and Control of Water Pollution

Article 12 The power to formulate the state quality standards of water environment shall remain with the administrative department of environmental protection under the State Council.

The people's government of any province, autonomous region or municipality directly under the Central Government may, for issues not provided in the state quality standards of water environment, work out local standards and file such standards with the administrative department of environmental protection under the State Council for archival purpose.

Article 13 The administrative department of environmental protection under the State Council may, together with the competent department of water administration under the State Council and the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government, in accordance with the use functions of the waters of important rivers and lakes as determined by the state as well as the relevant local conditions on economy and technology, determine the quality standards of water environment applicable to the waters of these important rivers and lakes at provincial boundary areas, and implement such standards after filing them with the State Council and obtaining the approval thereof.

Article 14 The administrative department of environmental protection under the State Council shall formulate the state standards for the discharge of water pollutants in accordance with the state quality standards of water environment and the national economic and technological conditions.

For issues not provided in the state standards for the discharge of water pollutants, the people's government of any province, autonomous region or municipality directly under the Central Government may work out local standards for the discharge of water pollutants; for issues provided in the state standards for the discharge of water pollutants, it may also work out local standards stricter than the state standards. Such local standards must be filed with the administrative department of environmental protection under the State Council for archival purpose.

Discharge of pollutants to waters under the governance of certain local standards for the discharge of water pollutants must strictly abide by the said local standards.

Article 15 The administrative department of environmental protection under the State Council and the people's governments of provinces, autonomous regions and municipalities

directly under the Central Government shall, in light of the requirements of water pollution prevention and control as well as the state or local economic and technological conditions, amend the quality standards of water environment and the standards for the discharge of water pollutants at time appropriate.

Article 16 The prevention and control of water pollution must be under unified planning by drainage area or region. The planning for the prevention and control of water pollution of an important river or lake determined by the state must be prepared by the administrative department of environmental protection and departments of macroeconomic control and water administration under the State Council together with the people's government of the related province, autonomous region or municipality directly under the Central Government, and be submitted to the State Council for approval.

The planning for the prevention and control of water pollution of a river or lake across more than one province, autonomous region or municipality directly under the Central Government, other than one prescribed in the preceding paragraph, shall be prepared by the administrative departments of environmental protection under the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government together with the competent departments of water administration at the same level and the related municipal or county people's governments in accordance with the planning for the prevention and control of water pollution of important rivers and lakes determined by the state and in light of the local situation, and be submitted to the State Council for approval after it is examined and approved by the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government.

The planning for the prevention and control of water pollution of a river or lake across more than one county in a province, autonomous region or municipality directly under the Central Government shall be prepared by the administrative department of environmental protection under the people's government of the province, autonomous region or municipality directly under the Central Government together with the competent department of water administration at the same level in accordance with the planning for the prevention and control of water pollution of important rivers and lakes determined by the state and in light of the local situation, be submitted to the people's government of the province, autonomous region or municipality directly under the Central Government for approval and be filed with the State Council for archival purpose.

The approved planning for the prevention and control of water pollution is the fundamental basis for the prevention and control of water pollution, and the amendments to such planning must be under the approval of the organ approving the planning.

The local people's government at or above the county level shall organize the preparation of the planning for the prevention and control of water pollution in this administrative region in accordance with the legally approved planning for the prevention and control of water pollution of rivers and lakes.

Article 17 The relevant city or county people's government shall, according to the requirements of the objective of improving water environment quality as determined in accordance with the plan for the prevention and control of water pollution, make a plan for reaching the objective within a prescribed time limit, and take measures to reach the objective on schedule.

The relevant city or county people's government shall report the plan on reaching the objective within the prescribed time limit to the people's government at the next higher level for recordation, and release it to the public.

Article 18 The city or county people's government shall, when reporting environmental conditions and the completion of the environmental protection objective to the people's congress at the same level or its standing committee each year, report the implementation of the plan for reaching the objective on water environment quality, and release it to the public.

Chapter III Supervision and Administration of the Prevention and Control of Water Pollution

Article 19 The building, renovation and enlargement of construction projects directly or indirectly discharging pollutants to waters and other water establishments shall be subject to environmental impact assessment.

Before building, renovating or enlarging the outfall to a river or lake, the construction entity shall obtain the consent of the competent department of water administration or the governing authority of the drainage area concerned; where it involves water area for navigation or fishery, the administrative department of environmental protection shall, when examining and approving the environmental impact assessment document, ask for the opinion of the competent department of traffic and that of fishery.

The facilities for the prevention and control of water pollution in a construction project shall be designed, constructed and put into use with the principal part of the project at the same time. The facilities for the prevention and control of water pollution shall comply with the requirements of the environmental impact assessment documents granted approval or recordation.

Article 20 The state shall implement the rules for the control of total discharge of major water pollutants.

The administrative department for environmental protection of the State Council shall, after soliciting the opinions of the relevant departments of the State Council and the people's governments of all provinces, autonomous regions and municipalities directly under the Central Government, report the indicators for controlling the total discharge of major water pollutants jointly with the economic comprehensive macro-control department of the State Council to the State Council for approval and assign the indicators for implementation.

The people's government of a province, autonomous region, or municipality directly under the Central Government shall, in accordance with the provisions of the State Council, reduce and control the total discharge of major water pollutants of its administrative region. The

specific measures shall be prescribed by the administrative department of environmental protection of the State Council jointly with other relevant departments of the State Council. The people's government of the province, autonomous region, or municipality directly under the Central Government may, in light of the water environment quality of its administrative region and the requirements for the prevention and control of water pollution, control the total discharge of the water pollutants other than the major water pollutants of the state.

In the areas where the indicators for the control of total discharge of major water pollutants are exceeded or the objective for the improvement of water environment quality is not completed, the administrative department for environmental protection of the people's government at or above the provincial level shall, jointly with other relevant departments, hold an interview with the principal person in charge of the people's government of the region, suspend the approval of environmental impact assessment documents of construction projects of total discharge of new major water pollutants. The interview shall be released to the public.

Article 21 An enterprise or public institution which directly or indirectly discharges industrial waste water or medical sewage to waters or waste water or sewage that may be discharged after a pollutant discharge license is obtained as required shall obtain a pollutant discharge license. An entity operating facilities for the centralized treatment of urban sewage shall also obtain a pollutant discharge license. The pollutant discharge license shall specify the types, concentration, total discharge and discharge direction of water pollutants, etc. The specific measures for the pollutant discharge license shall be prescribed by the State Council.

All enterprises and public institutions and other producers and dealers are prohibited from discharging the waste water and sewage as prescribed in the preceding paragraph to waters without a pollutant discharge license or in violation of the provisions of the pollutant discharge license.

Article 22 Enterprises, public institutions and individual industrial and commercial households which discharge water pollutants to waters shall set up pollutant discharge outlets in accordance with the laws, administrative regulations and the provisions of the administrative department for environmental protection of the State Council; if such outlets lead to rivers or lakes, they shall also abide by the provisions of the water administrative department of the State Council.

Article 23 An enterprise or public institution that conducts licensed management of pollutant discharge or any other producer or dealer shall, according to the relevant provisions and monitoring rules of the state, monitor the discharged water pollutants, and retain original monitoring records. Major pollutant discharge entities shall also install equipment for the automatic monitoring of discharge of water pollutants, link to the monitoring equipment of the administrative department for environmental protection, and guarantee the normal operation of monitoring equipment. The specific measures shall be prescribed by the administrative department for environmental protection of the State Council.

The list of major pollutant-discharging entities required to install automatic monitoring

equipment on the discharge of water pollutants shall be determined by the administrative department of environmental protection of the local people's government at the level of municipality divided into districts or above by consulting with the related departments at the same level in light of the environmental capacity of the administrative region, the requirements of the indicators on total discharge control of important water pollutants as well as the category, quantity and concentration of water pollutants discharged by pollutant-discharging entities.

Article 24 Enterprises and public institutions that conduct licensed management of pollutant discharge and other producers and dealers shall be responsible for the truthfulness and accuracy of the monitoring data.

Where the administrative department for environmental protection finds that any major pollutant discharge entity's equipment for the automatic monitoring of discharge of water pollutants has abnormal data transmission, it shall conduct an investigation in a timely manner.

Article 25 The state shall establish rules for the monitoring of water environment quality and monitoring of water pollutant discharge. The administrative department of environmental protection of the State Council shall be responsible for working out water environment monitoring standards, releasing the state's water environment situation in a uniform manner and organizing a monitoring network with the water administrative department and other departments of the State Council, make uniform planning on the setup of stations (outlets) for the monitoring of water quality environment of the state, establish a monitoring data sharing mechanism, and strengthen the administration of water environment monitoring.

Article 26 The work institutions of protection of water resources of important rivers and lakes determined by the state shall be in charge of monitoring the water environment quality of provincial boundary waters where they are located, report the monitoring results to the administrative department of environmental protection and the competent department of water administration under the State Council; and report the monitoring results to the leading institution of protection of water resources of drainage areas established upon the approval of the State Council, if any.

Article 27 When developing, utilizing, adjusting or transferring water resources, the relevant departments of the State Council and local people's governments at or above the county level shall make overall plans, maintain the rational water flow of rivers and the water level of lakes, reservoirs and groundwater at a reasonable place, guarantee the basic water use for ecological purpose, and protect the ecological functions of waters.

Article 28 The administrative department for environmental protection of the State Council shall, jointly with the water administrative and other departments of the State Council and people's governments of relevant provinces, autonomous regions and municipalities directly under the Central Government, establish a mechanism for the joint coordination of water environmental protection of valleys of important rivers and lakes, and make uniform planning, adopt uniform standards, conduct uniform monitoring, and take uniform prevention and

control measures.

Article 29 The administrative department for environmental protection of the State Council and the administrative department for environmental protection of the people's government of a province, autonomous region or municipality directly under the Central Government shall, jointly with the relevant department at the same level, specify the requirements for the protection of ecological environment in valleys, organize the monitoring and evaluation of tolerance of environmental resources in valleys, and give early warnings on the tolerance of environmental resources in valleys according to the requirements for ecological environment functions of valleys.

The local people's government at or above the county level shall, according to the requirements for the ecological environment functions of valleys, organize the protection and recovery of lakes, rivers and wet land, construct ecological environment treatment and protection projects such as artificial wetland, water source cultivation forest, buffer belts and isolation belts of plants along rivers and lakes, rectify black and smelly waters according to the actual local circumstances, and enhance the bearing capacity of environmental resources in valleys.

In development and construction activities, effective measures shall be taken to maintain the ecological environment functions of valleys, and strictly guard the bottom line of ecological protection.

Article 30 The administrative department of environmental protection and other departments exercising the right of supervision and administration according to this Law have the right to make spot inspection on pollutant discharging entities within their jurisdiction, and the said entities shall truthfully report the relevant information and provide necessary material. The inspecting authority has the obligation to keep the trade secrets of the said entities known in the process of inspection.

Article 31 Any dispute over water pollution which involves more than one administrative region shall be settled upon the negotiations of the related local people's governments, or upon the coordination of their common higher people's government.

Chapter IV Measures for the Prevention and Control of Water Pollution

Section 1 General Rules

Article 32 The administrative department of environmental protection of the State Council shall, jointly with the competent health department of the State Council, and according to the hazardousness and degree of impact on the health of the public and ecological environment, release a list of poisonous and hazardous water pollutants, and conduct risk management.

Any enterprise or public institution or any other producer or dealer that discharges poisonous and hazardous water pollutants as listed in the catalogue prescribed in the preceding paragraph shall monitor pollutant discharge outlets and the surrounding environment, assess environmental risks, screen potential environmental safety hazards, release the information on poisonous and hazardous pollutants, and take effective measures to prevent

environmental risks.

Article 33 It is prohibited to discharge oil, acid, alkaline or highly toxic waste liquids to waters. It is prohibited to clean in waters the vehicles and containers which have carried or stored oil or pathogenic pollutants.

Article 34 It is prohibited to discharge or dump radioactive solid waste or waste water containing highly and medium radioactive substances to waters.

Waste water containing low radioactive substances may only be discharged to waters in accordance with the state provisions on and standards for the prevention and control of radioactive pollution.

Article 35 For discharging heated waste water to waters, corresponding measures shall be taken to guarantee that the temperature of waters is in line with the water environment quality standards.

Article 36 Waste water containing pathogen may be discharged only after it is sterilized in accordance with the relevant state standards.

Article 37 It is prohibited to discharge or dump industrial solid waste, urban refuse and other castoffs to waters.

It is prohibited to discharge or dump soluble highly toxic waste residues containing mercury, cadmium, arsenic, chromium, lead, cyanide or yellow phosphorus to waters, or directly bury them underground.

For places storing soluble highly toxic waste residues, corresponding waterproof, anti-leakage and anti-loss measures must be taken.

Article 38 It is prohibited to stockpile or store solid wastes and other pollutants at bench land and bank slopes below the highest water level of rivers, lakes, canals, channels and reservoirs.

Article 39 It privately sets underground pipelines through seepage wells, seepage pits, crevices, or karst caves, to falsify or forge any monitoring data, or discharges any water pollutants by evading supervision such as the irregular operation of facilities for the prevention and control of water pollution.

Article 40 A chemical production enterprise or an entity that operates or manages industrial clusters, a mine exploration area, tailings pond, hazardous waste disposal field, or landfill, etc., shall take anti-leakage or other measures, build underground water quality monitoring sites to monitor water quality, and prevent underground water pollution.

The underground oil tanks of oil stations shall use double-layer tanks or other effective measures, such as building anti-leakage pools, shall be taken to monitor anti-leakage and prevent underground water pollution.

It is prohibited to use any ditch, pit or pool which has not been dealt with anti-leakage measures to transmit or store waste water containing pathogenic pollutants, sewage containing pathogen and other castoffs

Article 41 For multi-layer ground water, layered exploitation shall be resorted to if the water quality differs greatly from one aquifer to another. No combined exploitation of phreatic water

and confined water already polluted may be permitted.

Article 42 When constructing underground engineering facilities or conducting underground exploitation or mining activities, preventive measures must be taken to prevent groundwater pollution.

Where a waste mine, drilling well or water intake well, etc., is discarded as useless, the well shall be sealed up or refilled.

Article 43 Artificial recharge for ground water may not deteriorate the quality of groundwater.

Section 2 Prevention and Control of Industrial Water Pollution

Article 44 The relevant departments under the State Council and the local people's governments at or above the county level shall reasonably plan the distribution of industry, require enterprises causing water pollution to make technical innovation and take comprehensive prevention and control measures to improve the repeating utilization factor of water and reduce the discharge of waste water and pollutants.

Article 45 An enterprise that discharges industrial waste water shall take effective measures to collect and process all generated waste water, and prevent environmental pollution. If the industrial waste water contains any poisonous and hazardous water pollutants, the enterprise shall conduct categorized collection and treatment instead of discharging them after dilution.

The industrial cluster shall build supporting centralized sewage treatment facilities, install automatic monitoring equipment, link to the monitoring equipment of the administrative department of environmental protection, and guarantee the normal operation of the monitoring equipment.

Where industrial waste water is discharged to centralized sewage treatment facilities, they shall be processed in advance in accordance with the relevant provisions of the state, and may be discharged after the requirements for the treatment techniques of centralized treatment facilities are satisfied.

Article 46 The state applies the washing-out system to backward techniques and equipment that seriously pollute water environment.

The department of macro-economic control under the State Council shall, together with the relevant departments of the State Council, publish the catalogue of techniques which seriously pollute water environment and are to be eliminated within a certain time limit and the catalogue of equipment which seriously pollutes water environment and is prohibited to be produced, sold, imported and used.

Producers, sellers, importers or users shall, within the prescribed time limit, stop producing, selling, importing or using any equipment listed into the aforesaid catalogue of equipment to be eliminated. Entities and individuals adopting any technique listed into the aforesaid catalogue of technique to be eliminated shall stop using it within the prescribed time limit.

Equipment to be eliminated pursuant to the preceding two paragraphs of this Article may not be transferred to others to use.

Article 47 The state prohibits the building of small-scale production projects of paper making,

leather making, printing and dyeing, dyestuff, coking, sulfur refining, arsenic refining, mercury refining, oil refining, electroplating, pesticides, asbestos, cement, glass, steel, thermal power etc. that seriously pollute water environment and do not conform with the state industrial policies.

Article 48 Enterprises shall adopt clean technique that utilizes raw materials at a higher efficiency and discharges fewer pollutants, and strengthen administration to reduce the generation of water pollutants.

Section 3 Prevention and Control of Water Pollution in Urban Areas

Article 49 Urban sewage shall be treated in a concentrated way.

The local people's government at or above the county level shall raise funds through fiscal budget and other channels, and make unified planning and overall arrangement for the construction of facilities for the concentrated treatment of urban sewage as well as the supporting pipe network so as to improve the collection rate and treatment rate of urban sewage of the administrative region.

The administrative department of construction under the State Council shall, together with the administrative department of macro-economic control and the administrative department of environmental protection under the State Council, in accordance with the urban and rural planning and water pollution prevention and control planning, organize the establishment of the national planning for construction of urban sewage treatment facilities. The local people's government at or above the county level shall organize the departments in charge of construction, macro economic control, environmental protection and water administration to establish the planning for construction of urban sewage treatment facilities of the administrative region. The administrative department of construction under the local people's government at or above the county level shall, in accordance with the planning for construction of urban sewage treatment facilities, organize the construction of facilities for the concentrated treatment of urban sewage as well as the supporting pipe network, and strengthen supervision and administration over the operation of such facilities.

An entity that operates the facilities for the centralized treatment of urban sewage shall provide paid services of sewage treatment to the entities discharging pollutants in accordance with the relevant provisions of the state, charge sewage treatment fees, and guarantee the normal operation of such facilities. Sewage treatment fees collected shall be used for the construction and operation of facilities for the centralized treatment of urban sewage and sludge treatment and disposal, and shall not be misappropriated for any other purpose.

The specific measures governing the charge for sewage treatment with urban sewage concentrated treatment facilities as well as the administration and use of such facilities shall be determined by the State Council.

Article 50 Discharge of water pollutants to urban sewage concentrated treatment facilities shall be in line with the state or local standards for the discharge of water pollutants.

Entities operating urban sewage concentrated treatment facilities shall be responsible for

the quality of the water discharged from such facilities after treatment.

The administrative department of environmental protection shall supervise and inspect the quality and quantity of the water discharged from urban sewage concentrated treatment facilities after treatment.

Article 51 An entity that operates facilities for the centralized treatment of urban sewage or a sludge treatment and disposal entity shall conduct sludge treatment and disposal in a safe manner, guarantee that the sludge after treatment and disposal complies with national standards, and record the direction of sludge.

Section 4 Prevention and Control of Water Pollution in Agriculture and Rural Areas

Article 52 The state shall support the construction of rural sewage and garbage treatment facilities, and promote the centralized treatment of rural sewage and garbage.

Local people's governments at all levels shall make overall planning to build rural sewage and garbage treatment facilities and guarantee their normal operation.

Article 53 The determined quality standards and use standards for fertilizers and pesticides shall satisfy the requirements for water environment protection.

Article 54 Use of pesticides must be in line with the state provisions and norms on safe use of pesticides.

Transportation and storage of pesticides as well as disposal of out-of-date pesticides require more efforts in administration to prevent water pollution.

Article 55 The competent agriculture department of the local people's government at or above the county level and other relevant departments shall take measures to direct agricultural producers to use fertilizers and pesticides in a scientific and rational manner, popularize soil testing formulas and fertilizing technologies, use efficient, low-toxic and low-residue pesticides, control the excessive use of fertilizers and pesticides, and prevent water pollution.

Article 56 The state supports livestock and poultry breeding plants or communities to construct facilities for the comprehensive utilization or harmless treatment of livestock and poultry stool and waste water.

These plants or communities shall guarantee the normal operation of such facilities and make sure that the discharge of sewage reaches corresponding standards so as to prevent water environment from being polluted.

The county or township people's government at the place where the scattered or centralized breeding area of livestock and poultry is located shall organize the separate collection and centralized treatment and utilization of livestock and poultry sewage.

Article 57 Those engaging in aquaculture are required to protect the ecological environment of waters, scientifically determine the breeding density and reasonably cast baits and use drugs so as to prevent water environment from being polluted.

Article 58 The water used for farmland irrigation shall comply with the corresponding water quality standards, and pollution to soil, underground water and agricultural products shall be prevented.

The discharge of industrial waste water or medical sewage to farmland irrigation canals shall be prohibited. If urban sewage or livestock and poultry breeding waste water and processing waste water of agricultural products that has not been subject to comprehensive utilization is discharged to farmland irrigation canals, the water quality of the nearest place supplying water for irrigation at lower reaches shall comply with the water quality standards for farmland irrigation.

Section 5 Prevention and Control of Water Pollution from Vessels

Article 59 Vessels shall discharge oil-polluted water or domestic sewage in accordance with the standards for the discharge of pollutants by vessels. Maritime navigation vessels must abide by the standards of inland rivers for the discharge of pollutants by vessels as long as they enter inland rivers or ports.

Residual oil and waste oil of vessels shall be recycled, and it is prohibited to discharge them to waters.

It is prohibited to dump vessel refuse to waters.

Vessels conveying oil or poisonous cargos must take anti-overflow and anti-leakage measures to prevent water pollution resulting from the drop of such cargos into water.

Where a vessel sailing on international navigation lines in inland waters of the People's Republic of China discharges ballasting water, it shall adopt ballasting water processing equipment or take other equivalent measures to sterilize the ballasting water or conduct other treatment. The discharge of vessel ballasting water in non-compliance with the relevant provisions shall be prohibited.

Article 60 Vessels shall equip themselves with corresponding antifouling equipment and apparatus in accordance with the relevant state provisions, and hold the legal and valid certificates and documents on preventing water environment from being polluted.

Any vessel operation involving the discharge of pollutants must be conducted in strict accordance with the operating procedure, and the relevant information shall be truthfully recorded on the corresponding book of records.

Article 61 The city or county people's government at the place where the port, wharf, loading and unloading station or shipyard is located shall make overall planning to build facilities for the receipt, transfer, treatment and disposal of vessel pollutants and wastes.

Ports, docks, loading and unloading stations as well as dockyards must equip themselves with enough facilities for taking over vessel pollutants and castoffs. Entities engaging in taking over vessel pollutants and castoffs or cleaning the cabin of vessels carrying oil or cargos with the hazard of pollution shall have the taking-over and processing capacity suitable for its operation scale.

Article 62 A vessel or the relevant operator that conducts any operation with pollution risks shall, in accordance with the relevant laws, regulations and standards, take effective measures to prevent water pollution. The maritime safety administration and the competent fishery department shall strengthen the supervision and administration of vessels and the relevant operations.

Where a vessel plans to conduct the operation of lightering bulk liquid cargo with the hazardous pollution, it shall prepare an operation plan, take effective safety and pollution prevention and control measures, and report the plan to the maritime safety administration at the place of operation for approval.

Vessel dismantling on the beach shall be prohibited.

Chapter V Protection of Drinking Water Sources and Other Special Waters

Article 63 The state has established the drinking water source reserve system. Drinking water source reserves are classified into Grade I and Grade II. It is allowed to delimit a certain area at the periphery of a drinking water source reserve as a quasi reserve.

For the determination of a drinking water source reserve, the related municipal or county people's government shall propose a plan and submit the plan to the people's government of the concerned province, autonomous region or municipality directly under the Central Government for approval. For the determination of a reserve involving more than one municipality or county, the people's governments of the related municipalities and counties shall propose a plan upon negotiations and submit the plan to the people's government of the concerned province, autonomous region or municipality directly under the Central Government for approval; in case they can't reach an agreement upon negotiations, the plan shall be proposed by the administrative department of environmental protection under the people's government of the concerned province, autonomous region or municipality directly under the Central Government together with the departments in charge of water administration, state land and resources, health and construction at the same level, and be submitted to the people's government of the concerned province, autonomous region or municipality directly under the Central Government for approval after getting the opinions of the related departments at the same level.

A drinking water source reserve involving more than one province, autonomous region, or municipality directly under the Central Government shall be determined by the people's government of the concerned province, autonomous region or municipality directly under the Central Government with the governing authority of the related drainage area upon negotiations; in case they can't reach an agreement upon negotiations, the plan shall be proposed by the administrative department of environmental protection under the State Council together with the departments in charge of water administration, state land and resources, health and construction at the same level, and be submitted to the State Council for approval after getting the opinions of the related departments of the State Council.

The State Council and the people's government of any province, autonomous region or municipality directly under the Central Government may, in light of the actual needs for protecting drinking water sources, adjust the scope of a drinking water reserve so as to ensure the safety of drinking water. The related local people's governments shall set up clear geographical landmark and warning sign at the boundary of each drinking water source reserve.

Article 64 No outfall may be set up in drinking water source reserves.

Article 65 It is prohibited to build, renovate or enlarge in a Grade I drinking water source reserve any construction projects irrelevant to water supply facilities and the work of water source protection; for those already accomplished, the people's government at or above the county level shall order their demolition or closure.

It is prohibited to breed in cages, travel, swim, go angling or conduct any other activities that may pollute drinking waters in any Grade I drinking water source reserves.

Article 66 It is prohibited to build, renovate or enlarge in a Grade II drinking water source reserve any construction projects discharging pollutants; for those already accomplished, the people's government at or above the county level shall order their demolition or closure. When conducting cage breeding, traveling or other activities in a Grade II drinking water source reserve, corresponding measures must be taken in accordance with the relevant provisions to keep drinking waters from being polluted.

Article 67 It is prohibited to build or enlarge in a quasi drinking water source reserve any construction projects seriously polluting waters, but rebuilding is allowed under the premise of not increasing the discharge volume.

Article 68 The people's government at or above the county level shall, in light of the actual needs of the protection of drinking water sources, take engineering measures or such ecological protection measures as building wetland or water conservation forests in quasi reserves to prevent water pollutants from being directly discharged into drinking waters so as to ensure the safety of drinking water.

Article 69 The local people's government at or above the county level shall organize environmental protection and other departments to investigate and appraise the environmental situation and pollution risks of the drinking water resource protection areas, recharge areas of underground drinking water resources, and the surrounding areas of water suppliers, screen the possible pollution risk factors, and take corresponding risk prevention measures.

Where drinking water sources are polluted, which may pose a threat to the safety of water supply, the administrative department of environmental protection shall order the relevant entity, public institution or any other producer or dealer to take such measures as ceasing the discharge of water pollutants, and notify the drinking water supplier and water supply, health and water administrative departments, etc., and if different administrative regions are involved, the relevant local people's government shall also be notified.

Article 70 The people's government of a city whose water is supplied by a single water source shall build emergency water sources or backup water sources, and regional networking water supply may be conducted in the regions where possible.

The local people's government at or above the county level shall make rational arrangements and layout on agricultural drinking water sources, and in the regions where possible, urban water supply pipelines may be extended, or cross-village or county centralized water supply projects and other forms may be taken to develop large-scale centralized water supply.

Article 71 The drinking water supplier shall effectively monitor the water quality of water intake and outlets. If the entity finds that the water quality of any water intake fails to comply with the standards for the water quality of drinking water sources or water quality of water outlets fails to comply with drinking water health standards, it shall take corresponding measures in a timely manner, and report it to the competent water supply department of the local city or county people's government. The competent water supply department shall, after receiving the report, notify the environmental protection, health, water administrative departments, etc.

The drinking water supplier shall be responsible for the quality of the water it supplies, ensure the safe and reliable operation of water supply facilities, and ensure that the quality of the water it supplies complies with the relevant national standards.

Article 72 The local people's government at or above the county level shall organize the relevant departments to monitor and appraise the safety of drinking water of drinking water resources, the water supplied by suppliers and the water from taps of users within its administrative region.

“The relevant department of the local people's government at or above the county level shall, at least on a quarterly basis, release to the public the information on the safety of drinking water.

Article 73 The State Council and the people's government of any province, autonomous region or municipality directly under the Central Government may, in light of the needs for protecting water environment, prohibit or restrict the use of detergent, fertilizer and pesticide containing phosphor or restrict planting or breeding, etc. within a drinking water source reserve.

Article 74 The people's government at or above the county level may delimit reserves for waters at famous scenic sites, important fishery waters and other waters with special economic and cultural values, and take steps to guarantee that the water quality of such reserves conforms to the water environment quality standards for the prescribed purposes.

Article 75 No outfalls may be set up in reserves for waters at famous scenic sites, important fishery waters and other waters with special economic and cultural values, but building outfalls in vicinity of such reserves is allowed only under the premise of not polluting the waters of such reserves.

Chapter VI Management of Water Pollution Accidents

Article 76 The people's governments at all levels, the related departments thereof as well as enterprises and public institutions with potential risk of occurrence of water pollution accidents shall, pursuant to the provisions of the Law of the People's Republic of China on Response to Emergencies, do a good job in making good preparations for water pollution emergencies, dealing with such emergencies and carrying out the recovery work after the event.

Article 77 Enterprises and public institutions with potential risk of occurrence of water pollution accidents shall work out an emergency plan for dealing with water pollution

accidents, make good preparations for emergencies and rehearsal such plan on a regular basis.

Enterprises and public institutions manufacturing or storing hazardous chemicals shall take steps to prevent the fire-fighting waste water or waste liquid which is generated in dealing with production accidents and are capable of seriously polluting waters from being directly discharged to waters.

Article 78 Where any incident or other emergency occurs to an enterprise or public institution, which has caused or may cause any water pollution incident, the enterprise or public institution shall initiate its emergency response plan immediately, take emergency response measures such as isolation, prevent the entry of water pollutants to waters, and report the incident to the people's government at or above the county level or the administrative department of environmental protection at the place where the incident occurs. The administrative department of environmental protection shall, after receiving the report, forward it to the people's government at the same level in a timely manner, and send a copy to the relevant department.

Any entity, after causing a fishery pollution accident or a water pollution accident with fishery vessel, shall submit a report thereon to the administrative department of fishery of the place of occurrence of such accident, and accept corresponding investigation and punishment. For a water pollution accident caused by a vessel other than a fishery vessel, the report shall be submitted to the maritime governing authority of the place of occurrence of such accident, and the party concerned shall accept corresponding investigation and punishment. If any damage has been caused to the fishery industry, the maritime governing authority shall notify the administrative department of fishery to participate in the investigation and punishment process.

Article 79 The city or county people's government shall organize the preparation of plans for responding to drinking water safety emergencies.

A drinking water supplier shall, according to the local plan for responding to drinking water safety emergencies, make the corresponding emergency response plan, report it to the local city or county people's government for recordation, and conduct rehearsals on a periodical basis.

Where any water pollution incident occurs to drinking water sources, or any other emergency which may affect drinking water safety, occurs, the drinking water supplier shall take emergency response measures, report it to the local city or county people's government, and release it to the public. The relevant people's government shall, according to the actual circumstances, initiate the response plan in a timely manner, and take effective measures to guarantee the safety of water supply.

Chapter VII Legal Liability

Article 80 If the administrative department of environmental protection or other department exercising the power of supervision and administration in accordance with this Law fails to legally give administrative license or issue approval document, fails to investigate the illegal

acts found out or the tip-off or commits any other act in failure to perform its duties prescribed by this Law, punishments shall be imposed on its directly liable person in-charge and other directly liable persons according to law.

Article 81 Whoever, by such means as delaying, besieging and withholding law enforcement officials, refuses to accept or obstructs the supervision and inspection conducted by the administrative department of environmental protection or any other department that exercises supervision and administrative power in accordance with the provisions of this Law, or practices fraud when accepting supervision and inspection, the administrative department of environmental protection of the people's government at or above the county level or any other department that exercises the supervision and administration power in accordance with the provisions of this Law shall be ordered to take corrective actions, and be fined not less than 20,000 yuan but not more than 200,000 yuan.

Article 82 Where any entity commits any of the following conducts as in violation of this Law, the administrative department of environmental protection of the people's government at or above the county level shall order it to take corrective actions within a prescribed time limit and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan on it, and if it fails to do so, shall order it to suspend production for rectifications.

(1) Failing to monitor the discharged of water pollutants as required or retain original monitoring records.

(2) Failing to install equipment for the automatic monitoring of discharge of water pollutants, or failing to link such equipment to the monitoring equipment of the administrative department of environmental protection as required, or failing to guarantee the normal operation of the monitoring equipment.

(3) Failing to monitor the pollutant discharge outlets and the surrounding environment of poisonous and hazardous water pollutants as required, or failing to disclose the information on poisonous and hazardous water pollutants.

Article 83 Where any entity commits any of the following conduct as in violation of this Law, the administrative department of environmental protection of the people's government at or above the county level shall order it to take corrective actions or order it to restrict production or suspend production for rectifications, and impose a fine of not less than 100,000 yuan but not more than one million yuan on it; and if the circumstances are serious, order it to suspend its business operations or close down with the approval of the people's government with the approval authority.

(1) It discharges water pollutants without obtaining a pollutant discharge license in accordance with the law.

(2) It discharges water pollutants exceeding the standards for the discharge of water pollutants or the indicators for the control of total discharge of major water pollutants.

(3) It privately sets underground pipelines through seepage wells, seepage pits, crevices, or karst caves, to falsify or forge monitoring data, or discharges water pollutants by evading supervision, such as the irregular operation of facilities for the prevention and control of

water pollution.

(4) It fails to conduct advance treatment as required, and discharges industrial waste water in non-compliance with the requirements of treatment techniques to the facilities for the centralized treatment of sewage.

Article 84 Where any entity sets up a pollutant discharge outlet in a drinking water source protection area, the local people's government at or above the county level shall order the entity to dismantle it within a prescribed time limit and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan on the entity. If the entity fails to dismantle the outlet within the prescribed time limit, the people's government may order a mandatory dismantling with the required expenses to be borne by the violator, impose a fine of not less than 500,000 yuan but not more than one million yuan on it, and may order it to suspend production for rectifications.

Notwithstanding the preceding paragraph, if any entity illegally sets up any pollutant discharge outlet in violation of any law, administrative regulation or the provisions of the administrative department of environmental protection of the State Council, the administrative department of environmental protection of the local people's government at or above the county level shall order it to dismantle the outlet within a prescribed time limit, and impose a fine of not less than 20,000 yuan but not more than 100,000 yuan. If it fails to dismantle the outlet within the prescribed time limit, the department may order a mandatory dismantling with the required expenses borne by the violator, impose a fine of not less than 100,000 yuan but not more than 500,000 yuan on it, and may, if the circumstances are serious, order it to suspend production for rectifications.

Where any entity builds, renovates or enlarges an outfall at a river or lake without the consent of the competent department of water administration or the governing authority of the related drainage area, the competent department of water administration under the people's government at or above the county level or the governing authority of the drainage area shall, according to its power, take steps and give punishments in accordance with the provisions of the preceding paragraphs.

Article 85 Where any entity commits any of the following conducts, the administrative department of environmental protection of the local people's government at or above the county level shall order it to stop the violation of law and take treatment measures within a prescribed time limit to eliminate pollution, and impose a fine on it. If it fails to take treatment measures within the prescribed time limit, the administrative department of environmental protection may designate an entity capable of such treatment to do so with the required expenses borne by the violator:

- (1) Discharging oil, acid liquids or lye to waters.
- (2) Discharging highly toxic waste liquid to waters, or discharging or dumping soluble highly toxic waste residues containing mercury, cadmium, arsenic, chrome, lead, cyanide or yellow phosphorus, among others, to waters or directly burying them underground.
- (3) Cleaning at waters the vehicles or containers which have carried or stored oil or

poisonous pollutants.

(4) Discharging or dumping to waters industrial waste residues, urban refuse or other wastes, or stockpiling or storing solid wastes or other pollutants at beach land and bank slopes below the highest water level of rivers, lakes, canals, channels and reservoirs.

(5) Discharging or dumping radioactive solid waste or waste water containing highly and medium radioactive substances to waters.

(6) Discharging waste water or hot waste water containing low radioactive substances or sewage containing pathogen to waters in violation of the relevant provisions or standards of the state.

(7) Failing to take anti-leakage and other measures, or failing to establish underground water quality monitoring points to conduct monitoring.

(8) Failing to use double-layer tanks for the underground oil tanks of oil stations, or take other effective measures such as building anti-leakage pools, or failing to conduct anti-leakage monitoring.

(9) Failing to take preventive measures as required, or using any ditch, pit or pool, etc., without taking anti-leakage measures to transmit or store waste water containing pathogenic pollutants, sewage containing pathogen or other wastes.

Whoever commits any conduct as prescribed in paragraph 3, 4, 6, 7 or 8 of the preceding paragraph shall be fined not less than 20,000 yuan but not more than 200,000 yuan. Whoever commits any conduct prescribed in paragraph 1, 2, 5 or 9 of the preceding paragraph shall be fined not less than 100,000 yuan but not more than one million yuan. If the circumstances are serious, it may be ordered to suspend its business operations or close down with the approval of the people's government with approval authority.

Article 86 Where any entity, in violation of this Law, produces, sells, imports or uses any equipment listed into the catalogue of equipment which seriously pollutes water environment and is prohibited to be produced, sold, imported and used or adopts any technique listed into the catalogue of techniques which seriously pollute water environment and are prohibited to be adopted, the administrative department of macro economic control under the people's government at or above the county level shall order it to correct, impose upon it a fine of not less than 50,000 yuan but not more than 200,000 yuan, and, if the circumstances are serious, propose a suggestion and submit it to the people's government at the same level requesting to order the entity to stop business or close.

Article 87 Where any entity, in violation of this Law, builds any production projects of paper making, leather making, printing and dyeing, dyestuff, coking, sulfur refining, arsenic refining, mercury refining, oil refining, electroplating, pesticides, asbestos, cement, glass, steel, thermal power etc. that seriously pollute water environment and do not conform with the state industrial policies, the municipal or county people's government of the place of locality of the entity shall order it to close.

Article 88 Where the sludge processed and disposed of by any entity operating facilities for the centralized treatment of urban sewage or a sludge treatment and disposal entity fails to

comply with the national standards, or the said entity fails to record the whereabouts of the sludge, the competent urban drainage department shall order the entity to take treatment measures within a prescribed time limit, and give it a warning. If any serious consequence is caused, the entity shall be fined not less than 100,000 yuan but not more than 200,000 yuan. If the entity fails to take treatment measures within the prescribed time limit, the competent urban drainage department may designate an entity capable of treatment to do it with the required expenses to be borne by the violator.

Article 89 Where any vessel fails to equip itself with corresponding antifouling equipment and apparatus in accordance with the relevant state provisions, or fails to hold legal and valid certificates and documents on preventing water environment from being polluted, the maritime governing authority and the administrative department of fishery shall, according to their powers, order it to correct within a certain time limit, impose upon it a fine of not less than 2,000 yuan but not more than 20,000 yuan, and, if it fails to correct within the prescribed time limit, shall order it to suspend voyage temporarily.

Where any vessel, in conducting any operation involving the discharge of pollutants, fails to strictly follow the operating procedure or record the relevant information on the corresponding book of records, the maritime governing authority and the administrative department of fishery shall, according to their powers, order it to correct within a certain time limit and impose upon it a fine of not less than 2,000 yuan but not more than 20,000 yuan.

Article 90 Where any vessel, as in violation of this Law, commits any of the following conducts, the maritime safety administration or the competent fishery department shall, according to its own functions, order the violator to stop the violation, and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on the violator. If any water pollution is caused, the violator shall be ordered to take treatment measures within a prescribed time limit to eliminate the pollution, and be fined not less than 20,000 yuan but not more than 200,000 yuan. If the violator fails to take treatment measures within the prescribed time limit, the maritime safety administration or the competent fishery department may, according to its own functions, designate an entity capable of treatment to do it with the required expenses to be borne by the vessel.

- (1) Dumping vessel refuse or discharging the residual oil or waste oil of the vessel to waters.
- (2) Conducting, without the approval of the maritime safety administration at the place of operation, the operation of lightering bulk liquid cargo with the hazard of pollution.
- (3) Operating any vessel or carrying out any other operations with pollution risks, and failing to take measures to prevent and control pollution as required.
- (4) Dismantling the vessel on the beach.
- (5) Sailing any vessel on international navigation lines in inland rivers of the People's Republic of China which discharges any vessel ballast water in non-compliance with the relevant provisions.

Article 91 Where any entity commits any of the following acts, the administrative department of environmental protection under the people's government at or above the county level shall

order it to stop the illegal act, impose a fine of not less than 100,000 yuan but not more than 500,000 yuan, and, upon the approval of the people's government with the right to approve, shall order its dismantling or closure:

1. building, renovating or enlarging in a Grade I drinking water source reserve any construction project irrelevant to water supply facilities and the work of water source protection;
2. building, renovating or enlarging in a Grade II drinking water source reserve any construction project discharging pollutants; or
3. building or enlarging in a quasi drinking water source reserve any construction project seriously polluting waters, or rebuilding any construction project increasing the discharge of pollutants.

Where any entity engages in cage breeding or organizes traveling, going angling or any other activities that may pollute drinking waters in a Grade I drinking water source reserve, the administrative department of environmental protection under the local people's government at or above the county level shall order it to stop the illegal act and impose upon it a fine of not less than 20,000 yuan but not more than 100,000 yuan. For any individual doing such illegal act, the administrative department of environmental protection under the local people's government at or above the county level shall order it to stop the illegal act and may impose upon him a fine of not more than 500 yuan.

Article 92 Where the quality of water supplied by a drinking water supplier fails to comply with the prescribed standards of the state, the competent water supply department of the city or county people's government at the place where the entity is located shall order the supplier to take corrective actions, and impose a fine of not less than 20,000 but not more than 200,000 yuan on it; if the circumstances are serious, it may order the supplier to suspend its business operations for rectifications after reporting to and obtaining the approval of the people's government with approval authority, and take disciplinary actions against the directly responsible person in charge and other directly liable persons in accordance with the law.

Article 93 Where any enterprise or public institution commits any of the following acts, the administrative department of environmental protection under the people's government at or above the county level shall order it to correct, and, if the circumstances are serious, shall impose upon it a fine of not less than 20,000 yuan but not more than 100,000 yuan:

1. failing to work out any emergency plan for water pollution accidents as required; or
2. failing to initiate such a plan or take corresponding emergency measures in a timely manner after a water pollution accident occurs.

Article 94 Where any enterprise or public institution violates this Law and causes a water pollution incident, the violator shall not only assume compensatory liability in accordance with the law, the administrative department of environmental protection of the people's government at or above the county level may also impose a fine on it in accordance with paragraph 2 of this Article, and order it to take treatment measures within a prescribed time

limit to eliminate the pollution. If the enterprise or public institution refuses to take treatment measures as required or is not capable of doing so, the administrative department of environmental protection shall designate a capable entity to do it on behalf of the enterprise or public institution, and the required expenses shall be borne by the violator. If any serious or extraordinary serious incident is caused, the administrative department of environmental protection may, upon the approval of the people's government with approval authority, order it to close, and impose on the directly responsible person in charge and other directly liable persons a fine of not more than 50% of the income obtained from the enterprise or public institution in the previous year. If the violator illegally discharges water pollutants or commits any other conduct as prescribed in Article 63 of the Environmental Protection Law of the People's Republic of China, which does not constitute a crime, the public security authority shall detain the directly responsible person in charge and other directly liable persons for not less than ten days but not more than 15 days; or detain them for not less than five days but not more than 10 days if the circumstances are relatively minor.

If the accident is ordinary or relatively serious, the fine shall be calculated on the basis of 20% of the direct losses caused by the accident; if the accident is serious or extraordinarily serious, the fine shall be calculated on the basis of 30% of the direct losses caused by the accident.

If the accident is a fishery one or one caused by a fishery vessel, the power to punish shall remain with the administrative department of fishery; if the accident is caused by a non-fishery vessel, the power to punish shall remain with the maritime governing authority.

Article 95 Where any enterprise, public institution or any other producer or dealer discharges water pollutants in violation of any law, and is fined and ordered to take corrective actions, the administrative authority that makes the punishment decision in accordance with the law shall organize a review. If it finds that the violator continues to discharge water pollutants in violation of any law or refuses to accept or obstructs the review, the violator shall be imposed on continuous fines on a daily basis in accordance with the provisions of the Environment Protection Law of the People's Republic of China.

Article 96 The party whose rights and interests are damaged by a water pollution accident is entitled to ask the party discharging pollutants to eliminate the damage and make compensation for their losses.

If the damage is caused by force majeure, the party discharging pollutants bears no liability for compensation, unless it is otherwise prescribed by law.

If the damage is caused by the victim on purpose, the party discharging pollutants bears no liability for compensation. If the damage is caused by the gross negligence of the victim, the liability for compensation of the party discharging pollutants may be mitigated.

If the damage is caused by a third party, the party discharging pollutants has the right to, after making compensation according to law, recover the compensation from the third party.

Article 97 For a dispute over liability for damage or amount of compensation in a water pollution accident, the administrative department of environmental protection, the maritime

governing authority or the administrative department of fishery may, according to the division of functions and duties among them and in light of the request of the parties concerned, settle it through mediation; if no agreement can be reached upon mediation, the parties concerned may file a lawsuit with the people's court. The parties concerned may also file a lawsuit with the people's court directly without going through the mediation procedure.

Article 98 For an action of damage due to a water pollution accident, the party discharging pollutants shall assume the burden of proof for legally prescribed exemptions and the nonexistence of relation of cause and effect between its act and the harmful consequences thereof.

Article 99 If the number of parties whose legitimate rights and interests are damaged in a water pollution accident is relatively huge, these parties may select a representative to file a joint action.

The administrative department of environmental protection and the related social groups may legally support the parties whose legitimate rights and interests are damaged in a water pollution accident to file a lawsuit with the people's court.

The state encourages law offices and lawyers to provide legal assistance for victims of lawsuits on damage of water pollution accidents.

Article 100 For any dispute over liability for damage or amount of compensation in water pollution, the parties concerned may entrust the environmental monitoring institution to provide the related monitoring data, and the institution shall accept such entrustment and truthfully provide the required monitoring data.

Article 101 Where any violation of this Law constitutes a crime, the violator shall be subject to criminal liability in accordance with the law.

Chapter VIII Supplementary Provisions

Article 102 The interpretation of terms mentioned in this Law is as follows:

1. water pollution means that, due to the intervention of certain substances, the chemical, physical, biological or radioactive character of waters is changed, which affects the effective utilization of such water, causes harm to people's health or damages the ecological environment and causes the deterioration of water quality.
2. Water pollutants refer to substances which are directly or indirectly discharged to waters and may cause pollution to waters.
3. Pathogenic pollutants refer to pollutants which are capable of, after being directly or indirectly absorbed by organism, causing the organism or its descendants to become sick, act abnormally, vary genetically, physiologically function abnormally, become deformed or die.
4. Sludge' means semi-solid or solid substances generated in the treatment of sewage.
5. fishery waters refer to waters designated as places for fish and shrimps to lay eggs, search baits, live in winter and migrate as well the aquatic plants of fish, shrimps, shellfish and alga.

Article 103 This Law shall come into force as of June 1st, 2008.

6. Law of the People's Republic of China on the Prevention and Control of Environment Pollution Caused by Solid Wastes

(Adopted at the 16th Session of the Standing Committee of the Eighth National People's Congress on October 30, 1995; revised at the 13th Session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on December 29, 2004; amended for the first time in accordance with the Decision of Standing Committee of the National People's Congress on Amending the Cultural Relics Protection Law of the People's Republic of China and Other Eleven Laws as adopted at the 3rd Session of the Standing Committee of the Twelfth National People's Congress on June 29, 2013; amended for the second time in accordance with the Decision on Amending the Seven Laws Including the Law of the People's Republic of China on Ports as adopted at the 14th Session of the Twelfth National People's Congress on April 24, 2015; and amended for the third time in accordance with the Decision of Amending Twelve Laws including the Foreign Trade Law of the People's Republic of China as adopted at the 24th Session of the Standing Committee of the Twelfth National People's Congress on Nov. 7, 2016)

Chapter I General Provisions

Article 1 This Law is enacted for the purpose of preventing and controlling environmental pollution by solid wastes, safeguarding human health, maintaining the ecological safety and promoting the sustainable development of economy and society.

Article 2 This Law shall be applicable to the prevention and control of environmental pollution by solid wastes within the territory of the People's Republic of China.

This Law shall not be applicable to the prevention and control of marine environmental pollution by solid wastes or of environmental pollution by radioactive solid wastes.

Article 3 The State shall, in preventing and controlling environmental pollution by solid wastes, implement the principles of reducing the discharge and harm of solid wastes, fully and rationally utilizing solid wastes and making them harmless through treatment so as to promote cleaner production and the development of recycling economy.

The State shall adopt economic and technical policies and measures in favor of the comprehensive use of solid wastes, and fully recover and rationally utilize solid wastes.

The State shall encourage and support the adoption of beneficial measures of centralized treatment of solid wastes to the environmental protection and promote the industrial development of prevention and control of environmental pollution by solid wastes.

Article 4 The people's governments at or above the county level shall incorporate the prevention and control of environmental pollution by solid wastes into their environmental protection programs and adopt economic and technical policies and measures to facilitate the prevention and control of environmental pollution by solid wastes.

When relevant departments of the State Council, the people's governments at or above the county level and the relevant departments thereof formulate plans regarding urban-rural construction, land use, regional development and industrial development, they shall wholly take such factors into account as the reduction of discharge and harm of solid wastes and

the promotion of comprehensive use and harmless treatment of solid wastes.

Article 5 For the prevention and control of environmental pollution by solid wastes, the State implements the principle that any entity or individual causing the pollution shall be responsible for it in accordance with law.

The manufacturers, sellers, importers and users shall be responsible for the prevention and control of solid wastes pollution produced thereby.

Article 6 The State shall encourage and support scientific research, technological development and the dissemination of advanced prevention and control technologies as well as of scientific knowledge in the field of prevention and control of environmental pollution by solid wastes.

The people's governments at all levels shall strength the publicity and education on the prevention and control of environmental pollution by solid wastes and advocate favorable production methods and living styles to the environmental protection.

Article 7 The State shall encourage the entities and individuals to purchase and use renewable products and reusable products.

Article 8 The people's governments at all levels shall give awards to the entities and individuals that have achieved outstanding successes in the prevention and control of environmental pollution by solid wastes and in relevant activities of comprehensive use.

Article 9 Any and all entities and individuals shall have the obligation to protect the environment and shall have the right to report or file charges against those entities or individuals that cause environmental pollution by solid wastes.

Article 10 The environmental protection administrative department of the State Council shall conduct unified supervision and management of the prevention and control of environmental pollution by solid wastes throughout the country. The relevant departments of the State Council shall be responsible for supervising and managing the prevention and control of environmental pollution by solid wastes within their respective functions.

The environmental protection administrative departments of the local people's governments at or above the county level shall conduct unified supervision and management of the prevention and control of environmental pollution by solid wastes within their own administrative areas. The relevant departments of local people's governments at or above the county level shall be responsible for supervision and management of the prevention and control of environmental pollution by solid wastes within their respective functions.

The construction administrative department of the State Council and the environmental sanitation administrative departments of the local people's governments at or above the county level shall be responsible for supervising and administering the cleaning, collection, storage, transportation and disposal of urban consumer wastes.

Chapter II Supervision and Administration of the Prevention and Control of Environmental Pollution by Solid Wastes

Article 11 The environmental protection administrative department of the State Council shall, pursuant to state environmental quality standards and state economic and technical

conditions, formulate state technical standards on the prevention and control of environmental pollution by solid wastes in collaboration with the relevant administrative departments of the State Council.

Article 12 The environmental protection administrative department of the State Council shall establish a system for monitoring environmental pollution by solid wastes, formulate unified monitoring standards and, in conjunction with relevant departments, set up a monitoring network.

The environmental protection administrative departments of large and medium-sized cities shall regularly issue the types, discharging amount, disposal conditions and other information regarding the solid wastes.

Article 13 The construction of projects which discharge solid wastes and the construction of projects for storage, use and treatment of solid wastes shall be carried out upon the appraisal regarding their effects on environment and in compliance with the relevant state regulations concerning the management of environmental protection in respect of construction projects.

Article 14 The necessary supporting facilities for the prevention and control of environmental pollution by solid wastes as specified in the statement of the effect of the construction project shall be designed, built and put into operation simultaneously with the main part of the project. The construction project may be put into production or use, only after the facilities for the prevention and control of environmental pollution by solid wastes are found upon examination to meet the standards by the environmental protection administrative department that has originally examined and approved the statements about the effects on environment. The facilities for the prevention and control of environmental pollution by solid wastes shall be checked and accepted at the same time as the main part of the project is checked and accepted.

Article 15 The environmental protection administrative department of the people's government at or above the county level and other supervisory and administrative departments for the prevention and control of environmental pollution by solid wastes shall, in accordance with their respective functions, have the right to conduct on-site inspection of the entities within their jurisdictions that have something to do with the prevention and control of environmental pollution by solid wastes. The entities under inspection shall faithfully report the situation and provide necessary materials. The inspection authorities shall keep confidential the know-how and business secrets of the entities inspected.

When conducting on-site inspections, the inspection organ may adopt such measures as monitoring on the spot, collecting samples and consulting or printing materials relating to the prevention and control of environmental pollution by solid wastes.

Chapter III Prevention and Control of Environmental Pollution by Solid Wastes

Section I General Provisions

Article 16 Entities and individuals that discharge solid wastes shall adopt measures to prevent or reduce the environmental pollution by solid wastes.

Article 17 Entities and individuals that collect, store, transport, utilize or dispose of solid wastes shall take measures to prevent the scattering, run-off and leakage of solid wastes, as well as other measures against environmental pollution.

No entity or individual may dump solid wastes into or pile them up at rivers, lakes, ditches, reservoirs, bottomlands, banks or slopes under the highest waterline or other places where the waste isn't allowed to be dumped or piled up according to laws and regulations.

Article 18 Any entity shall abide by state rules about the cleaner production for designing and manufacturing products and packages. The standardization administrative department of the State Council shall, pursuant to state economic and technical conditions, prevention and control situation of environmental pollution by solid wastes and technical requirements of products, formulate relevant standards to prevent environmental pollution by over-package.

The enterprises producing, selling or importing products and packages that have been listed in the catalogue subject to mandatory recycling shall reclaim the said products and packages according to state provisions.

Article 19 The State encourages scientific research and production institutions to do research on and manufacture plastic-sheet covering and packages of commodities that are easy to be recycled or treated, or easy to be degraded in the environment.

Entities and individuals that use agricultural films shall take measures like the recycling for utilization so as to prevent or reduce the environmental pollution by agricultural films.

Article 20 The engagement in the scale breeding of livestock and birds shall, according to relevant rules of the State, collect, store, utilize and dispose dung of livestock and birds produced in the breeding so as to prevent environmental pollution.

No straw or stalk may be burnt in the open air of population-centralized districts, surroundings of airports, neighboring districts of main communication arteries and districts as prescribed by the local people's governments.

Article 21 Management and maintenance of facilities, equipments and places for collecting, storing, transporting and treating solid wastes shall be improved so as to ensure their normal operation and function.

Article 22 No installation or site for centralized storage and treatment of industrial solid wastes or landfill of consumer wastes may be built in the nature reserves, scenic resorts, conservation areas of drinking water and basic farmlands and other areas requiring special protection that are prescribed by the State Council, relevant administrative departments of the State Council and the provinces, autonomous regions and municipalities directly under the Central Government.

Article 23 To transport any solid waste out of the administrative region of a province, autonomous region or municipality directly under the Central Government for storage or treatment, one shall apply to the environmental protection administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government where the solid waste is to be moved out for approval, which shall grant

its approval after consulting with and obtaining permission from the province, autonomous region or municipality directly under the Central Government where the solid waste is to be accepted. No transfer may be carried out without approval.

Article 24 It is forbidden to dump, pile up or treat any solid waste from abroad within the territory of China.

Article 25 The State forbids the import of solid wastes that cannot be used as raw material and those that can't be utilized through harmless treatment, and restricts the import of the solid wastes that can be used as raw materials and implements the classification management of non-restricted import thereto.

The environmental protection administrative department of the State Council shall, in conjunction with the foreign trade administrative department and the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council, formulate, adjust and publish solid waste catalogues of import-forbidden, import-restricted and non-restricted import.

The import of solid wastes as listed in the catalogue of import-forbidden shall be forbidden. The import of solid wastes as listed in the catalogue of import-restricted shall be examined and approved by the environmental protection administrative department of the State Council in collaboration with the foreign trade administrative department of the State Council. The imported solid wastes shall comply with state environmental protection standards and be inspected to be qualified by the quality supervision, inspection and quarantine department. The specific measures for the administration of the import of solid wastes shall be formulated by the environmental protection administrative department of the State Council in collaboration with the foreign trade administrative department of the State Council, the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council.

Article 26 Any importer that holds objections to the incorporation of his imported wastes into the administrative scope of solid wastes by the customs may file an administrative reconsideration according to law or lodge an administrative suit to a people's court.

Section II Prevention and Control of Environmental Pollution by Industrial Solid Wastes

Article 27 The environmental protection administrative department of the State Council shall, jointly with the economic comprehensive macro-control department of the State Council and other relevant departments, define the environmental pollution by industrial solid wastes, work out technical policies regarding the prevention and control thereof, and organize the dissemination of advanced production techniques and equipments for the prevention and control of environmental pollution by industrial solid wastes.

Article 28 The economic comprehensive macro-control department of the State Council shall, jointly with other relevant departments of the State Council, organize the research,

development and promotion of the production techniques and equipments that will reduce the discharge and harm of industrial solid wastes, and promulgate the list of backward production techniques and equipments that cause severe environmental pollution by industrial solid wastes and thus should be eliminated within the time limit.

Producers, sellers, importers or users shall stop producing, selling, importing or using those equipments as included in the list stipulated in the preceding paragraph within the time limit which are specified by the economic comprehensive macro-control department of the State Council together with other relevant departments of the State Council. The users of such production techniques shall stop using such techniques as included in the list stipulated in the preceding paragraph within the time limit as specified by the economic comprehensive macro-control department of the State Council jointly with other relevant departments of the State Council.

Eliminated equipments included in the catalogue of equipments to be eliminated within a set time shall not be transferred to any other for use.

Article 29 The relevant departments of the people's governments at or above the county level shall formulate a program for the prevention and control of environmental pollution by industrial solid wastes, popularize the advanced production techniques and equipments which can reduce the discharge and harm of industrial solid wastes and promote the prevention and control of environmental pollution by industrial solid wastes.

Article 30 Entities discharging industrial solid wastes shall establish and improve the responsibility system for the prevention and control of environmental pollution and adopt measures for the prevention and control of environmental pollution by industrial solid wastes.

Article 31 Enterprises and public institutions shall rationally select and use raw materials, energies and other resources, and adopt advanced production techniques and equipments, so as to reduce the discharge and harm of industrial solid wastes.

Article 32 The State institutes a system of declaration and registration for industrial solid wastes.

The entities discharging industrial solid wastes shall, in accordance with the regulations enacted by the environmental protection administrative department of the State Council, provide information about the categories, discharging amount, flow direction, storage, treatment and other materials concerning industrial solid wastes to the environmental protection administrative department of the local people's government at or above the county level where such entities are located.

Any significant modification of the declaration matters as prescribed in the preceding paragraph shall be declared in a timely manner.

Article 33 Enterprises and public institutions shall make use of industrial solid wastes produced thereby pursuant to economic and technical conditions; for those industrial solid wastes that will not or can't be utilized temporarily, enterprises and public institutions shall, in accordance with the regulations of the environmental protection administrative department of the State Council, build facilities and sites for their safe and classified storage

or carry out the harmless treatment for them.

The construction of facilities and sites for storing and treating industrial solid wastes shall comply with state standards on environmental protection.

Article 34 It is forbidden to close down, leave idle or dismantle, without approval, facilities or places for the prevention and control of environmental pollution by industrial solid wastes. Where it is necessary to do so, prior verification and approval shall be obtained from the environmental protection administrative department of the local people's government at or above the county level, and measures shall be taken to prevent environmental pollution.

Article 35 Where it is necessary for the entities discharging industrial solid wastes to be terminated, measures for preventing and controlling pollution shall be taken in advance to the facilities and sites for storing and treating industrial solid wastes, and the untreated industrial solid wastes shall be disposed properly to prevent environmental pollution.

If an entity discharging industrial solid wastes has been altered, the altered entity shall, pursuant to state provisions about the environmental protection, carry out the safety treatment or take measures for untreated industrial solid wastes and the storage and treatment facilities and sites thereof so as to ensure the safe function of such facilities and sites. Where the parties concerned have, prior to the alteration, otherwise stipulated the assumption of responsibilities for preventing and controlling pollution by industrial solid wastes and the facilities and sites for storage and treatment, such stipulations shall prevail. However, the responsibilities of the parties concerned to prevent and control pollution shall not be exempted.

The expenses, incurred from the safety treatment of untreated industrial solid wastes and the storage and treatment facilities and sites of the entities that have been terminated prior to the implementation of the present Law, shall be borne by the relevant people's governments, however if the land use right of the said entity has been transferred according to law, the transferee thereof shall undertake the expenses for the treatment. Where the parties concerned have other stipulations, such stipulations shall prevail. However, the responsibilities of the parties concerned to prevent and control pollution shall not be exempted.

Article 36 A mining enterprise shall adopt scientific mining methods and techniques for mineral separation so as to reduce the production and storage of gangues, waste rocks, mullocks and other mining solid wastes.

After the facilities for storing gangues, waste rocks, mullocks and other mining solid wastes aren't used any more, a mining enterprise shall, according to state provisions on environmental protection, close the fields to prevent environmental pollution and ecological destroy.

Article 37 When dismantling, utilizing or disposing abandoned electronic appliances and motor vehicles and vessels, measures shall be taken to prevent environmental pollution according to relevant laws and regulations.

Section III Prevention and Control of Environmental Pollution by Consumer Wastes

Article 38 The people's governments at or above the county level shall plan, as a whole, to build facilities for collecting, transporting and treating urban-rural consumer wastes, improve the ratio of utilization and harmless treatment of consumer wastes, promote industrial development of collecting and treating consumer wastes, and progressively establish and perfect social service system for preventing and controlling environmental pollution by consumer wastes.

Article 39 The environmental protection administrative departments of the people's governments at or above the county level shall organize to clear, collect, transport and treat urban consumer wastes and may, by the way of bidding, choose qualified entities to engage in the clearing, collection, transport and treatment of urban consumer wastes.

Article 40 Urban consumer wastes shall be placed at designated sites according to provisions as prescribed by the environmental protection administrative departments, and shall not be dumped, cast or piled up at discretion.

Article 41 The clearing, collection, transportation and treatment of urban consumer wastes shall be conducted according to state provisions about the environmental protection and environmental sanitation to prevent environmental protection.

Article 42 Urban consumer wastes shall be timely cleared and transported, progressively be collected and transported by different types, and be reasonably utilized and be effected with harmless treatment.

Article 43 Urban people's governments shall, in a planned way, improve the composition of fuel, and develop coal gas, natural gas, liquefied gas and other clean energy sources for use in urban areas.

Relevant departments of an urban people's government shall arrange for the supply of clean vegetables to cities and towns so as to reduce urban consumer wastes.

Relevant departments of an urban people's government shall make an overall plan, rationally arrange for collecting and purchasing networks, so as to promote the recycling of consumer wastes.

Article 44 The construction of facilities and sites for disposing consumer wastes shall comply with the standards on environmental protection and environmental sanitation as prescribed by the environmental protection administrative department of the State Council and the construction administrative department of the State Council.

It is forbidden to close down, leave idle or dismantle facilities and sites for disposing of domestic wastes without approval. If it is truly necessary to close down, leave idle or dismantle such facilities or sites, it shall be subject to the approval by the local environmental sanitation administrative department of the people's government at the city or county level after consulting with and obtaining consent from the local environmental protection administrative department, and measures shall be taken to prevent environmental pollution.

Article 45 The recycled substances from the consumer wastes shall be utilized pursuant to the uses and standards as set by the State, and shall not be used to produce products that may do harm to human health.

Article 46 Entities undertaking constructions shall promptly clear and transport the solid wastes produced in the course of construction, and utilize or dispose them pursuant to the provisions of the environmental sanitation administrative departments.

Article 47 An entity engaged in public transportation shall, pursuant to state regulations, clear up and collect the consumer wastes produced in the course of transportation.

Article 48 Entities engaged in the development of new urban areas, the reconstruction of old areas and construction of residential quarters, and operational and management entities located at airports, docks, stations, parks, stores and other public facilities and sites shall build supporting equipments for collecting consumer wastes according to state regulations on environmental sanitation.

Article 49 The specific measures for the prevention and control of rural consumer wastes shall be prescribed by local regulations.

Chapter IV Special Provisions on the Prevention and Control of Environmental Pollution by Hazardous Wastes

Article 50 The provisions of this Chapter shall be applicable to the prevention and control of environmental pollution by hazardous wastes. Where it is not covered by this Chapter, other relevant provisions of this Law shall be applicable.

Article 51 The environmental protection administrative department of the State Council shall, jointly with other relevant departments of the State Council, formulate a national catalog of hazardous wastes, lay down unified criteria and methods for identifying and distinguishing hazardous wastes.

Article 52 A distinguishing mark of hazardous wastes shall be put on the containers and packages of hazardous wastes as well as on the facilities and sites for collection, storage, transportation and treatment of hazardous wastes.

Article 53 An entity discharging hazardous wastes shall, pursuant to state provisions, work out a plan for managing hazardous wastes, and declare the types, production quantity, flow direction, storage, treatment and other relevant materials to the environmental protection departments of the local people's governments at or above the county level.

The plan for managing hazardous wastes as mentioned in the preceding paragraph shall contain measures for reducing the discharge and harm of hazardous wastes and for storing, utilizing and treating hazardous wastes. The said plan shall report to the environmental protection department of the local people's government at or above the county level for archival filing.

Any significant modification of declaration matters as prescribed by this Article or the plan for managing hazardous wastes shall be declared in a timely manner.

Article 54 The environmental protection administrative department of the State Council shall, jointly with the economic comprehensive macro-control department of the State Council, formulate the plan for constructing facilities and sites for centralized treatment of hazardous wastes, which shall be implemented after being reported to the State Council for approval. The people's governments at or above the county level shall organize to build facilities and

sites for centralized treatment of hazardous wastes on the strength of the plans thereon.

Article 55 An entity that discharges hazardous wastes shall dispose hazardous wastes according to relevant provisions of the State, and shall not dump or pile up them without approval; those that don't treat hazardous wastes shall be ordered to get right within the time limit by the environmental protection administrative departments of the people's governments at or above the county level; if an entity fails to treat within the time limit or in accordance with relevant provisions of the State, another entity shall be commissioned to carry out the treatment by the environmental protection administrative departments of the people's governments at or above the county level, and the expenses incurred therefrom shall be undertaken by the entity that discharges hazardous wastes.

Article 56 Where the treatment of hazardous wastes by the way of landfill doesn't comply with the provisions as set by the environmental protection administrative department of the State Council, it shall pay discharging fees for hazardous wastes. The specific measures for levying upon discharging fees of hazardous wastes shall be formulated by the State Council. The discharging fees for hazardous wastes shall be used for the prevention and control of environmental pollution and shall not be appropriated.

Article 57 Entities engaged in the collection, storage and treatment of hazardous wastes shall apply to the environmental protection administrative department of the people's government at or above the county level for business licenses. Entities engaged in businesses of utilizing hazardous wastes shall apply to the environmental protection administrative department of the State Council or the environmental protection administrative department of the people's government of a province, autonomous region and municipality directly under the Central Government for business licenses. Specific measures for the administration thereof shall be prescribed by the State Council.

It is forbidden to collect, store, utilize or treat hazardous wastes without a business license or against the provisions of the business license.

It is forbidden to supply or entrust hazardous wastes to entities that do not have business licenses for the collection, storage, utilization and treatment.

Article 58 Hazardous wastes shall be collected and stored separately according to their different characteristics. It is forbidden to collect, store, transport and treat hazardous wastes of incompatible natures and of not being undergone safety treatment.

The protective measures complying with state standards about the environmental protection shall be adopted for the storage of hazardous wastes, and which shall not be kept for more than one year; where it is necessary to extent the said time limit, it shall submit and secure permission from the original environmental protection administrative department that approved business license, unless it is otherwise prescribed by laws and administrative regulations.

It is forbidden to mix hazardous wastes with non-hazardous wastes in storage.

Article 59 Whoever is to transfer hazardous wastes shall complete the duplicate forms for transferring hazardous wastes according to the relevant provisions of the state. Where

hazardous wastes are to be transferred to another province, autonomous region, or municipality directly under the Central Government, an application shall be filed with the environmental protection administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government where hazardous wastes are to be transferred out, which may not approve the transfer of such hazardous wastes until it has consulted with and obtained consent from the environmental protection administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government where such hazardous wastes are to be received. No transfer may be conducted without approval.

Where it is necessary to transfer hazardous wastes by way of administrative areas other than the areas where the hazardous waste is to be moved out or in, the environmental protection administrative departments of the local people's governments at or above the level of city divided into districts where the hazardous waste is to be moved out shall timely notify the environmental protection administrative departments of the local people's governments at or above the level of city divided into districts where the hazardous waste is to pass through.

Article 60 Whoever transports hazardous wastes shall adopt measures for the prevention and control of environmental pollution and observe state regulations on the control of transportation of hazardous goods.

It is forbidden to carry hazardous wastes and passengers in the same transport vehicle.

Article 61 When sites, facilities, equipments as well as containers, packages and other articles for the collection, storage, transportation and treatment of hazardous wastes are to be used for other purposes, they shall be put to use only after they have been treated to eliminate pollution.

Article 62 The entities discharging, collecting, storing, transporting, using or treating hazardous wastes shall work out measures for keeping away and prepared counter plans against accidents, report them to the environmental protection administrative department of the local people's government at or above the county level for archival filing; and the environmental protection administrative department shall carry out the inspection on it.

Article 63 The entities that have caused severe environmental pollution by hazardous wastes due to accidents or other unexpected events shall immediately take measures to eliminate or reduce the danger and damage of environmental pollution, promptly inform the entities and residents that may be harmed by the pollution, and in the meantime, report to the environmental protection administrative department of the local people's government at or above the county level and other relevant departments, and shall be subject to the investigation and settlement.

Article 64 When severe environmental pollution by hazardous wastes has happened or may happen as proved by evidences, thus threatening the safety of the lives and properties of residents, the environmental protection administrative department of the local people's government at or above the county level or other supervisory and administrative

departments of the prevention and control of environmental pollution by solid wastes shall immediately report to relevant administrative departments of the people's governments at the corresponding level and the next higher level. The people's government shall take effective measures to eliminate or reduce the danger and damage. Relevant people's governments, where necessary, may order to stop operations that cause or may cause accidents of environmental pollution.

Article 65 Ex-service expenses used for the facilities and sites for the centralized treatment of important hazardous wastes shall be drawn in advance and incorporated into the investment budgetary estimate or operational costs. Specific measures for the drawing and administration thereof shall be enacted by the financial department, the price administrative department of the State Council in collaboration with the environmental protection administrative department of the State Council.

Article 66 It is forbidden to transfer hazardous wastes overseas via the territory of the People's Republic of China.

Chapter V Legal Liabilities

Article 67 If an environmental protection administrative department of the local people's government at or above the county level or any other supervisory and administrative department of the prevention and control of environmental pollution by solid wastes violates the present Law and has any of the following acts, it shall be ordered to get right by the relevant administrative department of the people's governments at the corresponding level or the next higher level, the principle and other persons hold to be responsible shall be given administrative sanctions, if the crimes are constituted, the offenders shall be subject to criminal liabilities:

- (1) failure to make administrative license or handle approval documents according to law;
- (2) failure to investigate any found illegal act or any report of illegal act; or
- (3) any other failure in performing supervisory and administrative liabilities in accordance with the law.

Article 68 If anyone, in violation of the provisions of this Law, commits any of the following acts, the environmental protection administrative department of the people's government at or above the county level shall order him to make corrections within the time limit and impose a fine on him:

- (1) failing to declare and register industrial solid wastes pursuant to state regulations, or resorting to deception in declaring and registering;
- (2) failing to build facilities and sites for separately storing industrial solid wastes that aren't or can't be utilized temporarily by different types or failing to adopt measures of harmless treatment;
- (3) transferring eliminated equipments included in the list of equipments to be eliminated within the time limit to another for use;
- (4) closing, leaving idle or dismantling facilities or sites for the prevention and control of environmental pollution by solid wastes without approval;

- (5) constructing facilities or sites for centralized storage or treatment of industrial solid wastes or landfills for consumer wastes in nature reserves, scenic spots or historical sites, areas of source of drinking water or other zones that need special protection;
- (6) transferring solid wastes out of the administrative area of a province, autonomous region or municipality directly under the Central Government for storage and treatment without approval;
- (7) failing to take corresponding precaution measures and resulting in scattering, run-off, leakage or other environmental pollution by industrial solid wastes; or
- (8) casting away or leaving behind industrial solid wastes in the course of transportation.

Any entity that commits the act as specified in item (1) or (8) of the preceding paragraph shall be imposed upon a fine of 5,000 up to 50,000 yuan; any entity that commits any of the acts as specified in item (2), (3), (4), (5), (6) or (7) of the preceding paragraph shall be imposed with a fine of 10,000 up to 100,000 yuan.

Article 69 Where the construction of supporting facilities is necessary for the facilities for preventing and controlling environmental pollution by solid wastes, any entity violates this Law and puts the main part of a project into production or use when such facilities haven't been built, checked or accepted, or checked or accepted up to standards, such entity shall be ordered to stop manufacturing or using and may be imposed with a fine of less than 100,000 in addition by the environmental protection administrative department that has approved the evaluation documents regarding the said project's compacts on environment.

Article 70 Any entity that violates this Law and refuses the on-the-spot inspection carried out by the environmental protection administrative department of the local people's government at or above the county level or any other supervisory and administrative department shall be ordered to correct within the time limit by the department that carried out the on-the-spot inspection; if it refuses to correct or resorts to deception at the time of inspection, it shall be imposed with a fine of 2,000 to 20,000.

Article 71 Any entity that engages in the scale breeding of livestock and birds fails to collect, store or dispose dung of livestock and birds and thus causes environmental pollution, it shall be ordered to correct within the time limit by the environmental protection administrative department of the local people's government at or above the county level and be imposed with a fine of less than 50,000.

Article 72 If anyone, in violation of the provisions of this Law, produces, sells, imports or uses eliminated equipments or employs eliminated production techniques, the economic comprehensive macro-control department of the people's government at or above the county level shall order him to make corrections; where the circumstance is serious, the economic comprehensive macro-control department of the people's government at or above the county level shall put forward suggestions and submit them to the people's government at the corresponding level, which shall, in accordance with the limits of authority as prescribed by the State Council, order him to suspend business or close down.

Article 73 After the facilities for storing gangues, waste rocks, mullocks and other mining

solid wastes aren't used any more, a mining enterprise that fails to close the fields according to state provisions on environmental protection, it shall be ordered to correct within the time limit by the environmental protection administrative department of the local people's government at or above the county level and may be imposed with a fine of 50,000 up to 200,000.

Article 74 Any entity that violates the provisions of this Law on the prevention and control of environmental pollution by urban consumer wastes and commits any of the following acts shall be ordered to stop its illegal act and be ordered to correct within the time limit and be fined by the environmental protection administrative department of the local people's government at or above the county level:

- (1) dumping, scattering or piling up consumer wastes at random;
- (2) closing down, leaving idle or dismantling facilities or sites for treating consumer wastes without approval;
- (3) the entity undertaking the construction fails to timely clear or transport solid wastes produced in the course of construction and therefore causes environmental pollution;
- (4) the entity undertaking the construction fails to utilize or dispose solid wastes produced in the course of construction in accordance with the provisions as prescribed by the environmental sanitation administrative department; or
- (5) casting off or leaving behind consumer wastes in the course of transportation.

Any entity that commits the act specified in item (1) (3) or (5) of the preceding paragraph shall be imposed with a fine of 5,000 up to 50,000 yuan; any entity who commits the act specified in item (2) or (4) of the preceding paragraph shall be imposed with a fine of 10,000 up to 100,000 yuan. Any individual that commits the act specified in item (1) or (5) shall be imposed with a fine of less than 200 yuan.

Article 75 If any entity, in violation of the provisions of this Law on the prevention and control of environmental pollution by hazardous wastes, commits any of the following acts, it shall be ordered by the environmental protection administrative department of the people's government at or above the county level to stop the illegal act, to correct it within the time limit and also be fined:

- (1) failing to install identifying marks of hazardous wastes;
- (2) failing to declare or register hazardous wastes in accordance with state provisions or practicing fraud at the time of declaration and registration;
- (3) closing down, leaving idle or dismantling facilities or sites for centralized treatment of hazardous wastes without approval;
- (4) failing to pay discharging fees for hazardous wastes in accordance with state regulations;
- (5) supplying or entrusting hazardous wastes to an entity that does not have a business license for his businesses;
- (6) failing to fill in duplicate forms for transferring hazardous wastes according to relevant state regulations, or failing to report to the competent department when transferring hazardous wastes;

- (7) mixing hazardous wastes with non-hazardous wastes for storage;
- (8) collecting, storing, transporting and treating mixed hazardous wastes of incompatible nature without safety treatment;
- (9) carrying hazardous wastes and passengers in a same transport vehicle;
- (10) using, without the treatment to eliminate pollution, sites, facilities, equipments or containers, packages or other articles for collecting, storing, transporting or disposing hazardous wastes for other purposes;
- (11) failing to adopt corresponding precaution measures and causing the scattering, loss, leakage or other environmental pollution by hazardous wastes;
- (12) in the course of transportation, casting off or leaving behind hazardous wastes on the way; or
- (13) failing to work out measures for keeping away and prepared counter plans against accidents of hazardous wastes.

Any entity that commits the act specified in item (1), (2), (7), (8), (9), (10), (11), (12) or (13) of the preceding paragraph shall be imposed with a fine of 10,000 up to 100,000 yuan; any entity who commits the act specified in item (3), (5) or (6) of the preceding paragraph shall be imposed with a fine of 20,000 up to 200,000 yuan; any entity who commits the act specified in item (4) of the preceding paragraph shall be ordered to pay within the time limit, if it fails to do so, it shall be imposed with a fine of one up to three times of the discharging fees for hazardous wastes.

Article 76 Any entity that violates this Law and fails to treat hazardous wastes discharged thereby or fails to bear the waste treatment fees that should be borne according to law shall be ordered to get right within the time limit by the environmental protection administrative department of the people's government at or above the county level, and also be imposed with a fine of one up to three times of such treatment fees.

Article 77 Any entity that is engaged in collecting, storing, utilizing and treating hazardous wastes without a business license or against the provisions of the business license shall be ordered by the environmental protection administrative department of the local people's government at or above the county level to stop the illegal act. Its illegal gains shall be confiscated, and it may also be imposed upon a fine of less than three times of the illegal gains.

If any entity engages, against the provision of business license, in activities specified in the preceding paragraph, its business license may also be revoked by the license-issuing department

Article 78 Whoever, in violation of this Law, dumps, piles up, or treats solid wastes from abroad within the territory of China, or imports any import-forbidden or import-restricted solid wastes as raw material without permission, it shall be ordered by the customs to transport such solid waste back to where it is dispatched and may also be imposed upon a fine of not less than 100,000 yuan but not more than 1,000,000 yuan. If it constitutes crimes, it shall be subject to criminal liabilities. If the importer is unclear, the carrier shall be responsible for

transporting such solid waste back or undertake the fees incurred from treating such solid waste.

Whoever tries to avoid the supervision and control of the Customs shall, if his act constitutes a crime, be subject to criminal liabilities.

Article 79 Whoever, in violation of this Law, transfers hazardous wastes via the territory of the People's Republic of China shall be ordered by the Customs to transport the hazardous wastes back to the original place and may also be imposed upon a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Article 80 With regard to illegally imported solid wastes, the environmental protection administrative department of the people's government at or above the provincial level shall put forward suggestions to the Customs regarding its disposition, the Customs shall make a decision on punishment in accordance with the provisions of Article 78 of this Law. If such importation has caused environmental pollution, the environmental protection administrative department of the people's government at or above the provincial level shall order the importer to eliminate the pollution.

Article 81 Any entity that violates this Law and causes serious environmental pollution by solid wastes shall be treated within the time limit by the environmental protection administrative department of the people's government at or above the county level on the strength of their functions specified by the State Council; if it fails to accomplish the treatment task within the time limit, its business shall be suspended or the entity shall be closed down by the people's government of the same level.

Article 82 Whoever, in violation of this Law, has caused an accident of environmental pollution by solid wastes shall be fined 20,000 up to 200,000 yuan by the environmental protection administrative department of the people's government at or above the county level; in the case of severe damages, the fine shall be 30% of the direct loss, but not exceeding 1,000,000 yuan, and the principle and other persons hold to directly responsible shall be subject to administrative sanctions; if a major accident of environment pollution by solid wastes is caused, its business shall be suspended or the entity shall be closed down by the people's government at or above the county level upon the strength of the functions as prescribed by the State Council.

Article 83 Any entity that collects, stores, utilizes and treats hazardous wastes against the provisions of this Law and has caused a serious environmental pollution accident and therefore constitutes a crime shall be subject to criminal liabilities.

Article 84 Entities and individuals that have suffered damages caused by solid waste pollution shall have the right to claim compensation according to law.

A dispute over the liabilities for damages or compensations may, at the request of the parties concerned, be mediated and settled by the environmental protection administrative department of or other supervisory and administrative department of the prevention and control of environmental pollution by solid wastes; if the mediation fails, the parties concerned may bring a suit to a people's court. The parties concerned may also directly

bring a suit to a people's court.

The State shall encourage a legal service agency to offer legal aids to the victims of suits of environmental pollution by solid wastes.

Article 85 It is necessary to get rid of dangers, compensate losses according to law and take measures to reconstitute to the previous environmental condition if any environmental pollution by solid wastes is caused.

Article 86 For a damage suit arising from the environmental pollution by solid wastes, the inflicter shall assume the burden of proof for the statutory causes for exemption and the nonexistence of causation between its act and harmful consequences.

Article 87 For any dispute over damages and compensations due to the environmental pollution by solid wastes, any party concerned may entrust an environmental monitoring institution to offer monitoring data. The environmental monitoring institution shall accept the trust and faithfully provide monitoring data.

Chapter VI Supplementary Provisions

Article 88 For the purposes of this Law, the following terms mean:

(1) "Solid waste" means articles and substances in solid, semi-solid state or gaseity in containers that are produced in the production, living and other activities and have lost their original use values or are discarded or abandoned though haven't yet lost use values, and articles and substances that are included into the management of solid wastes upon the strength of administrative regulations.

(2) "Industrial solid" waste means solid waste discharged in industrial production activities.

(3) "Consumer waste" means solid waste discharged from everyday life or from services provided to everyday life as well as the solid waste that is regarded as consumer waste under laws and administrative regulations.

(4) "Hazardous waste" means solid waste that is included in the national list of hazardous waste or identified to be dangerous according to the identification criteria and methods of hazardous waste as prescribed by the State.

(5) "Storage" refers to an activity that temporarily places solid waste into specific facilities or sites.

(6) "Treatment" means activities conducted to reduce the quantity or volume of the discharged solid wastes, reduce or eliminate their dangerous composition through incineration or other methods that can change the physical, chemical or biological characteristics of the solid waste, or activities conducted ultimately to put solid wastes in landfills that meet the requirements of environmental protection, from which the solid waste shall never be taken back again.

(7) Utilization refers to an activity that distills substances as raw materials or fuels from solid waste.

Article 89 This Law shall apply to the prevention and control of pollution by liquid wastes. However, the prevention and control of pollution by waste water discharged into a water body shall be governed by relevant laws other than this Law.

Article 90 If an international treaty regarding the prevention and control of environmental pollution by solid wastes concluded or acceded to by the People's Republic of China contains provisions differing from those contained in this Law, the provisions of the international treaty shall prevail, with the exception of the provisions that the People's Republic of China has announced reservation.

Article 91 This Law shall enter into force as of April 1, 2005.

7. Law of the People's Republic of China on Prevention and Control of Radioactive Pollution

(Adopted at the Third Session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on June 28, 2003)

Contents

Chapter I General Provisions

Article 1 The present Law is enacted in order to prevent and control radioactive pollution, protect the environment, guarantee the health of human bodies, promote the development and peaceful utilization of nuclear energy and nuclear technology.

Article 2 The present Law shall apply to the activities of prevention and control of radioactive pollution that occurs in the process of the site selection, construction, operation and retirement of nuclear facilities as well as the development and utilization of nuclear technologies, uranium (thorium) mines and associated radioactive mines within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China.

Article 3 The State practices the guideline of mainly stressing prevention, combining prevention and control, administering strictly and putting safety first towards the prevention and control of radioactive pollution.

Article 4 The State encourages and supports the scientific research and the technical development and utilization for the prevention and control of radioactive pollution, and extends advanced technologies for the prevention and control of radioactive pollution.

The State supports the carrying-out of international exchanges and cooperation for the prevention and control of radioactive pollution.

Article 5 The people's government at the county level or above shall include the prevention and control of radioactive pollution into the planning on environmental protection.

The people's government at the county level or above shall arrange for and carry out the pertinent publicity and education on the prevention and control of radioactive pollution, and make the public know about the relevant information and scientific knowledge on the prevention and control of radioactive pollution.

Article 6 Any entity or individual may have the right to disclose and prosecute the acts causing radioactive pollution.

Article 7 The people's government at the county level or above shall reward the entities and individuals that have made prominent achievements in the prevention and control of

radioactive pollution.

Article 8 The administrative department of environmental protection under the State Council shall implement unified supervision over the work of prevention and control of radioactive pollution throughout the country in accordance with the law.

The administrative department of health under the State Council and other relevant departments shall, upon their duties prescribed by the State Council, make supervision over the relevant work of prevention and control of radioactive pollution in accordance with the law.

Chapter II Supervision over Prevention and Control of Radioactive Pollution

Article 9 The national standards on the prevention and control of radioactive pollution shall be formulated by the administrative department of environmental protection under the State Council in light of the requirements on environmental safety and the economic and technological conditions of the State. The national standards on the prevention and control of radioactive pollution shall be jointly promulgated by the administrative department of environmental protection under the State Council and the administrative department of standardization under the State Council.

Article 10 The State establishes a system on monitoring radioactive pollution. The administrative department of environmental protection under the State Council shall, jointly with other relevant departments under the State Council, arrange for the environmental monitoring network, and implement monitoring administration over radioactive pollution.

Article 11 The administrative department of environmental protection under the State Council and other relevant departments under the State Council shall, upon the division of their duties, be responsible for their respective duties, transmit information to each other, cooperate closely, as well as supervise and inspect the prevention and control of radioactive pollution in the development and utilization of nuclear facilities and uranium (thorium) mines. The administrative department of environmental protection under the local people's government at the county level or above and other relevant departments at the same level shall, upon the division of their duties, be responsible for their respective duties, transmit information to each other, cooperate closely, as well as supervise and inspect the prevention and control of radioactive pollution in the utilization of nuclear technology and the development and utilization of associated radioactive mines within their own respective jurisdictions.

The supervision and inspection officers shall show their certificates when making the on-the-spot inspection. The inspected entity must truthfully present the information, and provide the necessary documents. The supervision and inspection officers shall keep confidential the technical secrets and business secrets for the inspected entity, and shall, when inspecting an entity or department involving State secrets, abide by the relevant provisions of the State on keeping confidential the State secrets, as well as handle the relevant formalities for approval in accordance with the law.

Article 12 An entity running transportation of nuclear facilities, an entity utilizing nuclear

technology or an entity developing and utilizing uranium (thorium) mines and associated radioactive mines shall be responsible for its own prevention and control of radioactive pollution, accept the supervision by the administrative department of environmental protection and other relevant departments, and bear the liabilities in accordance with the law for the radioactive pollution it has caused.

Article 13 An entity running transportation of nuclear facilities, an entity utilizing nuclear technology or an entity developing and utilizing uranium (thorium) mines and associated radioactive mines must take safety, prevention and protection measures to prevent various accidents that might cause radioactive pollution, and to avoid the harm from radioactive pollution.

An entity running transportation of nuclear facilities, an entity utilizing nuclear technology or an entity developing and utilizing uranium (thorium) mines and associated radioactive mines shall hold education and trainings on radioactive safety for its staff members, and take effective safety measures on prevention and protection.

Article 14 The State applies a qualification administration system to the professionals engaging in the prevention and control of radioactive pollution; and applies a credential administration system to the institutions engaging in monitoring of radioactive pollution.

Article 15 Whichever entity transports radioactive substance or ray devices including radioactive sources shall take effective measures to prevent radioactive pollution. The specific measures shall be prescribed by the State Council.

Article 16 An obvious radioactivity identification and the warning statements in Chinese shall be set for the radioactive substance and ray devices. At a place where radioactive substance and ray devices are produced, sold, used, stored or disposed, and on the means of transportation of radioactive substance and ray devices containing any radioactive source, an obvious radioactivity mark shall be set.

Article 17 A product containing radioactive substance shall meet the national standards on the prevention and control of radioactive pollution; if it does not meet the national standards on the prevention and control of radioactive pollution, it shall not leave the factory or be sold. If any associated radioactive mineral residues or any stone materials containing natural radioactive substance are used as building and decoration materials, they shall meet the national standards on radioactive nuclide control of building materials.

Chapter III Prevention and Control of Radioactive Pollution from Nuclear Facilities

Article 18 For the site selection of nuclear facilities, a scientific demonstration shall be carried out, and the formalities for approval shall be gone through in accordance with the relevant provisions of the State. Before going through the formalities for approval of site selection of nuclear facilities, the party concerned shall work out a written report on the influence to the environment, and submit it to the administrative department of environmental protection under the State Council for examination and approval; without approval, the relevant department shall not issue the approval document for the site selection of nuclear facilities.

Article 19 An entity running transportation of nuclear facilities must, before carrying out the

activities of construction, loading, operation or retirement, etc. for nuclear facilities, apply to obtain the permit for construction and operation of nuclear facilities and go through the formalities for approval of loading and retirement, etc. in accordance with the relevant provisions of the State Council on supervision and administration of the safety of nuclear facilities.

An entity running transportation of nuclear facilities may not carry out the corresponding activities of construction, loading, operation or retirement, etc. until it has obtained the relevant permit or approval document.

Article 20 An entity running transportation of nuclear facilities shall, before applying for obtaining the permit for construction and operation of nuclear facilities and going through the formalities for approval of retirement, work out a written report on the influence to the environment, and submit it to the administrative department of environmental protection under the State Council for examination and approval; without approval, the relevant department shall not issue the permit and the approval document.

Article 21 The facilities for the prevention and control of radioactive pollution which are auxiliary to nuclear facilities shall be designed, constructed and put into use simultaneously with the major engineering project.

The facilities for the prevention and control of radioactive pollution shall be inspected and accepted simultaneously with the major engineering project; the major engineering project may not be put into production or use until it has been inspected and accepted as qualified.

Article 22 The imported nuclear facilities shall meet the national standards for the prevention and control of radioactive pollution; if there are no corresponding national standards for the prevention and control of radioactive pollution, the relevant foreign standards designated by the administrative department of environmental protection under the State Council shall be adopted.

Article 23 In the outside region surrounding such important nuclear facilities as nuclear power plant, etc., a limited planning area shall be designated. The measures for designating and administering the limited planning area shall be prescribed by the State Council.

Article 24 An entity running transportation of nuclear facilities shall monitor the category and density of the radioactive nuclide contained in the environment surrounding the nuclear facilities as well as the total amount of radioactive nuclide from the effusion of the nuclear facilities, and regularly report the monitoring result to the administrative department of environmental protection under the State Council and the administrative department of environmental protection under the people's government of the province, autonomous region or municipality directly under the Central Government at its locality.

The administrative department of environmental protection under the State Council shall be responsible for conducting supervisory monitoring over such important nuclear facilities as nuclear power plant, etc., and monitor other effusion of the nuclear facilities in light of needs. The expenses for constructing, operating and maintaining the supervisory monitoring system shall be included in the financial budget.

Article 25 An entity running transportation of nuclear facilities shall set up and improve the security system, strengthen the security work, and accept the supervision and guidance of the public security department.

An entity running transportation of nuclear facilities shall, in light of the scale and nature of the nuclear facilities, make the plan on meeting emergency from nuclear accidents within the site, and do well in the preparation for meeting the emergency.

In the case of meeting the emergency from a nuclear accident, the entity running transportation of nuclear facilities must immediately take effective emergency measures to control the accident, and make a report to the administrative department of nuclear facilities, the administrative department of environmental protection, the administrative department of health, the public security department and other relevant departments.

Article 26 The State sets up and improves the system for meeting emergency from nuclear accidents.

The administrative department of nuclear facilities, the administrative department of environmental protection, the administrative department of health, the public security department and other relevant departments shall, under the arrangement and leadership of the people's government at the same level, do well in meeting emergency from nuclear accidents upon their respective duties in accordance with the law.

The Chinese People's Liberation Army and the Chinese People's Armed Police Force shall, in accordance with the relevant provisions of the State Council and the Central Military Commission, provide effective aids in meeting emergency from nuclear accidents.

Article 27 An entity running transportation of nuclear facilities shall formulate the plans on retirement of nuclear facilities.

The expenses for retirement of nuclear facilities and those for disposition of radioactive wastes shall be withheld in advance, and be listed in the investment budget and production costs. The measures for withholding and managing expenses for retirement of nuclear facilities and those for disposition of radioactive wastes shall be prescribed by the financial department and price administrative department under the State Council jointly with the administrative department of environmental protection and the administrative department of nuclear facilities under the State Council.

Chapter IV Prevention and Control of Radioactive Pollution from Utilization of Nuclear Technology

Article 28 An entity producing, selling or using radioisotope and ray devices shall, in accordance with the relevant provisions of the State Council on prevention of radioactivity from the radioisotope and ray devices, apply to obtain a permit, and make registration accordingly.

An entity transferring or importing radioisotope and ray devices or an entity equipped with radioisotope instruments shall go through the relevant formalities in accordance with the relevant provisions of the State Council on prevention of radioactivity from the radioisotope and ray devices.

Article 29 An entity producing, selling or using radioisotope, accelerators, neutron producers or ray devices containing radioactive sources shall, before applying to obtain the permit, work out the documents on appraisal of the influence to the environment, and submit them to the administrative department of environmental protection under the people's government of the province, autonomous region or municipality directly under the Central Government for examination and approval; without approval, the relevant department shall not issue the permit.

The State sets up a system of recording radioisotope. The specific measures shall be prescribed by the State Council.

Article 30 The facilities for prevention of radioactivity at a newly built, rebuilt or extended work site shall be designed, constructed and put into use simultaneously with the major engineering project.

The facilities for prevention of radioactivity shall be inspected and accepted simultaneously with the major engineering project; the major engineering project may not be put into production or use until the said facilities have been inspected and accepted as qualified.

Article 31 The radioisotope shall be kept separately, and shall not be put together with inflammable, explosive or corrosive articles, etc. The effective security and protection measures of fire prevention, precautions against theft, prevention of leakage of rays shall be taken for the storing place, and special persons shall be designated to be responsible for the storing. When radioisotope is stored, obtained, used or returned, it shall be registered and inspected, so that the accounts and the articles are in conformity with each other.

Article 32 An entity producing or using radioisotope or ray devices shall, in accordance with the provisions of the administrative department of environmental protection under the State Council, collect, pack and store the radioactive wastes it generates.

An entity producing radioactive sources shall, in accordance with the provisions of the administrative department of environmental protection under the State Council, recycle and utilize waste radioactive sources; an entity using radioactive sources shall, in accordance with the provisions of the administrative department of environmental protection under the State Council, return the waste radioactive sources to the entity producing radioactive sources or deliver them to an entity specially engaging in the storage and disposition of radioactive solid wastes.

Article 33 An entity producing, selling, using or storing radioactive sources shall set up and improve the security system, designate special persons to be responsible for the system, ensure the implementation of the system of liability for safety, and formulate the necessary measures for meeting emergency from accidents. In case of an accident that the radioactive sources are lost or stolen or a radioactive pollution accident, the relevant entity and individual must immediately take emergency measures, and make a report to the public security department, the administrative department of health and the administrative department of environmental protection.

The public security department, the administrative department of health and the

administrative department of environmental protection shall, after the receipt of the report on the accident that the radioactive sources are lost or stolen or the radioactive pollution accident, make a report to the people's government at the same level, and immediately take effective measures according to their respective duties to prevent the radioactive pollution from spreading, and to reduce the losses from the accident. The local people's government shall timely inform the public of the relevant information, and do well in investigating and dealing with the accident.

Chapter V Prevention and Control of Radioactive Pollution from Development and Utilization of Uranium (Thorium) mine and Associated Radioactive Mines

Article 34 An entity developing and utilizing or closing up uranium (thorium) mines shall, before applying to obtain the mining permit or going through the retirement formalities for approval, work out a written report on the influence to the environment, and submit it to the administrative department of environmental protection under the State Council for examination and approval.

An entity developing and utilizing associated radioactive mines shall, before applying to obtain the mining permit, work out a written report on the influence to the environment, and submit it to the administrative department of environmental protection under the people's government at the provincial level or above for examination and approval.

Article 35 The facilities for the prevention and control of radioactive pollution, which are auxiliary to the construction project of development and utilization of uranium (thorium) mines and associated radioactive mines, shall be designed, constructed and put into use simultaneously with the major engineering project.

The facilities for the prevention and control of radioactive pollution shall be inspected and accepted simultaneously with the major engineering project; the major engineering project may not be put into production or use until the said facilities have been inspected and accepted as qualified.

Article 36 An entity developing and utilizing uranium (thorium) mines shall monitor the effusion of the uranium (thorium) mines and the surrounding environment, and shall regularly report the monitoring result to the administrative department of environmental protection under the State Council and the administrative department of environmental protection under the people's government of the province, autonomous region or municipality directly under the Central Government at its locality.

Article 37 A tailing warehouse shall be built to store and dispose of the tailings generated in the process of development and utilization of the uranium (thorium) mines and the associated radioactive mines; the built tailing warehouse shall meet the requirements for prevention and control of radioactive pollution.

Article 38 An entity developing and utilizing uranium (thorium) mines shall make a plan on retirement of uranium (thorium) mines. The expenses for retirement of uranium mines shall be included in the financial budget of the State.

Chapter VI Administration of Radioactive Wastes

Article 39 An entity running transportation of nuclear facilities, an entity utilizing nuclear technology or an entity developing and utilizing uranium (thorium) mines and associated radioactive mines shall reasonably choose and utilize raw materials, use advanced producing process and equipment, and try to reduce the amount of generated radioactive wastes.

Article 40 Whichever entity discharges radioactive waste gas or waste liquid to the environment must meet the national standards on the prevention and control of radioactive pollution.

Article 41 An entity generating radioactive waste gas or waste liquid shall, if discharging to the environment radioactive waste gas or waste liquid which meets the national standards on the prevention and control of radioactive pollution, apply to the administrative department of environmental protection that examines and approves the documents on appraisal of the influence to the environment for the discharge amount of radioactive nuclide, and regularly report the result on measurement of discharge.

Article 42 An entity generating radioactive waste liquid must, upon the requirements of the national standards on the prevention and control of radioactive pollution, dispose or store the radioactive waste liquid which shall not be discharged to the environment.

An entity generating radioactive waste liquid must, if discharging to the environment the radioactive waste liquid that meets the national standards on the prevention and control of radioactive pollution, use the discharging method conforming to the provisions of the administrative department of environmental protection under the State Council.

It is prohibited to discharge radioactive waste liquid by using soakaway, seepage pit, natural crevice, karst cave or by other means prohibited by the State.

Article 43 The low-level or middle-level radioactive solid wastes shall be subject to near-surface disposition in an area conforming to the provisions of the State.

The high-level radioactive solid wastes shall be subject to concentrative deep-geologic disposition.

The α radioactive solid wastes shall be disposed in accordance with the preceding paragraph.

It is prohibited to dispose radioactive solid wastes in the water area of an inland river or on the sea.

Article 44 The administrative department of nuclear facilities under the State Council shall, jointly with the administrative department of environmental protection under the State Council, work out the planning on selection of the site for disposition of radioactive solid wastes in light of the geological conditions and the needs in disposition of the radioactive solid wastes and on the basis of appraising the influence to the environment, and shall submit the planning to the State Council for approval before implementation.

The relevant local people's government shall, according to the planning on selection of the site for disposition of radioactive solid wastes, provide the land for construction of the site for disposition of the radioactive solid wastes, and take effective measures to support the

disposition of the radioactive solid wastes.

Article 45 An entity generating radioactive solid wastes shall, in accordance with the provisions of the administrative department of environmental protection under the State Council, deliver the radioactive solid wastes it generates to the entity disposing the radioactive solid wastes for disposition after having them treated, and shall bear the disposition expenses.

The administrative measures for charging and using the fees for disposition of radioactive solid wastes shall be prescribed by the financial department and the price administrative department under the State Council jointly with the administrative department of environmental protection under the State Council.

Article 46 Whichever entity intends to establish an entity specially engaging in storage and disposition of radioactive solid wastes must be examined and approved by the administrative department of environmental protection under the State Council to obtain the permit. The specific measures shall be prescribed by the State Council.

It is prohibited to engage in the activities of storage and disposition of radioactive solid wastes without being permitted or not in accordance with the relevant provisions on permission.

It is prohibited to provide radioactive solid wastes to an entity without the permit for storage and disposition or entrust such an entity to store and dispose the said wastes.

Article 47 It is prohibited to import radioactive wastes or radioactively polluted articles into the territory of the People's Republic of China or to transfer them via the territory of the People's Republic of China.

Chapter VII Legal Liabilities

Article 48 Any member of the supervision and administration of the prevention and control of radioactive pollution who, in violation of the legal provisions, takes advantage of his office to accept money or property from others or seek other benefits, or neglects his duties, and commits any of the following acts, shall be imposed upon administrative sanctions in accordance with the law; if a crime is constituted, he shall be investigated for criminal liabilities:

- (1) issuing a permit or an approval document to an entity not qualified for the statutory conditions;
- (2) not implementing his supervisory and administrative duties in accordance with the law;
- (3) not investigating the illegal acts he has found.

Article 49 Whichever entity violates the present Law to commit any of the following acts shall be ordered by the administrative department of environmental protection or other relevant department under the people's government at the county level or above, upon their respective powers, to make a correction within a time limit, and may be imposed upon a fine of not more than 20,000 Yuan:

- (1) not reporting the monitoring result on the relevant environment in accordance with the provisions;

(2) refusing to accept the on-the-spot inspection by the administrative department of environmental protection and other relevant department, or not truthfully presenting the information or not providing the necessary documents when inspected.

Article 50 Whichever entity violates the present Law by failing to work out the documents on appraisal of the influence to the environment, or, without authorization, by carrying out the activities of construction, operation, production and use, etc. before the documents on appraisal of the influence to the environment are approved by the administrative department of environmental protection, shall be ordered by the administrative department of environmental protection that examines and approves the documents on appraisal of the influence to the environment to cease the illegal acts, and to go through the formalities or recover the original state within a time limit, and shall be imposed upon a fine of not less than 10,000 Yuan but not more than 200,000 Yuan in addition.

Article 51 Whichever entity violates the present Law by failing to construct the facilities for the prevention and control of radioactive pollution or the facilities for the prevention of radioactivity, or by putting the major engineering project into production or use before the prevention, control or protection facilities are inspected and accepted as qualified, shall be ordered by the administrative department of environmental protection that examines and approves the documents on appraisal of the influence to the environment to cease the illegal acts, and to make a correction within a time limit, and shall be imposed upon a fine of not less than 50,000 Yuan but not more than 200,000 Yuan in addition.

Article 52 If, without being permitted or approved, an entity running transportation of nuclear facilities violates the present Law by unauthorizedly carrying out the activities of construction, loading, operation or retirement, etc. of nuclear facilities, it shall be ordered by the administrative department of environmental protection under the State Council to cease the illegal acts, and to make a correction within a time limit, and shall be imposed upon a fine of not less than 200,000 Yuan but not more than 500,000 Yuan in addition; if a crime is constituted, it shall be investigated for criminal liabilities.

Article 53 Whichever entity violates the present Law by producing, selling, using, transferring, importing or storing radioisotope or ray devices or meters equipped with radioisotope, shall be ordered by the administrative department of environmental protection or other relevant department under the people's government at the county level or above upon its powers to cease the illegal acts, and to make a correction within a time limit; if the entity fails to make a correction within the time limit, it shall be ordered to cease its production or business, or its permit shall be suspended; if there are any illegal proceeds, such illegal proceeds shall be confiscated; if the illegal proceeds amount to 100,000 Yuan or more, the entity shall be imposed upon a fine of not less than one time but not more than five times of the illegal proceeds in addition; if there are no illegal proceeds or the illegal proceeds are less than 100,000 Yuan, the entity shall be imposed upon a fine of not less than 10,000 Yuan but not more than 100,000 Yuan in addition; if a crime is constituted, it shall be investigated for criminal liabilities.

Article 54 Whichever entity violates the present Law by committing any of the following acts shall be ordered by the administrative department of environmental protection under the people's government at the county level or above to cease the illegal acts, and to make a correction within a time limit, and shall be imposed upon a fine; if a crime is constituted, it shall be investigated for criminal liabilities:

(1) failing to build a tailing warehouse or not complying with the requirements on the prevention and control of radioactive pollution to build a tailing warehouse, or to store or dispose of tailings of uranium (thorium) mines and associated radioactive mines;

(2) discharging to the environment the radioactive waste gas or waste liquid which shall not be discharged;

(3) discharging radioactive waste liquid not by the prescribed means, or discharging radioactive waste liquid by using soakaway, seepage pit, natural crevice, karst cave or by other means prohibited by the State;

(4) not complying with the provisions to dispose of or store the radioactive waste liquid which shall not be discharged to the environment;

(5) providing radioactive solid wastes to an entity without the permit for storage and disposition or entrust such an entity to store and dispose the said wastes.

Whichever entity commits any of the acts in Items (1), (2), (3) and (5) of the preceding paragraph shall be imposed upon a fine of not less than 100,000 Yuan but not more than 200,000 Yuan; whichever entity commits the act in Item (4) of the preceding paragraph shall be imposed upon a fine of not less than 10,000 Yuan but not more than 100,000 Yuan.

Article 55 Whichever entity violates the present Law by committing any of the following acts shall be ordered by the administrative department of environmental protection or other relevant department under the people's government at the county level or above upon their powers to make a correction within a time limit; if the entity fails to make a correction within the time limit, it shall be ordered to cease its production or business, and shall be imposed upon a fine of not less than 20,000 Yuan but not more than 100,000 Yuan in addition; if a crime is constituted, it shall be investigated for criminal liabilities:

(1) failing to set the radioactive identification, mark or warning statements in Chinese in accordance with the provisions;

(2) failing to set up and improve the security system or to make the plan on meeting emergency from accidents or the emergency measures in accordance with the provisions;

(3) failing to report the information that the radioactive sources are lost or stolen or to report radioactive pollution accidents in accordance with the provisions.

Article 56 If an entity generating radioactive solid wastes does not comply with Article 45 of the present Law to dispose the radioactive solid wastes it has generated, it shall be ordered by the administrative department of environmental protection that approves the documents on appraisal of the influence to the environment submitted by the entity for project initiation to cease the illegal acts, and to make a correction within a time limit; if the entity fails to make a correction within the time limit, an entity with the capacity of disposition shall be designated

to dispose of the wastes on behalf of the former entity, and the needed expenses shall be borne by the former entity; in addition, a fine of not more than 200,000 Yuan may be imposed; if a crime is constituted, it shall be investigated for criminal liabilities.

Article 57 Whichever entity violates the present Law by committing any of the following acts shall be ordered by the administrative department of environmental protection under the people's government at the provincial level or above to cease its production or business, or its permit shall be suspended; if there are any illegal proceeds, the illegal proceeds shall be confiscated; if the illegal proceeds are no less than 100,000 Yuan, it shall be imposed upon a fine of not less than one time but not more than five times of the illegal proceeds in addition; if there are no illegal proceeds or the illegal proceeds are less than 100,000 Yuan, it shall be imposed upon a fine of not less than 50,000 Yuan but not more than 100,000 Yuan in addition; if a crime is constituted, it shall be investigated for criminal liabilities:

(1) engaging in the activities of storage and disposition of radioactive solid wastes without permission;

(2) engaging in the activities of storage and disposition of radioactive solid wastes not in accordance with relevant provisions on permission.

Article 58 Whoever imports radioactive wastes or radioactively polluted articles into the territory of the People's Republic of China or transfers them via the territory of the People's Republic of China shall be ordered by the customs to return the said radioactive wastes or radioactively polluted articles, and shall be imposed upon a fine of not less than 500,000 Yuan but not more than 1,000,000 Yuan in addition; if a crime is constituted, he/it shall be investigated for criminal liabilities.

Article 59 Whoever causes any damage to others due to radioactive pollution shall bear the civil liabilities in accordance with the law.

Chapter VIII Supplementary Provisions

Article 60 The supervision of the prevention and control of radioactive pollution from military facilities and equipment shall be conducted by the relevant competent departments under the State Council and of the army pursuant to the principles prescribed in the present Law and the duties prescribed by the State Council and the Central Military Commission.

Article 61 The prevention and treatment of occupational diseases of employees due to the radioactive substance in their occupational activities shall be governed by the “Law of the People's Republic of China on Prevention and Treatment of Occupational Diseases” .

Article 62 The meanings of the following terms in the present Law:

(1) Radioactive pollution means the radioactive substance or rays caused by human activities on the surface of or inside the materials, human bodies, sites or environmental media, which exceed the national standards.

(2) Nuclear facility means nuclear power plant (nuclear electric power plant, nuclear thermoelectric power plant, nuclear gas or heat supply plant, etc.) and other reactor (research reactor, experiment reactor, critical assembly, etc.), the facility for production, processing storage or reprocessing of nuclear fuel, or the facility for treatment or disposition

of radioactive wastes, and so on.

(3) Utilization of nuclear technology means the use of sealed radioactive sources, non-sealed radioactive sources and ray devices in such areas as medical treatment, industry, agriculture, geological survey, scientific research and teaching, etc.

(4) Radioisotope means the nuclide in a certain element with radioactive decay, which has the same ordinal number of atoms but different mass.

(5) Radioactive source means the solid radioactive material permanently sealed in the container or tightly wrapped, except for the materials in the category of nuclear fuel circulation in research reactors and power reactors.

(6) Ray device means X ray device, accelerator, neutron producer or other device containing radioactive sources.

(7) Associated radioactive mine means the non-uranium mine containing high-density natural radioactive nuclide (such as rare earth mine and phosphate mine, etc.).

(8) Radioactive wastes mean the wastes containing radioactive nuclide or polluted by radioactive nuclide, with the density or specific activity higher than the cleansing capacity determined by the State, and expected to be no longer used.

Article 63 The present Law shall come into force on October 1, 2003.

8. Fisheries Law of the People's Republic of China

(Adopted at the 14th Meeting of the Standing Committee of the National People's Congress and promulgated by Order No. 34 of the President of the People's Republic of China on January 20, 1986; amended for the first time according to the Decision of the Standing Committee of the National People's Congress on the Amendment of the Fishery Law of the People's Republic of China at the Eighteenth Session of the Standing Committee of the Ninth National People's Congress on October 31, 2000; amended for the second time according to the Decision of the Standing Committee of the National People's Congress on the Amendment of the Fishery Law of the People's Republic of China at the Eleventh Session of the Standing Committee of the Tenth National People's Congress on August 28, 2004; amended for the third time according to the Decision of the Standing Committee of the National People's Congress on Amending Some Laws at the Tenth Session of the Standing Committee of the Eleventh National People's Congress on August 27, 2009 and amended for the fourth time according to the Decision of the Standing Committee of the National People's Congress on Amending Seven Laws Including the Marine Environment Protection Law of the People's Republic of China at the Sixth Session of the Standing Committee of the Twelfth National People's Congress on December 28, 2013)

CHAPTER I GENERAL PROVISIONS

Article 1 This Law is formulated for the purpose of enhancing the protection, increase, development and reasonable utilization of fishery resources, developing artificial cultivation,

protecting fishery workers' lawful rights and interests and boosting fishery production, so as to meet the requirements of socialist construction and the needs of the people.

Article 2 All productive activities of fisheries, such as aquaculture and catching or harvesting of aquatic animals and plants in the inland waters, tidal flats and territorial waters of the People's Republic of China, or in other sea areas under the jurisdiction of the People's Republic of China, must be conducted in accordance with this Law.

Article 3 In fishery production, the state shall adopt a policy that calls for simultaneous development of aquaculture, fishing and processing, with special emphasis on aquaculture and with priority given to different pursuits in accordance with local conditions.

People's governments at various levels shall include fishery production in their economic development plans and take measures to enhance the overall planning and comprehensive utilization of water areas.

Article 4 The state shall encourage research in fishery science and technology and popularization of advanced technology in order to raise the level of the country's fishery science and technology.

Article 5 People's governments at various levels shall give moral encouragement or material awards to units and individuals who make outstanding contributions to the increase and protection of fishery resources, to development of fishery production, or to research in fishery science and technology.

Article 6 The department of fishery administration under the State Council shall be in charge of the administration of fisheries throughout the country. Departments of fishery administration under people's governments at or above the county level shall be in charge of fisheries in their respective areas. These departments shall be authorized to set up fishery superintendency agencies in important fishing areas and fishing ports.

Departments of fishery administration under people's governments at or above the county level and their fishery superintendency agencies may appoint fishery inspectors who will carry out assignments that those departments and agencies entrust to them.

Article 7 State superintendence of fisheries shall operate under the principle of unified leadership and decentralized administration.

Marine fishery shall be under the superintendence of departments of fishery administration under the people's governments of provinces, autonomous regions and centrally-administered municipalities contiguous to the sea, with the exception of those sea areas and fishing grounds with specially designated fishery resources that the State Council has put under direct administration of its fishery department and subordinate fishery superintendency agencies.

Fishery in rivers and lakes shall be subject to the superintendence of the departments of fishery administration under the relevant people's governments at or above the county level in accordance with administrative divisions. Fishery administration for water areas that straddle several administrative divisions shall be decided by the relevant people's governments at or above the county level through consultation or placed under departments

of fishery administration of people's governments at the next higher level and their subordinate fishery superintendency agencies.

Article 8 Foreigners and foreign fishing vessels must obtain permission from the relevant department under the State Council before entering the territorial waters of the People's Republic of China to carry on fishery production or investigations of fishery resources, and must abide by this Law and other related laws and regulations of the People's Republic of China. If those persons and vessels belong to countries that have signed relevant accords or agreements with the People's Republic of China, their activities shall be conducted in accordance with those accords or agreements.

State fishery administration and fishing port superintendency agencies shall exercise administrative and supervisory authority over external relations pertaining to fisheries and fishing ports.

Article 9 Neither the department in charge of fishery administration as well as its institutions for the supervision and administration of fishery nor their staff shall participate or be engaged in the activities of fishery production and operation.

CHAPTER II AQUACULTURE

Article 10 The state shall encourage units under ownership by the whole people, units under collective ownership and individuals to make the best use of suitable water surfaces and tidal flats to develop aquaculture.

Article 11 The State shall make united programming on utilization of water areas, and determine which water areas and beaches may be utilized for aquatic breeding industry. Where a unit or an individual uses a water area or beach with ownership by the whole people which is determined by the State programming to be used for aquatic breeding industry, the user shall apply to the department in charge of fishery administration of the local people's government at the county level or above for the aquatic breeding certificate which shall be checked and issued by the people's government at the same level. With this certificate, the user is permitted to be engaged in aquatic breeding production in the said water area or beach. Specific measures for the check and issuance of aquatic breeding certificates shall be stipulated by the State Council.

Water areas and beaches with collective ownership or with ownership by the whole people but used by the agricultural collective business organization may be individually or collectively contracted for aquatic breeding production.

Article 12 The local people's government at the county level or above shall give precedence to the local fishery producers while checking and issuing aquatic breeding certificates.

Article 13 In case any dispute arises between the parties due to the aquatic breeding production with a water area or beach determined by the State programming to be used for aquatic breeding industry, it shall be handled in accordance with the procedures stipulated in relevant laws. Before the dispute is settled, neither party shall destroy the aquatic breeding production.

Article 14 Where a water area or beach with collective ownership is requisitioned for use for

State construction, it shall be handled in accordance with the provisions relating to the requisition of land in the Law of the People's Republic of China on Administration of Land.

Article 15 The local people's government at the county level or above shall take measures to strengthen its protection on the production bases of commercial fish and the key water areas for aquatic breeding in the suburban areas of the city.

Article 16 The state encourages and supports the breeding, cultivation and popularization of good aquatics. No new aquatic may be popularized unless it has been examined and approved by the National Committee for Examination and Approval of Original Breeding and Good Breeding and has been announced by the fishery administrative department of the State Council.

The import and export of aquatic fingerlings shall be examined and approved by the department in charge of fishery administration of the State Council or of the provincial, autonomous regional, municipal people's governments.

The production of aquatic fingerlings shall be examined and approved by the department in charge of fishery administration of the local people's government at the county level or above, except for the aquatic fingerlings cultivated or used by the fishery producers themselves.

Article 17 Quarantine must be executed for the import and export of aquatic fingerlings in order to prevent disease from passing into or out of the territory. Specific quarantine work shall be carried out in accordance with the provisions in the laws and administrative regulations on the quarantine of animals and plants imported and exported.

The safety for imported transgenosis aquatic fingerlings must be evaluated. Specific administration shall be carried out in accordance with relevant provisions of the State Council.

Article 18 The department in charge of fishery administration of the local people's government at the county level or above shall strengthen technical guidance and disease prevention for the aquatic breeding production.

Article 19 Baits or feedstuff containing poisonous or harmful substances shall not be used in the aquatic breeding production.

Article 20 In the aquatic breeding production, the ecological environment of water areas shall be protected, and the aquatic breeding density shall be scientifically determined, baits be reasonably cast, fertilizer be reasonably thrown, and medicament be reasonably used. The water areas shall not be polluted.

CHAPTER III FISHING

Article 21 The State takes measures in finance, credit and taxation to encourage and support the development of ocean fishery industry, and arranges continental-river and inshore fishing according to the fishable amount of the fishery resources.

Article 22 The State determines the total fishable amount of the fishery resources and implements fishing quota system in accordance with the principle that the fishing amount shall be lower than the increasing amount of the fishery resources. The department in charge of fishery administration of the State Council shall be responsible for organizing the

investigation and evaluation of fishery resources, and provide scientific basis for the implementation of the fishing quota system. The total amount of the fishing quota for inland seas, territorial seas, exclusive economic zones and other jurisdictional seas of the People's Republic of China shall be determined by the department in charge of fishery administration of the State Council, and shall be distributed and reported to the governments level by level after it is submitted to and approved by the State Council. The total amount of the fishing quota for important rivers and pools determined by the State shall be determined by relevant provincial, autonomous regional, municipal people's governments or determined through consultation, and shall be distributed and reported level by level. The distribution of the total amount of the fishing quota shall embody the principle of fairness and justness. The distribution methods and distribution results must be open to the society and be supervised. The department in charge of fishery administration of the State Council and of the provincial, autonomous regional, municipal people's governments shall strengthen its supervision and inspection on the implementation of the fishing quota system. For the amount which exceed the fishing quota target required by the upper level, the said department shall check and reduce its fishing quota of the next year.

Article 23. The State implements fishing license system on fishery industry.

Fishing licenses for fishing operations in the jointly managed fishery zones defined in the agreements concluded between the People's Republic of China and the relevant countries or on the high seas shall be granted by the fishery administrative department of the State Council. Fishing licenses for marine fishing with large trawlers and purse seines shall be granted by the fishery administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. Fishing licenses for other operations shall be granted by the fishery administrative departments of the local people's governments at or above the county level; however, fishing licenses granted for marine operations may not exceed the control figures for vessels and fishing gears specified by the state, and the specific measures shall be developed by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Fishing licenses may not be sold, leased or transferred by other illegal means, and they may not be altered.

Fishing operations on jurisdictional seas of other countries shall be approved by the department in charge of fishery administration of the State Council, and abide by relevant treaties and agreements concluded or acceded to by the People's Republic of China and the laws of relevant countries.

Article 24 A fishing license may be issued to the applicant only if he fulfills the following conditions:

- (1) he has the fishing vessel inspection certificate;
- (2) he has the fishing vessel registration certificate;
- (3) he fulfills other conditions stipulated by the department in charge of fishery administration

of the State Council.

The fishing certificates approved and issued by the department in charge of fishery administration of the local people's government at the county level or above shall fit in with the fishing quota target required by the department in charge of fishery administration of the people's government at the upper level.

Article 25 The unit or individual engaged in fishing operation must operate in accordance with the provisions in the fishing license on type of operation, location, time limit, quantity of fishing facilities and fishing quota, and abide by relevant provisions of the State on the protection of fishery resources. Large scale fishing vessels shall keep fishing logs.

Article 26 Vessels that are produced, rebuilt, purchased and imported for shipping operation must be inspected and proved qualified by the fishing vessel inspection department before it is launched for operation. Specific measures shall be stipulated by the State Council.

Article 27 The construction of fishing harbors shall abide by the State's united programming, and the principle of benefiting the investors shall be implemented. The local people's government at the county level or above shall strengthen its supervision and administration on the fishing harbors located in its own administrative region, and maintain the normal order of these fishing harbors.

CHAPTER IV INCREASE AND PROTECTION OF FISHERY RESOURCES

Article 28 Departments of fishery administration under the people's governments at and above the county level shall work out overall plans and take measures to increase fishery resources in the fishery waters under their jurisdiction. These departments may collect fees from the units and individuals profited by the use of such waters and devote the money thus collected to the increase and protection of fishery resources. The procedures for collecting such fees shall be formulated by the department of fishery administration and the department of finance under the State Council, and must be approved by the State Council before going into effect.

Article 29 The State protects germ plasm resources of aquatic products and their surviving environment, and establishes preservation areas for germ plasm resources of aquatic products in the main regions where germ plasm resources of aquatic products with high economic value and heredity and breeding value can grow and breed. No unit or individual shall be engaged in fishing activities in the preservation areas for germ plasm resources of aquatic products without the approval by the department in charge of fishery administration of the State Council.

Article 30 Such methods of destroying fishery resources as killing fish by explosion, with poison or with electricity, etc. are prohibited for fishing. It is prohibited to produce, sell or use banned fishing facilities. It is prohibited to go fishing in the banned fishing areas or within the banned fishing periods. It is prohibited to go fishing with nets smaller than the smallest size of mesh. The undersized fish among the fishing gains shall not exceed the stipulated proportion. It is prohibited to sell illegally fished fishing gains in the banned fishing areas or within the banned fishing periods.

The varieties of fishery resources under key protection as well as their fishable standards, the banned fishing areas and the banned fishing periods, fishing facilities and fishing methods prohibited to be used, the smallest size of mesh, and other measures to protect fishery resources shall be stipulated by the department in charge of fishery administration of the State Council or of the provincial, autonomous regional, municipal people's governments.

Article 31 Catching fry of aquatic animals of important economic value shall be prohibited. Catching fry of aquatic animals of important economic value or spawning aquatic animals under protection for artificial breeding or for other special purposes must be approved by the department of fishery administration under the State Council or by departments of fishery administration under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and it must be conducted in the designated areas and times and strictly in accordance with the quotas assigned.

Measures shall be adopted to protect fry of aquatic animals when channeling or using water from water areas that specialize in producing such fry.

Article 32 When building sluices and dams which will have serious effects on fishery resources on the migration routes of fish, shrimp and crabs, the construction units must build fish passages or adopt other remedial measures.

Article 33 For water bodies that are used for fisheries and also serve the purposes of water storage and regulation and irrigation, the departments concerned shall fix the lowest water level required for fishery.

Article 34 It shall be forbidden to reclaim land from lakes. Without approval from a people's government at or above the county level, it shall not be allowed to enclose tidal flats for cultivation and no one shall be allowed to reclaim land from water areas that are used as major seedling producing centres and aquatic breeding grounds.

Article 35 To conduct underwater explosions, exploration and construction that may have serious effects on fishery resources, the construction units shall consult in advance with the department of fishery administration under the relevant people's government at or above the county level and take measures to prevent or minimize the damage to fishery resources. In case any damages to fishery resources occur therefrom, the relevant people's government at or above the county level shall order the responsible party to pay compensation.

Article 36 The people's governments at all levels shall take measures to protect and improve the ecological environment of fishery water areas, prevent and cure pollution.

The supervision and administration of the ecological environment of fishery water areas as well as the investigation and treatment of fishery pollution accidents shall be executed in accordance with relevant provisions in the Law of the People's Republic of China on the Protection of Sea Environment and the Water Pollution Prevention and Control Law of the People's Republic of China.

Article 37 The State carries out key protection on aquatic wild animals which are valuable or in severe danger such as white-flag dolphins, etc. in order to prevent them from dying out. It is prohibited to fish and kill, or hurt the aquatic wild animals under the State's key protection.

Where it is needed to fish the aquatic wild animals under the State's key protection due to scientific research, domestication and breeding, exhibition or other special circumstances, it shall be executed in accordance with the provisions in the Law of the People's Republic of China on the Protection of Wild Animals.

CHAPTER V LEGAL LIABILITY

Article 38 Where the methods of destroying fishery resources such as killing fish by explosion, with poison or with electricity, etc. are used for fishing, the provisions on banned fishing areas or banned fishing periods are violated in fishing, or banned fishing facilities, fishing methods or nets smaller than the smallest size of mesh are used for fishing, or the undersized fish among the fishing gains exceeds the stipulated proportion, the fishing gains and illegal proceeds shall be confiscated, and a fine of 50,000 yuan or less shall be imposed; if the case is serious, the fishing facilities shall be confiscated and the fishing license shall be revoked; if the case is particularly serious, the fishing vessel may be confiscated; if such acts constitute an offence, criminal liabilities shall be investigated in accordance with the law. The department in charge of fishery administration of the local people's government at the county level or above shall timely investigate and dispose of the acts of selling illegally fished fishing gains in the banned fishing areas or within the banned fishing periods.

Where fishing facilities prohibited to be used are produced or sold, the illegally produced or sold fishing facilities and the illegal proceeds shall be confiscated, and a fine of 10,000 yuan or less shall be imposed.

Article 39 For anyone who steals or loots the aquatic products bred by others or destroy the breeding water or breeding facilities of others, he shall be ordered to remedy his acts, and may be imposed a fine of 20,000 yuan or less; if such acts cause any damage to others, he shall bear the compensation liability in accordance with the law; if such acts constitute an offence, criminal liabilities shall be investigated in accordance with the law.

Article 40 Where a water area or beach with ownership by the whole people used for aquatic breeding production lies waste for one year or longer without any justifiable reason, the authority which issues the aquatic breeding certificate shall order the user to develop and utilize it within a time limit; should the user fail to develop and utilize it within the time limit, his aquatic breeding certificate shall be revoked, and a fine of 10,000 or less may also be imposed.

For anyone who is engaged in aquatic breeding production in a water area with ownership by the whole people without permission before obtaining the aquatic breeding certificate in accordance with the law, he shall be ordered to remedy his acts, and re-apply for the aquatic breeding certificate or dismantle the aquatic breeding facilities within a time limit.

For anyone who is engaged in aquatic breeding production in a water area with ownership by the whole people before obtaining the aquatic breeding certificate in accordance with the law or who exceeds the permitted fishing scope in the aquatic breeding certificate, thus hinders water carriage or flood drainage, he shall be ordered to dismantle the aquatic breeding facilities within a time limit, and may be imposed a fine of 10,000 yuan or less.

Article 41 For anyone who goes fishing without permission before obtaining the fishing license in accordance with the law, the fishing gains and illegal proceeds shall be confiscated, and a fine of 100,000 yuan or less shall be imposed; if the case is serious, the fishing facilities and the fishing vessel may also be confiscated.

Article 42 For anyone who goes fishing by violating the provisions in the fishing license on type of operation, location, time limit, quantity of fishing facilities, the fishing gains and illegal proceeds shall be confiscated, and a fine of 50,000 yuan or less may also be imposed; if the case is serious, the fishing facilities may also be confiscated and the fishing license be revoked.

Article 43 Where the fishing license is altered, bought, sold, leased or otherwise transferred, the illegal proceeds shall be confiscated, and the fishing license be revoked, and a fine of 50,000 yuan or less may also be imposed; where the acts of forging, mutilating, buying or selling the fishing license constitute an offence, criminal liabilities shall be investigated in accordance with the law.

Article 44 Where the aquatic fingerlings are illegally produced, imported or exported, the fingerlings and illegal proceeds shall be confiscated, and a fine of 50,000 yuan or less shall be imposed.

For anyone who is engaged in feeding aquatic fingerlings without being examined, determined and approved, he shall be ordered to stop the operation immediately, the illegal proceeds shall be confiscated, and a fine of 50,000 yuan or less may also be imposed.

Article 45 For anyone who is engaged in fishing activities in an preservation area for germ plasm resources of aquatic products without permission, he shall be ordered to stop fishing immediately, the fishing gains and fishing facilities shall be confiscated, and a fine of 10,000 yuan or less may also be imposed.

Article 46 Where a foreigner or a foreign fishing vessel violates the provisions in this Law by entering the jurisdictional water areas of the People's Republic of China to be engaged in fishery production or activities for investigation of fishery resources, he/it shall be ordered to leave or be banished, the fishing gains and fishing facilities may be confiscated, and a fine of 500,000 yuan or less may also be imposed; if the case is serious, the fishing vessel may be confiscated; if such acts constitute an offence, criminal liabilities shall be investigated in accordance with the law.

Article 47 For anyone who destroys the ecological environment of fishery water areas or causes any fishery pollution accident, his legal liabilities shall be investigated in accordance with the provisions in the Law of the People's Republic of China on the Protection of Sea Environment and the Water Pollution Prevention and Control Law of the People's Republic of China.

Article 48 The administrative penalties provided in this Law shall be decided by the department in charge of fishery administration of the people's government at the county level or above as well as its institutions for the supervision and administration of fishery, except that this Law has already provided the penalty authority.

Where, in the execution of law on the sea, there are clear facts and sufficient evidence for the acts of fishing by violating the provisions on banned fishing areas or banned fishing periods or by using banned fishing facilities, fishing methods, and the acts of fishing without obtaining the fishing license, but the administrative penalty decision cannot be made or enforced in presence in accordance with legal procedures, the fishing license, fishing facilities or fishing vessel may be temporarily distrained in advance, and the administrative penalty decision shall be made and enforced in the harbor in accordance with law.

Article 49. Where the department in charge of fishery administration and its institutions for the supervision and administration of fishery as well as their staff violate the provisions in this Law in checking and issuing licenses, distributing fishing quota or in the activities of fishery production and operation, or conduct other acts of neglecting their duty and not performing the legal obligations, abusing the administrative power, practicing fraudulence for personal interests, they shall be subject to administrative sanctions in accordance with the law; if such acts constitute an offence, criminal liabilities shall be investigated in accordance with the law.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 50 This Law shall come into force as of July 1, 1986.

9. Law of the People's Republic of China on Ports

(Adopted at the Third Session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on June 28, 2003, and amended in accordance with the Decision on Amending the Seven Laws Including the Law of the People's Republic of China on Ports adopted at the Third Session of the Twelfth National People's Congress on April 24, 2015; and amended for the second time in accordance with the Decision of the National People's Congress on Amending Eleven Laws including the Accounting Law of the People's Republic of China at the 30th Session of the Standing Committee of the Twelfth National People's Congress of the People's Republic of China on November 4, 2017)

Chapter I General Provisions

Article 1 The present Law is enacted with a view to strengthening the administration of ports, maintaining the safety and business order of ports, protecting the lawful rights and interests of the parties, and promoting the construction and development of ports.

Article 2 Whoever engages in port planning, construction, maintenance, business operation, management and the related activities shall be governed by the present Law.

Article 3 Port mentioned in the present Law means an area composed of a certain scope of water area and land area, which has the functions for vessels to enter and exit, to berth, to anchor, for passengers to embark and disembark, and for goods to be loaded and unloaded, lightered, stored, etc., and which has the corresponding wharf facilities.

A port may be composed of one or more port areas.

Article 4 The State Council and the relevant local people's government at the county level

or above shall embody the requirements on development and planning of ports in the plans on national economy and social development, and lawfully protect and reasonably utilize port resources.

Article 5 The State encourages domestic and foreign economic organizations and individuals to lawfully invest to construct and operate ports, and protects the lawful rights and interests of the investors.

Article 6 The administrative department of communications under the State Council shall be in charge of the affairs on ports throughout the country.

The administration by the local people's government of the ports within its own jurisdiction shall be determined in accordance with the provisions of the State Council on port administration system.

In accordance with the port administration system determined in the preceding paragraph, for any port under the administration of the people's government of the city or county where the port is located, the people's government of the city or county shall determine a department to specifically administer it; for any port under the administration of the people's government of the province, autonomous region or municipality directly under the Central Government, the people's government of the province, autonomous region or municipality directly under the Central Government shall determine a department to specifically administer it.

The departments determined in accordance with the preceding paragraph to specifically administer ports are hereinafter uniformly referred to as the administrative department of port.

Chapter II Port Planning and Construction

Article 7 A port planning shall be worked out in light of the requirements on national economy and social development as well as the needs in national defense building, embody the principle of reasonably utilizing coastline resources, conform to the planning of urban system, and be connected and in line with the overall planning on land utilization, the overall city planning, the planning of river valleys, the planning on prevention and control of floods, the divisions of maritime functions, the development planning on transportation by water and the development planning on other methods of transportation as well as other relevant planning prescribed in laws and administrative regulations.

The department that works out the port planning shall invite experts to hold a demonstration, and an appraisal on environmental influence shall be made in accordance with the law.

Article 8 Port planning includes distribution planning of ports and overall planning of a port. Distribution planning of ports means the distribution planning concerning ports, including the distribution planning of ports nationwide and of ports in provinces, autonomous regions and municipalities directly under the Central Government.

Overall planning of a port means the specific planning of one port during a certain period, including the scope of water area and land area of the port, the division of port areas, the handling capacity and the types of vessels to the port, the nature and functions of the port,

the use of the water area and land area, the construction of port facilities and the use of coastline, the allocation of the land for construction use, as well as the order of construction by stages, etc.

The overall planning of a port shall conform to the distribution planning of ports.

Article 9 The distribution planning of ports nationwide shall be worked out by the administrative department of communications under the State Council after it has sought opinions from the relevant department under the State Council and the relevant military organ, and be submitted to the State Council for approval before promulgation and implementation.

The distribution planning of ports in a province, autonomous region or municipality directly under the Central Government shall be worked out upon the arrangement by the people's government of the province, autonomous region or municipality directly under the Central Government according to the distribution planning of ports nationwide, and be submitted to the administrative department of communications under the State Council for its opinions. If the administrative department of communications under the State Council fails to render any amendment opinion at the expiry of 30 days as of the receipt of the materials for opinions, the distribution planning of ports shall be promulgated by the relevant people's government of the province, autonomous region or municipality directly under the Central Government for implementation; if the administrative department of communications under the State Council considers that the said planning does not conform to the distribution planning of ports nationwide, it shall, within 30 days as of the receipt of the materials for opinions, render its amendment opinions; if the people's government of the relevant province, autonomous region or municipality directly under the Central Government does not agree to the amendment opinions, it shall report to the State Council for decision.

Article 10 The overall planning of a port shall be worked out by the administrative department of port after it has sought opinions from the relevant department and the relevant military organ.

Article 11 The overall planning of a major port of important location, with large handling capacity, and of wide influence to economic development shall be approved and promulgated for implementation by the administrative department of communications under the State Council jointly with the people's government of the relevant province, autonomous region or municipality directly under the Central Government after it has sought opinions from the relevant department under the State Council and the relevant military organ. The directory of the major ports shall be determined and promulgated by the administrative department of communications under the State Council after it has sought opinions from the relevant department under the State Council.

The people's government of the province, autonomous region or municipality directly under the Central Government shall, after seeking opinions from the administrative department of communications under the State Council, determine the overall planning of the important ports in the region. The overall planning of an important port shall be approved and

promulgated for implementation by the people's government of the province, autonomous region or municipality directly under the Central Government after it has sought opinions from the administrative department of communications under the State Council.

The overall planning of the ports other than those prescribed in the preceding two paragraphs shall be promulgated for implementation after being approved by the people's government of the city or county where the port is located, and shall be submitted to the people's government of the province, autonomous region or municipality directly under the Central Government for record.

The overall planning worked out by the administrative department of port under the people's government of the city or county concerning a port prescribed in Paragraph 1 or 2 of the present article shall, prior to the submission for approval, be examined and consented to by the people's government at the same level.

Article 12 The amendment of a port planning shall be made according to the procedures for making the port planning.

Article 13 If the deep water coastline of a port needs to be used for the construction of port facilities within the port area under the overall planning, it shall be approved by the administrative department of communications under the State Council jointly with the economic comprehensive macro-control department under the State Council; if the non-deep water coastline needs to be used for the construction of port facilities, it shall be approved by the administrative department of port. However, if the coastline of a port needs to be used in a project approved by the State Council or the economic comprehensive macro-control department under the State Council for construction, no approval formalities for using the coastline need to be separately gone through.

The standards for the deep water coastline of a port shall be formulated by the administrative department of communications under the State Council.

Article 14 The construction of a port shall conform to the port planning. No port facilities shall be constructed in violation of the port planning.

Article 15 For a port construction project that must be approved by the relevant organ in accordance with the provisions of the State, approval formalities shall be gone through in accordance with the relevant provisions of the State, and the relevant standards and technical norms of the State shall be complied with.

For the construction of a port engineering project, the environmental influence appraisal shall be carried out in accordance with the law.

The safety facilities and environmental protection facilities of a port construction project must be designed, constructed and put into use simultaneously with the major engineering project.

Article 16 The use of land and water area for the construction of a port shall be subject to the relevant laws and administrative regulations on land administration, use and administration of sea area, river course administration, channel administration, protection and administration of military facilities as well as other relevant laws and administrative regulations.

Article 17 The work site of dangerous goods and the special place for sanitary disinfection at a port shall conform to the overall planning of the port and the relevant requirements of the State on safe production, fire prevention, inspection and quarantine as well as environmental protection. The distance of such a site or place to a densely populated area or to the passenger transport facilities of the port shall conform to the provisions of the relevant department under the State Council; it may not be constructed until relevant formalities have been undergone in accordance with the law.

Article 18 The navigation mark facilities and other auxiliary facilities shall be constructed simultaneously with the port, and must be put into use on time.

The construction of the work facilities for the relevant administrative institution within a port shall conform to the overall planning of a port, and the construction expenses shall not be apportioned from among the business operators of the port.

Article 19 After a project on construction of port facilities is completed, it may not be put into use until it has been inspected as qualified in accordance with the relevant provisions of the State.

The ownership of port facilities shall be determined in accordance with the relevant legal provisions.

Article 20 The relevant people's government at the county level or above shall guarantee the input of necessary funds for the construction and maintenance of such port infrastructures as public channels, breakwaters, anchorages, etc. The specific measures shall be prescribed by the State Council.

Article 21 The relevant people's government at the county level or above shall take measures to arrange for the construction of the facilities of channel, railway, highway, water supply and drainage, electricity supply, and communication, etc., which are auxiliary to the port.

Chapter III Business Operation of Ports

Article 22 Whoever intends to engage in the business operation of a port shall apply in writing to the administrative department of port for obtaining the permit for business operation of port, and shall make industrial and commercial registration in accordance with the law.

The administrative department of port shall, when granting the permit for business operation of port, comply with the principles of publicity, impartiality and fairness.

The business operation of a port includes the business operation of the wharf and of other port facilities, the business operation of port passenger transport services, the loading, unloading, lightering and storage of goods within the port area as well as the business operation of port tugs, etc.

Article 23 Whoever intends to obtain the permit for business operation of port shall have a fixed business place, the facilities, equipment, professionals and managers suitable for his business, and shall meet other conditions prescribed in laws and regulations.

Article 24 The administrative department of port shall, within 30 days as of the receipt of the written application prescribed in Paragraph 1 of Article 22 of the present Law, make a

decision in accordance with the law on whether to grant the permit. If it decides to grant the permit, it shall issue the permit for business operation of port; if it decides not to grant the permit, it shall notify the applicant in writing and inform the reason thereof.

Article 25 Whoever intends to operate the port tally business shall obtain the permit in accordance with the provisions. When granting the permit for port tally business operation, the principles of publicity, impartiality and fairness shall be complied with. The specific measures shall be prescribed by the administrative department of communications under the State Council.

A port tally business operator shall run the tally business impartially and accurately; and shall not concurrently engage in the business of loading and unloading goods or the business of storage prescribed in Paragraph 3 of Article 22 of the present Law.

Article 26 A business operator of port must, when engaging in business activities, abide by the relevant laws and regulations, and the relevant provisions of the administrative department of communications under the State Council on port working rules, and shall lawfully perform the obligations stipulated in the contract, and provide the clients with fair and good services.

An operator engaging in port passenger transport services shall take effective measures to guarantee the safety of the passengers, and provide the passengers with rapid and convenient services, as well as maintain a good environment for the passengers to wait for the ship.

The business operator of port shall, in accordance with the relevant laws and regulations on environmental protection, take effective measures to prevent and control the pollution and harmfulness to the environment.

Article 27 A business operator of port shall arrange in priority for the work on the goods and articles for emergency, those for provision of relief from disasters and those greatly needed in national defense building.

Article 28 A business operator of port shall announce at its business place the items and rates of the fees for its services; otherwise, such services shall not be provided.

If the business operational fees of a port are subject to government-guided price or government-set price in accordance with the law, the business operator of port shall implement the provisions.

Article 29 The State encourages and protects fair competition in the activities of business operation of port.

A business operator of port shall not commit any monopoly act or unfair competition act, and shall not force others by any means to accept the port services it provides.

Article 30 The business operators of port shall truthfully provide the statistical documents required by the administrative department of port in accordance with the Statistics Law of the People's Republic of China and the relevant administrative regulations.

The administrative department of port shall, in accordance with the relevant provisions of the State, report in good time the statistical documents submitted by the business operators

of port to the superior department, and maintain commercial secrets for the business operators of port.

Article 31 The lawful rights and interests of the business operators of port are protected by law. No entity or individual shall apportion expenses from among the business operators of port or violate the law to charge any fees, or illegally interfere in the decision-making power of the business operators of port on management affairs.

Chapter IV Port Safety and Supervision

Article 32 The business operator of port must, in accordance with the Production Safety Law of the People's Republic of China and other relevant laws and regulations as well as the relevant working rules of the administrative department of communications under the State Council on port safety, strengthen the management on safe production, set up and improve the rules and systems on liabilities for safe production, improve the conditions for safe production, take effective measures to guarantee safe production, so as to ensure the safe production.

A business operator of port shall make a scheme on meeting emergencies from its own accidents on dangerous goods, the scheme on emergency evacuation and rescue of passengers in case of any major accident on production safety, as well as the scheme on preventing natural disasters in accordance with the law, and shall guarantee and arrange for the implementation.

Article 33 The administrative department of port shall lawfully make the scheme on meeting emergencies from port accidents on dangerous goods which might endanger the public benefits, the scheme on emergency evacuation and rescue of passengers in case of any major accident on production safety, as well as the scheme on preventing natural disasters, set up and improve the system on meeting emergencies from and carrying out rescues for major port accidents on production safety.

Article 34 A vessel entering or exiting a port shall, in accordance with the relevant laws and administrative regulations on the safety of traffic by water, report to the maritime administrative institution. The maritime administrative institution shall, after the receipt of the report, inform the administrative department of port in time.

A vessel that carries dangerous goods to enter or exit a port shall, in accordance with the provisions of the administrative department of communications under the State Council, report the name, feature, and packing of the dangerous goods as well as the time of entry or exit to the maritime administrative institution. The maritime administrative institution shall, after the receipt of the report, make a decision on whether to consent within the time prescribed by the administrative department of communications under the State Council, notify the reporter, and inform the administrative department of port. However, for specified vessels, or vessels in specified navigation line or carrying specified goods, the report may be made regularly.

Article 35 Whoever loads or unloads dangerous goods or unloads dangerous goods by lightering within a port shall, in accordance with the provisions of the administrative

department of communications under the State Council, report the name, feature, and packing of the dangerous goods as well as the time and place of work to the administrative department of port. The administrative department of port shall, after the receipt of the report, make a decision on whether to consent within the time prescribed by the administrative department of communications under the State Council, notify the reporter, and inform the maritime administrative institution.

Article 36 The administrative department of port shall conduct supervision and inspection on the safe production at the ports in accordance with the law, and make special inspections on the wharfs where passengers embark and disembark densely and where goods are loaded and unloaded in a large quantity, or the wharfs for particular purposes; and shall, if finding any hidden trouble on safety during inspection, order the person/port under inspection to eliminate it immediately or within a time limit.

The departments responsible for supervision of safe production and other relevant departments shall, in accordance with the laws and regulations, conduct supervision and inspection on the safe production at ports within their respective scope of duties.

Article 37 It is prohibited to engage in breeding or planting activities within the water area of a port.

No one may engage at a port in excavation, blasting or other activities that may endanger the port safety; and if it is truly necessary to conduct such activities for project construction, corresponding safety protection measures shall be taken, and an application shall be submitted to the port administrative department for approval. The port administrative department shall notify the maritime administrative authority of the approval information in a timely manner, and the maritime administrative authority will no longer conduct examination in accordance with the relevant laws and administrative regulations on waterway traffic safety.

It is prohibited to dump soil or gravel to the water area of a port, or to violate the relevant laws and regulations on environmental protection to discharge poisonous or harmful substance that exceeds the prescribed standards.

Article 38 For any construction project of building a bridge, an underwater tunnel, a hydropower station, etc., which might affect the hydrological conditions of the port, the department responsible for approving the project shall, before examination and approval, seek opinions from the administrative department of port.

Article 39 In accordance with the relevant laws and administrative regulations on the safety of traffic by water, if a vessel entering or exiting a port has to be piloted, it shall apply to the pilotage institution for pilotage. The specific measures for pilotage shall be prescribed by the administrative department of communications under the State Council.

Article 40 When the passengers are held up or the goods are overstocked, and thus causing a jam to the port, the administrative department of port shall timely take effective measures to direct the flow of vessels in the port; the people's government of the city or county where the port is located may, when necessary, directly take measures to direct the flow of vessels

at the port.

Article 41 The administrative department of port shall arrange for the formulation of the articles of association of the port it administers, and announce them to the public.

The contents of the articles of association of a port shall include the statements on the geographical position of the port, conditions of the channel, depth of the water at the port, mechanical facilities, loading and unloading capacity, etc., as well as the specific measures for the port to implement the relevant laws and regulations on port administration and the relevant provisions of the administrative department of communications under the State Council.

Article 42 The administrative department of port shall, according to its powers and duties, supervise and inspect the enforcement of the present Law.

The supervision and inspection officers of an administrative department of port may, when conducting supervision and inspection in accordance with the law, have the right to know the relevant information from the inspected entity and the relevant persons, and may consult and copy the relevant documents.

The supervision and inspection officers shall keep confidential for the commercial secrets they know from inspection.

The supervision and inspection officers shall, when conducting supervision and inspection, show the law enforcement certificate.

Article 43 The supervision and inspection officers shall make written records on the time, place, contents of the supervision and inspection, the problems found and the settlement thereof, which shall be signed by the supervision and inspection officers and the responsible person of the inspected entity; if the responsible person of the inspected entity refuses to sign on the written records, the supervision and inspection officers shall record the case in the file, and report to the administrative department of port.

Article 44 The inspected entities and the relevant persons shall accept the supervision and inspection carried out by the administrative department of port in accordance with the law, truthfully provide the relevant information and documents, and shall not refuse the inspection or conceal or falsely report the relevant information and documents.

Chapter V Legal Liabilities

Article 45 In case of any of the following acts, the local people's government at the county level or above or the administrative department of port shall order the violator to make a correction within a time limit; if the violator fails to make a correction within the time limit, the organ making the decision on ordering for the correction within a time limit may apply to the people's court to compulsorily demolish the illegally built facilities; and may impose a fine of not more than 50,000 Yuan:

- (1) violating the port planning to construct a port, a wharf or other port facilities;
- (2) without being approved in accordance with the law, using the coastline of a port to construct port facilities.

If the approval department for construction projects approves any construction project in

violation of port planning, the directly responsible persons in charge and other directly liable persons shall be imposed upon administrative sanctions in accordance with the law.

Article 46 Where the distance from a work site of dangerous goods or a special place for sanitary disinfection at a port to a densely populated area or the passenger transport facilities at the port fails to comply with the provisions of the relevant departments of the State Council, the port administrative department shall order the violator to cease construction or use and take corrective action within a prescribed time limit, and may impose a fine of not more than 50,000 yuan on the violator.

Article 47 Whoever, without authorization, puts into use the loading and unloading facilities or the passenger transport facilities at a wharf or port which are not inspected as qualified, shall be ordered by the administrative department of port to cease the use and to make a correction within a time limit; he may be imposed upon a fine of not more than 50,000 Yuan in addition.

Article 48 In case of any of the following acts, the administrative department of port shall order the violator to cease the illegal business operation, and confiscate the illegal proceeds; if the illegal proceeds are no less than 100,000 Yuan, a fine of twice or more but 5 times or less of the illegal proceeds may be imposed in addition; if the illegal proceeds are less than 100,000 Yuan, a fine of not less than 50,000 Yuan but not more than 200,000 Yuan may be imposed:

- (1) engaging in the business operation of port without obtaining the permit for business operation of port in accordance with the law;
- (2) operating the port tally business without being permitted in accordance with the law;
- (3) a port tally business operator concurrently engages in the business of loading and unloading goods or the business of storage.

In case of the act in Item (3) of the preceding paragraph, if the case is serious, the relevant competent department shall suspend the violator's permit for port tally business operation.

Article 49 If a business operator of port does not arrange in priority for the work on the goods and articles for emergency, those for provision of relief from disasters and those greatly needed in national defense building, it shall be ordered by the administrative department of port to make a correction; if it causes serious consequences, its permit for business operation of port shall be suspended.

Article 50 If a business operator of port violates the relevant laws and administrative regulations to commit any monopoly act or unfair competition act in its business activities, it shall bear the legal liabilities in accordance with the relevant laws and administrative regulations.

Article 51 If a business operator of port violates Article 32 of the present Law on safe production, it shall be punished in accordance with the law by the administrative department of port or other department lawfully assuming the duties on supervision of safe production; if the case is serious, its permit for business operation of port shall be suspended by the administrative department of port, and its main responsible persons shall be imposed upon

sanctions in accordance with the law; if a crime is constituted, the operator's criminal liabilities shall be investigated for.

Article 52 If a vessel entering or exiting a port fails to report to the maritime administrative institution in accordance with Article 34 of the present Law, it shall be punished by the maritime administrative institution in accordance with the relevant laws and administrative regulations on the safety of traffic by water.

Article 53 Whoever loads or unloads dangerous goods or unloads dangerous goods by lightering within a port without reporting to the administrative department of port in accordance with the law and being consented to shall be ordered by the administrative department of port to cease the work, and be imposed upon a fine of not less than 5,000 Yuan but not more than 50,000 Yuan.

Article 54 Whoever engages in breeding or planting activities within the water area of a port shall be ordered by the maritime administrative institution to make a correction within a time limit; if he fails to make a correction within the time limit, his breeding or planting facilities shall be compulsorily dismantled, and the dismantling expenses shall be borne by himself; and he may be imposed upon a fine of not more than 10,000 Yuan.

Article 55 Whoever engages at a port in excavation, exploration or other activities that might endanger the port safety without being approved in accordance with the law, or dumps soil or gravel to the water area of a port, shall be ordered by the administrative department of port to cease the illegal acts, and to eliminate the hidden dangers on safety caused therefrom within a time limit; if he fails to eliminate the said hidden dangers within a time limit, it shall be eliminated compulsorily, and the expenses caused therefrom shall be borne by the violator; and a fine of not less than 5,000 Yuan but not more than 50,000 Yuan may be imposed; if, in accordance with the relevant laws and administrative regulations on the safety of traffic by water, the violator is to be punished by the maritime administrative institution, such provisions shall be complied with; if a crime is constituted, he shall be investigated for criminal liabilities.

Article 56 If the administrative department of communications, the administrative department of port or the maritime administrative institution, etc. does not perform its duties in accordance with the law, and commits any of the following acts, its directly responsible persons in charge and other directly liable persons shall be imposed upon administrative sanctions in accordance with the law; if a crime is constituted, they shall be investigated for criminal liabilities:

- (1) illegally approving a vessel to enter or exit a port by carrying dangerous goods, illegally approving the loading or unloading of dangerous goods or the unloading of dangerous goods by lightering within a port;
- (2) granting the permit for business operation of port or the permit for port tally business operation to an applicant failing to satisfy the statutory conditions;
- (3) after finding a business operator of port or a port tally business operator who has obtained the operational permit no longer satisfies the statutory conditions for permit, not timely

suspending its permit;

(4) not performing its duties of supervision and inspection in accordance with the law, and not investigating, in accordance with the law, the acts of constructing a port, a wharf or other port facilities in violation of the port planning, the acts of engaging in business operation of port or port tally business without being permitted in accordance with the law, the acts of not abiding by the provisions on the administration of safe production, the acts endangering the work safety at a port, and other acts in violation of the present Law.

Article 57 If an administrative organ illegally interfere in the decision-making power of the business operators of port on management affairs, it shall be ordered by its superior administrative organ or supervision organ to make a correction; if it apportioned properties from among the business operators of port or illegally charges any fees from them, it shall be ordered to return such properties and fees; if the case is serious, the directly responsible persons in charge and other directly liable persons shall be imposed upon administrative sanctions in accordance with the law.

Chapter VI Supplementary Provisions

Article 58 For the ports open to vessels sailing on international navigation lines, the relevant people's government of the province, autonomous region or municipality directly under the Central Government shall, in accordance with the relevant provisions of the State, negotiate with the relevant department under the State Council and the relevant military organ for consent, and then report them to the State Council for approval.

Article 59 The responsibility to administer fishery ports shall remain with the fishery administrative department under the people's government at the county level or above. The specific administrative measures shall be prescribed by the State Council.

Fishery ports mentioned in the preceding paragraph mean the artificial ports or natural harbors specially serving fishery production, for fishery vessels to berth, to take shelter from the wind, load and unload the catch from fishing, or to supplement goods and articles needed in fishing, including the special fishery wharfs at comprehensive ports, the special fishery water areas and the anchorages specially used for fishing vessels.

Article 60 The measures on construction and administration of military ports shall be prescribed by the State Council and the Central Military Commission.

Article 61 The present Law shall come into force on January 1, 2004.

10. Atmospheric Pollution Prevention and Control Law of the People's Republic of China

(Adopted at the 22nd session of the Standing Committee of the Sixth National People's Congress on September 5, 1987, amended according to the Decision on Amending the Atmospheric Pollution Prevention and Control Law of the People's Republic of China as adopted at the 15th session of the Standing Committee of the Eighth National People's Congress on August 29, 1995, revised for the first time at the 15th session of the Standing Committee of the Ninth National People's Congress on April 29, 2000, and revised for the

second time at the 16th session of the Standing Committee of the Twelfth National People's Congress on August 29, 2015)

Chapter I General Provisions

Article 1 This Law is developed for the purpose of protecting and improving the environment, preventing and controlling atmospheric pollution, safeguarding the health of the general public, enhancing ecological civilization, and promoting the sustainable development of economy and society.

Article 2 Atmospheric pollution prevention and control shall aim at improving the quality of the atmospheric environment, adhere to regulation from the source, make plans first, transform the economic development mode, optimize industry structure and layout, and adjust the energy structure.

Atmospheric pollution prevention and control shall strengthen the prevention and control of atmospheric pollution from coal, industry, motor-driven vehicles and vessels, dust, and agriculture, promote joint prevention and control of regional atmospheric pollution, and conduct cooperative control of atmospheric pollutants and greenhouse gas such as particles, sulfur dioxide, nitrogen oxide, volatile organic compounds, and ammonia, etc.

Article 3 The people's governments at and above the county level shall include atmospheric pollution prevention and control in the national economic and social development planning and increase financial support for it.

The local people's governments at all levels shall be responsible for the quality of the atmospheric environment of their respective administrative regions, make plans, take measures, control or gradually reduce the discharge of atmospheric pollutants, and make the atmospheric environment quality reach the prescribed standards and gradually improve it.

Article 4 The environmental protection administrative department under the State Council shall, jointly with other relevant departments under the State Council, evaluate the provinces, autonomous regions and municipalities directly under the Central Government regarding the achievement of goals of improving the quality of atmospheric environment and the completion of key atmospheric pollution prevention and control tasks. The people's governments of each province, autonomous region and municipality directly under the Central Government shall evaluate the achievement of goals of improving the quality of atmospheric environment and the completion of key atmospheric pollution prevention and control task within their respective administrative regions. The evaluation results shall be made available to the general public.

Article 5 The environmental protection administrative departments of the people's governments at and above the county level shall oversee and regulate the atmospheric pollution prevention and control in a unified way.

Other relevant departments of the people's governments at and above the county level shall oversee and regulate the atmospheric pollution prevention and control within the scope of their functions.

Article 6 The state encourages and supports the scientific and technological research of atmospheric pollution prevention and control, analyzes the sources and development trends of atmospheric pollution, promotes the use of advanced and applicable technologies and equipment for atmospheric pollution prevention and control, enhances the transformation of scientific and technological achievements, and gives play to the supporting role of science and technology in atmospheric pollution prevention and control.

Article 7 Enterprises, public institutions, and other business entities shall take effective measures to prevent or reduce atmospheric pollution and shall assume legal responsibility for the damage they have caused.

Citizens shall increase their awareness of protecting the atmospheric environment, take to low-carbon and economical lifestyles, and voluntarily fulfill their obligations of protecting the atmospheric environment.

Chapter II Atmospheric Pollution Prevention and Control Standards and Plans for Reaching Standards within the Prescribed Time

Article 8 When developing atmospheric environment quality standards, the environmental protection administrative department under the State Council or the people's government of a province, autonomous region or municipality directly under the Central Government shall aim at safeguarding the public health and protecting the ecological environment, adapt to economic and social development, and ensure that they are scientific and reasonable.

Article 9 When developing atmospheric pollutant discharge standards, the environmental protection administrative department under the State Council or the people's government of a province, autonomous region or municipality directly under the Central Government shall take [atmospheric environment quality standards](#) and the economic and technical conditions of the state as basis.

Article 10 In the development of atmospheric environment quality standards and atmospheric pollutant discharge standards, it is required to organize experts for examination and demonstration and solicit the opinions of relevant authorities, industry associations, enterprises, public institutions, and the general public.

Article 11 The environmental protection administrative department of a people's government at or above the provincial level shall publish atmospheric environment quality standards and atmospheric pollutant discharge standards on its website for the access of the general public and download free of charge.

Article 12 The implementation of atmospheric environment quality standards and atmospheric pollutant discharge standards shall be evaluated on a regular basis, and revisions shall be made according to the evaluation results when necessary.

Article 13 In the development of quality standards for products containing volatile organic compounds, such as coal, petroleum coke, biomass fuel, and coatings, fireworks and firecrackers, boilers, etc., the atmospheric environment protection requirements shall be specified.

Fuel quality standards shall comply with the atmospheric pollutant control requirements of

the state and shall be consistent and simultaneously implemented with the atmospheric pollutant discharge standards of the state for motor-driven vehicles and vessels and non-road mobile machinery.

The term “non-road mobile machinery” as mentioned in the preceding paragraph means mobile machines and transportable industrial equipment with engines.

Article 14 The people's governments of cities failing to reach the national atmospheric environment quality standards shall timely make plans for reaching atmospheric environment quality standards within the prescribed time and take measures to reach atmospheric environment quality standards within the time limit specified by the State Council or the provincial people's governments.

In the making of plans for reaching atmospheric environment quality standards within the prescribed time, it is required to solicit the opinions of relevant industry associations, enterprises, public institutions, experts, and the general public.

Article 15 A plan made for a city to reach atmospheric environment quality standards within a prescribed time shall be made public. The plan made for a municipality directly under the Central Government or a districted city for reaching atmospheric environment quality standards within a prescribed time shall be submitted to the environmental protection administrative department under the State Council for recordation.

Article 16 When reporting the environment condition and the achievement of environmental protection goals to the people's congress at the same level or the standing committee thereof, the people's government of a city shall report the implementation of the plan for reaching atmospheric environment quality standards within the prescribed time and shall make such information available to the public.

Article 17 The plan of a city to reach atmospheric environment quality standards within the prescribed time shall be evaluated and revised according to the atmospheric pollution prevention and control requirements and the economic and technical conditions when necessary.

Chapter III Supervision and Administration of Atmospheric Pollution Prevention and Control

Article 18 When building projects that have an impact on atmospheric environment, enterprises, public institutions, and other business entities shall conduct environmental impact assessments and publish the environmental impact assessment documents according to the law; when discharging pollutants to the atmosphere, they shall conform to the atmospheric pollutant discharge standards and abide by the total quantity control requirements for the discharge of key atmospheric pollutants.

Article 19 Enterprises and public institutions discharging industrial waste gases or the toxic or hazardous atmospheric pollutants listed in the catalogue specified in Article 78 of this Law, business entities using coal heat sources for central heating facilities, and other entities subject to pollutant discharging licensing administration shall obtain a pollutant discharge license. The specific measures and implementation steps for pollutant discharge licensing

shall be determined by the State Council.

Article 20 Enterprises, public institutions, and other business entities discharging pollutants to the atmosphere shall set atmospheric pollutant discharge outlets according to the laws, regulations, and the provisions of the environmental protection administrative department under the State Council.

It is prohibited to discharge atmospheric pollutants by means of evading supervision such as secretly discharging pollutants, altering or forging monitoring data, suspending production for the purpose of evading on-site inspection, opening emergency discharge channels under non-emergent situations, or operating atmospheric pollution prevention and control facilities in an abnormal manner.

Article 21 The state exercises total volume control over the discharge of key atmospheric pollutants.

The total volume control targets for the discharge of key atmospheric pollutants shall be reported by the environmental protection administrative department under the State Council, after soliciting the opinions of relevant departments under the State Council and the people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government, together with the general administrative department of economics under the State Council to the State Council for approval before being assigned for implementation.

The people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government shall, according to the total volume control targets assigned by the State Council, control or cut the total discharge volume of key atmospheric pollutants in their respective administrative regions.

The specific measures for determining and disassembling the total volume control targets shall be developed by the environmental protection administrative department under the State Council together with relevant departments under the State Council. The people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government may, in view of the atmospheric pollution prevention and control needs in their respective administrative regions, exercise total volume control over the discharge of atmospheric pollutants other than those under the intensified supervision of the state.

The state will gradually promote the trading of the right to discharge key atmospheric pollutants.

Article 22 For an area which exceeds the state's total discharge volume control indicators of key atmospheric pollutants or fails to achieve the atmospheric environmental quality objectives assigned by the state, the environmental protection administrative department of the people's government at or above the provincial level shall hold interviews with the chief person-in-charge of the people's government of the area together with relevant departments, and suspend the procedures for approving the environmental impact assessment documents on construction projects in the area that will increase the total discharge volume of key atmospheric pollutants. The interview process shall be made open to the public.

Article 23 The environmental protection administrative department under the State Council shall be responsible for developing atmospheric environmental quality and atmospheric pollution source monitoring and assessment norms, organizing the building of and managing the national atmospheric environmental quality and atmospheric pollution source monitoring net, organizing atmospheric environmental quality and atmospheric pollution source monitoring activities, and releasing information about the national atmospheric environmental quality condition in a unified way.

The environmental protection administrative department of a local people's government at or above the county level shall be responsible for organizing the building of and managing the atmospheric environmental quality and atmospheric pollution source monitoring net for the administrative region, conducting atmospheric environmental quality and atmospheric pollution source monitoring, and releasing information about atmospheric environmental quality condition in the administrative region in a unified way.

Article 24 Enterprises, public institutions, and other business entities shall, according to relevant provisions and monitoring norms of the state, monitor the industrial waste gases and the toxic and hazardous atmospheric pollutants listed in the catalogue mentioned in Article 78 of this Law they have discharged, and preserve the original monitoring records. In particular, pollutant discharging entities under intensified supervision shall install and use automatic atmospheric pollutant discharge monitoring equipment, stay connected to the monitoring equipment of the environmental protection administrative departments, ensure the normal functioning of the monitoring equipment, and publish the discharge information according to law. The specific measures for monitoring and the conditions for pollutant discharging entities under intensified supervision shall be determined by the environmental protection administrative department under the State Council.

The list of pollutant discharging entities under intensified supervision shall be determined by the environmental protection administrative department of the local people's government at or above the level of districted city by consulting relevant departments in view of the atmospheric environmental carrying capacity, the total discharge volume control indicators for key atmospheric pollutants, and the variety, quantity, and concentration of the atmospheric pollutants discharged by pollutant discharging entities in the administrative region and shall be made public.

Article 25 Pollutant discharging entities under intensified supervision shall be responsible for the veracity and accuracy of automatic monitoring data. If discovering any unusual circumstance in the data transmission of the automatic atmospheric pollutant discharge monitoring equipment of any pollutant discharging entity under intensified supervision, the environmental protection administrative department shall conduct an investigation in a timely manner.

Article 26 It is prohibited to misappropriate, destroy, move or alter without approval atmospheric environment quality monitoring equipment or automatic atmospheric pollutant discharge monitoring equipment.

Article 27 The state shall apply an elimination system to the techniques, equipment, and products that cause serious pollution to the atmospheric environment.

The general administrative department of economics under the State Council shall, together with other relevant departments under the State Council, determine the time limits for elimination of the techniques, equipment, and products that cause serious pollution to the atmospheric environment and include them in the catalogue of comprehensive industrial policies of the state.

Producers, importers, distributors, and users shall stop producing, importing, selling or using the equipment and products in the catalogue as mentioned in the preceding paragraph within the prescribed time limits. Technique adopters shall stop adopting the techniques listed in the catalogue as mentioned in the preceding paragraph within the prescribed time limits.

Eliminated equipment and products shall not be transferred to anyone else for use.

Article 28 The environmental protection administrative department under the State Council shall, together with other relevant departments, establish an atmospheric pollution damage assessment system and improve it.

Article 29 Environmental protection administrative departments, the environmental supervision institutions authorized by them, and other departments with environmental protection regulatory functions shall have the authority to, by means of on-site inspection and monitoring, automatic monitoring, remote sensing monitoring, and remote infra-red photographing, oversee and inspect the enterprises, public institutions, and other business entities that discharge atmospheric pollutants. Entities under inspection shall honestly provide relevant information and necessary materials. Inspecting departments or institutions and the staff members thereof shall keep confidential the trade secrets of the entities under inspection.

Article 30 For enterprises, public institutions, and other business entities that discharge atmospheric pollutants in violation of any law or regulation, if it has caused or is likely to cause serious atmospheric pollution, or relevant evidence is likely to be destroyed or concealed, the environmental protection administrative departments of the people's governments at and above the county level and other departments with environmental protection regulatory functions may seize, impound or take other compulsory administrative measures for relevant facilities, equipment, and articles.

Article 31 Environmental protection administrative departments and other departments with environmental protection regulatory functions shall publish their tip-off hotlines and e-mail accounts to for the convenience of the general public to make tip-offs.

After receiving a tip-off, an environmental protection administrative department or any other department with environmental protection regulatory functions shall timely handle the tip-off and keep the tipster's information confidential. If the tip-off is reported in real name, the tipster shall be informed of the handling result, and if the tip-off is verified as true, the handling result shall be disclosed to the public according to the law and the tipster shall be rewarded.

Where a tipster makes a tip-off against his or her employer, the employer shall not retaliate against the tipster by means of rescinding or modifying the employment contract with the tipster.

Chapter IV Atmospheric Pollution Prevention and Control Measures

Section 1 Prevention and Control of Pollution from Coal and Other Energy

Article 32 Relevant departments under the State Council and local people's governments at all levels shall take measures to revamp the energy structure, promote the production and use of clean energy, optimize the use of coal, promote the clean and efficient utilization of coal, gradually reduce the proportion of coal in primary energy consumption, and reduce the discharge of atmospheric pollutants in the production, use, and transformation of coal.

Article 33 The state promotes the washing processing of coal for the purpose of reducing the sulfur and ash in coal, and restricting the mining of high-sulfur or high-ash coal. When building a new coal mine, supporting facilities for the washing of coal shall be built simultaneously so as to ensure that the sulfur and ash in coal are within the prescribed limits. For an existing coal mine, supporting facilities for the washing of coal shall be built within the prescribed time, unless the coal mined is low-sulfur or low-ash coal or washing is not required by the relevant coal-fired power plant that has reached the discharge standards.

It is prohibited to mine coal with radioactive, arsenic, and other toxic or harmful substances beyond the prescribed limits.

Article 34 The state adopts economic and technical policies and measures conducive to the clean and efficient utilization of coal and encourages and supports the development and popularization of clean coal technology.

The state encourages coal enterprises and other business entities to adopt reasonable and feasible technologies and measures to exploit coal seam gas and comprehensively utilize coal gangue. Those engaged in the exploitation of coal seam gas shall discharge coal seam gas in compliance with relevant standards and norms.

Article 35 The state bans the import, sale, and use of coal that fails to meet the quality standards and encourages the use of quality coal.

Entities stored with materials such as coal, coal gangue, coal cinder, and coal ash shall take flameproof measures to prevent atmospheric pollution.

Article 36 Local people's governments at all levels shall take measures to strengthen the management of scattered coal for civil uses, ban the sale of coal that fails to meet the quality standards for scattered coal for civil uses, encourage residents to use quality coal and clean coal, and promote energy-saving and environment-friendly stoves.

Article 37 Petroleum refining enterprises shall produce fuel oil according to the quality standards for fuel oil.

It is prohibited to import, sell or burn petrol coke that fails to meet the quality standards.

Article 38 Urban people's governments may delimit and publish combustion forbidden zones of high-pollution fuels and, in view of the atmospheric environment quality improvement requirements, gradually enlarge such zones. The catalogue of high-pollution fuels shall be

determined by the environmental protection administrative department under the State Council.

In combustion forbidden zones, it is prohibited to sell and use high-pollution fuels and build or expand facilities burning high-pollution fuels. Those already built shall replace high-pollution fuels with natural gas, shale gas, liquefied petroleum gas, electricity or other clean energy within the time limits as specified by the urban people's governments.

Article 39 In urban construction, overall arrangements and plans shall be made to promote combined heating and power and centralized heat supply. In areas covered by the centralized heat supply network, it is prohibited to build or expand decentralized coal-fueled heat supply boilers, and those existing coal-fueled heat boilers that fail to reach the discharge standards shall be demolished within the time limits as specified by the urban people's governments.

Article 40 The quality supervision departments of the people's governments at and above the county level shall, together with the environmental protection administrative departments, oversee and inspect the implementation of environmental protection standards or requirements in the production, import, sale, and use of boilers. Those failing to meet the environmental protection standards or requirements shall not be produced, imported, sold or used.

Article 41 Coal-fueled power plants and other coal-fueled entities shall adopt clean production techniques, establish dust removal, desulfurization, denitration, and other supporting devices, or carry out technical transformation or take other measures to control the discharge of atmospheric pollutants.

The state encourages coal-fired entities to use advanced dust removal, desulfurization, denitration, demercurilization, and other technologies and devices for the cooperative control of atmospheric pollutants to reduce the discharge of atmospheric pollutants.

Article 42 In electric power dispatch, electricity generated by clean energy shall be fed into the power grid with priority.

Section 2 Prevention and Control of Industrial Pollution

Article 43 Steel, building materials, nonferrous metals, petroleum, chemical engineering, and other enterprises that discharge dust, sulfide or nitrogen oxide in the production process shall adopt clean production techniques and build dust removal, desulfurization, denitration, and other supporting devices, or carry out technical transformation or take other measures to control the discharge of atmospheric pollutants.

Article 44 In the production, import, sale, and use of raw materials and products containing volatile organic compounds, the content of volatile organic compounds shall meet the quality standards or requirements.

The state encourages the production, import, sale, and use of hypotoxic and low volatile organic solvents.

Article 45 Production and service activities generating waste gases containing volatile organic compounds shall be conducted in an enclosed space or equipment, for which

pollution prevention and control facilities shall be installed and used as required. If the space or equipment is not enclosed, measures shall be taken to reduce the discharge of waste gases.

Article 46 Industrial coating enterprises shall use low volatile organic compounds and keep ledgers to record the consumption, discard, use, and content of volatile organic compounds of raw and auxiliary materials. Such ledgers shall be retained for not less than three years.

Article 47 Petroleum enterprises, chemical industrial enterprises, and other enterprises producing or using organic solvents shall take measures for the routine maintenance and repair of pipelines and equipment, reduce the leakage of substances, and collect and dispose of leaked substances without delay.

Oil and gas storage banks, oil and gas stations, crude oil and refined oil terminals, crude oil and refined oil transportation vessels and tankers, and gas tankers shall have oil and gas recycling devices and ensure their normal functioning.

Article 48 Steel, building materials, nonferrous metals, petroleum, chemical industrial, pharmaceutical, and mining enterprises shall strengthen intensive management and take such measures as centralized collection and disposal to strictly control the discharge of dust and gaseous pollutants.

Industrial production enterprises shall take measures such as sealing, fencing, sheltering, cleaning, and spraying, etc. to reduce the discharge of dust and gaseous pollutants in the stockpiling, transmission, loading and unloading, and other handling links of internal materials.

Article 49 The combustible gases generated from industrial production, garbage landfilling or other activities shall be recycled or, if non-recyclable, be treated for pollution prevention and control.

The recycling devices for combustible gases shall be repaired or updated without delay when they cannot function normally. Where it is really necessary to discharge combustible gases when the recycling devices cannot function normally, the discharged combustible gas shall be fully burned or other measures for control over the discharge of atmospheric pollutants shall be taken, the situation shall be reported to the local environmental protection administrative department, and the devices shall be repaired or updated as required within the prescribed time.

Section 3 Prevention and Control of Pollution from Motor-driven Vehicles and Vessels

Article 50 The state shall advocate low-carbon and environment-friendly transportation, reasonably control the quantity of oil-fueled motor vehicles according to urban planning, make great efforts to develop public transportation in urban areas, and increase the proportion of public transportation.

The state shall take fiscal, tax, governmental procurement, and other measures to promote and apply energy-saving, environment-friendly and new-energy motor-driven vehicles and vessels and non-road mobile machines, restrict the development of high fuel consumption and high pollutant discharge motor-driven vehicles and vessels and non-road mobile

machines, and reduce the consumption of fossil energy.

The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government may, in areas with the right conditions, implement the discharge limits for the corresponding stage of the national standards for the discharge of atmospheric pollutants by motor vehicles ahead of schedule and report to the environmental protection administrative department under the State Council for recordation.

Urban people's governments shall strengthen and improve urban traffic management, optimize road setting, and ensure the continuity and availability of pavements and non-motor vehicle lanes.

Article 51 Motor-driven vehicles and vessels and non-road mobile machines shall not discharge atmospheric pollutants beyond the prescribed standards.

It is prohibited to produce, import or sell motor-driven vehicles and vessels and non-road mobile machines that discharge atmospheric pollutants beyond the prescribed standards.

Article 52 Manufacturers of motor vehicles and non-road mobile machines shall inspect the discharge of the newly produced motor vehicles and non-road mobile machines. Those passing such inspection may leave the factory for sale. The inspection information shall be made public.

The environmental protection administrative departments of the people's governments at and above the provincial level may, by means of on-site inspection and sampling testing, strengthen supervision and inspection of the atmospheric pollutant discharge condition of newly manufactured and sold motor vehicles and non-road mobile machines. Industrial departments, quality supervision departments, administrative departments for industry and commerce, and other relevant departments shall provide assistance.

Article 53 For motor vehicles in use, motor vehicle discharge inspection institutions shall inspect their discharge of pollutants according to relevant national or local provisions on a regular basis. Only those passing such inspection may go on road. For those failing to pass such inspection, the traffic administrative departments of public security organs shall not issue safety and technical inspection conformity signs.

The environmental protection administrative departments of the local people's governments at and above the county level may, at centralized parking or repair places, make random tests of the atmospheric pollutant discharge of motor vehicles in use, and may, without affecting normal traffic, make random tests of the atmospheric pollutant discharge of motor vehicles on the road by such technical means as remote sensing monitoring, in which the traffic administrative departments of the public security organs shall provide assistance.

Article 54 Motor vehicle discharge inspection institutions shall pass measurement authentication, use motor vehicle discharge inspection devices that have passed inspection according to law, inspect the discharge of motor vehicles according to the norms developed by the environmental protection administrative department under the State Council, and remain connected to the network of environmental protection administrative departments to share inspection data on a real-time basis. Motor vehicle discharge inspection institutions

and the person-in-charge shall be responsible for the veracity and accuracy of inspection data.

Environmental protection administrative departments and authentication and certification departments shall oversee and inspect the discharge inspection work of motor vehicle discharge inspection institutions.

Article 55 Motor vehicle manufacturing and import enterprises shall disclose information about the discharge inspection, pollution control technology, and relevant maintenance technology of the motor vehicles they manufactured or imported.

Motor vehicle maintenance entities shall maintain and repair the motor vehicles in use according to the atmospheric pollution prevention and control requirements and the relevant technical standards of the state to ensure that they reach the prescribed discharge standards. Transport departments and environmental protection administrative departments shall strengthen supervision and administration according to law.

Motor vehicle owners are prohibited to pass the motor vehicle discharge inspection by fraudulent means, such as changing the pollution control devices of motor vehicles for the occasion. Motor vehicle maintenance entities are prohibited to provide such maintenance services. The discharge diagnosis system of motor vehicles shall not be damaged.

Article 56 Environmental protection administrative departments shall, together with transport, housing and urban-rural development, agricultural administrative, water administrative, and other relevant departments, oversee and inspect the discharge of atmospheric pollutants by non-road mobile machines, and those failing to reach the discharge standards shall not be used.

Article 57 The state advocates eco-driving and encourages drivers of oil-fueled motor vehicles to, when they need to stop the car for three minutes or longer, stop the engine without blocking the road so as to reduce the discharge of atmospheric pollutants.

Article 58 The state shall establish a motor vehicle and non-road mobile machinery recall system for environmental protection purposes.

A manufacturing and import enterprise shall, when informed that the motor vehicles or non-road mobile machines they manufactured or imported that discharge atmospheric pollutants beyond the prescribed standards, have any design or manufacturing defect, or fail to meet the prescribed durability requirements for environmental protection, recall them. If it fails to make the recall, the quality supervision department under the State Council shall, jointly with the environmental protection administrative department under the State Council, order it to make the recall.

Article 59 Where any heavy-duty diesel-powered vehicle or non-road mobile machine in use has no pollution control device or fails to reach the discharge standards due to non-conformity of its pollution control device, a pollution control device shall be installed or replaced as required.

Article 60 Motor vehicles in use shall be repaired if their atmospheric pollutant discharge exceeds the prescribed limits. Those still failing to reach the national atmospheric pollutant

discharge standards for motor vehicles in use after repair or application of pollution control technologies shall be compulsorily retired. Owners shall surrender or sell such motor vehicles to an enterprise recycling and dismantling retired motor vehicles for registration, dismantlement, and destruction under relevant state provisions.

The state shall encourage and support the advance retirement of high-emission motor-driven vehicles and vessels and non-road mobile machines.

Article 61 Urban people's governments may, in view of the quality condition of the atmospheric environment, delimit and publish the areas where the use of high-emission non-road mobile machinery is prohibited.

Article 62 Vessel inspection institutions shall conduct discharge inspections of the engines and other relevant equipment of vessels. Vessels shall not be put into operation until they are determined upon inspection that they have reached the discharge standards of the state.

Article 63 Vessels with direct access to inland rivers and river-seas shall use regular diesel that meets the prescribed standards. Ocean-going vessels shall use marine fuels that meet the atmospheric pollutant control requirements after reaching a port.

New docks shall plan, design, and build shore-based power supply facilities, and existing docks shall gradually renovate their shore-based power supply facilities. Vessels shall give priority to shore power in use of power.

Article 64 The transport administrative department under the State Council may delimit atmospheric pollutant discharge control areas in coastal sea areas, and vessels entering into the control areas shall meet the relevant discharge requirements for vessels.

Article 65 It is prohibited to produce, import, and sell fuels that fail to reach the prescribed standards for use by motor-driven vehicles and vessels and non-road mobile machines; to sell regular diesel and other fuels not for motor vehicles to automobiles and motorcycles; and to sell residual oil or heavy oil to non-road mobile machines or vessels with direct access to inland rivers and river-seas.

Article 66 The hazardous substance content and other atmospheric environment protection indicators of engine oil, nitrogen oxide reducing agents, fuel and lubricating oil additives, and other additives shall meet the requirements of relevant standards, without damaging the effect and durability of the pollution control devices of motor-driven vehicles and vessels and increasing the discharge of atmospheric pollutants.

Article 67 The state shall actively promote the prevention and control of atmospheric pollution from civil aircrafts and encourage the taking of effective measures in the design, manufacturing, and use of civil aircrafts to reduce the discharge of atmospheric pollutants. Civil aircrafts shall meet the engine-out emission requirements in the airworthiness standards of the state.

Section 4 Prevention and Control of Dust Pollution

Article 68 The local people's governments at all levels shall strengthen the administration of construction and transportation activities, keep the roads clean, control the storage of construction material piles and wastes, and enlarge the area of green land, water surface,

wet land, and pavement area so as to prevent and control dust pollution.

Housing and urban-rural development, city appearance and environmental sanitation, transport, land and resource, and other relevant departments shall jointly conduct the prevention and control of dust pollution according to their duties determined by the people's governments at the same levels.

Article 69 A construction project owner shall include dust pollution prevention and control expenses in the costs of the project and specify in the construction contracting contract the dust pollution prevention and control responsibilities of the construction contractor. The construction contractor shall make a specific implementation plan for the prevention and control of construction dust pollution.

Construction contractors engaged in house building, municipal infrastructure construction, river regulation, and building demolition shall be registered with the department in charge of the prevention and control of dust pollution.

Construction contractors shall set rigid enclosures around construction sites and shall take coverage, sectional operation, construction during scheduled periods, sprinkling for dust suppression, surface washing, car washing, and other effective measures for dust prevention and suppression. Construction earth, waste soil, and garbage shall be cleaned without delay. Stockpiles on construction sites shall be covered with enclosed dustproof net. Construction waste soil and garbage shall be utilized as resources.

Construction contractors shall publish dust pollution prevention and control measures, the persons in charge, and the departments in charge of dust supervision at construction sites. For construction land not available for construction for the time being, construction project owner shall cover the exposed ground. If the land is not used for more than three months, it shall be greened, paved or covered.

Article 70 Vehicles transporting coal, garbage, waste soil, sandstones, earth, mortar, and other bulk or liquid materials shall take enclosed or other measures to prevent dust pollution from their loss or leakage and shall stick to the predetermined route.

Enclosure, sprinkling, and other measures shall be taken in the loading and unloading of materials to prevent and control dust pollution.

Urban people's governments shall strengthen the cleaning management of roads, squares, parking lots, and other public places, and promote low-dust operations such as mechanized sweeping by clean power so as to prevent and control dust pollution.

Article 71 For exposed ground on municipal rivers, river courses, and common land, and other exposed ground in urban areas, relevant departments shall organize the planting of trees or grass or permeable pavement according to relevant planning.

Article 72 Materials easy to produce dust such as coal, gangue, coal cinder, coal ashes, cement, lime, plaster, sandstone, lime soil, and sandy soil shall be stored in enclosed spaces. If not enclosed, tight enclosures shall be established which shall not be lower than the stockpile of such materials, and effective coverage measures shall be taken to prevent and control dust pollution.

For docks, mines, landfills, and disposal sites, sectional operations shall be conducted, and effective measures shall be taken to prevent and control dust pollution.

Section 5 Prevention and Control of Agricultural and Other Pollution

Article 73 The local people's governments at all levels shall promote the transformation of agricultural production mode, develop agricultural circular economy, provide more support for the comprehensive disposal of wastes, and strengthen control of the discharge of atmospheric pollutants in agricultural production and operation activities.

Article 74 Agricultural producers and business operators shall improve their fertilization methods, scientifically and reasonably apply fertilizers, use pesticides in accordance with relevant state provisions, and reduce the discharge of atmospheric pollutants, such as ammonia and volatile organic compounds.

It is prohibited to spray extremely or highly toxic pesticides to trees, flowers and grasses in densely inhabited areas.

Article 75 Livestock and poultry farms and breeding areas shall collect, store, clean, and innocuously treat sewage, livestock and poultry wastes, and livestock and poultry manure in a timely manner so as to prevent odors.

Article 76 The people's governments at all levels and the agricultural administrative departments and other relevant departments under the people's governments shall encourage and support the application of advanced and applicable technologies for the comprehensive utilization of straws and fallen leaves such as turning them into fertilizers, feeds, energy resources, industrial raw materials, and base materials for edible fungus, and increase financial subsidies for returning crop straw to farmland and integrated collection agricultural machinery.

The people's governments at the county level shall organize the establishment of a service system for the collection, storage, transportation, and comprehensive utilization of straws, and take such measures as providing financial subsidies to support rural collective economic organizations, farmers' professional cooperative and economic organizations, and enterprises in their provision of services for the collection, storage, transportation, and comprehensive utilization of straws.

Article 77 The people's governments of provinces, autonomous regions, municipalities directly under the Central Government shall delimit areas where open burning of straws, fallen leaves, and other substances causing smoke pollution is prohibited.

Article 78 The environmental protection administrative department under the State Council shall, together with the health administrative department under the State Council, publish a directory of toxic and hazardous atmospheric pollutants for risk management in view of the harm and influence of atmospheric pollutants to public health and the ecological environment. Enterprises and public institutions discharging the toxic and hazardous atmospheric pollutants listed in the directory as mentioned in the preceding paragraph shall establish an environmental risk early warning system according to relevant provisions of the state, conduct regular monitoring over discharge outlets and neighboring environment, assess the

environmental risks, eliminate hidden environmental safety problems, and take effective measures to prevent environmental risk.

Article 79 Enterprises, public institutions, and other business entities that discharge permanent organic pollutants to the atmosphere, and entities operating waste burning facilities shall, according to relevant provisions of the state, take technological methods and techniques conducive to the reduction of the discharge of permanent organic pollutants, and install effective cleansing devices to reach the discharge standards.

Article 80 Enterprises, public institutions, and other business entities that produce malodorous gases shall select their sites in a scientific manner, rationally set protection distances, and install cleansing devices or take other measures to prevent the discharge of malodorous gases.

Article 81 Catering service providers that discharge soot shall install soot cleaning devices and maintain their normal functioning, or take other soot cleaning measures to ensure they reach the soot discharge standards and prevent pollution to the normal living environment of nearby residents.

It is prohibited to build, rebuild or expand catering service projects that produce soot, odor, or waste gases in residential buildings, commercial and residential complex buildings without special-purpose flues, or commercial floors adjacent to residential floors in commercial and residential complex buildings.

No entity or individual may have open-air barbecues or provide sites for open-air barbecues in areas where it is prohibited by the local people's government.

Article 82 The burning of asphalt, asphalt felt, rubber, plastics, leather, garbage, and other materials that produce toxic or harmful smoke or dust or malodorous gases in densely inhabited areas and other areas needing special protection shall be prohibited.

The production, distribution, and use of fireworks and firecrackers are prohibited. No entity or individual may use fireworks and firecrackers in the periods and areas prohibited by the local urban people's government.

Article 83 The state encourages and advocates civilized and green sacrifices.

Crematories shall have dustproof and other pollution prevention and control facilities and maintain their normal functioning so as to avoid affecting the neighboring environment.

Article 84 Business operators engaged in the dry cleaning of clothing, the maintenance and repair of motor vehicles, and other service activities shall install odor and waste gas disposal devices and other pollution prevention and control devices according to the relevant standards or requirements of the state and ensure their normal functioning so as to avoid affecting the neighboring environment.

Article 85 The state encourages and supports the production and use of substitutes of ozone depleting substances so as to gradually reduce and eventually stop the production and use of ozone depleting substances.

The state applies total quantity control and quota management to the production, use, import, and export of ozone depleting substances. The specific measures shall be developed by the

State Council.

Chapter V Joint Prevention and Control of Atmospheric Pollution in Key Areas

Article 86 The state shall establish a joint atmospheric pollution prevention and control mechanism for the key areas and make overall arrangements for atmospheric pollution prevention and control in the key areas. The environmental protection administrative department under the State Council shall, according to main functional zoning, regional atmospheric environment quality condition, and atmospheric pollution transmission and dispersion laws, delimit key atmospheric pollution prevention and control areas of the state, and report them to the State Council for approval.

The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government in the key areas shall determine the leading local people's governments, convene joint meetings on a regular basis, and conduct joint atmospheric pollution prevention and control and fulfill the objectives of atmospheric pollution prevention and control according to the requirements of unified planning, unified standards, unified monitoring, and unified prevention and control measures. The environmental protection administrative department under the State Council shall strengthen guidance and supervision.

Each province, autonomous region, and municipality directly under the Central Government may delimit key atmospheric pollution prevention and control areas in their respective administrative regions with reference to paragraph 1 herein.

Article 87 The environmental protection administrative department under the State Council shall, together with other relevant departments under the State Council and the people's governments of the relevant provinces, autonomous regions, and municipalities directly under the Central Government in the key atmospheric pollution prevention and control areas of the state, develop action plans for the joint prevention and control of atmospheric pollution in the key areas, determine the objectives, optimize the regional economic layout, make overall plans for traffic management, develop clean energy, determine the key prevention and control tasks and measures according to the economic and social development level and the atmospheric environment capacity of such key areas so as to improve the atmospheric environment quality of such key areas.

Article 88 The general administrative department of economics under the State Council shall, together with the environmental protection administrative department under the State Council, further improve environmental protection, energy consumption, safety, quality, and other requirements in view of the industry development condition and atmospheric environmental quality condition of the key atmospheric pollution prevention and control areas of the state.

The people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in the key areas shall apply more rigid atmospheric pollutant discharge standards for motor vehicles, unify the inspection methods and discharge limits for motor vehicles in use, and provide vehicle fuels that meet the prescribed

standards.

Article 89 An environmental impact assessment shall be conducted in the development of relevant industrial park plans, development zone plans, regional industry plans, or development plans that are likely to cause serious pollution to the atmospheric environment of a key area. The organ developing such plans shall consult with the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government in the key area or relevant departments.

Where a construction project of a province, autonomous region, or municipality directly under the Central Government in a key area is likely to have a great impact on the atmospheric environment quality of a neighboring province, autonomous region, or municipality directly under the Central Government, relevant information shall be reported in a timely manner for consultation.

The consultation opinion and its adoption shall be taken as important basis for examination or approval of environmental impact assessment documents.

Article 90 The equal amount replacement or reduction replacement of coal shall be applied in the building, rebuilding or expansion of a coal project in a key atmospheric pollution prevention and control area of the state.

Article 91 The environmental protection administrative department under the State Council shall establish an information sharing mechanism for the atmospheric environment quality monitoring, atmospheric pollution source monitoring, and other aspects of the key atmospheric pollution prevention and control areas of the state, apply monitoring, simulation, satellite survey, aerial survey, remote sensing, and other new technologies to analyze atmospheric pollution sources in key areas and the development trend thereof, and make such information available to the public.

Article 92 The environmental protection administrative department under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government in the key atmospheric pollution prevention and control areas of the state may organize relevant departments for joint law enforcement, cross-regional law enforcement, and cross law enforcement.

Chapter VI Response to Heavy Air Pollution Weather

Article 93 The state shall establish a heavy air pollution weather monitoring and early warning system.

The environmental protection administrative department under the State Council shall, together with the meteorological department and other relevant departments under the State Council and the people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in a key atmospheric pollution prevention and control area of the state, establish a heavy air pollution weather monitoring and early warning mechanism for the key area and unify the early warning ranking standards. Where regional heavy air pollution weather is likely to occur, the people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central

Government in the key area shall be informed in a timely manner.

The environmental protection administrative department of the people's government of a province, autonomous region, municipality directly under the Central Government, or districted city shall, together with the meteorological department and other relevant departments, establish a heavy air pollution weather monitoring and early warning mechanism for the administrative region.

Article 94 The local people's governments at and above the county level shall include the response to heavy air pollution weather to the emergency management system of unexpected events.

The people's government of a province, autonomous region, municipality directly under the Central Government, or districted city or the people's government at the county level of a place where heavy air pollution weather is likely to occur shall develop an emergency response plan for heavy air pollution weather, submit it to the environmental protection administrative department of the people's government at the next higher level for recordation, and disclose it to the general public.

Article 95 The environmental protection administrative department of the people's government of a province, autonomous region, municipality directly under the Central Government, or districted city shall establish a consulting mechanism with the meteorological department to make atmospheric environment quality forecasts. When it is likely to be a heavy air pollution day, a report shall be submitted to the people's government at the same level without delay. The people's government of the province, autonomous region, municipality directly under the Central Government, or districted city shall make comprehensive research and judgment on the basis of heavy air pollution weather forecasts to determine the early warning rank and issue an early warning. The early warning rank shall be adjusted for the changing situation. No entity or individual may release any heavy air pollution forecasting and early warning information to the general public without approval.

Once early a warning is released, the people's government and the relevant departments thereof shall inform the general public to take health protection measures, provide travel guidance, and adjust other relevant social activities through TV, radio, network, and text messages.

Article 96 The local people's governments at and above the county level shall, according to the early warning grades of heavy air pollution weather, activate their emergency response plans in time, and may take emergency measures, such as ordering relevant enterprises to stop or limit production, restricting the driving of some motor vehicles, prohibiting the use of fireworks and firecrackers, suspending the earthwork at construction sites and the demolition of buildings, suspending barbecues, suspending the outdoor activities organized by kindergartens and schools, and organize artificial weather modification operations when necessary.

Upon completion of an emergency response, the people's government shall evaluate the implementation of the emergency response plan and modify and improve such plan if

necessary.

Article 97 Where an environmental emergency occurs and causes atmospheric pollution, the people's government and relevant departments thereof, and relevant enterprises and public institutions shall conduct an emergency response under the Emergency Response Law of the People's Republic of China and the Environmental Protection Law of the People's Republic of China. The environmental protection administrative department shall timely monitor the atmospheric pollutants resulting from the environmental emergency and disclose the monitoring information to the public.

Chapter VII Legal Liabilities

Article 98 Where a violator of this Law refuses to accept the supervisory inspection conducted by the environmental protection administrative department, an environmental supervision institution authorized by it, or any other department with atmospheric environmental protection regulatory functions by refusing it to enter the site, or engages in falsification when it is under supervisory inspection, the environmental protection administrative department of the people's government at or above the county level or any other department with atmospheric environment protection regulatory functions shall order the violator to make a correction and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; for a violation of public security administration, the public security organ shall impose punishment for public security administration according to law.

Article 99 For a violation of this Law under any of the following circumstances, the environmental protection administrative department of the people's government at or above the county level shall order it to make a correction or restrict or suspend production for rectifications, and impose a fine of not less than 100,000 yuan but not more than one million yuan; if the circumstances are serious, order the violator to stop business operations or close down with the approval of the competent people's government:

- (1) Discharging atmospheric pollutants without lawfully obtaining a pollutant discharge license.
- (2) Discharging atmospheric pollutants beyond the atmospheric pollutant discharge standards or the total quantity control requirements for the discharge of key atmospheric pollutants.
- (3) Discharging atmospheric pollutants by evading supervision.

Article 100 For a violation of this Law under any of the following circumstances, the environmental protection administrative department of the people's government at or above the county level shall order it to make correction and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the violator refuses to make correction, order it to suspend production for rectification:

- (1) Misappropriating, destroying, or moving or altering without approval any atmospheric environment quality monitoring equipment or automatic atmospheric pollutant discharge monitoring equipment.
- (2) Failing to monitor the industrial waste gases and the toxic and hazardous atmospheric

pollutants discharged or failing to preserve the original monitoring records as required.

(3) Failing to install or use automatic atmospheric pollutant discharge monitoring equipment, connect to the monitoring equipment of the environmental protection administrative departments, and ensure the normal functioning of monitoring equipment as required.

(4) For pollutant discharging entities under intensified supervision, failing to disclose or truthfully disclose automatic monitoring data.

(5) Failing to set atmospheric pollutant discharge outlets as required.

Article 101 Where a violator of this Law produces, imports, sells or uses any equipment or product prohibited in the catalogue of comprehensive industrial policies of the state, applies any technique prohibited in the catalogue of comprehensive industrial policies of the state, or transfers any eliminated equipment or product to others, the general administrative department of economics under the people's government at or above the county level or the entry-exit inspection and quarantine institution shall, according to its duties, order the violator to make a correction, confiscate the illegal proceeds, and impose a fine of not less than one time but not more than three times the monetary value of the equipment or product concerned; if the violator refuses to make a correction, order it to stop its business operations or close down with the approval of the competent people's government. If the import conduct constitutes smuggling, the customs shall impose punishment according to the law.

Article 102 Where, as in violation of this Law, a coal mine fails to build supporting facilities for the washing of coal as required, the energy administrative department of the people's government at or above the county level shall order it to make a correction and impose a fine of not less than 100,000 yuan but not more than one million yuan; if the violator refuses to make a correction, order it to stop its business operations or close down with the approval of the competent people's government.

Where a violator of this Law mines coal with radioactive, arsenic, and other toxic or harmful substances beyond the prescribed limits, the people's government at or above the county level shall order it to stop its business operations or close down according to the powers prescribed by the State Council.

Article 103 For a violation of this Law under any of the following circumstances, the quality supervision department or the administrative department for industry and commerce of the local people's government at or above the county level shall order the violator to make a correction, confiscate the raw materials, products, and illegal proceeds, and impose a fine of not less than one time but not more than three times the monetary value of the things in question:

(1) Selling coal or petrol coke that fails to meet the quality standards.

(2) Producing or selling raw materials and products whose content of volatile organic compounds fails to meet the quality standards or requirements.

(3) Producing or selling fuels for use by motor-driven vehicles and vessels and non-road mobile machines, engine oil, nitrogen oxide reducing agents, fuel and lubricating oil additives, and other additives that fail to reach the prescribed standards.

(4) Burning high-pollution fuels in combustion forbidden zones.

Article 104 For a violation of this Law under any of the following circumstances, the entry-exit inspection and quarantine institution shall order the violator to make a correction, confiscate the raw materials, products, and illegal gains, and impose a fine of not less than one time but not more than three times the monetary value of the things at issue; if the import conduct constitutes smuggling, the customs shall impose punishment according to the law:

(1) Importing coal or petro coke that fails to reach the prescribed quality standards.

(2) Importing raw materials and products whose content of volatile organic compounds fails to meet the quality standards or requirements.

(3) Importing fuels for use by motor-driven vehicles and vessels and non-road mobile machines, engine oil, nitrogen oxide reducing agents, fuel and lubricating oil additives, and other additives that fail to reach the prescribed standards.

Article 105 Where a violator of this Law burns coal or petro coke that fails to reach the prescribed quality standards, the environmental protection administrative department of the people's government at or above the county level shall order it to make a correction and impose a fine of not less than one time but not more than three times the monetary value of the coal or coke at issue.

Article 106 Where a violator of this Law uses marine fuels that fail to meet the prescribed standards or requirements, the marine safety administration or fishery administrative department shall, according to its duties, impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 107 Where a violator of this Law builds or expands facilities that burn high-pollution fuels in a combustion forbidden zone, fails to stop using high-pollution fuels as required, builds or expands decentralized coal-fueled heat supply boilers in areas covered by the centralized heat supply network, or fails to demolish those existing coal-fueled heat boilers that fail to reach the discharge standards as required, the environmental protection administrative department of the local people's government at or above the county level shall confiscate the facilities at issue, organize the demolition of the coal-fired heat boilers, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Where a violator of this Law produces, imports, sells, or uses boilers that fail to reach the prescribed standards or requirements, the quality supervision department or the environmental protection administrative department of the people's government at or above the county level shall order it to make a correction, confiscate the illegal proceeds, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Article 108 Where a violation of this Law is under any of the following circumstances, the environmental protection administrative department of the people's government at or above the county level shall order it to make a correction, impose a fine of not less than 20,000 yuan but not more than 200,000 yuan, and, if it refuses to make a correction, order it to stop production for rectifications:

(1) Failing to conduct the production and service activities that generate waste gases

containing volatile organic compounds in an enclosed space or equipment, failing to install and use pollution prevention and control facilities as required, or failing to take measures to reduce the discharge of waste gases.

(2) In the case of an industrial coating enterprise, failing to use low volatile organic compounds or failing to establish and retain ledger books.

(3) In the case of a petroleum enterprise, chemical industrial enterprise, or any other enterprise that produces or uses organic solvents, failing to take measures for the routine maintenance and repair of pipelines and equipment, failing reduce the leakage of substances, or failing to collect and dispose of leaked substances without delay.

(4) Failing to install and normally use gas recycling devices in oil and gas storage banks, oil and gas stations, oil tankers, and gas tankers.

(5) In the case of a steel, building materials, nonferrous metals, petroleum, chemical industrial, pharmaceutical, or mining enterprise, failing to take measures such as centralized collection and disposal, sealing, fencing, sheltering, cleaning, and spraying so as to control and reduce the discharge of dust and gaseous pollutants.

(6) Failing to recycle the combustible gases generated from industrial production, garbage landfilling or other activities or failing to treat them for pollution prevention and control purposes if they are not recyclable, or failing to repair or update the recycling devices for combustible gases updated in a timely manner when they cannot function normally.

Article 109 Where a violator of this Law manufactures motor vehicles or non-road mobile machines that exceed the pollutant discharge standards, the environmental protection administrative department of the people's government at or above the provincial level shall order it to make a correction, confiscate the illegal proceeds, impose a fine of not less than one time but not more than three times the monetary value of the vehicles or machines at issue, and confiscate and destroy those motor vehicles or non-road mobile machines that fail to reach the pollutant discharge standards. If the violator refuses to make a correction, the environmental protection administrative department shall order it to stop production for rectifications, and the motor vehicle production administrative department under the State Council shall order it to stop the manufacturing of the models concerned.

Where a motor vehicle or non-road mobile machine manufacturing enterprise, as in violation of this Law, makes falsification, passes off inferior products as superior ones, or sells such vehicles as products that have passed discharge inspections, the environmental protection administrative department of the people's government at or above the provincial level shall order the violator to stop production for rectifications, confiscate the illegal proceeds, impose a fine of not less than one time but not more than three times the monetary value of vehicles and machines at issue, and confiscate and destroy those that fail to reach the pollutant discharge standards, and the motor vehicle production administrative department under the State Council shall order to stop the production of the models concerned.

Article 110 Where a violator of this Law imports or sells motor vehicles or non-road mobile machines that exceed the pollutant discharge standards, the administrative department for

industry and commerce of the people's government at or above the county level or the entry-exit inspection and quarantine institution shall order it to make a correction, confiscate the illegal proceeds, impose a fine of not less than one time but not more than three times the monetary value of the vehicles or machines at issue, and confiscate and destroy those that fail to reach the pollutant discharge standards. If the import conduct constitutes smuggling, the customs shall impose punishment according to law.

Where a violator of this Law sells motor vehicles or non-road mobile machines that fail to reach the pollutant discharge standards, the seller shall be responsible for repair, replacement or return of the vehicles and machines at issue; if the buyer has suffered any losses, the seller shall compensate for the losses.

Article 111 Where a motor vehicle manufacturing or import enterprise, as in violation of this Law, fails to disclose the discharge inspection data or pollution control technical data of the motor vehicle models it manufactures or imports as required, the environmental protection administrative department of the people's government at or above the provincial level shall order it to make a correction and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Where a motor vehicle manufacturing or import enterprise, as in violation of this Law, fails to disclose the maintenance technical data of the motor vehicle models it manufactures or imports as required, the transport administrative department of the people's government at or above the provincial level shall order it to make a correction and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Article 112 Where a violator of this Law forges the discharge inspection result of any motor vehicle or non-road mobile machine or issues any false discharge inspection report, the environmental protection administrative department of the people's government at or above the county level shall confiscate the illegal proceeds and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan; if the circumstances are serious, the accreditation department shall disqualify it from inspection.

Where a violator of this Law forges the discharge inspection result of any vessel or issues any false discharge inspection report, the marine safety administration shall impose punishment according to law.

Where a violator of this Law passes the motor vehicle discharge inspection by fraudulent means such as changing the pollution control devices of motor vehicles for the occasion or damages the discharge diagnosis system of motor vehicles, the environmental protection administrative department of the people's government at or above the county level shall order it to make a correction, impose a fine of 5,000 yuan upon each motor vehicle owner, and impose a fine of 5,000 yuan per motor vehicle upon the motor vehicle maintenance entity.

Article 113 Where a motor vehicle driver, as in violation of this Law, drives on road a motor vehicle that fails to pass the discharge inspection, the traffic administrative department of the public security organ shall impose punishment according to law.

Article 114 Where a violator of this Law uses any non-road mobile machine that fails to reach the discharge standards, or installs or replaces pollution control devices on any heavy-duty diesel vehicle or non-road mobile machine, the environmental protection administrative department and other relevant departments of the people's government at or above the county level shall order him or it to make a correction and impose a fine of 5,000 yuan according to their duties.

Where a violator of this Law uses any high-emission non-road mobile machine in an area where the use of high-emission non-road mobile machinery is prohibited, the environmental protection administrative department and other relevant departments of the urban people's government shall impose punishment according to law.

Article 115 Where a construction contractor, as in violation of this Law, has any of the following conduct, the housing and urban-rural development administrative department and other relevant departments of the people's government at or above the county level shall order it to make a correction and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; if it refuses to make correction, order it to stop construction for rectifications:

(1) Failing to set rigid enclosures at the construction site, or failing to take coverage, sectional operation, construction work at scheduled period, sprinkling for dust suppression, surface washing, car washing, and other effective measures for dust prevention and suppression.

(2) Failing to pick up construction earth, waste soil, and garbage in a timely manner, or failing to cover with enclosed dustproof net.

Where a construction project owner, as in violation of this Law, fails to cover the exposed ground of the construction land not available for construction for the time being or fails to green, pave or cover the exposed ground when the construction land is not available for use for more than three months, the housing and urban-rural development administrative department and other relevant departments of the people's government at or above the county level shall impose punishment under the preceding paragraph.

Article 116 Where a vehicle transporting coal, garbage, waste soil, sandstones, earth, mortar, and other bulk or liquid materials, as in violation of this Law, fails to take enclosed or other measures to prevent the loss or leakage of such materials, the regulatory department designated by the local people's government at or above the county level shall order the vehicle operator to make a correction and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan; if the relevant entity refuses to make correction, the vehicle shall not be driven on road.

Article 117 Where a violator of this Law has any of the following conducts, the environmental protection administrative department and other relevant departments of the people's government at or above the county level shall order it to make a correction and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan according to their duties; if the violator refuses to make a correction, order it to shut down or stop its business

operations for rectifications:

- (1) Failing to store materials easy to produce dust such as coal, gangue, coal cinder, coal ashes, cement, lime, plaster, sandstone, lime soil, and sandy soil in an enclosed space.
- (2) Where it is impossible to store materials easy to produce dust in enclosed space, failing to set tight enclosures not lower than the stockpile of such materials or take effective coverage measures to prevent and control dust pollution.
- (3) Failing to control the discharge of dust by means of sealing or spraying in the loading and unloading of materials.
- (4) Failing to take flameproof measures in the storage of materials such as coal, coal gangue, coal cinder, and coal ash.
- (5) Failing to take effective measures to prevent and control dust pollution at docks, mines, landfills, and disposal sites.
- (6) In the case of an enterprise or public institution that discharges toxic or hazardous atmospheric pollutants as listed in the directory of toxic and hazardous atmospheric pollutants, failing to establish an environmental risk early warning system, conduct regular monitoring over discharge outlets and the neighboring environment, assess environmental risk, eliminate hidden environmental safety problems, and take effective measures to prevent environmental risk as required.
- (7) In the case of an enterprise, a public institution, or any other business entity that discharges permanent organic pollutants to the atmosphere, or an entity operating waste burning facilities, failing to take technological methods and techniques conducive to the reduction of the discharge of permanent organic pollutants and install effective cleansing devices to reach the discharge standards according to the relevant provisions of the state.
- (8) Failing to take measures to prevent the discharge of malodorous gases.

Article 118 Where a catering service provider discharges soot as in violation of this Law or discharges soot beyond the prescribed discharge standards as a result of its failure to install soot cleaning devices, use them normally, or take other soot cleaning measures, the regulatory department designated by the local people's government at or above the county level shall order it to make a correction and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; if it refuses to make a correction, order it to stop its business operations for rectifications.

Where a violator of this Law builds, rebuilds or expands a catering service project that produces soot, odor, or waste gas in a residential building, a commercial and residential complex building without special-purpose flues, or a commercial floor adjacent to residential floors in a commercial and residential complex building, the regulatory department designated by the local people's government at or above the county level shall order it to make a correction; if it refuses to make a correction, order it to close down and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Where a violator of this Law has an open-air barbecue or provides a site for open-air barbecues in a period or area forbidden by the local people's government, the regulatory

department designated by the local people's government at or above the county level shall order it to make a correction, confiscate the barbecue tools and illegal proceeds, and impose a fine of not less than 500 yuan but not more than 20,000 yuan.

Article 119 Where a violator of this Law sprays extremely or highly toxic pesticides to trees, flowers and grasses or burns straws, fallen leaves or other materials producing smoke pollution in a densely inhabited area, the regulatory department designated by the local people's government at or above the county level shall order it to make a correction, and may concurrently impose a fine of not less than 500 yuan but not more than 2,000 yuan.

Where a violator of this Law burns asphalt, asphalt felt, rubber, plastics, leather, garbage, and other materials that produce toxic or harmful smoke or dust or malodorous gases in a densely inhabited area or any other area needing special protection, the regulatory department designated by the local people's government at or above the county level shall order it to make a correction and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan upon the entity or a fine of not less than 500 yuan but not more than 2,000 yuan upon the individual concerned.

Where a violator of this Law uses fireworks and firecrackers in a period or area prohibited by the local urban people's government, the regulatory department designated by the local people's government at or above the county level shall impose punishment according to law.

Article 120 Where a violator of this Law fails to install odor and waste gas disposal devices and other pollution prevention and control devices and ensure their normal functioning when engaging in the dry cleaning of clothing, the maintenance and repair of motor vehicles, or other service activities, which affects the neighboring environment, the environmental protection administrative department of the local people's government at or above the county level shall order it to make a correction and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan; if it refuses to make a correction, order it to stop its business operations for rectifications.

Article 121 Where a violator of this Law releases any heavy air pollution forecasting and early warning information to the public without approval, if it constitutes a violation of public security administration, the public security organ shall impose punishment for public security administration according to law.

Where a violator of this Law refuses to execute the heavy air pollution weather emergency response measures such as stopping earthwork at construction sites or stopping the demolition of buildings, the regulatory department designated by the local people's government at or above the county level shall impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 122 Where a violation of this Law results in an atmospheric pollution accident, the environmental protection administrative department of the people's government at or above the county level shall impose a fine under paragraph 2 of this Article, and, for the directly liable person in charge and other directly liable persons, may impose a fine of not more than 50% of their income from the enterprise or public institution in the last year.

Where an ordinary or less serious atmospheric pollution accident is caused, the fine shall be not less than one time but not more than three times the direct losses resulting from the accident; where a serious or especially atmospheric pollution serious accident is caused, the fine shall be not less than three times but not more than five times the direct losses resulting from the accident.

Article 123 Where any enterprise, public institution, or other business entity is fined and ordered to make a correction for any of the following conduct in violation of this Law but refuses to make a correction, the administrative organ lawfully making the punishment decision may impose continuous fines on it in the amount of the original fine for each day from the next day after it is ordered to make a correction:

- (1) Discharging atmospheric pollutants without lawfully obtaining a pollutant discharge license.
- (2) Discharging atmospheric pollutants beyond the atmospheric pollutant discharge standards or the total quantity control requirements for the discharge of key atmospheric pollutants.
- (3) Discharging atmospheric pollutants by evading supervision.
- (4) Failing to take effective measures to prevent dust pollution in the construction of projects or the storage of materials easy to produce dust.

Article 124 Where a violator of this Law retaliates against a tipster by means of rescinding or modifying the employment contract with the tipster, it shall assume liability pursuant to relevant laws.

Article 125 An entity causing damage by discharging atmospheric pollutants shall assume tort liabilities according to law.

Article 126 Where the local people's governments at all levels, the environmental protection administrative departments and other departments with atmospheric environment protection regulatory functions under the people's governments at and above the county level, or the staff members thereof abuse powers, neglect duties, practice favoritism, or make falsification, disciplinary actions shall be taken according to law.

Article 127 Where a violation of this Law constitutes a crime, the violator shall assume criminal liabilities according to law.

Chapter VIII Supplementary Provisions

Article 128 The prevention and control of atmospheric pollution from ocean engineering projects shall be governed by relevant provisions of the Marine Environment Protection Law of the People's Republic of China.

Article 129 This Law comes into force on January 1, 2016.

11. Maritime Law of the People's Republic of China

(Adopted at the 28th Meeting of the Standing Committee of the Seventh National People's

Congress on November 7, 1992, promulgated by Order No. 64 of the President of the People's Republic of China on November 7, 1992, and effective as of July 1, 1993)

CHAPTER I GENERAL PROVISIONS

Article 1 This Law is enacted with a view to regulating the relations arising from maritime transport and those pertaining to ships, to securing and protecting the legitimate rights and interests of the parties concerned, and to promoting the development of maritime transport, economy and trade.

Article 2 "Maritime transport" as referred to in this Law means the carriage of goods and passengers by sea, including the sea-river and river-sea direct transport. The provisions concerning contracts of carriage of goods by sea as contained in Chapter IV of this Law shall not be applicable to the maritime transport of goods between the ports of the People's Republic of China.

Article 3 "Ship" as referred to in this Law means sea-going ships and other mobile units, but does not include ships or craft to be used for military or public service purposes, nor small ships of less than 20 tons gross tonnage. The term "ship" as referred to in the preceding paragraph shall also include ship's apparel.

Article 4 Maritime transport and towage services between the ports of the People's Republic of China shall be undertaken by ships flying the national flag of the People's Republic of China, except as otherwise provided for by laws or administrative rules and regulations. No foreign ships may engage in the maritime transport or towage services between the ports of the People's Republic of China unless permitted by the competent authorities of transport and communications under the State Council.

Article 5 Ships are allowed to sail under the national flag of the People's Republic of China after being registered, as required by law, and granted the nationality of the People's Republic of China. Ships illegally flying the national flag of the People's Republic of China shall be prohibited and fined by the authorities concerned.

Article 6 All matters pertaining to maritime transport shall be administered by the competent authorities of transport and communications under the State Council. The specific measures governing such administration shall be worked out by such authorities and implemented after being submitted to and approved by the State Council.

CHAPTER II SHIPS

Section 1 Ownership of Ships

Article 7 The ownership of a ship means the shipowner's rights to lawfully possess, utilize, profit from and dispose of the ship in his ownership.

Article 8 With respect to a State-owned ship operated by an enterprise owned by the whole people having a legal person status granted by the State, the provisions of this Law regarding the shipowner shall apply to that legal person.

Article 9 The acquisition, transference or extinction of the ownership of a ship shall be registered at the ship registration authorities; no acquisition, transference or extinction of the ship's ownership shall act against a third party unless registered. The transference of the

ownership of a ship shall be made by a contract in writing.

Article 10 Where a ship is jointly owned by two or more legal persons or individuals, the joint ownership thereof shall be registered at the ship registration authorities. The joint ownership of the ship shall not act against a third party unless registered.

Section 2 Mortgage of Ships

Article 11 The right of mortgage with respect to a ship is the right of preferred compensation enjoyed by the mortgagee of that ship from the proceeds of the auction sale made in accordance with law where and when the mortgagor fails to pay his debt to the mortgagee secured by the mortgage of that ship.

Article 12 The owner of a ship or those authorized thereby may establish the mortgage of the ship. The mortgage of a ship shall be established by a contract in writing.

Article 13 The mortgage of a ship shall be established by registering the mortgage of the ship with the ship registration authorities jointly by the mortgagee and the mortgagor. No mortgage may act against a third party unless registered. The main items for the registration of the mortgage of a ship shall be:

- (1) Name or designation and address of the mortgagee and the name of designation and address of the mortgagor of the ship;
- (2) Name and nationality of the mortgaged ship and the authorities that issued the certificate of ownership and the certificate number thereof;
- (3) Amount of debt secured, the interest rate and the period for the repayment of the debt.
- (4) Information about the registration of mortgage of ships shall be accessible to the public for enquiry.

Article 14 Mortgage may be established on a ship under construction. In registering the mortgage of a ship under construction, the building contract of the ship shall as well be submitted to the ship registration authorities.

Article 15 The mortgaged ship shall be insured by the mortgagor unless the contract provides otherwise. In case the ship is not insured, the mortgagee has the right to place the ship under insurance coverage and the mortgagor shall pay for the premium thereof.

Article 16 The establishment of mortgage by the joint owners of a ship shall, unless otherwise agreed upon among the joint owners, be subject to the agreement of those joint owners who have more than two-thirds of the shares thereof. The mortgage established by the joint owners of a ship shall not be affected by virtue of the division of ownership thereof.

Article 17 Once a mortgage is established on a ship, the ownership of the mortgaged ship shall not be transferred without the consent of the mortgagee.

Article 18 In case the mortgagee has transferred all or part of his right to debt secured by the mortgaged ship to another person, the mortgage shall be transferred accordingly.

Article 19 Two or more mortgages may be established on the same ship. The ranking of the mortgages shall be determined according to the dates of their respective registrations. In case two or more mortgages are established, the mortgagees shall be paid out of the proceeds of the auction sale of the ship in the order of registration of their respective

mortgages. The mortgages registered on the same date shall rank equally for payment.

Article 20 The mortgages shall be extinguished when the mortgaged ship is lost. With respect to the compensation paid from the insurance coverage on account of the loss of the ship, the mortgagee shall be entitled to enjoy priority in compensation over other creditors.

Section 3 Maritime Liens

Article 21 A maritime lien is the right of the claimant, subject to the provisions of Article 22 of this Law, to take priority in compensation against shipowners, bareboat charterers or ship operators with respect to the ship which gave rise to the said claim.

Article 22 The following maritime claims shall be entitled to maritime liens:

(1) Payment claims for wages, other remuneration, crew repatriation and social insurance costs made by the Master, crew members and other members of the complement in accordance with the relevant labour laws, administrative rules and regulations or labour contracts;

(2) Claims in respect of loss of life or personal injury occurred in the operation of the ship;

(3) Payment claims for ship's tonnage dues, pilotage dues, harbour dues and other port charges;

(4) Payment claims for salvage payment;

(5) Compensation claims for loss of or damage to property resulting from tortious act in the course of the operation of the ship. Compensation claims for oil pollution damage caused by a ship carrying more than 2,000 tons of oil in bulk as cargo that has a valid certificate attesting that the ship has oil pollution liability insurance coverage or other appropriate financial security are not within the scope of sub-paragraph (5) of the preceding paragraph.

Article 23 The maritime claims set out in paragraph 1 of Article 22 shall be satisfied in the order listed. However, any of the maritime claims set out in sub-paragraph (4) arising later than those under sub-paragraph (1) through (3) shall have priority over those under sub-paragraph (1) through (3). In case there are more than two maritime claims under sub-paragraphs (1), (2), (3) or (5) of paragraph 1 of Article 22, they shall be satisfied at the same time regardless of their respective occurrences; where they could not be paid in full, they shall be paid in proportion. Should there be more than two maritime claims under sub-paragraph (4), those arising later shall be satisfied first.

Article 24 The legal costs for enforcing the maritime liens, the expenses for preserving and selling the ship, the expenses for distribution of the proceeds of sale and other expenses incurred for the common interests of the claimants, shall be deducted and paid first from the proceeds of the auction sale of the ship.

Article 25 A maritime lien shall have priority over a possessory lien, and a possessory lien shall have priority over ship mortgage. The possessory lien referred to in the preceding paragraph means the right of the ship builder or repairer to secure the building or repairing cost of the ship by means of detaining the ship in his possession when the other party to the contract fails in the performance thereof. The possessory lien shall be extinguished when the ship builder or repairer no longer possesses the ship he has built or repaired.

Article 26 Maritime liens shall not be extinguished by virtue of the transfer of the ownership of the ship, except those that have not been enforced within 60 days of a public notice on the transfer of the ownership of the ship made by a court at the request of the transferee when the transfer was effected.

Article 27 In case the maritime claims provided for in Article 22 of this Law are transferred, the maritime liens attached thereto shall be transferred accordingly.

Article 28 A maritime lien shall be enforced by the court by arresting the ship that gave rise to the said maritime lien.

Article 29 A maritime lien shall, except as provided for in Article 26 of this Law, be extinguished under one of the following circumstances:

- (1) The maritime claim attached by a maritime lien has not been enforced within one year of the existence of such maritime lien;
- (2) The ship in question has been the subject of a forced sale by the court;
- (3) The ship has been lost.
- (4) The period of one year specified in sub-paragraph (1) of the preceding paragraph shall not be suspended or interrupted.

Article 30 The provisions of this Section shall not affect the implementation of the limitation of liability for maritime claims provided for in Chapter XI of this Law.

CHAPTER III CREW

Section 1 Basic Principles

Article 31 The term "crew" means the entire complement of the ship, including the Master.

Article 32 The Master, deck officers, chief engineer, engineers, electrical engineer and radio operator must be those in possession of appropriate certificates of competency.

Article 33 Chinese "crew" engaged in international voyages must possess Seaman's Book and other relevant certificates issued by the harbour superintendency authorities of the People's Republic of China.

Article 34 In the absence of specific stipulations in this Law as regards the employment of the crew as well as their labour-related rights and obligations, the provisions of the relevant laws and administrative rules and regulations shall apply.

Section 2 The Master

Article 35 The Master shall be responsible for the management and navigation of the ship. Orders given by the Master within the scope of his functions and powers must be carried out by other members of the crew, the passengers and all persons on board. The Master shall take necessary measures to protect the ship and all persons on board, the documents, postal matters, the goods as well as other property carried.

Article 36 To ensure the safety of the ship and all persons on board, the Master shall be entitled to confine or take other necessary measures against those who have committed crimes or violated laws or regulations on board, and to guard against their concealment, destruction or forging of evidence. The Master, having taken actions as referred to in the preceding paragraph of this Article, shall make a written report of the case, which shall bear

the signature of the Master himself and those of two or more others on board, and shall be handed over, together with the offender, to the authorities concerned for disposition.

Article 37 The Master shall make entries in the log book of any occurrence of birth or death on board and shall issue a certificate to that effect in the presence of two witnesses. The death certificate shall be attached with a list of personal belongings of the deceased, and attestation shall be given by the Master to the will, if any, of the deceased. Both the death certificate and the will shall be taken into safe keeping by the Master and handed over to the family members of the deceased or the organizations concerned.

Article 38 Where a sea casualty has occurred to a ship and the life and property on board have thus been threatened, the Master shall, with crew members and other persons on board under his command, make best efforts to run to the rescue. Should the foundering and loss of the ship have become inevitable, the Master may decide to abandon the ship. However, such abandonment shall be reported to the shipowner for approval except in case of emergency. Upon abandoning the ship, the Master must take all measures first to evacuate the passengers safely from the ship in an orderly way, then make arrangements for crew members to evacuate, while the Master shall be the last to evacuate. Before leaving the ship, the Master shall direct the crew members to do their utmost to rescue the deck log book, the engine log book, the oil record book, the radio log book, the charts, documents and papers used in the current voyage, as well as valuables, postal matters and cash money.

Article 39 The duty of the Master in the management and navigation of the ship shall not be absolved even with the presence of a pilot piloting the ship.

Article 40 Should death occur to the Master or the Master be unable to perform his duties for whatever reason, the deck officer with the highest rank shall act as the Master; before the ship sails from its next port of call, the shipowner shall appoint a new Master to take command.

CHAPTER IV CONTRACT OF CARRIAGE OF GOODS BY SEA

Section 1 Basic Principles

Article 41 A contract of carriage of goods by sea is a contract under which the carrier, against payment of freight, undertakes to carry by sea the goods contracted for shipment by the shipper from one port to another.

Article 42 For the purposes of this Chapter:

(1) "Carrier" means the person by whom or in whose name a contract of carriage of goods by sea has been concluded with a shipper;

(2) "Actual carrier" means the person to whom the performance of carriage of goods, or of part of the carriage, has been entrusted by the carrier, and includes any other person to whom such performance has been entrusted under a sub-contract;

(3) "Shipper" means:

a) The person by whom or in whose name or on whose behalf a contract of carriage of goods by sea has been concluded with a carrier;

b) The person by whom or in whose name or on whose behalf the goods have been delivered

to the carrier involved in the contract of carriage of goods by sea;

(4) "Consignee" means the person who is entitled to take delivery of the goods;

(5) "Goods" includes live animals and containers, pallets or similar Articles of transport supplied by the shipper for consolidating the goods.

Article 43 The carrier or the shipper may demand confirmation of the contract of carriage of goods by sea in writing. However, voyage charter shall be done in writing. Telegrams, telexes and telefaxes have the effect of written documents.

Article 44 Any stipulation in a contract of carriage of goods by sea or a bill of lading or other similar documents evidencing such contract that derogates from the provisions of this Chapter shall be null and void. However, such nullity and voidness shall not affect the validity of other provisions of the contract or the bill of lading or other similar documents. A clause assigning the benefit of insurance of the goods in favour of the carrier or any similar clause shall be null and void.

Article 45 The provisions of Article 44 of this Law shall not prejudice the increase of duties and obligations by the carrier besides those set out in this Chapter.

Section 2 Carrier's Responsibilities

Article 46 The responsibilities of the carrier with regard to the goods carried in containers covers the entire period during which the carrier is in charge of the goods, starting from the time the carrier has taken over the goods at the port of loading, until the goods have been delivered at the port of discharge. The responsibility of the carrier with respect to non-containerized goods covers the period during which the carrier is in charge of the goods, starting from the time of loading of the goods onto the ship until the time the goods are discharged therefrom. During the period the carrier is in charge of the goods, the carrier shall be liable for the loss of or damage to the goods, except as otherwise provided for in this Section. The provisions of the preceding paragraph shall not prevent the carrier from entering into any agreement concerning carrier's responsibilities with regard to non-containerized goods prior to loading onto and after discharging from the ship.

Article 47 The carrier shall, before and at the beginning of the voyage, exercise due diligence to make the ship seaworthy, properly man, equip and supply the ship and to make the holds, refrigerating and cool chambers and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.

Article 48 The carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.

Article 49 The carrier shall carry the goods to the port of discharge on the agreed or customary or geographically direct route. Any deviation in saving or attempting to save life or property at sea or any reasonable deviation shall not be deemed to be an act deviating from the provisions of the preceding paragraph.

Article 50 Delay in delivery occurs when the goods have not been delivered at the designated port of discharge within the time expressly agreed upon. The carrier shall be liable for the loss of or damage to the goods caused by delay in delivery due to the fault of

the carrier, except those arising or resulting from causes for which the carrier is not liable as provided for in the relevant Articles of this Chapter. The carrier shall be liable for the economic losses caused by delay in delivery of the goods due to the fault of the carrier, even if no loss of or damage to the goods had actually occurred, unless such economic losses had occurred from causes for which the carrier is not liable as provided for in the relevant Articles of this Chapter. The person entitled to make a claim for the loss of goods may treat the goods as lost when the carrier has not delivered the goods within 60 days from the expiry of the time for delivery specified in paragraph 1 of this Article.

Article 51 The carrier shall not be liable for the loss of or damage to the goods occurred during the period of carrier's responsibility arising or resulting from any of the following causes:

- (1) Fault of the Master, crew members, pilot or servant of the carrier in the navigation or management of the ship;
- (2) Fire, unless caused by the actual fault of the carrier;
- (3) Force majeure and perils, dangers and accidents of the sea or other navigable waters;
- (4) War or armed conflict;
- (5) Act of the government or competent authorities, quarantine restrictions or seizure under legal process;
- (6) Strikes, stoppages or restraint of labour;
- (7) Saving or attempting to save life or property at sea;
- (8) Act of the shipper, owner of the goods or their agents;
- (9) Nature or inherent vice of the goods;
- (10) Inadequacy of packing or insufficiency of illegibility of marks;
- (11) Latent defect of the ship not discoverable by due diligence;
- (12) Any other causes arising without the fault of the carrier or his servant or agent.

The carrier who is entitled to exoneration from the liability for compensation as provided for in the preceding paragraph shall, with the exception of the causes given in sub-paragraph (2), bear the burden of proof.

Article 52 The carrier shall not be liable for the loss of or damage to the live animals arising or resulting from the special risks inherent in the carriage thereof. However, the carrier shall be bound to prove that he has fulfilled the special requirements of the shipper with regard to the carriage of the live animals and that under the circumstances of the sea carriage, the loss or damage has occurred due to the special risks inherent therein.

Article 53 In case the carrier intends to ship the goods on deck, he shall come into an agreement with the shipper or comply with the custom of the trade or the relevant laws or administrative rules and regulations. When the goods have been shipped on deck in accordance with the provisions of the preceding paragraph, the carrier shall not be liable for the loss of or damage to the goods caused by the special risks involved in such carriage. If the carrier, in breach of the provisions of the first paragraph of this Article, has shipped the goods on deck and the goods have consequently suffered loss or damage, the carrier shall

be liable therefor.

Article 54 Where loss or damage or delay in delivery has occurred from causes from which the carrier or his servant or agent is not entitled to exoneration from liability, together with another cause, the carrier shall be liable only to the extent that the loss, damage or delay in delivery is attributable to the causes from which the carrier is not entitled to exoneration from liability; however, the carrier shall bear the burden of proof with respect to the loss, damage or delay in delivery resulting from the other cause.

Article 55 The amount of indemnity for the loss of the goods shall be calculated on the basis of the actual value of the goods so lost, while that for the damage to the goods shall be calculated on the basis of the difference between the values of the goods before and after the damage, or on the basis of the expenses for the repair. The actual value shall be the value of the goods at the time of shipment plus insurance and freight. From the actual value referred to in the preceding paragraph, deduction shall be made, at the time of compensation, of the expenses that had been reduced or avoided as a result of the loss or damage occurred.

Article 56 The carrier's liability for the loss of or damage to the goods shall be limited to an amount equivalent to 666.67 Units of Account per package or other shipping unit, or 2 Units of Account per kilogramme of the gross weight of the goods lost or damaged, whichever is the higher, except where the nature and value of the goods had been declared by the shipper before shipment and inserted in the bill of lading, or where a higher amount than the amount of limitation of liability set out in this Article had been agreed upon between the carrier and the shipper. Where a container, pallet or similar Article of transport is used to consolidate goods, the number of packages or other shipping units enumerated in the bill of lading as packed in such Article of transport shall be deemed to be the number of packages or shipping units. If not so enumerated, the goods in such Article of transport shall be deemed to be one package or one shipping unit. Where the Article of transport is not owned or furnished by the carrier, such Article of transport shall be deemed to be one package or one shipping unit.

Article 57 The liability of the carrier for the economic losses resulting from delay in delivery of the goods shall be limited to an amount equivalent to the freight payable for the goods so delayed. Where the loss of or damage to the goods has occurred concurrently with the delay in delivery thereof, the limitation of liability of the carrier shall be that as provided for in paragraph 1 of Article 56 of this Law.

Article 58 The defence and limitation of liability provided for in this Chapter shall apply to any legal action brought against the carrier with regard to the loss of or damage to or delay in delivery of the goods covered by the contract of carriage of goods by sea, whether the claimant is a party to the contract or whether the action is founded in contract or in tort. The provisions of the preceding paragraph shall apply if the action referred to in the preceding paragraph is brought against the carrier's servant or agent, and the carrier's servant or agent proves that his action was within the scope of his employment or agency.

Article 59 The carrier shall not be entitled to the benefit of the limitation of liability provided

for in Article 56 or 57 of this Law if it is proved that the loss, damage or delay in delivery of the goods resulted from an act or omission of the carrier done with the intent to cause such loss, damage or delay or recklessly and with knowledge that such loss, damage or delay would probably result. The servant or agent of the carrier shall not be entitled to the benefit of limitation of liability provided for in Article 56 or 57 of this Law, if it is proved that the loss, damage or delay in delivery resulted from an act or omission of the servant or agent of the carrier done with the intent to cause such loss, damage or delay or recklessly and with knowledge that such loss, damage or delay would probably result.

Article 60 Where the performance of the carriage or part thereof has been entrusted to an actual carrier, the carrier shall nevertheless remain responsible for the entire carriage according to the provisions of this Chapter. The carrier shall be responsible, in relation to the carriage performed by the actual carrier, for the act or omission of the actual carrier and of his servant or agent acting within the scope of his employment or agency. Notwithstanding the provisions of the preceding paragraph, where a contract of carriage by sea provides explicitly that a specified part of the carriage covered by the said contract is to be performed by a named actual carrier other than the carrier, the contract may nevertheless provide that the carrier shall not be liable for the loss, damage or delay in delivery arising from an occurrence which takes place while the goods are in the charge of the actual carrier during such part of the carriage.

Article 61 The provisions with respect to the responsibility of the carrier contained in this Chapter shall be applicable to the actual carrier. Where an action is brought against the servant or agent of the actual carrier, the provisions contained in paragraph 2 of Article 58 and paragraph 2 of Article 59 of this Law shall apply.

Article 62 Any special agreement under which the carrier assumes obligations not provided for in this Chapter or waives rights conferred by this Chapter shall be binding upon the actual carrier when the actual carrier has agreed in writing to the contents thereof. The provisions of such special agreement shall be binding upon the carrier whether the actual carrier has agreed to the contents or not.

Article 63 Where both the carrier and the actual carrier are liable for compensation, they shall jointly be liable within the scope of such liability.

Article 64 If claims for compensation have been separately made against the carrier, the actual carrier and their servants or agents with regard to the loss of or damage to the goods, the aggregate amount of compensation shall not be in excess of the limitation provided for in Article 56 of this Law.

Article 65 The provisions of Article 60 through 64 of this Law shall not affect the recourse between the carrier and the actual carrier.

Section 3 Shipper's Responsibilities

Article 66 The shipper shall have the goods properly packed and shall guarantee the accuracy of the description, mark, number of packages or pieces, weight or quantity of the goods at the time of shipment and shall indemnify the carrier against any loss resulting from

inadequacy of packing or inaccuracies in the above-mentioned information. The carrier's right to indemnification as provided for in the preceding paragraph shall not affect the obligation of the carrier under the contract of carriage of goods towards those other than the shipper.

Article 67 The shipper shall perform all necessary procedures at the port, customs, quarantine, inspection or other competent authorities with respect to the shipment of the goods and shall furnish to the carrier all relevant documents concerning the procedures the shipper has gone through. The shipper shall be liable for any damage to the interest of the carrier resulting from the inadequacy or inaccuracy or delay in delivery of such documents.

Article 68 At the time of shipment of dangerous goods, the shipper shall, in compliance with the regulations governing the carriage of such goods, have them properly packed, distinctly marked and labelled and notify the carrier in writing of their proper description, nature and the precautions to be taken. In case the shipper fails to notify the carrier or notified him inaccurately, the carrier may have such goods landed, destroyed or rendered innocuous when and where circumstances so require, without compensation. The shipper shall be liable to the carrier for any loss, damage or expense resulting from such shipment. Notwithstanding the carrier's knowledge of the nature of the dangerous goods and his consent to carry, he may still have such goods landed, destroyed or rendered innocuous, without compensation, when they become an actual danger to the ship, the crew and other persons on board or to other goods. However, the provisions of this paragraph shall not prejudice the contribution in general average, if any.

Article 69 The shipper shall pay the freight to the carrier as agreed.

The shipper and the carrier may reach an agreement that the freight shall be paid by the consignee. However, such an agreement shall be noted in the transport documents.

Article 70 The shipper shall not be liable for the loss sustained by the carrier or the actual carrier, or for the damage sustained by the ship, unless such loss or damage was caused by the fault of the shipper, his servant or agent. The servant or agent of the shipper shall not be liable for the loss sustained by the carrier or the actual carrier, or for the damage sustained by the ship, unless the loss or damage was caused by the fault of the servant or agent of the shipper.

Section 4 Transport Documents

Article 71 A bill of lading is a document which serves as an evidence of the contract of carriage of goods by sea and the taking over or loading of the goods by the carrier, and based on which the carrier undertakes to deliver the goods against surrendering the same. A provision in the document stating that the goods are to be delivered to the order of a named person, or to order, or to bearer, constitutes such an undertaking.

Article 72 When the goods have been taken over by the carrier or have been loaded on board, the carrier shall, on demand of the shipper, issue to the shipper a bill of lading. The bill of lading may be signed by a person authorized by the carrier. A bill of lading signed by the Master of the ship carrying the goods is deemed to have been signed on behalf of the

carrier.

Article 73 A bill of lading shall contain the following particulars:

- (1) Description of the goods, mark, number of packages or pieces, weight or quantity, and a statement, if applicable, as to the dangerous nature of the goods;
- (2) Name and principal place of business of the carrier;
- (3) Name of the ship;
- (4) Name of the shipper;
- (5) Name of the consignee;
- (6) Port of loading and the date on which the goods were taken over by the carrier at the port of loading;
- (7) Port of discharge;
- (8) Place where the goods were taken over and the place where the goods are to be delivered in case of a multimodal transport bill of lading;
- (9) Date and place of issue of the bill of lading and the number of originals issued;
- (10) Payment of freight;
- (11) Signature of the carrier or of a person acting on his behalf. In a bill of lading, the lack of one or more particulars referred to in the preceding paragraph does not affect the function of the bill of lading as such, provided that it nevertheless meets the requirements set forth in Article 71 of this Law.

Article 74 If the carrier has issued, on demand of the shipper, a received-for-shipment bill of lading or other similar documents before the goods are loaded on board, the shipper may surrender the same to the carrier as against a shipped bill of lading when the goods have been loaded on board. The carrier may also note on the received-for-shipment bill of lading or other similar documents with the name of the carrying ship and the date of loading, and, when so noted, the received-for-shipment bill of lading or other similar documents shall be deemed to constitute a shipped bill of lading.

Article 75 If the bill of lading contains particulars concerning the description, mark, number of packages or pieces, weight or quantity of the goods with respect to which the carrier or the other person issuing the bill of lading on his behalf has the knowledge or reasonable grounds to suspect that such particulars do not accurately represent the goods actually received, or, where a shipped bill of lading is issued, loaded, or if he has had no reasonable means of checking, the carrier or such other person may make a note in the bill of lading specifying those inaccuracies, the grounds for suspicion or the lack of reasonable means of checking.

Article 76 If the carrier or the other person issuing the bill of lading on his behalf made no note in the bill of lading regarding the apparent order and condition of the goods, the goods shall be deemed to be in apparent goods order and condition.

Article 77 Except for the note made in accordance with the provisions of Article 75 of this Law, the bill of lading issued by the carrier or the other person acting on his behalf is prima facie evidence of the taking over or loading by the carrier of the goods as described therein.

Proof to the contrary by the carrier shall not be admissible if the bill of lading has been transferred to a third party, including a consignee, who has acted in good faith in reliance on the description of the goods contained therein.

Article 78 The relationship between the carrier and the holder of the bill of lading with respect to their rights and obligations shall be defined by the clauses of the bill of lading.

Neither the consignee nor the holder of the bill of lading shall be liable for the demurrage, dead freight and all other expenses in respect of loading occurred at the loading port unless the bill of lading clearly states that the aforesaid demurrage, dead freight and all other expenses shall be borne by the consignee and the holder of the bill of lading.

Article 79 The negotiability of a bill of lading shall be governed by the following provisions:

(1) A straight bill of lading is not negotiable;

(2) An order bill of lading may be negotiated with endorsement to order or endorsement in blank;

(3) A bearer bill of lading is negotiable without endorsement.

Article 80 Where a carrier has issued a document other than a bill of lading as an evidence of the receipt of the goods to be carried, such a document is prima facie evidence of the conclusion of the contract of carriage of goods by sea and the taking over by the carrier of the goods as described therein. Such documents that are issued by the carrier shall not be negotiable.

Section 5 Delivery of Goods

Article 81 Unless notice of loss or damage is given in writing by the consignee to the carrier at the time of delivery of the goods by the carrier to the consignee, such delivery shall be deemed to be prima facie evidence of the delivery of the goods by the carrier as described in the transport documents and of the apparent goods order and condition of such goods. Where the loss of or damage to the goods is not apparent, the provisions of the preceding paragraph shall apply if the consignee has not given the notice in writing within seven consecutive days from the next day of the delivery of the goods, or, in the case of containerized goods, within 15 days from the next day of the delivery thereof. The notice in writing regarding the loss or damage need not be given if the state of the goods has, at the time of delivery, been the subject of a joint survey or inspection by the carrier and the consignee.

Article 82 The carrier shall not be liable for compensation if no notice on the economic losses resulting from delay in delivery of the goods has been received from the consignee within 60 consecutive days from the next day on which the goods had been delivered by the carrier to the consignee.

Article 83 The consignee may, before taking delivery of the goods at the port of destination, and the carrier may, before delivering the goods at the port of destination, request the cargo inspection agency to have the goods inspected. The party requesting such inspection shall bear the cost thereof but is entitled to recover the same from the party causing the damage.

Article 84 The carrier and the consignee shall mutually provide reasonable facilities for the

survey and inspection stipulated in Article 81 and 83 of this Law.

Article 85 Where the goods have been delivered by the actual carrier, the notice in writing given by the consignee to the actual carrier under Article 81 of this Law shall have the same effect as that given to the carrier, and that given to the carrier shall have the same effect as that given to the actual carrier.

Article 86 If the goods were not taken delivery of at the port of discharge or if the consignee has delayed or refused the taking delivery of the goods, the Master may discharge the goods into warehouses or other appropriate places, and any expenses or risks arising therefrom shall be borne by the consignee.

Article 87 If the freight, contribution in general average, demurrage to be paid to the carrier and other necessary charges paid by the carrier on behalf of the owner of the goods as well as other charges to be paid to the carrier have not been paid in full, nor has appropriate security been given, the carrier may have a lien, to a reasonable extent, on the goods.

Article 88 If the goods under lien in accordance with the provisions of Article 87 of this Law have not been taken delivery of within 60 days from the next day of the ship's arrival at the port of discharge, the carrier may apply to the court for an order on the selling the goods by auction; where the goods are perishable or the expenses for keeping such goods would exceed their value, the carrier may apply for an earlier sale by auction.

The proceeds from the auction sale shall be used to pay off the expenses for the storage and auction sale of the goods, the freight and other related charges to be paid to the carrier. If the proceeds fall short of such expenses, the carrier is entitled to claim the difference from the shipper, whereas any amount in surplus shall be refunded to the shipper. If there is no way to make the refund and such surplus amount has not been claimed at the end of one full year after the auction sale, it shall go to the State Treasury.

Section 6 Cancellation of Contract

Article 89 The shipper may request the cancellation of the contract of carriage of goods by sea before the ship sails from the port of loading. However, except as otherwise provided for in the contract, the shipper shall in this case pay half of the agreed amount of freight; if the goods have already been loaded on board, the shipper shall bear the expenses for the loading and discharge and other related charges.

Article 90 Either the carrier or the shipper may request the cancellation of the contract and neither shall be liable to the other if, due to force majeure or other causes not attributable to the fault of the carrier or the shipper, the contract could not be performed prior to the ship's sailing from its port of loading. If the freight has already been paid, it shall be refunded to the shipper, and, if the goods have already been loaded on board, the loading/discharge expenses shall be borne by the shipper. If a bill of lading has already been issued, it shall be returned by the shipper to the carrier.

Article 91 If, due to force majeure or any other causes not attributable to the fault of the carrier or the shipper, the ship could not discharge its goods at the port of destination as provided for in the contract of carriage, unless the contract provides otherwise, the Master

shall be entitled to discharge the goods at a safe port or place near the port of destination and the contract of carriage shall be deemed to have been fulfilled.

In deciding the discharge of the goods, the Master shall inform the shipper or the consignee and shall take the interests of the shipper or the consignee into consideration.

Section 7 Special Provisions Regarding Voyage Charter Party

Article 92 A voyage charter party is a charter party under which the shipowner chartered out and the charterer chartered in the whole or part of the ship's space for the carriage by sea of the intended goods from one port to another and the charterer pays the agreed amount of freight.

Article 93 A voyage charter party shall mainly contain, inter alia, name of the shipowner, name of the charterer, name and nationality of the ship, its bale or grain capacity, description of the goods to be loaded, port of loading, port of destination, laydays, time for loading and discharge, payment of freight, demurrage, dispatch and other relevant matters.

Article 94 The provisions in Article 47 and Article 49 of this Law shall apply to the shipowner under voyage charter party.

The other provisions in this Chapter regarding the rights and obligations of the parties to the contract shall apply to the shipowner and the charterer under voyage charter only in the absence of relevant provisions or in the absence of provisions differing therefrom in the voyage charter.

Article 95 Where the holder of the bill of lading is not the charterer in the case of a bill of lading issued under a voyage charter, the rights and obligations of the carrier and the holder of the bill of lading shall be governed by the clauses of the bill of lading. However, if the clauses of the voyage charter party are incorporated into the bill of lading, the relevant clauses of the voyage charter party shall apply.

Article 96 The shipowner shall provide the intended ship. The intended ship may be substituted with the consent of the charterer. However, if the ship substituted does not meet the requirements of the charter party, the charterer may reject the ship or cancel the charter. Should any damage or loss occur to the charterer as a result of the shipowner's failure in providing the intended ship due to his fault, the shipowner shall be liable for compensation.

Article 97 If the shipowner has failed to provide the ship within the laydays fixed in the charter, the charterer is entitled to cancel the charter party. However, if the shipowner had notified the charterer of the delay of the ship and the expected date of its arrival at the port of loading, the charterer shall notify the shipowner whether to cancel the charter within 48 hours of the receipt of the shipowner's notification.

Where the charterer has suffered losses as a result of the delay in providing the ship due to the fault of the shipowner, the shipowner shall be liable for compensation.

Article 98 Under a voyage charter, the time for loading and discharge and the way of calculation thereof, as well as the rate of demurrage that would incur after the expiration of the laytime and the rate of dispatch money to be paid as a result of the completion of loading or discharge ahead of schedule, shall be fixed by the shipowner and the charterer upon

mutual agreement.

Article 99 The charterer may sublet the ship he chartered, but the rights and obligations under the head charter shall not be affected.

Article 100 The charterer shall provide the intended goods, but he may replace the goods with the consent of the shipowner. However, if the goods replaced is detrimental to the interests of the shipowner, the shipowner shall be entitled to reject such goods and cancel the charter.

Where the shipowner has suffered losses as a result of the failure of the charterer in providing the intended goods, the charterer shall be liable for compensation.

Article 101 The shipowner shall discharge the goods at the port of discharge specified in the charter party. Where the charter party contains a clause allowing the choice of the port of discharge by the charterer, the Master may choose one from among the agreed picked ports to discharge the goods, in case the charterer did not, as agreed in the charter, instruct in time as to the port chosen for discharging the goods. Where the charterer did not instruct in time as to the chosen port of discharge, as agreed in the charter, and the shipowner suffered losses thereby, the charterer shall be liable for compensation; where the charterer has suffered losses as a result of the shipowner's arbitrary choice of a port to discharge the goods, in disregard of the provisions in the relevant charter, the shipowner shall be liable for compensation.

Section 8 Special Provisions Regarding Multimodal Transport Contract

Article 102 A multimodal transport contract as referred to in this Law means a contract under which the multimodal transport operator undertakes to transport the goods, against the payment of freight for the entire transport, from the place where the goods were received in his charge to the destination and to deliver them to the consignee by two or more different modes of transport, one of which being sea carriage.

The multimodal transport operator as referred to in the preceding paragraph means the person who has entered into a multimodal transport contract with the shipper either by himself or by another person acting on his behalf.

Article 103 The responsibility of the multimodal transport operator with respect to the goods under multimodal transport contract covers the period from the time he takes the goods in his charge to the time of their delivery.

Article 104 The multimodal transport operator shall be responsible for the performance of the multimodal transport contract or the procurement of the performance therefor, and shall be responsible for the entire transport.

The multimodal transport operator may enter into separate contracts with the carriers of the different modes defining their responsibilities with regard to the different sections of the transport under the multimodal transport contracts. However, such separate contracts shall not affect the responsibility of the multimodal transport operator with respect to the entire transport.

Article 105 If loss of or damage to the goods has occurred in a certain section of the transport,

the provisions of the relevant laws and regulations governing that specific section of the multimodal transport shall be applicable to matters concerning the liability of the multimodal transport operator and the limitation thereof.

Article 106 If the section of transport in which the loss of or damage to the goods occurred could not be ascertained, the multimodal transport operator shall be liable for compensation in accordance with the stipulations regarding the carrier's liability and the limitation thereof as set out in this Chapter.

CHAPTER V CONTRACT OF CARRIAGE OF PASSENGERS BY SEA

Article 107 A contract of carriage of passengers by sea is a contract whereby the carrier undertakes to carry passengers and their luggage by sea from one port to another by ships suitable for that purpose against payment of fare by the passengers.

Article 108 For the purposes of this Chapter:

(1) "Carrier" means the person by whom or in whose name a contract of carriage of passengers by sea has been entered into with the passengers;

(2) "Actual carrier" means the person by whom the whole or part of the carriage of passengers has been performed as entrusted by the carrier, including those engaged in such carriage under a sub-contract.

(3) "Passenger" means a person carried under a contract of carriage of passengers by sea. With the consent of the carrier, a person supervising the carriage of goods aboard a ship covered by a contract of carriage of goods is regarded as a passenger;

(4) "Luggage" means any Article or vehicle shipped by the carrier under the contract of carriage of passengers by sea, with the exception of live animals.

(5) "Cabin luggage" means the luggage which the passenger has in his cabin or is otherwise in his possession, custody or control.

Article 109 The provisions regarding the responsibilities of the carrier as contained in this Chapter shall be applicable to the actual carrier, and the provisions regarding the responsibilities of the servant or agent of the carrier as contained in this Chapter shall be applicable to the servant or agent of the actual carrier.

Article 110 The passage ticket serves as an evidence that a contract of carriage of passengers by sea has been entered into.

Article 111 The period of carriage for the carriage of passengers by sea commences from the time of embarkation of the passengers and terminates at the time of their disembarkation, including the period during which the passengers are transported by water from land to the ship or vice versa, if such cost of transport is included in the fare. However, the period of carriage does not include the time when the passengers are at a marine terminal or station or on a quay or in or on any other port installations.

The period of carriage for the cabin luggage of the passengers shall be the same as that stipulated in the preceding paragraph. The period of carriage for luggage other than the cabin luggage commences from the time when the carrier or his servant or agent receives it into his charge and terminates at the time when the carrier or his servant or agent redelivers

it to the passengers.

Article 112 A passenger travelling without a ticket or taking a higher class berth than booked or going beyond the distance paid for shall pay for the fare or the excess fare as required by relevant regulations, and the carrier may, according to the relevant regulations, charge additional fare. Should any passenger refuse to pay, the Master is entitled to order him to disembark at a suitable place and the carrier has the right of recourse against him.

Article 113 No passenger may take on board or pack in their luggage contraband goods or any Article of an inflammable, explosive, poisonous, corrosive or radioactive nature or other dangerous goods that would endanger the safety of life and property on board.

The carrier may have the contraband or dangerous goods brought on board by the passenger or packed in his luggage in breach of the provisions of the preceding paragraph discharged, destroyed or rendered innocuous at any time and at any place or sent over to the appropriate authorities, without being liable for compensation.

The passenger shall be liable for compensation if any loss or damage occurs as a result of his breach of the provisions of paragraph 1 of this Article.

Article 114 During the period of carriage of the passengers and their luggage as provided for in Article 111 of this Law, the carrier shall be liable for the death of or personal injury to passengers or the loss of or damage to their luggage resulting from accidents caused by the fault of the carrier or his servant or agent committed within the scope of his employment or agency.

The claimant shall bear the burden of proof regarding the fault of the carrier or his servant or agent, with the exception, however, of the circumstances specified in paragraphs 3 and 4 of this Article.

If the death of or personal injury to the passengers or loss of or damage to the passengers' cabin luggage occurred as a result of shipwreck, collision, stranding, explosion, fire or the defect of the ship, it shall be presumed that the carrier or his servant or agent has committed a fault, unless proof to the contrary has been given by the carrier or his servant or agent.

As to any loss of or damage to the luggage other than the passenger's cabin luggage, unless the carrier or his servant or agent proves to the contrary, it shall be presumed that the carrier or his servant or agent has committed a fault, no matter how the loss or damage was caused.

Article 115 If it is proved by the carrier that the death of or personal injury to the passenger or the loss of or damage to his luggage was caused by the fault of the passenger himself or the faults of the carrier and the passenger combined, the carrier's liability may be exonerated or appropriately mitigated.

If it is proved by the carrier that the death of or personal injury to the passenger or the loss of or damage to the passenger's luggage was intentionally caused by the passenger himself, or the death or personal injury was due to the health condition of his, the carrier shall not be liable therefor.

Article 116 The carrier shall not be liable for any loss of or damage to the monies, gold, silver,

jewellery, negotiable securities or other valuables of the passengers.

If the passenger has entrusted the above-mentioned valuables to the safe-keeping of the carrier under an agreement for that purpose, the carrier shall be liable for compensation in accordance with the provisions of Article 117 of this Law. Where the limitation of liability agreed upon between the carrier and the passenger in writing is higher than that set out in Article 117 of this Law, the carrier shall make the compensation in accordance with that higher amount.

Article 117 Except the circumstances specified in paragraph 4 of this Article, the limitation of liability of the carrier under each carriage of passengers by sea shall be governed by the following:

- (1) For death of or personal injury to the passenger: not exceeding 46,666 Units of Account per passenger;
- (2) For loss of or damage to the passengers' cabin luggage: not exceeding 833 Units of Account per passenger;
- (3) For loss of or damage to the passengers' vehicles including the luggage carried therein: not exceeding 3,333 Units of Account per vehicle;
- (4) For loss of or damage to luggage other than those described in sub- paragraphs (2) and (3) above: not exceeding 1,200 Units of Account per passenger.

An agreement may be reached between the carrier and the passengers with respect to the deductibles applicable to the compensation for loss of or damage to the passengers' vehicles and luggage other than their vehicles. However, the deductible with respect to the loss of or damage to the passengers' vehicles shall not exceed 117 Units of Account per vehicle, whereas the deductible for the loss of or damage to the luggage other than the vehicle shall not exceed 13 Units of Account per piece of luggage per passenger. In calculating the amount of compensation for the loss of or damage to the passenger's vehicle or the luggage other than the vehicle, deduction shall be made of the agreed deductibles the carrier is entitled to.

A higher limitation of liability than that set out in sub-paragraph (1) above may be agreed upon between the carrier and the passenger in writing.

The limitation of liability of the carrier with respect to the carriage of passengers by sea between the ports of the People's Republic of China shall be fixed by the competent authorities of transport and communications under the State Council and implemented after its being submitted to and approved by the State Council.

Article 118 If it is proved that the death of or personal injury to the passenger or the loss of or damage to the passenger's luggage resulted from an act or omission of the carrier done with the intent to cause such loss or damage or recklessly and with knowledge that such death or personal injury or such loss or damage would probably result, the carrier shall not invoke the provisions regarding the limitation of liability contained in Articles 116 and 117 of this Law.

If it is proved that the death of or personal injury to the passenger or the loss of or damage

to the passenger's luggage resulted from an act or omission of the servant or agent of the carrier done with the intent to cause such loss or damage or recklessly and with knowledge that such death or personal injury or such loss or damage would probably result, the servant or agent of the carrier shall not invoke the provisions regarding the limitation of liability contained in Article 116 and 117 of this Law.

Article 119 In case of apparent damage to the luggage, the passenger shall notify the carrier or his servant or agent in writing according to the following:

(1) Notice with respect to cabin luggage shall be made before or at the time of his embarkation;

(2) Notice regarding luggage other than cabin luggage shall be made before or at the time of redelivery thereof.

If the damage to the luggage is not apparent and it is difficult for the passenger to discover such damage at the time of his disembarkation or of the redelivery of the luggage, or if the luggage has been lost, the passenger shall notify the carrier or his servant or agent in writing within 15 days from the next day of disembarkation of the passenger or of the redelivery of the luggage.

If the passenger fails to send in the notice in writing in time in accordance with the provisions of sub-paragraphs (1) and (2) of this Article, it shall be presumed that the luggage has been received undamaged, unless proof to the contrary is made.

Where the luggage has been jointly surveyed or inspected by the passenger and the carrier at the time of redelivery thereof, the above- mentioned notice need not be given.

Article 120 With regard to the claims made to the carrier's servant or agent, such servant or agent shall be entitled to invoke the provisions regarding defence and limitation of liability contained in Article 115, 116 and 117 of this Law if such servant or agent proves that his act or omission was within the scope of his employment or agency.

Article 121 Where the performance of the carriage of passengers or part thereof has been entrusted by the carrier to an actual carrier, the carrier shall, as stipulated in this Chapter, remain liable for the entire carriage. Where the carriage is performed by the actual carrier, the carrier shall be liable for the act or omission of the actual carrier or the act or omission of his servant or agent within the scope of his employment or agency.

Article 122 Any special agreement under which the carrier assumes obligations not provided for in this Chapter or waives the rights conferred by this Chapter shall be binding upon the actual carrier where the actual carrier has expressly agreed in writing to the contents thereof. Such a special agreement shall be binding upon the carrier whether the actual carrier has agreed to its contents or not.

Article 123 Where both the carrier and the actual carrier are liable for compensation, they shall be liable jointly and severally within the scope of such liability.

Article 124 Where separate claims have been brought against the carrier, the actual carrier and their servants or agents with respect to the death of or personal injury to the passengers or the loss of or damage to their luggage, the aggregate amount of compensation shall not

be in excess of the limitation prescribed in Article 117 of this Law.

Article 125 The provisions of Articles 121 through 124 of this Law shall not affect the right of recourse between the carrier and the actual carrier.

Article 126 Any of the following clauses contained in a contract of carriage of passengers by sea shall be null and void:

- (1) Any clause that exonerates the statutory responsibility of the carrier in respect of the passenger;
- (2) Any clause that reduces the limitation of liability of the carrier as contained in this Chapter;
- (3) Any clause that contains provisions contrary to those of this Chapter concerning burden of proof;
- (4) Any clause that restricts the right of claim of the passenger.

The nullity and voidness of the clauses set out in the preceding paragraph shall not prejudice the validity of the other clauses of the contract.

CHAPTER VI CHARTER PARTIES

Section 1 Basic Principles

Article 127 The provisions concerning the rights and obligations of the shipowner and the charterer in this Chapter shall apply only when there are no stipulations or no different stipulations in this regard in the charter party.

Article 128 Charter parties including time charter parties and bareboat charter parties shall be concluded in writing.

Section 2 Time Charter Party

Article 129 A time charter party is a contract under which the shipowner provides a designated manned ship to the charterer, and the charterer employs the ship during the contractual period for the agreed service against payment of hire.

Article 130 A time charter party mainly contains the name of the shipowner, the name of the charter; the name, nationality, class, tonnage, capacity, speed and fuel consumption of the ship; the trading area; the agreed service, the contractual period, the time, place and conditions of delivery and redelivery of the ship; the hire and the way of its payment and other relevant matters.

Article 131 The shipowner shall deliver the ship within the time agreed upon in the charter party.

Where the shipowner acts against the provisions of the preceding paragraph, the charterer is entitled to cancel the charter. However, if the shipowner has notified the charterer of the anticipated delay in delivery and has given an estimated time of arrival of the ship at the port of delivery, the charterer shall notify the shipowner, within 48 hours of the receipt of such notice from the shipowner, of his decision whether to cancel the charter or not.

The shipowner shall be liable for the charterer's loss resulting from the delay in delivery of the ship due to the shipowner's fault.

Article 132 At the time of delivery, the shipowner shall exercise due diligence to make the ship seaworthy. The ship delivered shall be fit for the intended service.

Where the shipowner acts against the provisions in the preceding paragraph, the charterer shall be entitled to cancel the charter and claim any losses resulting therefrom.

Article 133 During the charter period, if the ship is found at variance with the seaworthiness or the other conditions agreed upon in the charter, the shipowner shall take all reasonable measures to have them restored as soon as possible.

Where the ship has not been operated normally for 24 consecutive hours due to its failure to maintain the seaworthiness or the other conditions as agreed upon, the charterer shall not pay the hire for the operating time so lost, unless such failure was caused by the charterer.

Article 134 The charterer shall guarantee that the ship shall be employed in the agreed maritime transport between the safe ports or places within the trading area agreed upon.

If the charterer acts against the provisions of the preceding paragraph, the shipowner is entitled to cancel the charter and claim any losses resulting therefrom.

Article 135 The charterer shall guarantee that the ship shall be employed to carry the lawful merchandise agreed.

Where the ship is to be employed by the charterer to carry live animals or dangerous goods, a prior consent of the shipowner is required.

The charterer shall be liable for any loss of the shipowner resulting from the charterer's violation of the provisions of paragraph 1 or paragraph 2 of this Article.

Article 136 The charterer shall be entitled to give the Master instructions with respect to the operation of the ship. However, such instructions shall not be inconsistent with the stipulations of the time charter.

Article 137 The charterer may sublet the ship under charter, but he shall notify the shipowner of the sublet in time. The rights and obligations agreed upon in the head charter shall not be affected by the sub-charter.

Article 138 Where the ownership of the ship under charter has been transferred by the shipowner, the rights and obligations agreed upon under the original charter shall not be affected. However, the shipowner shall inform the charterer thereof in time. After such transfer, the transferee and the charterer shall continue to perform the original charter.

Article 139 Should the ship be engaged in salvage operations during the charter period, the charterer shall be entitled to half of the amount of the payment for salvage operations after deducting therefrom the salvage expenses, compensation for damage, the portion due to crew members and other relevant costs.

Article 140 The charterer shall pay the hire as agreed upon in the charter. Where the charterer fails to pay the hire as agreed upon, the shipowner shall be entitled to cancel the charter party and claim any losses resulting therefrom.

Article 141 In case the charterer fails to pay the hire or other sums of money as agreed upon in the charter, the shipowner shall have a lien on the charterer's goods, other property on board and earnings from the sub-charter.

Article 142 When the charter redelivers the ship to the shipowner, the ship shall be in the

same good order and condition as it was at the time of delivery, fair wear and tear excepted. Where, upon redelivery, the ship fails to remain in the same good order and condition as it was at the time of delivery, the charter shall be responsible for rehabilitation or for compensation.

Article 143 If, on the basis of a reasonable calculation, a ship may be able to complete its last voyage at around the time of redelivery specified in the charter and probably thereafter, the charterer is entitled to continue to use the ship in order to complete that voyage even if its time of redelivery will be overdue. During the extended period, the charterer shall pay the hire at the rate fixed by the charter, and, if the current market rate of hire is higher than that specified in the charter, the charterer shall pay the hire at the current market rate.

Section 3 Bareboat Charter Party

Article 144 A bareboat charter party is a charter party under which the shipowner provides the charterer with an unmanned ship which the charterer shall possess, employ and operate within an agreed period and for which the charterer shall pay the shipowner the hire.

Article 145 A bareboat charter party mainly contains the name of the shipowner and the name of the charter; the name, nationality, class, tonnage and capacity of the ship; the trading area, the employment of the ship and the charter period; the time, place and condition of delivery and redelivery; the survey, maintenance and repair of the ship; the hire and its payment; the insurance of the ship; the time and condition for the termination of the charter and other relevant matters.

Article 146 The shipowner shall deliver the ship and its certificates to the charterer at the port or place and time as stipulated in the charter party. At the time of delivery, the shipowner shall exercise due diligence to make the ship seaworthy. The ship delivered shall be fit for the agreed service.

Where the shipowner acts against the provisions of the preceding paragraph, the charterer shall be entitled to cancel the charter and claim any losses resulting therefrom.

Article 147 The charterer shall be responsible for the maintenance and repair of the ship during the bareboat charter period.

Article 148 During the bareboat charter period, the ship shall be insured, at the value agreed upon in the charter and in the way consented to by the shipowner, by the charterer at his expense.

Article 149 During the bareboat charter period, if the charterer's possession, employment or operation of the ship has affected the interests of the shipowner or caused any losses thereto, the charterer shall be liable for eliminating the harmful effect or compensating for the losses. Should the ship be arrested due to any disputes over its ownership or debts owned by the shipowner, the shipowner shall guarantee that the interest of the charterer is not affected. The shipowner shall be liable for compensation for any losses suffered by the charterer thereby.

Article 150 During the bareboat charter period, the charterer shall not assign the rights and obligations stipulated in the charter or sublet the ship under bareboat charter without the

shipowner's consent in writing.

Article 151 The shipowner shall not establish any mortgage of the ship during the bareboat charter period without the prior consent in writing by the charterer.

Where the shipowner acts against the provisions of the preceding paragraph and thereby causes losses to the charterer, the shipowner shall be liable for compensation.

Article 152 The charterer shall pay the hire as stipulated in the charter. In default of payment by the charterer for seven consecutive days or more after the time as agreed in the charter for such payment, the shipowner is entitled to cancel the charter without prejudice to any claim for the loss arising from the charterer's default.

Should the ship be lost or missing, payment of hire shall cease from the day when the ship was lost or last heard of. Any hire paid in advance shall be refunded in proportion.

Article 153 The provisions of Article 134, paragraph 1 of Article 135, Article 142 and Article 143 of this Law shall be applicable to bareboat charter parties.

Article 154 The ownership of a ship under bareboat charter containing a lease-purchase clause shall be transferred to the charterer when the charterer has paid off the lease-purchase price to the shipowner as stipulated in the charter.

CHAPTER VII CONTRACT OF SEA TOWAGE

Article 155 A contract of sea towage is a contract whereby the tugowner undertakes to tow an object by sea with a tug from one place to another and the tow party pays the towage. The provisions of this Chapter shall not be applicable to the towage service rendered to ships within the port area.

Article 156 A contract of sea towage shall be made in writing. Its contents shall mainly include name and address of the tugowner, name and address of the tow party, name and main particulars of the tug and name and main particulars of the object to be towed, horse power of the tug, place of commencement of the towage and the destination, the date of commencement of the towage, towage price and the way of payment thereof, as well as other relevant matters.

Article 157 The tugowner shall, before and at the beginning of the towage, exercise due diligence to make the tug seaworthy and tow-worthy and to properly man the tug and equip it with gears and tow lines and to provide all other necessary supplies and appliances for the intended voyage.

The two party shall, before and at the beginning of the towage, make all necessary preparations therefor and shall exercise due diligence to make the object to be towed tow-worthy and shall give a true account of the object to be towed and provide the certificate of tow-worthiness and other documents issued by the relevant survey and inspection organizations.

Article 158 If before the commencement of the towage service, due to force majeure or other causes not attributable to the fault of either party, the towage contract could not be performed, either party may cancel the contract and neither shall be liable to the other. In such event, the towage price that had already been paid shall be returned to the tow party by the

tugowner, unless otherwise agreed upon in the towage contract.

Article 159 If after the commencement of the towage service, due to force majeure or other causes not attributable to the fault of either party, the towage contract could not be performed, either party may cancel the towage contract and neither shall be liable to the other.

Article 160 Where the object towed could not reach its destination due to force majeure or other causes not attributable to the fault of either party, unless the towage contract provides otherwise, the tugowner may deliver the object towed to the two party or its agent at a place near the destination or at a safe port or an anchorage chosen by the Master of the tug, and the contract of towage shall be deemed to have been fulfilled.

Article 161 Where the tow party fails to pay the towage price or other reasonable expenses as agreed, the tugowner shall have a lien on the object towed.

Article 162 In the course of the sea towage, if the damage suffered by the tugowner or the two party was caused by the fault of one of the parties, the party in fault shall be liable for compensation. If the damage was caused by the faults of both parties, both parties shall be liable for compensation in proportion to the extent of their respective faults.

Notwithstanding the provisions of the preceding paragraph, the tugowner shall not be liable if he proves that the damage suffered by the tow party is due to one of the following causes:

(1) Fault of the Master or other crew members of the tug or the pilot or other servants or agents of the tugowner in the navigation and management of the tug:

(2) Fault of the tug in saving or attempting to save life or property at sea.

The provisions of this Article shall only apply if and when there are no provisions or no different provisions in this regard in the sea towage contract.

Article 163 If death of or personal injury to a third party or damage to property thereof has occurred during the sea towage due to the fault of the tugowner or the tow party, the tugowner and the tow party shall be liable jointly and severally to that third party. Except as otherwise provided for in the towage contract, the party that has jointly and severally paid a compensation in an amount exceeding the proportion for which it is liable shall have the right of recourse against the other party.

Article 164 Where a tugowner towing a barge owned or operated by him to transport goods by sea from one port to another, it shall be deemed as an act of carriage of goods by sea.

CHAPTER VIII COLLISION OF SHIPS

Article 165 Collision of ships means an accident arising from the touching of ships at sea or in other navigable waters adjacent thereto.

Ships referred to in the preceding paragraph shall include those non- military or public service ships or craft that collide with the ships mentioned in Article 3 of this Law.

Article 166 After a collision, the Master of each of the ships in collision is bound, so far as he can do so without serious danger to his ship and persons on board to render assistance to the other ship and persons on board.

The Master of each of the ships in collision is likewise bound so far as possible to make known to the other ship the name of his ship, its port of registry, port of departure and port

of destination.

Article 167 Neither of the parties shall be liable to the other if the collision is caused by force majeure or other causes not attributable to the fault of either party or if the cause thereof is left in doubt.

Article 168 If the collision is caused by the fault of one of the ships, the one in fault shall be liable therefor.

Article 169 If the colliding ships are all in fault, each ship shall be liable in proportion to the extent of its fault; if the respective faults are equal in proportion or it is impossible to determine the extent of the proportion of the respective faults, the liability of the colliding ships shall be apportioned equally.

The ships in fault shall be liable for the damage to the ship, the goods and other property on board pursuant to the proportions prescribed in the preceding paragraph. Where damage is caused to the property of a third party, the liability for compensation of any of the colliding ships shall not exceed the proportion it shall bear.

If the ships in fault have caused loss of life or personal injury to a third party, they shall be jointly and severally liable therefor. If a ship has paid an amount of compensation in excess of the proportion prescribed in paragraph 1 of this Article, it shall have the right of recourse against the other ship(s) in fault.

Article 170 Where a ship has caused damage to another ship and persons, goods or other property on board that ship, either by the execution or non-execution of a manoeuvre or by the non-observance of navigation regulations, even if no collision has actually occurred, the provisions of this Chapter shall apply.

CHAPTER IX SALVAGE AT SEA

Article 171 The provisions of this Chapter shall apply to salvage operations rendered at sea or any other navigable waters adjacent thereto to ships and other property in distress.

Article 172 For the purposes of this Chapter:

(1) "Ship" means any ship referred to in Article 3 of this Law and any other non-military, public service ship or craft that has been involved in a salvage operation therewith;

(2) "Property" means any property not permanently and intentionally attached to the shoreline and includes freight at risk.

(3) "Payment" means any reward, remuneration or compensation for salvage operations to be paid by the salvaged party to the salvor pursuant to the provisions of this Chapter.

Article 173 The provisions of this Chapter shall not apply to fixed or floating platforms or mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

Article 174 Every Master is bound, so far as he can do so without serious danger to his ship and persons on board, to render assistance to any person in danger of being lost at sea.

Article 175 A contract for salvage operations at sea is concluded when an agreement has been reached between the salvor and the salvaged party regarding the salvage operations to be undertaken. The Master of the ship in distress shall have the authority to conclude a

contract for salvage operations on behalf of the shipowner.

The Master of the ship in distress or its owner shall have the authority to conclude a contract for salvage operations on behalf of the owner of the property on board.

Article 176 The salvage contract may be modified by a judgment of the court which has entertained the suit brought by either party, or modified by an award of the arbitration organization to which the dispute has been submitted for arbitration upon the agreement of the parties, under any of the following circumstances:

- (1) The contract has been entered into under undue influence or the influence of danger and its terms are obviously inequitable;
- (2) The payment under the contract is in an excessive degree too large or too small for the services actually rendered.

Article 177 During the salvage operation, the salvor shall owe a duty to the salvaged party to:

- (1) Carry out the salvage operation with due care;
- (2) Exercise due care to prevent or minimize the pollution damage to the environment;
- (3) Seek the assistance of other salvors where reasonably necessary;
- (4) Accept the reasonable request of the salvaged party to seek the participation in the salvage operation of other salvors. However, if the request is not well-founded, the amount of payment due to the original salvor shall not be affected.

Article 178 During the salvage operation, the party salvaged is under an obligation to the salvor to:

- (1) Cooperate fully with the salvor;
- (2) Exercise due care to prevent or minimize the pollution damage to the environment;
- (3) Promptly accept the request of the salvor to take delivery of the ship or property salvaged when such ship or property has been brought to a place of safety.

Article 179 Where the salvage operations rendered to the distressed ship and other property have had a useful result, the salvor shall be entitled to a reward. Except as otherwise provided for by Article 182 of this Law or by other laws or the salvage contract, the salvor shall not be entitled to the payment if the salvage operations have had no useful result.

Article 180 The reward shall be fixed with a view to encouraging salvage operations, taking into full account the following criteria:

- (1) Value of the ship and other property salvaged;
- (2) Skill and efforts of the salvors in preventing or minimizing the pollution damage to the environment;
- (3) Measure of success obtained by the salvors;
- (4) Nature and extent of the danger;
- (5) Skill and efforts of the salvors in salvaging the ship, other property and life;
- (6) Time used and expenses and losses incurred by the salvors;
- (7) Risk of liability and other risks run by the salvors or their equipment;
- (8) Promptness of the salvage services rendered by the salvors;
- (9) Availability and use of ships or other equipment intended for salvage operations;

(10) State of readiness and efficiency of the salvors' equipment and the value thereof.

The reward shall not exceed the value of the ship and other property salvaged.

Article 181 The salvaged value of the ship and other property means the assessed value of the ship and other property salvaged or the proceeds of the sale thereof, after deduction of the relevant taxes and customs dues, quarantine expenses, inspection charges as well as expenses incurred in connection with the discharge, storage, assessment of the value and the sale thereof.

The value prescribed in the preceding paragraph does not include the value of the salvaged personal belongings of the crew and that of the cabin luggage of the passengers.

Article 182 If the salvor has carried out the salvage operations in respect of a ship which by itself or its goods threatened pollution damage to the environment and has failed to earn a reward under Article 180 of this Law at least equivalent to the special compensation assessable in accordance with this Article, he shall be entitled to special compensation from the owner of that ship equivalent to his expenses as herein defined.

If the salvor has carried out the salvage operations prescribed in the preceding paragraph and has prevented or minimized pollution damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 of this Article may be increased by an amount up to a maximum of 30% of the expenses incurred by the salvor. The court which has entertained the suit or the arbitration organization may, if it deems fair and just and taking into consideration the provisions of paragraph 1 of Article 180 of this Law, render a judgment or an award further increasing the amount of such special compensation, but in no event shall the total increase be more than 100% of the expenses incurred by the salvor.

The salvor's expenses referred to in this Article means the salvor's out-of-pocket expenses reasonably incurred in the salvage operation and the reasonable expenses for the equipment and personnel actually used in the salvage operation. In determining the salvor's expenses, the provisions of sub-paragraphs (8), (9) and (10) of paragraph 1 of Article 180 of this Law shall be taken into consideration.

Under all circumstances, the total special compensation provided for in this Article shall be paid only if such compensation is greater than the reward recoverable by the salvor under Article 180 of this Law, and the amount to be paid shall be the difference between the special compensation and the reward.

If the salvor has been negligent and has thereby failed to prevent or minimize the pollution damage to the environment, the salvor may be totally or partly deprived of the right to the special compensation.

Nothing in this Article shall affect the right of recourse on the part of the shipowner against any other parties salvaged.

Article 183 The salvage reward shall be paid by the owners of the salvaged ship and other property in accordance with the respective proportions which the salvaged values of the ship and other property bear to the total salvaged value.

Article 184 The distribution of salvage reward among the salvors taking part in the same salvage operation shall be made by agreement among such salvors on the basis of the criteria set out in Article 180 of this Law; failing such agreement, the matter may be brought before the court hearing the case for judgment, or, upon the agreement of the parties, submitted to the arbitration organization for an award.

Article 185 The salvors of human life may not demand any remuneration from those whose lives are saved. However, salvors of human life are entitled to a fair share of the payment awarded to the salvors for salvaging the ship or other property or for preventing or minimizing the pollution damage to the environment.

Article 186 The following salvage operations shall not be entitled to remuneration:

(1) The salvage operation is carried out as a duty to normally perform a towage contract or other service contract, with the exception, however, of providing special services beyond the performance of the above said duty.

(2) The salvage operation is carried out in spite of the express and reasonable prohibition on the part of the Master of the ship in distress, the owner of the ship in question and the owner of the other property.

Article 187 Where the salvage operations have become necessary or more difficult due to the fault of the salvor or where the salvor has committed fraud or other dishonest conduct, the salvor shall be deprived of the whole or part of the payment payable to him.

Article 188 After the completion of the salvage operation, the party salvaged shall, at the request of the salvor, provide satisfactory security for salvage reward and other charges.

Without prejudice to the provisions of the preceding paragraph, the owner of the ship salvaged shall, before the release of the goods, make best endeavours to cause the owners of the property salvaged to provide satisfactory security for the share of the payment that they ought to bear.

Without the consent of the salvor, the ship or other property salvaged shall not be removed from the port or place at which they first arrived after the completion of the salvage operation, until satisfactory security has been provided with respect to the ship or other property salvaged, as demanded by the salvor.

Article 189 The court or the arbitration organization handling the salvor's claim for payment may, in light of the specific circumstances and under fair and just terms, decide or make an award ordering the party salvaged to pay on account an appropriate amount to the salvor.

On the basis of the payment on account made by the party salvaged in accordance with the provisions of the preceding paragraph, the security provided under Article 188 of this Law shall be reduced accordingly.

Article 190 If the party salvaged has neither made the payment nor provided satisfactory security for the ship and other property salvaged after 90 days of the salvage, the salvor may apply to the court for an order on forced sale by auction. With respect to the ship or the property salvaged that cannot be kept or cannot be properly kept, or the storage charge to be incurred may exceed its value, the salvor may apply for an earlier forced sale by auction.

The proceeds of the sale shall, after deduction of the expenses incurred for the storage and sale, be used for the payment in accordance with the provisions of this Law. The remainder, if any, shall be returned to the party salvaged, and, if there is no way to return the remainder or if the remainder has not been claimed after one year of the forced sale, it shall go to the State Treasury. In case of any deficiency, the salvor has the right of recourse against the party salvaged.

Article 191 The provisions of this Chapter shall apply to the salvor's right to the payment for the salvage operations carried out between the ships of the same owner.

Article 192 With respect to the salvage operations performed or controlled by the relevant competent authorities of the State, the salvors shall be entitled to avail themselves of the rights and remedies provided for in this Chapter in respect of salvage operations.

CHAPTER X GENERAL AVERAGE

Article 193 General average means the extraordinary sacrifice or expenditure intentionally and reasonably made or incurred for the common safety for the purpose of preserving from peril the ship, goods or other property involved in a common maritime adventure.

Loss or damage sustained by the ship or goods through delay, whether on the voyage or subsequently, such as demurrage and loss of market as well as other indirect losses, shall not be admitted as general average.

Article 194 When a ship, after having been damaged in consequence of accident, sacrifice or other extraordinary circumstances, shall have entered a port or place of refuge or returned to its port or place of loading to effect repairs which are necessary for the safe prosecution of the voyage, then the port charges paid, the wages and maintenance of the crew incurred and the fuel and stores consumed during the extra period of detention in such port or place, as well as the loss or damage and charges arising from the discharge, storage, reloading and handling of the goods, fuel, stores and other property on board in order to have the repairs done shall be allowed as general average.

Article 195 Any extra expense incurred in place of another expense which would have been allowed as general average shall be deemed to be general average and so allowed, but the amount of such expense incurred shall not be in excess of the general average expense avoided.

Article 196 The onus of proof shall be upon the party claiming in general average to show that the loss or expense claimed is properly allowable as general average.

Article 197 Rights to contribution in general average shall not be affected, though the event which gave rise to the sacrifice or expenditure may have been due to the fault of one of the parties to the adventure. However, this shall not prejudice any remedies or defences which may be open against or to that party in respect of such fault.

Article 198 The amounts of sacrifice of the ship, the goods and the freight shall be respectively determined as follows:

(1) The amount of sacrifice of the ship shall be calculated on the basis of the repair cost of the ship actually paid, from which any reasonable deduction in respect of "new for old" being

made. Where the ship has not been repaired after the sacrifice, the amount of sacrifice thereof shall be calculated on the basis of the reasonable reduced value of ship after the general average sacrifice. Such amount shall not exceed the estimated cost of repair.

Where the ship is an actual total loss or where the cost of repair would exceed the value of the ship after the repair, the amount of sacrifice of the ship shall be calculated on the basis of the estimated sound value of the ship, less the estimated cost of repair not allowable as general average, as well as the value of the ship after the damage.

(2) The amount of sacrifice of the goods already lost shall be calculated on the basis of the value of the goods at the time of shipment plus insurance and freight, from which the freight that need not be paid due to the sacrifice made being deducted. For the damaged goods that had already been sold before an agreement was reached on the extent of the damage sustained, the amount of sacrifice thereof shall be calculated on the basis of the difference between the value of the goods at the time of shipment plus insurance and freight, and the net proceeds of the goods so sold.

(3) The amount of sacrifice of the freight shall be calculated on the basis of the amount of loss of freight on account of the sacrifice of the goods, from which the operating expenses that ought to be paid in order to earn such freight but need not be paid because of the sacrifice shall be deducted.

Article 199 The contribution in general average shall be made in proportion to the contributory values of the respective beneficiaries.

The contributory value in general average by the ship, goods and freight shall be determined as follows:

(1) The contributory value of the ship shall be calculated on the basis of the sound value of the ship at the place where the voyage ends, from which any damage that does not come under general average sacrifice being deducted; alternately, the actual value of the ship at the place where the voyage ends, plus the amount of general average sacrifice.

(2) The contributory value of the goods shall be calculated on the basis of the value of the goods at the time of shipment plus insurance and freight, from which the damage that does not come under the general average sacrifice and the carrier's freight at risk being deducted. Where the goods had been sold before its arrival at the port of destination, its value for contribution shall be the net proceeds plus the amount of general average sacrifice.

Passenger's luggage and personal belongings shall not be included in the value for contribution.

(3) The contributory value of freight shall be calculated on the basis of the amount of freight at the risk of the carrier and which the carrier is entitled to collect at the end of the voyage, less any expense incurred for the prosecution of the voyage after the general average, in order to earn the freight, plus the amount of general average sacrifice.

Article 200 Goods undeclared or wrongfully declared shall be liable for the contribution to general average, but the special sacrifice sustained by such goods shall not be allowed as general average.

Where the value of the goods has been improperly declared at a value below its actual value, the contribution to general average shall be made on the basis of their actual value and, where a general average sacrifice has occurred, the amount of sacrifice shall be calculated on the basis of the declared value.

Article 201 Interest shall be allowed on general average sacrifice and general average expenses paid on account. A commission shall be allowed for the general average expenses paid on account, except those , for the wages and maintenance of the crew and fuel and store consumed.

Article 202 The contributing parties shall provide security for general average contribution at the request of the parties that have an interest therein.

Where the security has been provided in the form of cash deposits, such deposits shall be put in a bank by an average adjuster in the name of a trustee.

The provision, use and refund of the deposits shall be without prejudice to the ultimate liability of the contributing parties.

Article 203 The adjustment of general average shall be governed by the average adjustment rules agreed upon in the relevant contract. In the absence of such an agreement in the contract, the relevant provisions contained in this Chapter shall apply.

CHAPTER XI LIMITATION OF LIABILITY FOR MARITIME CLAIMS

Article 204 Shipowners and salvors may limit their liability in accordance with the provisions of this Chapter for claims set out in Article 207 of this Law.

The shipowners referred to in the preceding paragraph shall include the charterer and the operator of a ship.

Article 205 If the claims set out in Article 207 of this Law are not made against shipowners or salvors themselves but against persons for whose act, neglect or default the shipowners or salvors are responsible, such persons may limit their liability in accordance with the provisions of this Chapter.

Article 206 Where the assured may limit his liability in accordance with the provisions of this Chapter, the insurer liable for the maritime claims shall be entitled to the limitation of liability under this Chapter to the same extent as the assured.

Article 207 Except as provided otherwise in Article 208 and 209 of this Law, with respect to the following maritime claims, the person liable may limit his liability in accordance with the provisions of this Chapter, whatever the basis of liability may be:

- (1) Claims in respect of loss of life or personal injury or loss of or damage to property including damage to harbour works, basins and waterways and aids to navigation occurring on board or in direct connection with the operation of the ship or with salvage operations, as well as consequential damages resulting therefrom;
- (2) Claims in respect of loss resulting from delay in delivery in the carriage of goods by sea or from delay in the arrival of passengers or their luggage;
- (3) Claims in respect of other loss resulting from infringement of rights other than contractual rights occurring in direct connection with the operation of the ship or salvage operations;

(4) Claims of a person other than the person liable in respect of measures taken to avert or minimize loss for which the person liable may limit his liability in accordance with the provisions of this Chapter, and further loss caused by such measures.

All the claims set out in the preceding paragraph, whatever the way they are lodged, may be entitled to limitation of liability. However, with respect to the remuneration set out in subparagraph (4) for which the person liable pays as agreed upon in the contract, in relation to the obligation for payment, the person liable may not invoke the provisions on limitation of liability of this Article.

Article 208 The provisions of this Chapter shall not be applicable to the following claims:

- (1) Claims for salvage payment or contribution in general average;
- (2) Claims for oil pollution damage under the International Convention on Civil Liability for Oil Pollution Damage to which the People's Republic of China is a party;
- (3) Claims for nuclear damage under the International Convention on Limitation of Liability for Nuclear Damage to which the People's Republic of China is a party;
- (4) Claims against the shipowner of a nuclear ship for nuclear damage;
- (5) Claims by the servants of the shipowner or salvor, if under the law governing the contract of employment, the shipowner or salvor is not entitled to limit his liability or if he is by such law only permitted to limit his liability to an amount greater than that provided for in this Chapter.

Article 209 A person liable shall not be entitled to limit his liability in accordance with the provisions of this Chapter, if it is proved that the loss resulted from his act or omission done with the intent to cause such loss or recklessly and with knowledge that such loss would probably result.

Article 210 The limitation of liability for maritime claims, except as otherwise provided for in Article 211 of this Law, shall be calculated as follows:

(1) In respect of claims for loss of life or personal injury:

- a) 333,000 Units of Account for a ship with a gross tonnage ranging from 300 to 500 tons;
- b) For a ship with a gross tonnage in excess of 500 tons, the limitation under a) above shall be applicable to the first 500 tons and the following amounts in addition to that set out under a) shall be applicable to the gross tonnage in excess of 500 tons:

For each ton from 501 to 3,000 tons: 500 Units of Account;

For each ton from 3,001 to 30,000 tons: 333 Units of Account;

For each ton from 30,001 to 70,000 tons: 250 Units of Account;

For each ton in excess of 70,000 tons: 167 Units of Account.

(2) In respect of claims other than that for loss of life or personal injury:

- a) 167,000 Units of Account for a ship with a gross tonnage ranging from 300 to 500 tons;
- b) For a ship with a gross tonnage in excess of 500 tons, the limitation under a) above shall be applicable to the first 500 tons, and the following amounts in addition to that under a) shall be applicable to the part in excess of 500 tons:

For each ton from 501 to 30,000 tons: 167 Units of Account;

For each ton from 30,001 to 70,000 tons: 125 Units of Account;

For each ton in excess of 70,000 tons: 83 Units of Account.

(3) Where the amount calculated in accordance with sub-paragraph (1) above is insufficient for payment of claims for loss of life or personal injury set out therein in full, the amount calculated in accordance with sub-paragraph (2) shall be available for payment of the unpaid balance of claims under sub-paragraph (1), and such unpaid balance shall rank prorata with claims set out under sub-paragraph (2).

(4) However, without prejudice to the right of claims for loss of life or personal injury under sub-paragraph (3), claims in respect of damage to harbour works, basins and waterways and aids to navigation shall have priority over other claims under sub-paragraph (2).

(5) The limitation of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which, he is rendering salvage services, shall be calculated according to a gross tonnage of 1,500 tons.

The limitation of liability for ships with a gross tonnage not exceeding 300 tons and those engaging in transport services between the ports of the People's Republic of China as well as those for other coastal works shall be worked out by the competent authorities of transport and communications under the State Council and implemented after its being submitted to and approved by the State Council.

Article 211 In respect of claims for loss of life or personal injury to passengers carried by sea, the limitation of liability of the shipowner thereof shall be an amount of 46,666 Units of Account multiplied by the number of passengers which the ship is authorized to carry according to the ship's relevant certificate, but the maximum amount of compensation shall not exceed 25,000,000 Units of Account.

The limitation of liability for claims for loss of life or personal injury to passengers carried by sea between the ports of the People's Republic of China shall be worked out by the competent authorities of transport and communications under the State Council and implemented after its being submitted to and approved by the State Council.

Article 212 The limitation of liability under Article 210 and 211 of this Law shall apply to the aggregate of all claims that may arise on any given occasion against shipowners and salvors themselves, and any person for whose act, neglect or fault the shipowners and the salvors are responsible.

Article 213 Any person liable claiming the limitation of liability under this Law may constitute a limitation fund with a court having jurisdiction. The fund shall be constituted in the sum of such an amount set out respectively in Articles 210 and 211, together with the interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund.

Article 214 Where a limitation fund has been constituted by a person liable, any person having made a claim against the person liable may not exercise any right against any assets of the person liable. Where any ship or other property belonging to the person constituting the fund has been arrested or attached, or, where a security has been provided by such

person, the court shall order without delay the release of the ship arrested or the property attached or the return of the security provided.

Article 215 Where a person entitled to limitation of liability under the provisions of this Chapter has a counter-claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Chapter shall only apply to the balance, if any.

CHAPTER XII CONTRACT OF MARINE INSURANCE

Section 1 Basic principles

Article 216 A contract of marine insurance is a contract whereby the insurer undertakes, as agreed, to indemnify the loss to the subject matter insured and the liability of the insured caused by perils covered by the insurance against the payment of an insurance premium by the insured.

The covered perils referred to in the preceding paragraph mean any maritime perils agreed upon between the insurer and the insured, including perils occurring in inland rivers or on land which is related to a maritime adventure.

Article 217 A contract of marine insurance mainly includes:

- (1) Name of the insurer;
- (2) Name of the insured;
- (3) Subject matter insured;
- (4) Insured value;
- (5) Insured amount;
- (6) Perils insured against and perils excepted;
- (7) Duration of insurance coverage;
- (8) Insurance premium.

Article 218 The following items may come under the subject matter of marine insurance;

- (1) Ship;
- (2) Cargo;
- (3) Income from the operation of the ship including freight, charter hire and passenger's fare;
- (4) Expected profit on cargo;
- (5) Crew's wages and other remuneration;
- (6) Liabilities to a third person;
- (7) Other property which may sustain loss from a maritime peril and the liability and expenses arising therefrom.

The insurer may reinsure the insurance of the subject matter enumerated in the preceding paragraph. Unless otherwise agreed in the contract, the original insured shall not be entitled to the benefit of the reinsurance.

Article 219 The insurable value of the subject matter insured shall be agreed upon between the insurer and the insured.

Where no insurable value has been agreed upon between the insurer and the insured, the insurable value shall be calculated as follows:

- (1) The insurable value of the ship shall be the value of the ship at the time when the insurance liability commences, being the total value of the ship's hull, machinery, equipment, fuel, stores, gear, provisions and fresh water on board as well as the insurance premium;
- (2) The insurable value of the cargo shall be the aggregate of the invoice value of the cargo or the actual value of the non-trade commodity at the place of shipment, plus freight and insurance premium when the insurance liability commences;
- (3) The insurable value of the freight shall be the aggregate of the total amount of freight payable to the carrier and the insurance premium when the insurance liability commences;
- (4) The insurable value of other subject matter insured shall be the aggregate of the actual value of the subject matter insured and the insurance premium when the insurance liability commences.

Article 220 The insured amount shall be agreed upon between the insurer and the insured. The insured amount shall not exceed the insured value. Where the insured amount exceeds the insured value, the portion in excess shall be null and void.

Section 2 Conclusion, Termination and Assignment of Contract

Article 221 A contract of marine insurance comes into being after the insured puts forth a proposal for insurance and the insurer agrees to accept the proposal and the insurer and the insured agrees on the terms and conditions of the insurance. The insurer shall issue to the insured an insurance policy or other certificate of insurance in time, and the contents of the contract shall be contained therein.

Article 222 Before the contract is concluded, the insured shall truthfully inform the insurer of the material circumstances which the insured has knowledge of or ought to have knowledge of in his ordinary business practice and which may have a bearing on the insurer in deciding the premium or whether he agrees to insure or not.

The insured need not inform the insurer of the facts which the insurer has known of or the insurer ought to have knowledge of in his ordinary business practice if about which the insurer made no inquiry.

Article 223 Upon failure of the insured to truthfully inform the insurer of the material circumstances set forth in paragraph 1 of Article 222 of this Law due to his intentional act, the insurer has the right to terminate the contract without refunding the premium. The insurer shall not be liable for any loss arising from the perils insured against before the contract is terminated.

If, not due to the insured's intentional act, the insured did not truthfully inform the insurer of the material circumstances set out in paragraph 1 of Article 222 of this Law, the insurer has the right to terminate the contract or to demand a corresponding increase in the premium. In case the contract is terminated by the insurer, the insurer shall be liable for the loss arising from the perils insured against which occurred prior to the termination of the contract, except where the material circumstances uninformed or wrongly informed of have an impact on the occurrence of such perils.

Article 224 Where the insured was aware or ought to be aware that the subject matter

insured had suffered a loss due to the incidence of a peril insured against when the contract was concluded, the insurer shall not be liable for indemnification but shall have the right to the premium. Where the insurer was aware or ought to be aware that the occurrence of a loss to the subject matter insured due to a peril insured against was impossible, the insured shall have the right to recover the premium paid.

Article 225 Where the insured concludes with several insurers for the same subject matter insured and against the same risk, and the insured amount of the said subject matter insured thereby exceeds the insured value, then, unless otherwise agreed in the contract, the insured may demand indemnification from any of the insurers and the aggregate amount to be indemnified shall not exceed the loss value of the subject matter insured. The liability of each insurer shall be in proportion to that which the amount he insured bears to the total of the amounts insured by all insurers. Any insurer who has paid an indemnification in an amount greater than that for which he is liable, shall have the right of recourse against those who have not paid their indemnification in the amounts for which they are liable.

Article 226 Prior to the commencement of the insurance liability, the insured may demand the termination of the insurance contract but shall pay the handling fees to the insurer, and the insurer shall refund the premium.

Article 227 Unless otherwise agreed in the contract, neither the insurer nor the insured may terminate the contract after the commencement of the insurance liability.

Where the insurance contract provides that the contract may be terminated after the commencement of the liability, and the insured demands the termination of the contract, the insurer shall have the right to the premium payable from the day of the commencement of the insurance liability to the day of termination of the contract and refund the remaining portion. If it is the insurer who demands the termination of the contract, the unexpired premium from the day of the termination of the contract to the day of the expiration of the period of insurance shall be refunded to the insured.

Article 228 Notwithstanding the stipulations in Article 227 of this Law, the insured may not demand termination of the contract for cargo insurance and voyage insurance on ship after the commencement of the insurance liability.

Article 229 A contract of marine insurance for the carriage of goods by sea may be assigned by the insured by endorsement or otherwise, and the rights and obligations under the contract are assigned accordingly. The insured and the assignee shall be jointly and severally liable for the payment of the premium if such premium remains unpaid up to the time of the assignment of the contract.

Article 230 The consent of the insurer shall be obtained where the insurance contract is assigned in consequence of the transfer of the ownership of the ship insured. In the absence of such consent, the contract shall be terminated from the time of the transfer of the ownership of the ship. Where the transfer takes place during the voyage, the contract shall be terminated when the voyage ends.

Upon termination of the contract, the insurer shall refund the unexpired premium to the

insured calculated from the day of the termination of the contract to the day of its expiration.
Article 231 The insured may conclude an open cover with the insurer for the goods to be shipped or received in batches within a given period. The open cover shall be evidenced by an open policy to be issued by the insurer.

Article 232 The insurer shall, at the request of the insured, issued insurance certificates separately for the cargo shipped in batches according to the open cover.

Where the contents of the insurance certificates issued by the insurer separately differ from those of the open policy, the insurance certificates issued separately shall prevail.

Article 233 The insured shall notify the insurer immediately on learning that the cargo insured under the open cover has been shipped or has arrived. The items to be notified of shall include the name of the carrying ship, the voyage, the value of the cargo and the insured amount.

Section 3 Obligation of the Insured

Article 234 Unless otherwise agreed in the insurance contract, the insured shall pay the premium immediately upon conclusion of the contract. The insurer may refuse to issue the insurance policy or other insurance certificate before the premium is paid by the insured.

Article 235 The insured shall notify the insurer in writing immediately where the insured has not complied with the warranties under the contract. The insurer may, upon receipt of the notice, terminate the contract or demand an amendment to the terms and conditions of the insurance coverage or an increase in the premium.

Article 236 Upon the occurrence of the peril insured against, the insured shall notify the insurer immediately and shall take necessary and reasonable measures to avoid or minimize the loss. Where special instructions for the adoption of reasonable measures to avoid or minimize the loss are received from the insurer, the insured shall act according to such instructions.

The insurer shall not be liable for the extended loss caused by the insured's breach of the provisions of the preceding paragraph.

Section 4 Liability of the Insurer

Article 237 The insurer shall indemnify the insured promptly after the loss from a peril insured against has occurred.

Article 238 The insurer's indemnification for the loss from the peril insured against shall be limited to the insured amount. Where the insured amount is lower than the insured value, the insurer shall indemnify in the proportion that the insured amount bears to the insured value.

Article 239 The insurer shall be liable for the loss to the subject matter insured arising from several perils insured against during the period of the insurance even though the aggregate of the amounts of loss exceeds the insured amount. However, the insurer shall only be liable for the total loss where the total loss occurs after the partial loss which has not been repaired.

Article 240 The insurer shall pay, in addition to the indemnification to be paid with regard to the subject matter insured, the necessary and reasonable expenses incurred by the insured

for avoiding or minimizing the loss recoverable under the contract, the reasonable expenses for survey and assessment of the value for the purpose of ascertaining the nature and extent of the peril insured against and the expenses incurred for acting on the special instructions of the insurer.

The payment by the insurer of the expenses referred to in the preceding paragraph shall be limited to that equivalent to the insured amount.

Where the insured amount is lower than the insured value, the insurer shall be liable for the expenses referred to in this Article in the proportion that the insured amount bears to the insured value, unless the contract provides otherwise.

Article 241 Where the insured amount is lower than the value for contribution under the general average, the insurer shall be liable for the general average contribution in the proportion that the insured amount bears to the value for contribution.

Article 242 The insurer shall not be liable for the loss caused by the intentional act of the insured.

Article 243 Unless otherwise agreed in the insurance contract, the insurer shall not be liable for the loss of or damage to the insured cargo arising from any of the following causes:

- (1) Delay in the voyage or in the delivery of cargo or change of market price;
- (2) Fair wear and tear, inherent vice or nature of the cargo;
- (3) Improper packing.

Article 244 Unless otherwise agreed in the insurance contract, the insurer shall not be liable for the loss of or damage to the insured ship arising from any of the following causes:

- (1) Unseaworthiness of the ship at the time of the commencement of the voyage, unless where under a time policy the insured has no knowledge thereof;
- (2) Wear and tear or corrosion of the ship.

The provisions of this Article shall apply mutatis mutandis to the insurance of freight.

Section 5 Loss of or Damage to the Subject Matter Insured and Abandonment

Article 245 Where after the occurrence of a peril insured against the subject matter insured is lost or is so seriously damaged that it is completely deprived of its original structure and usage or the insured is deprived of the possession thereof, it shall constitute an actual total loss.

Article 246 Where a ship's total loss is considered to be unavoidable after the occurrence of a peril insured against or the expenses necessary for avoiding the occurrence of an actual total loss would exceed the insured value, it shall constitute a constructive total loss.

Where an actual total loss is considered to be unavoidable after the cargo has suffered a peril insured against, or the expenses to be incurred for avoiding the total actual loss plus that for forwarding the cargo to its destination would exceed its insured value, it shall constitute a constructive total loss.

Article 247 Any loss other than an actual total loss or a constructive total loss is a partial loss.

Article 248 Where a ship fails to arrive at its destination within a reasonable time from the place where it was last heard of, unless the contract provides otherwise, if it remains unheard

of upon the expiry of two months, it shall constitute missing. Such missing shall be deemed to be an actual total loss.

Article 249 Where the subject matter insured has become a constructive total loss and the insured demands indemnification from the insurer on the basis of a total loss, the subject matter insured shall be abandoned to the insurer. The insurer may accept the abandonment or choose not to, but shall inform the insured of his decision whether to accept the abandonment within a reasonable time. The abandonment shall not be attached with any conditions.

Once the abandonment is accepted by the insurer, it shall not be withdrawn.

Article 250 Where the insurer has accepted the abandonment, all rights and obligations relating to the property abandoned are transferred to the insurer.

Section 6 Payment of Indemnity

Article 251 After the occurrence of a peril insured against and before the payment of indemnity, the insurer may demand that the insured submit evidence and materials related to the ascertainment of the nature of the peril and the extent of the loss.

Article 252 Where the loss of or damage to the subject matter insured within the insurance coverage is caused by a third person, the right of the insured to demand compensation from the third person shall be subrogated to the insurer from the time the indemnity is paid. The insured shall furnish the insurer with necessary documents and information that should come to his knowledge and shall endeavour to assist the insurer in pursuing recovery from the third person.

Article 253 Where the insured waives his right of claim against the third person without the consent of the insurer or the insurer is unable to exercise the right of recourse due to the fault of the insured, the insurer may make a corresponding reduction from the amount of indemnity.

Article 254 In effecting payment of indemnity to the insured, the insurer may make a corresponding reduction therefrom of the amount already paid by a third person to the insured.

Where the compensation obtained by the insurer from the third person exceeds the amount of indemnity paid by the insurer, the part in excess shall be returned to the insured.

Article 255 After the occurrence of a peril insured against, the insurer is entitled to waive his right to the subject matter insured any pay the insured the amount in full to relieve himself of the obligations under the contract.

In exercising the right prescribed in the preceding paragraph, the insurer shall notify the insured thereof within seven days from the day of the receipt of the notice from the insured regarding the indemnity. The insurer shall remain liable for the necessary and reasonable expenses paid by the insured for avoiding or minimizing the loss prior to his receipt of the said notice.

Article 256 Except as stipulated in Article 255 of this Law, where a total loss occurs to the subject matter insured and the full insured amount is paid, the insurer shall acquire the full

right to the subject matter insured. In the case of under-insurance, the insurer shall acquire the right to the subject matter insured in the proportion that the insured amount bears to the insured value.

CHAPTER XIII LIMITATION OF TIME

Article 257 The Limitation period for claims against the carrier with regard to the carriage of goods by sea is one year, counting from the day on which the goods were delivered or should have been delivered by the carrier. Within the limitation period or after the expiration thereof, if the person allegedly liable has brought up a claim of recourse against a third person, that claim is time-barred at the expiration of 90 days, counting from the day on which the person claiming for the recourse settled the claim, or was served with a copy of the process by the court handling the claim against him.

The limitation period for claims against the carrier with regard to voyage charter party is two years, counting from the day on which the claimant knew or should have known that his right had been infringed.

Article 258 The limitation period for claims against the carrier with regard to the carriage of passengers by sea is two years, counting respectively as follows:

(1) Claims for personal injury: Counting from the day on which the passenger disembarked or should have disembarked;

(2) Claims for death of passengers that occurred during the period of carriage: Counting from the day on which the passenger should have disembarked; whereas those for the death of passengers that occurred after the disembarkation but resulted from an injury during the period of carriage by sea, counting from the day of the death of the passenger concerned, provided that this period does not exceed three years from the time of disembarkation.

(3) Claims for loss of or damage to the luggage: Counting from the day of disembarkation or the day on which the passenger should have disembarked.

Article 259 The limitation period for claims with regard to charter parties is two years, counting from the day on which the claimant knew or should have known that his right had been infringed.

Article 260 The limitation period for claims with regard to sea towage is one year, counting from the day on which the claimant knew or should have known that his right had been infringed.

Article 261 The limitation period for claims with regard to collision of ships is two years, counting from the day on which the collision occurred. The limitation period for claims with regard to the right of recourse as provided for in paragraph 3 of Article 169 of this Law is one year, counting from the day on which the parties concerned jointly and severally paid the amount of compensation for the damage occurred.

Article 262 The limitation period for claims with regard to salvage at sea is two years, counting from the day on which the salvage operation was completed.

Article 263 The limitation period for claims with regard to contribution in general average is one year, counting from the day on which the adjustment was finished.

Article 264 The limitation period for claims with regard to contracts of marine insurance is two years, counting from the day on which the peril insured against occurred.

Article 265 The limitation period for claims with regard to compensation for oil pollution damage from ships is three years, counting from the day on which the pollution damage occurred. However, in no case shall the limitation period exceed six years, counting from the day on which the accident causing the pollution occurred.

Article 266 Within the last six months of the limitation period if, on account of force majeure or other causes preventing the claims from being made, the limitation period shall be suspended. The counting of the limitation period shall be resumed when the cause of suspension no longer exists.

Article 267 The limitation of time shall be discontinued as a result of bringing an action or submitting the case for arbitration by the claimant or the admission to fulfill obligations by the person against whom the claim was brought up. However, the limitation of time shall not be discontinued if the claimant withdraws his action or his submission for arbitration, or his action has been rejected by a decision of the court.

Where the claimant makes a claim for the arrest of a ship, the limitation of time shall be discontinued from the day on which the claim is made.

The limitation period shall be counted anew from the time of discontinuance.

CHAPTER XIV APPLICATION OF LAW IN RELATION TO FOREIGN-RELATED MATTERS

Article 268 If any international treaty concluded or acceded to by the People's Republic of China contains provisions differing from those contained in this Law, the provisions of the relevant international treaty shall apply, unless the provisions are those on which the People's Republic of China has announced reservations.

International practice may be applied to matters for which neither the relevant laws of the People's Republic of China nor any international treaty concluded or acceded to by the People's Republic of China contain any relevant provisions.

Article 269 The parties to a contract may choose the law applicable to such contract, unless the law provides otherwise. Where the parties to a contract have not made a choice, the law of the country having the closest connection with the contract shall apply.

Article 270 The law of the flag State of the ship shall apply to the acquisition, transfer and extinction of the ownership of the ship.

Article 271 The law of the flag State of the ship shall apply to the mortgage of the ship. The law of the original country of registry of a ship shall apply to the mortgage of the ship if its mortgage is established before or during its bareboat charter period.

Article 272 The law of the place where the court hearing the case is located shall apply to matters pertaining to maritime liens.

Article 273 The law of the place where the infringing act is committed shall apply to claims for damages arising from collision of ships.

The law of the place where the court hearing the case is located shall apply to claims for

damages arising from collision of ships on the high sea.

If the colliding ships belong to the same country, no matter where the collision occurs, the law of the flag State shall apply to claims against one another for damages arising from such collision.

Article 274 The law where the adjustment of general average is made shall apply to the adjustment of general average.

Article 275 The law of the place where the court hearing the case is located shall apply to the limitation of liability for maritime claims.

Article 276 The application of foreign laws or international practices pursuant to the provisions of this Chapter shall not jeopardize the public interests of the People's Republic of China.

CHAPTER XV SUPPLEMENTARY PROVISIONS

Article 277 The Unit of Account referred to in this Law is the Special Drawing Right as defined by the International Monetary Fund; the amount of the Chinese currency (RMB) in terms of the Special Drawing Right shall be that computed on the basis of the method of conversion established by the authorities in charge of foreign exchange control of this country on the date of the judgment by the court or the date of the award by the arbitration organization or the date mutually agreed upon by the parties.

Article 278 This Law shall come into force as of July 1, 1993.

12. Wild Animal Conservation Law of the People's Republic of China

(Adopted at the 4th Session of the Standing Committee of the Seventh National People's Congress on November 8, 1988; amended for the first time in accordance with the Decision to Amend the Wild Animal Conservation Law of the People's Republic of China adopted at the 11th Session of the Standing Committee of the Tenth National People's Congress on August 28, 2004; amended for the second time in accordance with the Decision to Amend Certain Laws adopted at the 10th Session of the Standing Committee of the Eleventh National People's Congress on August 27, 2009; and revised at the 21st Session of the Standing Committee of the Twelfth National People's Congress on July 2, 2016)

Chapter I General Provisions

Article 1 This Law is enacted for the purposes of conserving wild animals, saving rare and endangered species of wild animals, maintaining biological diversity and ecological balance, and advancing ecological civilization.

Article 2 The conservation of wild animals and associated activities within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China shall be governed by this Law.

“Wild animals” conserved in this Law means the rare and endangered species of terrestrial and aquatic wild animals and the terrestrial wild animals of significant ecological, scientific, or social value.

“Wild animals and their products” in this Law means the whole (including spawns and eggs), parts, and derivatives of wild animals.

The conservation of aquatic wild animals other than the rare and endangered species of aquatic wild animals shall be governed by the Fisheries Law of the People's Republic of China and other relevant laws.

Article 3 Wild animal resources are owned by the state.

The state protects the lawful rights and interests of organizations and individuals engaging in wild animal conservation and associated activities in accordance with the law, such as scientific research and artificial breeding.

Article 4 The state applies the principles of “conservation first, regulated utilization, and stringent supervision” to wild animals, encourages scientific research on wild animals, cultivates citizens' awareness of wild animal conservation, and promotes the harmonious development of human and nature.

Article 5 The state conserves wild animals and their habitats. The people's governments at or above the county level shall develop general plans and measures for the conservation of wild animals and their habitats, and include the funding for the conservation of wild animals into their budgets.

The state encourages citizens, legal persons, and other organizations to participate in wild animal conservation activities by donations, financial aids, voluntary services, and other means in accordance with the law, and supports public undertakings for wild animal conservation.

“Wild animal habitats” in this Law means the major areas where the wild populations of wild animals live and breed.

Article 6 All organizations and individuals shall have the obligation to conserve wild animals and their habitats. It shall be prohibited to illegally hunt wild animals or destruct the habitats of wild animals.

All organizations and individuals shall have the right to report violations of this Law to or file accusations of violations of this Law with the relevant departments and authorities. The competent departments of wild animal conservation and other relevant departments and authorities shall, in a timely manner, handle the reports or accusations in accordance with the law.

Article 7 The competent departments of forestry and fisheries of the State Council shall respectively take charge of the conservation of terrestrial and aquatic wild animals nationwide.

The competent departments of forestry and fisheries of the local people's governments at or above the county level shall respectively take charge of the conservation of terrestrial and aquatic wild animals within their respective administrative regions.

Article 8 The people's governments at all levels shall strengthen the publicity, education, and popularization of science on wild animal conservation, and encourage and support activities of publicity of the laws and regulations and the knowledge on wild animal conservation

conducted by the basic-level people's autonomous organizations, social organizations, enterprises, public institutions, and volunteers.

Education administrative departments and schools shall provide students with education on wild animal conservation knowledge.

News media shall conduct publicity of the laws and regulations and the knowledge on wild animal conservation, and conduct supervision by public opinions against illegal acts.

Article 9 Organizations and individuals that have made remarkable achievements in wild animal conservation or scientific research on wild animals shall be rewarded by the people's governments at or above the county level.

Chapter II Conservation of Wild Animals and Their Habitats

Article 10 The state conducts conservation of wild animals by classification and grading.

The state places the rare and endangered species of wild animals under priority conservation. Species of wild animals under state priority conservation are divided into wild animals under Grade-I conservation and wild animals under Grade-II conservation. The list of wild animals under state priority conservation shall be developed by the competent department of wild animal conservation of the State Council after organization of scientific evaluation, and adjustments to the list shall be determined every five years according to results of evaluation. The list of wild animals under state priority conservation shall be reported to the State Council for approval and publication.

Wild animals under local priority conservation are wild animals under priority conservation by provinces, autonomous regions, or municipalities directly under the Central Government other than those under state priority conservation. The lists of wild animals under local priority conservation shall be developed, adjusted, and published by the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government after organization of scientific evaluation.

The lists of terrestrial wild animals of significant ecological, scientific, or social value shall be developed, adjusted, and published by the competent department of wild animal conservation of the State Council after organization of scientific evaluation.

Article 11 The competent departments of wild animal conservation of the people's governments at or above the county level shall, on a regular basis, organize, or authorize relevant scientific research institutions to conduct, survey, monitoring, and evaluation of the status of wild animals and their habitats, and establish and improve the archives of wild animals and their habitats.

The survey, monitoring, and evaluation of the status of wild animals and their habitats shall include the following:

- (1) Distribution areas and population sizes and structures in the wild of wild animals.
- (2) Areas and ecological status of the habitats of wild animals.
- (3) Major factors threatening wild animals and their habitats.
- (4) Artificial breeding of wild animals and other circumstances requiring survey, monitoring, and evaluation.

Article 12 The competent department of wild animal conservation of the State Council shall, in conjunction with the relevant departments of the State Council, determine and issue the lists of major habitats of wild animals according to the results of the survey, monitoring, and evaluation of the status of wild animals and their habitats.

The people's governments at or above the provincial level shall delimit relevant nature reserves in accordance with the law to conserve wild animals and their important habitats and protect, restore and improve the living environment of wild animals. Where the conditions for the delimitation of relevant nature reserves are not met, the people's governments at or above the county level may conserve wild animals and their habitats by delimiting no-hunting (or no-fishing) zones or prescribing closed hunting (or fishing) seasons or other means.

Human disturbances threatening the living and breeding of wild animals, such as introducing alien species into relevant nature reserves, creating pure forests, and excessively spraying pesticides, shall be prohibited or restricted.

The relevant nature reserves shall be delimited and administered in accordance with the provisions of relevant laws and regulations.

Article 13 The people's governments at or above the county level and the relevant departments shall, during the relevant development and utilization planning, take into full consideration the needs for the conservation of wild animals and their habitats, analyze, predict, and evaluate the possible overall impacts of the implementation of the plans on the conservation of wild animals and their habitats, and avoid or reduce the possible adverse consequences of the implementation of the plans.

It shall be prohibited to construct, in relevant nature reserves, any projects which are not allowed to be constructed under relevant laws and regulations. The site and line selection for airport, railway, highway, water conservancy and hydropower, cofferdams, sea reclamation, and other construction projects shall avoid relevant nature reserves and wild animals' migration routes; and if the avoidance thereof is impossible, measures such as the construction of migration channels for wild animals and fish passage facilities shall be taken to eliminate or reduce the adverse impacts on wild animals.

Where any construction project may impact the relevant nature reserves or wild animals' migration routes, the departments in charge of approval of environmental impact assessment documents shall, in the process of approving environmental impact assessment documents, solicit the opinions of the competent department of wild animal conservation of the State Council if wild animals under state priority conservation are involved; or solicit the opinions of the competent departments of wild animal conservation of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government if wild animals under local priority conservation are involved.

Article 14 The competent departments of wild animal conservation at all levels shall oversee and monitor the impacts of environment on wild animals. If any environmental impact causes harm to wild animals, the competent departments of wild animal conservation shall

investigate and handle such impacts in conjunction with the relevant departments.

Article 15 Where the wild animals under state or local priority conservation are threatened by any natural disaster, major environmental pollution accident, or other emergency, the local people's governments shall take emergency rescue measures in a timely manner.

The competent departments of wild animal conservation at or above the county level shall organize the sheltering and rescue of wild animals in accordance with the relevant provisions issued by the state.

It shall be prohibited to trade in wild animals and their products in the name of sheltering or rescuing wild animals.

Article 16 The competent departments of wild animal conservation and the competent departments of veterinarians of the people's governments at or above the county level shall, according to the division of their functions, monitor the epidemic sources and epidemic diseases of wild animals, organize prediction, forecasting, and other work, develop contingency plans for epidemic situations of wild animals, and report them to the people's governments at the same levels for approval or recordation.

The competent departments of wild animal conservation, the competent departments of veterinarians, the competent departments of health of the people's governments at or above the county level shall, according to the division of their functions, be responsible for the prevention and control management of infectious diseases of animals related to anthroozoonosis.

Article 17 The state shall strengthen the conservation of genetic resources of wild animals, and conduct rescuing conservation of the endangered species of wild animals.

The competent department of wild animal conservation of the State Council shall, in conjunction with the relevant departments of the State Council, conduct planning on the conservation and utilization of genetic resources of wild animals, establish a national gene bank of genetic resources of wild animals, and implement priority conservation of the genetic resources of rare and endangered species of wild animals originating in China.

Article 18 The relevant local people's governments shall take measures to prevent and control the damage possibly caused by wild animals to guarantee the safety of human beings and livestock and the agricultural and forestry production.

Article 19 Where any human casualties or any crop or other property losses are caused by the conservation of wild animals as required to be conserved under this Law, the local people's governments shall make compensation. The specific measures shall be developed by the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government. The relevant local people's governments may impel insurance institutions to provide insurance compensation for damage caused by wild animals.

The relevant local people's governments shall be subsidized by the central finance in accordance with the relevant provisions issued by the state for the funding necessary for them to take measures for preventing and controlling the damage caused by wild animals

under state priority conservation and make compensation.

Chapter III Wild Animal Administration

Article 20 It shall be prohibited to hunt or catch wild animals or otherwise disturb the living and breeding of wild animals within the relevant nature reserves and the no-hunting (or no-fishing) zones or during the closed hunting (or fishing) seasons, except as otherwise specified by laws and regulations.

During the migration periods of wild animals, hunting or catching wild animals shall be prohibited, and activities otherwise disturbing the living and breeding of wild animals shall be strictly restricted, within the migration routes other than the areas prescribed in the preceding paragraph. The scope of migration routes and the activities disturbing the living and breeding of wild animals shall be prescribed and published by the people's governments at or above the county level or their competent departments of wild animal conservation.

Article 21 Hunting, catching, or killing wild animals under state priority conservation shall be prohibited.

Where it is necessary to hunt or catch any wild animals under Grade-I state conservation for scientific research, population control, or monitoring of epidemic sources and epidemic diseases or under other special circumstances, an application for a special hunting or catching permit shall be filed with the competent department of wild animal conservation of the State Council. Where it is necessary to hunt or catch any wild animals under Grade-II state conservation, an application for a special hunting or catching permit shall be filed with the competent department of wild animal conservation of the people's government of the province, autonomous region, or municipality directly under the Central Government.

Article 22 Whoever intends to hunt or catch any wild animals not under state priority conservation shall obtain, in accordance with the law, a hunting or catching permit issued by the competent department of wild animal conservation of the local government at or above the county level, and be subject to the hunting quota management.

Article 23 A hunter or catcher of wild animals shall hunt or catch wild animals according to the species, quantity, location, tools, means, and time limit as set forth in the special hunting or catching permit or the hunting license.

Whoever intends to hunt or catch any wild animals with a gun must obtain a gun license issued by the public security authority.

Article 24 Hunting with poisons, explosives, electric shock and electronic trapping devices, hunting snares and clamps, gun traps, volley guns, and other tools shall be prohibited, and illuminated hunting at night, annihilation hunting by encirclement, and hunting by destruction of nests, fire attack, smoke attack, net capturing, and other means shall be prohibited, except that net capturing or electronic trapping is necessary for scientific research.

The prohibited hunting and catching tools and means other than those as set forth in the preceding paragraph shall be prescribed and published by the local people's governments at or above the county level.

Article 25 The state supports the artificial breeding of wild animals under state priority

conservation by relevant scientific research institutions for the purpose of species conservation.

The artificial breeding of wild animals under state priority conservation for any purpose other than that as prescribed in the preceding paragraph shall be subject to a licensing system. Whoever intends to artificially breed wild animals under state priority conservation shall obtain an artificial breeding license upon approval of the competent department of wild animal conservation of the people's government of the province, autonomous region, or municipality directly under the Central Government, except that the State Council provides otherwise for the approval authorities.

In the artificial breeding of wild animals under state priority conservation, the progeny and provenance under artificial breeding shall be used, and species pedigree, breeding archives, and individual data shall be maintained. Where it is necessary to adopt wild provenance for the purpose of species conservation, the provisions of Articles 21 and 23 of this Law shall apply.

“Progeny under artificial breeding” in this Law means the offspring individuals bred and born under artificial control with their parents also born under artificial control.

Article 26 The artificial breeding of wild animals under state priority conservation shall be conducive to species conservation and scientific research thereon, and may not destroy the wild population resources; it shall be ensured according to the habits of wild animals that the necessary conditions for activity space, living and breeding, and hygiene and health of wild animals are met, there are places, facilities, and technologies suitable for the breeding purposes and varieties and development scales, and the relevant technical standards and epidemic prevention requirements are satisfied; and no wild animals shall be abused.

The competent departments of wild animal conservation of the people's governments at or above the provincial level may, as needed for conservation of wild animals under state priority conservation, organize the release of wild animals under state priority conservation to wild environment.

Article 27 It shall be prohibited to sell, purchase, or utilize wild animals under state priority conservation and their products.

Where it is necessary to sell, purchase, or utilize wild animals under state priority conservation and their products for scientific research, artificial breeding, public display or performance, or cultural relics conservation or under other special circumstances, the approval from the competent departments of wild animal conservation of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government shall be obtained, and special labels shall be obtained and used in accordance with the relevant provisions to ensure traceability, except that the State Council provides otherwise for the approval authorities.

The scope of and the administrative measures for the special labels for wild animals under state priority conservation and their products shall be developed by the competent department of wild animal conservation of the State Council.

Whoever sells or utilizes wild animals not under state priority conservation shall provide certificates on legal sources such as hunting or import and export.

Whoever sells wild animals prescribed in paragraphs 2 and 4 of this Article shall also attach quarantine certificates in accordance with the law.

Article 28 Wild animals under state priority conservation for which the artificial breeding technologies are mature and stable shall, upon scientific demonstration, be included in the list of wild animals under state priority conservation for artificial breeding as developed by the competent department of wild animal conservation of the State Council. For wild animals and their products included in the list, the special labels may be directly obtained based on the artificial breeding licenses according to the annual production quantities authorized by the competent departments of wild animal conservation of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and the wild animals and their products may be sold and utilized based on the special labels to ensure traceability.

When the list of wild animals under state priority conservation as mentioned in Article 10 of this Law is adjusted, the artificial populations of the wild animals for which the relevant artificial breeding technologies are mature and stable as prescribed in the preceding paragraph may no longer be included in the list of wild animals under state priority conservation according to the status of conservation of relevant wild populations, and management measures different from those for wild populations may be taken, but the artificial breeding licenses and special labels shall be obtained in accordance with the provisions of paragraph 2 of Article 25 and paragraph 1 of this Article of this Law.

Article 29 The utilization of wild animals and their products shall be primarily based on artificial breeding populations, be conducive to the maintenance of wild populations, and satisfy the requirements of developing ecological civilization; social morality shall be respected; and laws and regulations and the relevant provisions issued by the state shall be complied with.

Where wild animals and their products are distributed and utilized as drugs, the laws and regulations on drug administration shall also be complied with.

Article 30 It shall be prohibited to produce or distribute food made of wild animals under state priority conservation and their products or food made of wild animals not under state priority conservation and their products without certificates on legal sources.

It shall be prohibited to illegally purchase wild animals under state priority conservation and their products for eating.

Article 31 It shall be prohibited to publish advertisements for selling, purchasing, or utilizing wild animals or for prohibited hunting or catching tools. It shall be prohibited to publish advertisements for the illegal sale, purchase or utilization of products of wild animals.

Article 32 Online trading platforms, commodity trading markets, and other trading venues shall be prohibited from providing trading services for the illegal sale, purchase, and utilization of wild animals and their products or prohibited hunting or catching tools.

Article 33 Whoever transports, carries, or delivers wild animals under state priority conservation or their products or wild animals prescribed in paragraph 2 of Article 28 of this Law or their products out of a county shall hold or attach the duplicate of the license or approval document or the special labels prescribed in Article 21, 25, 27, or 28 of this Law and the quarantine certificates.

Whoever transports wild animals not under state priority conservation out of a county shall hold the certificates on legal sources such as hunting or import and export and the quarantine certificates.

Article 34 The competent departments of wild animal conservation of the people's governments at or above the county level shall supervise and administer the scientific research, artificial breeding, public display or performance, and other activities utilizing wild animals and their products.

The other relevant departments of the people's governments at or above the county level shall, according to the division of their functions, supervise and inspect the sale, purchase, utilization, transportation, and delivery, among others, of wild animals and their products.

Article 35 The lists of wild animals and their products prohibited or restricted from trade under international conventions concluded or acceded to by the People's Republic of China shall be developed, adjusted, and published by the administrative authority of the state in charge of the import and export of endangered species.

To import and export wild animals or their products included in the lists in the preceding paragraph or export wild animals under state priority conservation or their products, the approval from the competent department of wild animal conservation of the State Council or from the State Council shall be obtained, and the certificate allowing import and export issued by the administrative authority of the state in charge of the import and export of endangered species shall also be obtained. Entry and exit quarantine shall be implemented in accordance with the law. The Customs shall handle the customs clearance formalities on the basis of the certificate allowing import and export and quarantine certificates in accordance with the relevant provisions.

The export of any species of wild animals involving science and technology confidentiality shall be handled in accordance with the relevant provisions issued by the State Council.

The wild animals included in the list in paragraph 1 of this Article shall, upon confirmation by the competent department of wild animal conservation of the State Council, be administered as wild animals under state priority conservation within the scope of application of this Law.

Article 36 The state shall organize international cooperation and exchange on wild animal conservation and relevant law enforcement; and establish an inter-departmental coordination mechanism for preventing and suppressing the smuggling of and illicit trading in wild animals and their products, and take action to prevent and suppress the smuggling of and illicit trading in wild animals and their products.

Article 37 The introduction of any species of wild animals from abroad shall be subject to the approval of the competent department of wild animal conservation of the State Council.

Where any species of wild animals included in the list in paragraph 1 of Article 35 of this Law is introduced from abroad, the certificate allowing import and export shall also be obtained in accordance with the law. Entry quarantine shall be implemented in accordance with the law. The Customs shall handle the customs clearance formalities on the basis of the import approval document or the certificate allowing import and export and the quarantine certificate in accordance with the relevant provisions.

Where any species of wild animals is introduced from abroad, safe and reliable preventive measures shall be taken to prevent the wild animals from entering wild environment and avoid any damage to the ecosystem. If it is necessary to release them to wild environment, it shall comply with the relevant provisions issued by the state.

Article 38 Any organization or individual that releases captured wild animals to wild environment shall select the local species suitable for surviving in the wild at the places of release, and such release shall cause no disturbances in the normal life and production of local residents, and avoid any damage to the ecosystem. Where any organization or individual that releases wild animals at will causes any bodily injury or property damage to any other person or causes any damage to the ecosystem, the organization or individual shall be held liable in accordance with the law.

Article 39 It shall be prohibited to forge, alter, purchase, sell, transfer, or lease the special hunting or catching permits, the hunting licenses, the artificial breeding licenses or special labels, the approval documents for selling, purchasing, or utilizing wild animals under state priority conservation or their products, the certificates allowing import and export, or the import and export approval documents, among others.

The information on issuance of the relevant licenses, special labels, and approval documents as prescribed in the preceding paragraph shall be disclosed to the public in accordance with the law.

Article 40 Foreigners intending to conduct field surveys or make films or videos of wild animals under state priority conservation in China shall be subject to the approval of the competent departments of wild animal conservation of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government or the entities authorized by them, and comply with the provisions of relevant laws and regulations.

Article 41 The measures for the administration of wild animals under local priority conservation and other wild animals not under state priority conservation shall be developed by the people's congresses of provinces, autonomous regions, or municipalities directly under the Central Government or their standing committees.

Chapter IV Legal Liability

Article 42 Where a competent department of wild animal conservation or any other relevant department or authority fails to make an administrative licensing decision in accordance with the law, fails to investigate and punish any violation of the law after discovering it or receiving a report on it or legally investigate and punish the violation of the law, abuses its power, or

otherwise fails to perform its functions in accordance with the law, the people's government at the same level or the relevant department or authority of the people's government at a higher level shall order it to take corrective action, and take disciplinary action of a demerit, a major demerit, or demotion against the liable official in charge and other directly liable persons; if the consequences of the conduct are serious, it shall take disciplinary action of removal from office or expulsion against them, and the primary person in charge thereof shall resign to assume responsibility for the conduct; or if the conduct is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 43 Violators of paragraph 3 of Article 12 or paragraph 2 of Article 13 of this Law shall be punished in accordance with the provisions of relevant laws and regulations.

Article 44 Whoever, in violation of paragraph 3 of Article 15 of this Law, trades in wild animals or their products in the name of sheltering or rescuing wild animals shall be fined not less than two nor more than ten times the value of the wild animals or their products by the competent department of wild animal conservation of the people's government at or above the county level, with the wild animals or their products and all illegal income confiscated, and the relevant information on the violation shall be recorded in the violator's social credit file and announced to the public; and if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 45 Whoever, in violation of Article 20, Article 21, paragraph 1 of Article 23, or paragraph 1 of Article 24, hunts or catches any wild animal under state priority conservation in a relevant nature reserve or a no-hunting (or no-fishing) zone or during a closed hunting (or fishing) season, hunts, catches, or kills any wild animal under state priority conservation without a special hunting or catching permit or against the requirements of a special hunting or catching permit, or hunts or catches any wild animal under state priority conservation with a prohibited tool or by a prohibited means shall be fined not less than two nor more than ten times the value of the catch or if there is no catch, be fined not less than 10,000 yuan nor more than 50,000 yuan by the competent department of wild animal conservation of the people's government at or above the county level, the oceanic law enforcement department, or the administrative authority of the relevant reserve according to the division of their functions, with the catch, the hunting or catching tool, and all illegal income confiscated and the special hunting or catching permit revoked; and if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 46 Whoever, in violation of Article 20, Article 21, paragraph 1 of Article 23, or paragraph 1 of Article 24, hunts or catches any wild animal not under state priority conservation in a relevant nature reserve or a no-hunting (or no-fishing) zone or during a closed hunting (or fishing) season, hunts, catches, or kills any wild animal not under state priority conservation without a special hunting or catching permit or against the requirements of a special hunting or catching permit, or hunts or catches any wild animal not under state priority conservation with a prohibited tool or by a prohibited means shall be fined not less than the value nor more than five times the value of the catch or if there is no catch, be fined

not less than 2,000 yuan nor more than 10,000 yuan by the competent department of wild animal conservation of the people's government at or above the county level or the administrative authority of the relevant reserve according to the division of their functions, with the catch, the hunting or catching tool, and all illegal income confiscated and the special hunting or catching permit revoked; and if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Whoever, in violation of paragraph 2 of Article 23 of this Law, hunts or catches any wild animal with a gun without obtaining a gun license, which constitutes a violation of public security administration, shall be punished in accordance with the law by the public security authority for violating public security administration; or if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 47 Whoever, in violation of paragraph 2 of Article 25 of this Law, breeds any wild animals under state priority conservation or any wild animals prescribed in paragraph 2 of Article 28 of this Law without obtaining an artificial breeding license shall be fined not less than the value nor more than five times the value of the wild animals and their products by the competent department of wild animal conservation of the people's government at or above the county level, with the wild animals and their products confiscated.

Article 48 Whoever, in violation of paragraphs 1 and 2 of Article 27, paragraph 1 of Article 28, or paragraph 1 of Article 33 of this Law, uses without approval, fails to obtain, or fails to use as required any special labels, or sells, purchases, utilizes, transports, carries, or delivers any wild animals under state priority conservation or their products or any wild animals prescribed in paragraph 2 of Article 28 of this Law or their products without holding or attaching the duplicate of the artificial breeding license or the approval document or the special labels shall be fined not less than two nor more than ten times the value of the wild animals or their products by the competent department of wild animal conservation or the administrative department for industry and commerce of the people's government at or above the county level according to the division of their functions, with the wild animals or their products and all illegal income confiscated; if the circumstances are serious, the artificial breeding license shall be revoked, the approval document shall be cancelled, and the special labels shall be retracted; and if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Whoever, in violation of paragraph 4 of Article 27 or paragraph 2 of Article 33 of this Law, sells, utilizes, or transports any wild animals not under state priority conservation without the certificates on legal sources shall be fined not less than the value nor more than five times the value of the wild animals by the competent department of wild animal conservation or the administrative department for industry and commerce of the people's government at or above the county level according to the division of their functions, with the wild animals confiscated.

Whoever, in violation of paragraph 5 of Article 27 or Article 33 of this Law, sells, transports, carries, or delivers relevant wild animals or their products without holding or attaching

quarantine certificates shall be punished in accordance with the provisions of the Animal Epidemic Prevention Law of the People's Republic of China.

Article 49 Whoever, in violation of Article 30 of this Law, produces or distributes any food made of wild animals under state priority conservation or their products or wild animals not under state priority conservation or their products without certificates on legal sources or illegally purchases wild animals under state priority conservation or their products for eating shall be ordered to stop the illegal act and be fined not less than two nor more than ten times the value of the wild animals or their products by the competent department of wild animal conservation or the administrative department for industry and commerce of the people's government at or above the county level according to the division of their functions, with the wild animals or their products and all illegal income confiscated; and if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 50 Whoever, in violation of Article 31 of this Law, publishes advertisements for selling, purchasing, or utilizing wild animals or their products or for prohibited hunting or catching tools shall be punished in accordance with the provisions of the Advertising Law of the People's Republic of China.

Article 51 Whoever, in violation of Article 32 of this Law, provides trading services for the illegal sale, purchase, or utilization of wild animals or their products or for prohibited hunting or catching tools shall be ordered to stop the illegal act and take corrective action during a specified period, with all illegal income confiscated, and be fined not less than two nor more than five times the value of the illegal income or if there is no illegal income, be fined not less than 10,000 yuan nor more than 50,000 yuan by the administrative department for industry and commerce of the people's government at or above the county level; and if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 52 Whoever, in violation of Article 35 of this Law, imports or exports wild animals or their products shall be punished by the Customs, inspection and quarantine department, public security authority, and oceanic law enforcement authority in accordance with laws, administrative regulations, and the relevant provisions issued by the state; or if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 53 Whoever, in violation of paragraph 1 of Article 37 of this Law, introduces from abroad any species of wild animals shall be fined not less than 50,000 yuan nor more than 250,000 yuan by the competent department of wild animal conservation of the people's government at or above the county level, with the introduced wild animals confiscated; and if the introduced wild animals fail to undergo the entry quarantine formalities in accordance with the law, shall be punished in accordance with the provisions of the Law of the People's Republic of China on the Quarantine of Entry and Exit Animals and Plants; and if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 54 Whoever, in violation of paragraph 2 of Article 37 of this Law, releases any wild animals introduced from abroad to wild environment shall be ordered to recapture such animals during a specified period and be fined not less than 10,000 yuan nor more than 50,000 yuan by the competent department of wild animal conservation of the people's government at or above the county level; and if the violator fails to do so during the specified period, the competent department of wild animal conservation shall recapture such animals on behalf of the violator or take measures to reduce the impacts, with all costs necessary assumed by the violator ordered to recapture such animals during the specified period.

Article 55 Whoever, in violation of paragraph 1 of Article 39 of this Law, forges, alters, purchases, sells, transfers, or leases the relevant permits, licenses, special labels, or relevant approval documents shall be fined not less than 50,000 yuan nor more than 250,000 yuan by the competent department of wild animal conservation of the people's government at or above the county level, with the illicit permits, licenses, special labels, or relevant approval documents and all illegal income confiscated; and if the violation constitutes a violation of public security administration, the violator shall be punished in accordance with the law by the public security authority for violating public security administration; or if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 56 The physical property confiscated under this Law shall be handled by the competent department of wild animal conservation of the people's government at or above the county level or the entity authorized by it in accordance with the relevant provisions.

Article 57 The evaluation standards and methods for the values of the catches and the values of wild animals and their products as prescribed in this Law shall be developed by the competent department of wild animal conservation of the State Council.

Chapter V Supplemental Provisions

Article 58 This Law shall come into force on January 1, 2017.

13. Environmental Protection Tax Law of the People's Republic of China

(Adopted at the 25th Session of the Standing Committee of the Twelfth National People's Congress on December 25, 2016)

Chapter I General Provisions

Article 1 This Law is enacted for the purposes of protecting and improving the environment, reducing pollutant discharges, and promoting ecological civilization construction.

Article 2 Within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China, the enterprises, public institutions and other producers and operators that directly discharge pollutants to the environment are taxpayers of environmental pollution tax, and shall pay environmental pollution tax in accordance with the provisions of this Law.

Article 3 For the purpose of this Law, “taxable pollutants” means the air pollutants, water

pollutants, solid wastes and noises as prescribed in the Schedule of Tax Items and Tax Amounts of Environmental Protection Tax and the Schedule of Taxable Pollutants and Equivalent Values.

Article 4 Where an enterprise, public institution or any other producer or operator falls under any of the following circumstances, it shall not be deemed as directly discharging pollutants to the environment, and shall not pay environmental protection tax on the corresponding pollutants:

(1) It discharges taxable pollutants to a centralized sewage or domestic garbage treatment site established in accordance with the law.

(2) It stores or disposes of solid wastes at any facility or site that meets the national and local environmental protection standards.

Article 5 Where a centralized urban and rural sewage or domestic garbage treatment site established in accordance with the law discharges taxable pollutants to the environment in excess of the discharge standards as prescribed by the state or the local area, it shall pay environmental protection tax.

Where an enterprise, public institution or any other producer or operator that stores or disposes of solid wastes fails to comply with the national or local environmental protection standards, it shall pay environmental protection tax.

Article 6 Tax items and tax amounts of environmental protection tax shall be governed by the Schedule of Tax Items and Tax Amounts of Environmental Protection Tax attached to this Law.

The people's governments of all provinces, autonomous regions and municipalities directly under the Central Government shall, by taking into overall consideration the environmental carrying capacities, status quo of pollutant discharges, and the requirements of economic, social and ecological development goals, determine and adjust the specific tax amounts applicable to taxable air pollutants and water pollutants within the range of the tax amounts as prescribed in the Schedule of Tax Items and Tax Amounts of Environmental Protection Tax attached to this Law, and report them to the standing committees of the people's congresses at the same levels for decision, and to the Standing Committee of the National People's Congress and the State Council for recordation.

Chapter II Tax Basis and Tax Amount payable

Article 7 The tax basis for taxable pollutants shall be determined by using the following methods:

(1) The tax basis for taxable air pollutants shall be determined on the basis of the pollution equivalents converted from pollutant emissions.

(2) The tax basis for taxable water pollutants shall be determined on the basis of the pollutant equivalents converted from pollutant discharges.

(3) The tax basis for taxable solid wastes shall be determined on the basis of the discharges of solid wastes.

(4) The tax basis for taxable noises shall be determined on the basis of the decibels in

excess of the standards as prescribed by the state.

Article 8 The pollution equivalents of taxable air pollutants and water pollutants shall be calculated by dividing the pollutants discharged by the pollution equivalent values of such pollutants. The specific pollution equivalent values of various categories of air pollutants and water pollutants shall be governed by the Schedule of Taxable Pollutants and Equivalent Values attached to this Law.

Article 9 Of the air pollutants discharged from each discharge outlet for which no discharge outlet is established, the first three items of pollutants ranked in descending order of pollution equivalents shall be subject to environmental protection tax.

Of the taxable water pollutants discharged from each discharge outlet, the water pollutants of Category I and other categories of water pollutants shall be distinguished in accordance with the Schedule of Taxable Pollutants and Pollution Equivalents attached to this Law, and be ranked in descending order of pollution equivalents. Environmental protection tax shall be collected on the first five items of the water pollutants of Category I, and on the first three items of other categories of water pollutants.

The people's government of a province, autonomous region or municipality directly under the Central Government may, according to the special needs of the local area for pollutant discharge reduction, increase the number of taxable items of pollutants discharged from the same discharge outlet, on which environmental protection tax is collected, which shall be reported to the standing committee of the people's congress at the same level for decision and to the Standing Committee of the National People's Congress and the State Council for recordation.

Article 10 The discharge of taxable air pollutants, water pollutants, or solid wastes and decibels of noises shall be calculated by using the following methods and in the following orders:

(1) Where a taxpayer installs and uses automatic monitoring equipment for pollutants that complies with the provisions and monitoring specifications of the state, the discharge or decibels thereof shall be calculated on the basis of the automatic monitoring data on pollutants.

(2) Where a taxpayer fails to install and use automatic monitoring equipment for pollutants, the discharges or decibels thereof shall be calculated on the basis of the monitoring data concerning the compliance with relevant provisions and monitoring specifications of the state issued by the monitoring institution.

(3) If the conditions for monitoring are not satisfied due to the diversity of pollutants discharged or for any other reason, the discharges or decibels thereof shall be calculated on the basis of the pollution discharging coefficient and balanced material calculation method as prescribed by the competent department of environmental protection of the State Council.

(4) Where the calculation cannot be made by using the methods as specified in Items (1) through (3) of this Article, the discharges or decibels thereof shall be ratified and calculated

by using the sampling calculation method as prescribed by the competent department of environmental protection of the people's government of the province, autonomous region, or municipality directly under the Central Government.

Article 11 The amount of environmental protection tax payable shall be calculated by using the following methods:

(1) The amount of tax payable on taxable air pollutants shall be the pollution equivalent multiplied by the specific applicable tax amount.

(2) The amount of tax payable on taxable water pollutants shall be the pollution equivalent multiplied by the specific applicable tax amount.

(3) The amount of tax payable on solid wastes shall be the discharges of solid wastes multiplied by the specific applicable tax amount.

(4) The amount of tax payable on taxable noises shall be the specific applicable tax amount to which the decibels in excess of the standards as prescribed by the state correspond.

Chapter III Tax Reduction and Exemption

Article 12 The following circumstances shall be exempted from environmental protection tax for the time being:

(1) Taxable pollutants are discharged from agricultural production (excluding large-scale breeding).

(2) Taxable pollutants are discharged from motor vehicles, railway locomotives, non-road mobile machineries, vessels, aircrafts and other mobile pollution sources.

(3) The corresponding taxable pollutants which do not exceed the discharge standards as prescribed by the state and local areas are discharged from centralized urban and rural sewage and domestic garbage treatment sites established in accordance with the law.

(4) The solid wastes comprehensively utilized by taxpayers comply with the national and local environmental protection standards.

(5) Other circumstances exempted from tax as approved by the State Council.

The provisions on tax exemption in Item (5) of the preceding paragraph shall be reported by the State Council to the Standing Committee of the National People's Congress for recordation.

Article 13 Where the concentration value of the taxable air pollutants or water pollutants discharged by a taxpayer is lower than 30% of the pollutant discharge standards as prescribed by the state or the local area, the environmental protection tax thereon shall be collected at a reduced rate of 75%. Where the concentration value of the taxable air pollutants or water pollutants discharged by a taxpayer is lower than 50% of the pollutant discharge standards as prescribed by the state or the local area, the environmental protection tax thereon shall be collected at a reduced rate of 50%.

Chapter IV Tax Collection Administration

Article 14 Tax authorities shall administer the collection of environmental protection tax in accordance with the relevant provisions of the Law of the People's Republic of China on the Administration of Tax Collection and this Law.

The competent departments of environmental protection shall take charge of the monitoring and administration of pollutants in accordance with the provisions of this Law and the relevant laws and regulations on environmental protection.

The local people 's governments at or above the county level shall establish a work mechanism featured by division of functions and coordination of tax authorities, competent departments of environmental protection and other relevant entities, strengthen the administration of collection of environmental protection tax, and guarantee the taxes are turned over to the state treasury in full amount in a timely manner.

Article 15 The competent departments of environmental protection and tax authorities shall establish a tax-related information sharing platform and work cooperation mechanisms.

The competent department of environmental protection shall submit the relevant environmental protection information on the pollutant discharge licenses of pollutant discharging entities, pollutant discharge data, and violations of environmental laws and administrative penalties thereon, etc., to the tax authorities on a regular basis.

Tax authorities shall submit taxpayers' tax returns, premitted taxes to the state treasury, tax deduction and exemption, tax arrears, doubtful risk points and other tax-related information on environmental protection to the competent departments of environmental protection on a regular basis.

Article 16 The time when the tax payment obligation of a taxpayer occurs shall be the date when the taxpayer discharges taxable pollutants.

Article 17 A taxpayer shall file its returns of environmental protection tax with the tax authority at the place of discharge of taxable pollutants.

Article 18 Environmental protection tax shall be calculated on a monthly basis, and the returns shall be filed on a quarterly basis. Where the calculation and payment thereof cannot be made on a regular basis, the returns thereof may be filed on a transaction-by-transaction basis.

When a taxpayer files tax returns, it shall submit to the tax authority the categories and quantities of the taxable pollutants it discharges, the concentration value of the air pollutants and water pollutants, and other tax payment materials required by the tax authority according to the actual needs.

Article 19 Where a taxpayer files tax returns on a quarterly basis, it shall file its tax returns with and pay taxes to the tax authority within 15 days after the end of each quarter. Where a taxpayer files tax returns on a transaction-by-transaction basis, it shall file its tax returns with and pay taxes to the tax authority within 15 days from the date when the tax payment obligation occurs.

A taxpayer shall truthfully file tax returns in accordance with the law, and be responsible for the authenticity and completeness of the filing of tax returns.

Article 20 Tax authorities shall compare the data materials on taxpayers' filing of tax returns with relevant data materials submitted by the competent departments of environmental protection.

Where a tax authority finds the data materials on the filing of tax returns by any taxpayer is abnormal or the taxpayer fails to file tax returns within a prescribed time limit, the tax authority may request the competent department of environmental protection to conduct a review, and the competent department of environmental protection shall, within 15 days from the date of receipt of the data materials from the tax authority, issue its review opinions to the tax authority. The tax authority shall adjust the tax amount payable by the taxpayer according to the data materials reviewed by the competent department of environmental protection.

Article 21 Where pollutant discharges are ratified and calculated in accordance with the provisions of item (4) of Article 10 of this Law, tax authorities shall, in conjunction with the competent departments of environmental protection, ratify the categories and quantities of and tax amounts payable on pollutants discharged.

Article 22 The specific measures for the filing of environmental protection tax returns by taxpayers engaging in ocean engineering for their discharges of taxable air pollutants, water pollutants or solid wastes to the sea areas under the jurisdiction of the People's Republic of China shall be provided for by the competent tax department of the State Council in conjunction with the competent oceanic department of the State Council.

Article 23 Taxpayers and tax authorities, competent departments of environmental protection and their staff members that violate any of the provisions of this Law shall be held liable in accordance with the Law of the People's Republic of China on the Administration of Tax Collection, the Environmental Protection Law of the People's Republic of China and other relevant laws and regulations.

Article 24 The people's governments at all levels shall encourage taxpayers to increase investments in environmental protection construction, and provide financial and policy support for taxpayers' investments in the automatic monitoring equipment for pollutants.

Chapter V Supplementary Provisions

Article 25 In this Law, the following terms shall have the meanings as follows:

- (1) "Pollution equivalent" means the comprehensive indicator or measurement unit used to measure the environmental pollutions caused by different pollutants according to the degrees of damages of pollutants or pollutant discharge activities to the environment and the technical and economic perform of the handling thereof. The degrees of pollution caused by different pollutants with the same pollution equivalent value discharged via the same medium are basically the same.
- (2) "Pollution discharging coefficient" means the statistical average value of the quantity of pollutants that should be discharged by products of production entities under normal technical, economic and management conditions.
- (3) "Balanced material calculation" means a method for calculating the raw materials used, products produced and wastes generated in the process of production under the law of conservation of mass.

Article 26 Enterprises, public institutions and other producers and operators that directly

discharge taxable pollutants to the environment shall, in addition to paying environmental protection tax in accordance with the provisions of this Law, assume liabilities for the damages caused thereby in accordance with the law.

Article 27 From the date when this Law comes into force, environmental protection law shall be collected in accordance with the provisions of this Law, and no pollutant discharge fees shall be collected any more.

Article 28 This Law shall come into force on January 1, 2018.

14. Emergency Response Law of the People's Republic of China

(Adopted at the 29th session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on August 30, 2007)

Chapter I General Provisions

Article 1 This Law has been made to prevent and reduce the occurrences of emergency incidents, control, mitigate and eliminate the serious social damage caused by emergency incidents, standardize the emergency response activities, protect the life and property safety of the people, and maintain the national security, public safety, environment safety and social order.

Article 2 This Law shall apply to such emergency response activities as prevention and preparedness, surveillance and warning, response operations and rescue, and post-emergency response rehabilitation and reconstruction.

Article 3 An emergency incident as mentioned in this Law shall refer to a natural disaster, accidental disaster, public health incident or social safety incident, which takes place by accident, has caused or might cause serious social damage and needs the adoption of emergency response measures.

According to such factors as degree of social damage and extent of effects, the natural disasters, accidental disasters and public health incidents shall be divided into four levels: especially serious, serious, large and ordinary, except as otherwise provided for by a law or administrative regulation or the State Council.

The standards for such division of levels of emergency incidents shall be made by the State Council or a department as determined by the State Council.

Article 4 The state shall establish an emergency response management system mainly featuring the uniform leadership, comprehensive coordination, categorized management, graded responsibility and territorial management.

Article 5 The work on emergency response shall adhere to the principle of giving priority to prevention and combining prevention with emergency response. The state shall establish a risk assessment system for major emergency incidents to conduct comprehensive assessment of possible emergency incidents, reduce the occurrences of major emergency incidents, and maximally mitigate the effects of major emergency incidents.

Article 6 The state shall establish an effective social mobilization mechanism to strengthen

the awareness of public safety and risk prevention and control of all citizens and improve the ability of risk avoidance and rescue in the whole society.

Article 7 The people's government at the county level shall be responsible for responding to an emergency incident within its administrative region; where two or more administrative regions are involved, the common people's government at the next higher level of the relevant administrative regions shall be responsible, or the people's governments at the next higher level of the relevant administrative regions shall be jointly responsible.

After the occurrence of an emergency incident, the people's government at the county level at the place of occurrence shall immediately take measures to control the developments of the incident, organize and carry out the emergency response rescue and operations, and immediately report on it to the people's government at the next higher level, or report without regard to the levels when necessary.

The people's government at the county level at the place of occurrence of an emergency incident that cannot eliminate or effectively control the serious social damage caused by the emergency incident shall timely report on it to the people's government at the next higher level. The people's government at the next higher level shall timely take measures and uniformly lead the emergency response operations.

Where a law or administrative regulation provides that a relevant department of the State Council shall be responsible for responding to an emergency incident, such a law or administrative regulation shall apply; and the local people's government shall offer assistance and necessary support.

Article 8 Under the leadership of the Premier, the State Council shall study, decide and deploy response to an especially serious emergency incident; as needed in reality, shall form a state emergency response command body to be responsible for responding to the emergency incident; and when necessary, may send a task group to guide the relevant work. Every local people's government at or above the county level shall form an emergency response command body made up of the principals of the people's government, the persons in charge of the relevant departments and the relevant persons in charge of the local stationed People's Liberation Army of China and People's Armed Police Force to uniformly lead and coordinate the emergency response by all relevant departments of the people's government and the people's governments at the lower levels; as needed in reality, shall form an emergency response command body for a relevant category of emergency incidents to organize, coordinate and command the emergency response.

In their respective capacities, the competent departments of the higher people's governments shall guide and assist the lower people's governments and their relevant departments in response to a relevant emergency incident.

Article 9 The State Council and all local people's governments at and above the county level shall be the leading administrative organs for emergency response, and their operating offices and specific duties and responsibilities shall be provided for by the State Council.

Article 10 The decisions and orders made by a relevant people's government and its

departments in response to an emergency incident shall be timely made available to the public.

Article 11 The emergency response measures taken by a relevant people's government and its departments shall be appropriate for the nature, degree and extent of social damage caused by an emergency incident; and where multiple measures are available for selection, those conducive to the maximum protection of the rights and interests of citizens, legal persons and other organizations shall be selected.

Citizens, legal persons and other organizations are obligated to participate in the emergency response.

Article 12 A relevant people's government and its departments may requisition the property of entities and individuals in response to an emergency incident. The requisitioned property shall be timely returned after use or after the emergency response operations terminate. Compensations shall be made for the requisitioned property or property damaged or destroyed after requisition.

Article 13 Where, for the adoption of any emergency response measure, any litigation, administrative reconsideration or arbitration cannot proceed normally, the provisions on the suspension of limitations and proceedings shall apply, except as otherwise provided for by a law.

Article 14 The People's Liberation Army of China, People's Armed Police Force and militia organizations shall participate in the emergency response rescue and operations in accordance with the provisions of this Law and other relevant laws, administrative regulations and military regulations as well as orders of the State Council and the Central Military Commission.

Article 15 The Government of the People's Republic of China shall carry out cooperation and exchange with foreign governments and relevant international organizations in such respects as emergency prevention, surveillance and warning, emergency response rescue and operations and post-emergency response rehabilitation and reconstruction.

Article 16 The decisions and orders made by the people's government at or above the county level in response to an emergency incident shall be submitted to the standing committee of the same-level people's congress for archival purposes; and after the emergency response operations terminate, the people's government shall make a specialized work report to the standing committee of the same-level people's congress.

Chapter II Prevention and Emergency Response Preparedness

Article 17 The state shall establish and enhance an emergency response plan system.

The State Council shall make the overall state emergency response plans, and organize and make the specialized state emergency response plans; and the relevant departments of the State Council shall make the departmental state emergency response plans in their respective capacities in line with the relevant emergency response plans of the State Council. The local people's governments at all levels and the relevant departments of the local people's governments at and above the county level shall make the corresponding

emergency response plans in accordance with the relevant laws, administrative regulations and rules, emergency response plans of the people's governments at higher levels and their relevant departments, and local realities.

The organ making an emergency response plan shall amend the plan from time to time according to the practical needs and change of situations. The procedures for making and amending an emergency response plan shall be made by the State Council.

Article 18 An emergency response plan shall provide in detail for the organizational and command system and responsibilities for emergency response management, emergency incident prevention and warning mechanisms, operating procedures, emergency response protective measures, post-emergency response rehabilitation and reconstruction measures, etc., in terms of the nature and characteristics of and social damage likely to be caused by the emergency incident in accordance with this Law and other relevant laws and administrative regulations.

Article 19 The urban or rural planning shall meet the needs for emergency incident prevention and response operations, overall arrangements shall be made on the equipment and infrastructure construction necessary for emergency response, and emergency shelters shall be reasonably determined.

Article 20 The people's government at the county level shall investigate, register and assess the risks of, regularly inspect and monitor, and order the relevant entities to take safety preventative and control measures for the danger sources and danger areas tending to cause natural disasters, accidental disasters and public health incidents within its administrative region.

The people's government at the provincial level or the people's government of a city with districts shall investigate, register and assess the risks of, organize the inspection and monitoring of, and order the relevant entities to take safety preventative and control measures for the danger sources and danger areas tending to cause especially serious and serious emergency incidents within its administrative region.

The danger sources and danger areas registered by the local people's government at or above the county level according to this Law shall be timely made available to the public according to the provisions of the state.

Article 21 The people's governments at the county level and their relevant departments, the people's governments at the township level, the sub-district offices, the residents' committees and the villagers' committees shall timely mediate and handle conflicts and disputes likely to cause social safety incidents.

Article 22 Every entity shall establish and enhance a safety management system, regularly examine the implementation of all its safety preventative and control measures, and timely eliminate hidden incident risks; control and timely handle existing problems in the entity likely to cause social safety incidents, and prevent the intensification of conflicts and expansion of situations; and timely report on the emergency incidents likely to occur and on the safety preventative and control measures taken in the entity to the people's government at the

place where the entity is located or the relevant departments of the people's government as required.

Article 23 A mine or building construction entity or an entity producing, operating, storing, transporting or using such dangerous substances as flammable or explosive substances, hazardous chemicals or radioactive substances shall make a specific emergency response plan, investigate hidden risks in the production or business operation premises, buildings and structures where dangerous substances exist and the surrounding environment, and timely take measures to eliminate hidden risks and prevent the occurrences of emergency incidents.

Article 24 An entity operating or managing public transportation vehicles, public places or other places with a high density of people shall make a specific emergency response plan, install alarm devices and necessary emergency response rescue equipment and facilities to the transportation vehicles or relevant places, clearly explain how to use them and illustrate the passages and routes for safety evacuation, and ensure free safety passages and exits. The relevant entity shall regularly examine, test and maintain its alarm devices and emergency response rescue equipment and facilities, keep them in a good condition, and ensure the normal use of them.

Article 25 The people's government at or above the county level shall establish and enhance a training system for emergency response management to conduct regular training of the working staff with responsibility for emergency incident operations of the people's government and its relevant departments.

Article 26 The people's government at or above the county level shall adjust emergency response resources, and establish or determine general emergency response rescue teams. The relevant departments of the people's government may set up specialized emergency response rescue teams as needed.

The people's government at or above the county level and its relevant departments may establish emergency response rescue teams made up of adult volunteers. An entity shall establish a full-time or part-time emergency response rescue team made up of its employees. The people's government at or above the county level shall strengthen the cooperation between specialized and non-specialized emergency response rescue teams, conduct the joint training or drilling, and raise the abilities of synthesized and cooperative emergency response.

Article 27 The relevant departments of the State Council, the local people's governments at and above the county level and their relevant departments and the relevant entities shall take out personal accidental injury insurance for the specialized emergency response rescuers, and provide them with necessary protective equipment and instruments, to reduce the personal risks on the part of the emergency response rescuers.

Article 28 The People's Liberation Army of China, the People's Armed Police Force and the militia organizations shall organize and carry out specialized emergency response exercise as planned.

Article 29 The people's governments at the county level and their relevant departments, the people's governments at the township level and the sub-district offices shall organize and carry out the publicity and dissemination of emergency response knowledge and necessary emergency response drilling.

The residents' committees, the villagers' committees, enterprises and institutions shall carry out the publicity and dissemination of knowledge on the response to an emergency incident and necessary emergency response drilling, according to the requirements of the people's government at the place where they are located, in combination with their respective realities. The news media shall carry out the free publicity of knowledge on the emergency incident prevention and response, self-rescue and mutual rescue for the public good.

Article 30 The schools at various levels and of various descriptions shall include the emergency response knowledge education in their teaching to educate students on emergency response knowledge and foster the safety awareness and abilities of self-rescue and mutual rescue on the part of students.

The competent education departments shall guide and supervise the schools in carrying out the emergency response knowledge education.

Article 31 The State Council and the local people's governments at and above the county level shall take fiscal measures to ensure the funds necessary for the work on the response to emergency incidents.

Article 32 The state shall establish and enhance an emergency response material reserve security system to improve the supervision, production, reserve, allocation and urgent distribution systems of the major emergency response materials.

The people's government at or above the level of a city with districts or the people's government at the county level at the place where emergency incidents tend to occur or occur frequently shall establish the emergency response rescue material, living necessity and emergency response operation equipment reserve systems.

Every local people's government at or above the county level shall enter into agreements with the relevant enterprises to ensure the production and supply of emergency response rescue materials, living necessities and emergency response operation equipment according to its local reality.

Article 33 The state shall establish and enhance an emergency response communication security system, improve the public communication network, establish an emergency response communication system characterized by the combination of cable and wireless communication and the integration of basic telecommunication networks and standby communication systems, to ensure free communication in the work on the response to emergency incidents.

Article 34 The state shall encourage citizens, legal persons and other organizations to provide materials, funds, technical support and donations to the people's governments in the work on the response to emergency incidents.

Article 35 The state shall develop the insurance cause, establish a huge-disaster risk

insurance system supported by the state finance, and encourage entities and citizens to take out insurance.

Article 36 The state shall encourage and support the teaching and scientific research institutions meeting corresponding conditions to foster talents specializing in emergency response management, and encourage and support the teaching and scientific research institutions and relevant enterprises to conduct research and development of new technologies, new equipment and new instruments for the emergency incident prevention, surveillance and warning and the emergency response operations and rescue.

Chapter III Surveillance and Warning

Article 37 The State Council shall establish a nationally uniform emergency incident information system.

Every local people's government at or above the county level shall establish or determine a locally uniform emergency incident information system, converge, store, analyze and transmit information on emergency incidents, and realize the interconnection with the emergency incident information systems of the people's governments at higher levels and their relevant departments, the people's government at lower levels and their relevant departments, the specialized institutions and the surveillance points to strengthen the cross-department and cross-region information exchange and intelligence cooperation.

Article 38 The people's governments at and above the county level and their relevant departments and the specialized institutions shall collect incident information through various channels.

The people's government at the county level shall establish a full-time or part-time information reporter system in the residents' committees, the villagers' committees and the relevant entities.

A citizen, legal person or any other organization acquiring emergency incident information shall immediately report on it to the local people's government, the relevant competent department or the designated specialized institution.

Article 39 A local people's government at any level shall submit emergency incident information to the people's government at a higher level according to the relevant provisions of the state. The relevant competent departments of the people's government at or above the county level shall notify in writing the relevant department of the same-level people's government of the emergency incident information. A specialized institution, surveillance point or information reporter shall timely report on the emergency incident information to the local people's government and the relevant competent departments of the people's government.

The emergency incident information submitted or reported by the relevant entities and persons shall be timely, objective and true, and it shall be prohibited to delay the reporting, falsify the reporting, conceal the reporting or omit the reporting of such information.

Article 40 Every local people's government at or above the county level shall timely summarize and analyze information on the hidden risks and warning of emergency incidents,

and when necessary, organize the relevant departments, specialized technicians, experts and scholars to conduct consultations and make assessment of the possibility of occurrence of an emergency incident and the effects likely to be caused by the emergency incident; and when deeming that a serious or especially serious emergency incident is likely to occur, shall immediately report on it to the higher people's government, and notify in writing the relevant departments of the higher people's government, the local stationed army and the people's government at the adjacent or relevant place likely to be damaged.

Article 41 The state shall establish and enhance an emergency incident surveillance system. The people's government at or above the county level and its relevant departments shall establish and enhance a basic information database, improve surveillance networks, divide surveillance regions, determine surveillance points, define surveillance items, provide necessary equipment and facilities, and assign full-time or part-time personnel, to monitor emergency incidents likely to occur, according to the categories and characteristics of natural disasters, accidental disasters and public health incidents,.

Article 42 The state shall establish and enhance an emergency incident warning system. The levels of warning of natural disasters, accidental disasters and public health incidents that may be warned of shall be divided into level 1, level 2, level 3 and level 4 according to the emergency degree of, trend of development of and degree of damage likely to be caused by an emergency incident, and shall be marked in red, orange, yellow and blue respectively, with level 1 being the highest level.

The criteria for division of levels of warning shall be made by the State Council or the department as determined by the State Council.

Article 43 Where a natural disaster, accidental disaster or public health incident that may be warned of is about to occur or the possibility of occur grows, in accordance with the powers and procedures as provided for by the relevant laws and administrative regulations and the State Council, a local people's government at or above the county level shall issue a relevant level of warning, decide and declare that a relevant region enters on a period of warning, and report on it to the people's government at the next higher level at the same time, and when necessary, may report without regard to the levels, and notify the local stationed army and the people's government at the adjacent or relevant place likely to be damaged.

Article 44 After issuing a level 3 or level 4 warning and declaring the entry into a period of warning, a local people's government at or above the county level shall take the following measures according to the characteristics of and the damage likely to be caused by an emergency incident that is about to occur:

1. Activating the emergency response plan;
2. Ordering the relevant departments, specialized institutions, surveillance points and personnel with particular responsibility to timely collect and report the relevant information, announcing channels for the public to report emergency incident information, and strengthening the surveillance, forecast and warning of the occurrence and development of an emergency incident;

3. Organizing the relevant departments and institutions, specialized technicians and relevant experts and scholars to analyze and assess emergency incident information at any time, forecast the degree of possibility of occurrence, extent of effects and scale of intensity of an emergency incident as well as the level of an emergency incident likely to occur;
4. Issuing the forecast information and analysis and assessment results on an emergency incident concerning the general public in fixed time, and managing the coverage on the relevant information; and
5. Issuing timely a warning that damage is likely to be caused by an emergency incident to the society according to the relevant provisions, publicizing the general knowledge on the avoidance and mitigation of damage, and announcing the consulting telephone numbers.

Article 45 After issuing a level 1 or level 2 warning and declaring the entry into a period of warning, a local people's government at or above the county level shall take any or more of the following measures according to the characteristics of and the damage likely to be caused by an emergency incident that is about to occur, in addition to the measures set forth in Article 44 of this Law:

1. Ordering the emergency response rescue team and personnel with particular responsibility to stand by to await order, and mobilizing the reserve personnel to be well prepared to attend the emergency response rescue and operations;
2. Mustering the materials, equipment and instruments necessary for emergency response rescue, preparing the emergency response facilities and shelters, and ensuring them to be in good condition and ready for being put into normal use at any time;
3. Strengthening the safety and defense of key entities, key positions and key infrastructures, and maintaining the social peace and order;
4. Taking necessary measures to ensure the safety and normal operation of such public utilities as transportation, communications, water supply, drainage, power supply, gas supply and heat supply;
5. Issuing timely suggestions and advice on taking special measures to avoid or mitigate damage;
6. Transferring, dispersing or evacuating and properly settling persons who are liable to the damage by an emergency incident, and transferring important property;
7. Shutting down or restricting the use of places that are liable to the damage by an emergency incident, and controlling or restricting the activities in public places that tend to cause the expansion of damage; and
8. Other necessary preventative, control and protective measures as provided for by laws and administrative regulations and rules.

Article 46 On a social safety incident that is about to occur or has occurred, a local people's government at or above the county level and its relevant competent department shall report to the people's government at the next higher level and its relevant competent department as required, and when necessary, may report without regard to the levels.

Article 47 The people's government issuing a warning of emergency incident shall properly

adjust and reissue the level of warning, according to the development of situations.

Where facts prove that the occurrence of an emergency incident is impossible or the danger has been eliminated, the people's government issuing a warning shall immediately announce the rescission of warning, terminate the period of warning, and relax the relevant measures having been taken.

Chapter IV Emergency Response Operations and Rescue

Article 48 After an emergency incident occurs, the people's government performing the responsibility for uniform leadership or organizing the emergency response operations shall immediately organize the relevant departments, deploy the emergency response rescue teams and social forces, and take measures for emergency response operations in terms of the nature, characteristics and degree of damage of the emergency incidents in accordance with the provisions of this Chapter and the provisions of relevant laws and administrative regulations and rules.

Article 49 After a natural disaster, accidental disaster or public health incident occurs, the people's government performing the responsibility for uniform leadership may adopt any or more of the following measures for emergency response operations:

1. Organizing the rescue and treatment of victims, dispersing, evacuating and properly settling persons threatened and taking other rescue measures;
2. Controlling promptly the danger sources, marking the danger areas, blockading the danger places, demarcating the cordoned areas, implementing traffic controls and taking other control measures;
3. Repairing immediately such damaged public utilities as transportation, communications, water supply, drainage, power supply, gas supply and heat supply, providing the harmed persons with shelters and living necessities, and implementing medical rescue, hygienic, quarantine and other security measures;
4. Prohibiting or restricting the use of relevant equipment and facilities, shutting down or restricting the use of relevant places, terminating the activities with a high density of people or production or business operation activities likely to cause the expansion of damage, and taking other protective measures;
5. Activating the use of the fiscal reserve funds and emergency response rescue material reserve set aside by the people's government, and when necessary, mustering other materials, equipment, facilities and instruments for use;
6. Organizing citizens to attend the emergency response rescue and operations, and requiring those with specialties to provide services;
7. Safeguarding the supply of food, drinking water, fuels and other basic living necessities;
8. Imposing stricter punishments against forestalling, bidding up prices, making and selling fake products and other violations of the market order according to law, to stabilize the market prices and maintain the market order;
9. Imposing stricter punishments against looting property, interfering with the emergency response operations and other violations of the social order according to law, to maintain

the social peace and order; and

10. Taking necessary measures for preventing the occurrences of secondary and derivative incidents.

Article 50 After a social safety incident occurs, the people's government organizing the response operations shall immediately organize the relevant departments, and the public security organs shall take any or more of the following measures for emergency response operations in terms of the nature and characteristics of the incident according to laws and administrative regulations and other relevant provisions of the state:

1. Coercively insulating the parties who confront each other with instruments or participate in conflicts in a violent way, and properly resolving disputes and contradictions on the spot, and controlling the development of situations;
2. Controlling the buildings, transportation vehicles, equipment, facilities and supply of fuels, gas, power and water in particular regions;
3. Blockading the relevant places and roads, examining the identity certificates of persons on the spot, and restricting the activities in the relevant public places;
4. Strengthening the guard of central organs and entities liable to the impact, and setting up temporary cordons near the state organs, military organs, state news agency, radio and television stations, foreign embassies in China; and
5. Other necessary measures as provided for by laws, administrative regulations and the State Council.

When an incident seriously endangering the social peace and order occurs, the public security organs shall immediately send out police forces, take relevant coercive measures legally according to the situations on the spot, and bring the social order back to normal as soon as possible.

Article 51 Where the occurrence of an emergency incident seriously affects the normal operation of the national economy, the State Council or the relevant competent departments empowered by the State Council may take security, control and other necessary emergency response measures to secure the basic living necessities of the people and maximally mitigate the effects of the emergency incident.

Article 52 When necessary, the people's government performing the responsibility for uniform leadership or organizing the emergency response operations may requisition equipment, facilities, premises, transportation vehicles and other materials from entities and individuals, request other local people's governments to provide human, material and financial resources or technical support, require enterprises that produce or supply living necessities and emergency response rescue materials to organize production and ensure supply, and require organizations that provide medical, transportation and other public services to provide the relevant services.

The people's government performing the responsibility for uniform leadership or organizing the emergency response operations shall organize and coordinate entities engaging in transportation to give priority to the transportation of materials, equipment, instruments and

emergency response rescuers necessary for the emergency response operations and the victims of the emergency incident.

Article 53 The people's government performing the responsibility for uniform leadership or organizing the emergency response operations shall uniformly, accurately and timely release information on the development of situations of an emergency incident and emergency response operations according to relevant provisions.

Article 54 No entity or individual shall fabricate or disseminate false information on the development of situations of an emergency incident or emergency response operations.

Article 55 The residents' committees, villagers' committees and other organizations at the place of occurrence of an emergency incident shall conduct publicity and mobilization, organize people to carry out self-rescue and mutual rescue, and assist in maintaining the social order according to the decisions and orders of the local people's government.

Article 56 An entity damaged by a natural disaster or where an accidental disaster or public health incident occurs shall immediately organize its emergency response rescue team and working staff to rescue the victims, disperse, evacuate and settle persons threatened, control danger sources, demarcate danger areas, blockade danger premises, take other measures necessary for the prevention of expansion of damage, and at the same time, report to the people's government at the county level at the place where it is located; for a social safety incident that is caused by a problem with the entity or mainly involves the personnel of the entity, the relevant entity shall report on it to a higher authority as required and promptly send out persons in charge to the site to conduct persuasion and guidance.

Any other entity at the place of occurrence of an emergency incident shall obey the decisions and orders issued by the people's government, assist the people's government in taking the measures for emergency response operations, do a good job in its emergency response rescue, and actively organize personnel to attend the emergency response rescue and operations at the place where it is located.

Article 57 A citizen at the place of occurrence of an emergency incident shall obey the direction and arrangements of the people's government, residents' committees, villagers' committees or entity where he or she is employed, assist the people's government in taking the measures for emergency response operations, actively attend the emergency response rescue, and assist in maintaining the social order.

Chapter V Post-Emergency Response Rehabilitation and Reconstruction

Article 58 After the threats and damage caused by an emergency incident have been controlled or eliminated, the people's government performing the responsibility for uniform leadership or organizing the emergency response operations shall terminate the implementation of the measures for emergency response operations taken according to this Law, and at the same time, take or continue implementing necessary measures to prevent the occurrences of secondary or derivative incidents of a natural disaster, accidental disaster or public health incident or re-occurrence of a social safety incident.

Article 59 After the end of emergency response operations, the people's government

performing the responsibility for uniform leadership shall immediately organize the assessment of losses caused by the emergency incident, organize the affected areas to restore the production, living, working and social order as soon as possible, make rehabilitation and reconstruction plans, and report them to the people's government at the next higher level.

The people's government in an area affected by the emergency incident shall timely organize and coordinate with the public security, transportation, railway, civil aviation, postal, construction and other relevant departments to restore the social peace and order and repair such damaged public utilities as transportation, communications, water supply, drainage, power supply, gas supply and heat supply as soon as possible.

Article 60 Where the rehabilitation and reconstruction to be carried out by the people's government in an area affected by an emergency incident require the support by the people's government at the next higher level, a request may be submitted to the people's government at the next higher level. According to the losses suffered by the affected area and its actual conditions, the people's government at the next higher level shall provide fund and material support and technical guidance and organize other areas to provide fund, material and human resource support.

Article 61 According to the losses suffered by an area affected by an emergency incident, the State Council shall make preferential policies supporting the development of relevant industries in the area.

The people's government in an area affected by an emergency incident shall make and organize the implementation of work plans on assistance, compensation, conciliation, relief, settlement, etc. according to the losses suffered by the area, and properly resolve conflicts and disputes caused by the emergency response operations.

During the period of a citizen's attending the emergency response rescue or assisting in maintaining the social order, his or her salary treatment and welfare in its employing entity shall be unchanged; where the citizen has performed remarkably or made great achievements, the people's government at or above the county level shall commend or reward him.

The people's government at or above the county level shall grant relief to persons injured or dead when participating in the emergency response rescue according to law.

Article 62 The people's government performing the responsibility for uniform leadership shall timely found out the process of and causes for the occurrence of an emergency incident, summarize the experience and lessons learned from the emergency response operations, make improvement measures, and report them to the people's government at the next higher level.

Chapter VI Legal Liability

Article 63 Where a local people's government or a relevant department of a people's government at or above the county level fails to perform its statutory functions in violation of this Law, its higher administrative organ or the supervisory organ shall order it to make

correction; and a sanction shall be imposed on the directly responsible persons in charge and other directly liable persons as the case may be, under any of the following circumstances:

1. Failure to take preventative measures as required and causing the occurrence of an emergency incident, or failure to take necessary preventative and control measures and causing the occurrence of a secondary or derivative incident;
2. Delay, falsification, concealment or omission in reporting the information on an emergency incident, or notification in writing, submission or release of false information, and causing consequences;
3. Failure to timely issue an emergency incident warning or take measures of entry into the period of warning as required and causing the occurrence of damage;
4. Failure to timely take measures for emergency response operations as required or making improper emergency response operations, and causing consequences;
5. Disobedience to the higher people's government's uniform leadership, command and coordination of emergency response operations;
6. Failure to timely organize and carry out production self-rescue, rehabilitation and reconstruction and other post-emergency response work;
7. Interception, misappropriation, private distribution or private distribution in a disguised form of the emergency response rescue funds or materials; or
8. Failure to timely return the requisitioned property of entities or individuals, or failure to compensate the entities or individuals whose property is requisitioned as required.

Article 64 For a relevant entity under any of the following circumstances, the people's government performing the responsibility for uniform leadership at the place where the entity is located shall order it to cease production or business, suspend or cancel its license or business license, and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; where a violation of the public security administration is constituted, the public security organ shall impose a penalty according to law:

1. Failing to take preventative measures as required and causing the occurrence of a serious emergency incident;
2. Failing to timely eliminate discovered hidden risks likely to cause an emergency incident and causing the occurrence of a serious emergency incident;
3. Failing to do a good job in the daily maintenance and testing of emergency response equipment and facilities and causing the occurrence of a serious emergency incident or the expansion of damage caused by an emergency incident; or
4. Failing to timely organize and carry out the emergency response rescue and causing serious consequences, after the occurrence of an emergency incident.

Where any other law or administrative regulation provides that the relevant department of the people's government shall decide on the punishment against any of the violations in the preceding paragraph, such a provision shall apply.

Article 65 Where an entity or individual in violation of this Law fabricates and disseminates

false information on the development of situations of an emergency incident or emergency response operations, or knowingly disseminates false information on the development of situations of an emergency incident or emergency response operations, it or he shall be ordered to make correction, and a warning shall be imposed; where serious consequences are caused, the business operation or practicing license of the entity or individual shall be ceased or cancelled according to law; where the directly liable persons are state functionaries, they shall be sanctioned according to law; and where a violation of the public security administration is constituted, the public security organ shall impose a penalty according to law.

Article 66 Where an entity or individual in violation of the provisions of this Law disobeys a decision or order issued by the people's government at the place where the entity or individual is located or its relevant department or refuses to assist in the measures legally taken, which constitutes a violation of the public security administration, the public security organ shall impose a penalty on the entity or individual according to law.

Article 67 Any entity or individual that violates any provision of this Law, causes the occurrence of an emergency incident or expansion of damage and inflicts damage to the body or property of any other person shall assume the civil liability according to law.

Article 68 Where a violation of any provision of this Law constitutes a crime, the offender shall be pursued for criminal liability.

Chapter VII Supplementary Provisions

Article 69 Where an especially serious emergency incident occurs, which posts a serious threat to the life or property safety of the people, national security, public safety, environmental safety or social order, and its serious social damage cannot be eliminated or effectively controlled or mitigated by taking the emergency response operation measures as provided for in this Law and other relevant laws and administrative regulations and rules, and therefore it is necessary to enter a state of emergency, the Standing Committee of the National People's Congress or the State Council shall decide in accordance with the powers and procedures as provided for by the Constitution and other relevant laws.

The exceptional measures taken during the period of a state of emergency shall be subject to the provisions of relevant laws or shall be separately provided for by the Standing Committee of the National People's Congress.

Article 70 This Law shall be effective as of November 1, 2007.

15. Tort Law of the People's Republic of China

(Adopted at the 12th session of the Standing Committee of the Eleventh National People's Congress on December 26, 2009)

Chapter I General Provisions

Article 1 In order to protect the legitimate rights and interests of parties in civil law relationships, clarify the tort liability, prevent and punish tortious conduct, and promote the

social harmony and stability, this Law is formulated.

Article 2 Those who infringe upon civil rights and interests shall be subject to the tort liability according to this Law.

“Civil rights and interests” used in this Law shall include the right to life, the right to health, the right to name, the right to reputation, the right to honor, right to self image, right of privacy, marital autonomy, guardianship, ownership, usufruct, security interest, copyright, patent right, exclusive right to use a trademark, right to discovery, equities, right of succession, and other personal and property rights and interests.

Article 3 The victim of a tort shall be entitled to require the tortfeasor to assume the tort liability.

Article 4 Where a tortfeasor shall assume administrative liability or criminal liability for the same conduct, it shall not prejudice the tort liability that the tortfeasor shall legally assume. Where the assets of a tortfeasor are not adequate for payments for the tort liability and administrative liability or criminal liability for the same conduct, the tortfeasor shall first assume the tort liability.

Article 5 Where any other law provides otherwise for any tort liability in particular, such special provisions shall prevail.

Chapter II Constituting Liability and Methods of Assuming Liability

Article 6 One who is at fault for infringement upon a civil right or interest of another person shall be subject to the tort liability.

One who is at fault as construed according to legal provisions and cannot prove otherwise shall be subject to the tort liability.

Article 7 One who shall assume the tort liability for infringing upon a civil right or interest of another person, whether at fault or not, as provided for by law, shall be subject to such legal provisions.

Article 8 Where two or more persons jointly commit a tort, causing harm to another person, they shall be liable jointly and severally.

Article 9 One who abets or assists another person in committing a tort shall be liable jointly and severally with the tortfeasor.

One who abets or assists a person who does not have civil conduct capacity or only has limited civil conduct capacity in committing a tort shall assume the tort liability; the guardian of such a person without civil conduct capacity or with limited civil conduct capacity shall assume the relevant liability if failing to fulfill his guardian duties.

Article 10 Where two or more persons engage in a conduct that endangers the personal or property safety of another person, if only the conduct of one or several of them causes harm to another person and the specific tortfeasor can be determined, the tortfeasor shall be liable; or if the specific tortfeasor cannot be determined, all of them shall be liable jointly and severally.

Article 11 Where two or more persons commit torts respectively, causing the same harm, and each tort is sufficient to cause the entire harm, the tortfeasors shall be liable jointly and

severally.

Article 12 Where two or more persons commit torts respectively, causing the same harm, if the seriousness of liability of each tortfeasor can be determined, the tortfeasors shall assume corresponding liabilities respectively; or if the seriousness of liability of each tortfeasor is hard to be determined, the tortfeasors shall evenly assume the compensatory liability.

Article 13 Where the joint and several liability shall be assumed by the tortfeasors according to law, the victim of torts shall be entitled to require some or all of the tortfeasors to assume the liability.

Article 14 The compensation amounts corresponding to the tortfeasors who are jointly and severally liable shall be determined according to the seriousness of each tortfeasor; and if the seriousness of each tortfeasor cannot be determined, the tortfeasors shall evenly assume the compensatory liability.

A tortfeasor who has paid an amount of compensation exceeding his contribution shall be entitled to be reimbursed by the other tortfeasors who are jointly and severally liable.

Article 15 The methods of assuming tort liabilities shall include:

1. cessation of infringement;
2. removal of obstruction;
3. elimination of danger;
4. return of property;
5. restoration to the original status;
6. compensation for losses;
7. apology; and
8. elimination of consequences and restoration of reputation.

The above methods of assuming the tort liability may be adopted individually or jointly.

Article 16 Where a tort causes any personal injury to another person, the tortfeasor shall compensate the victim for the reasonable costs and expenses for treatment and rehabilitation, such as medical treatment expenses, nursing fees and travel expenses, as well as the lost wages. If the victim suffers any disability, the tortfeasor shall also pay the costs of disability assistance equipment for the living of the victim and the disability indemnity. If it causes the death of the victim, the tortfeasor shall also pay the funeral service fees and the death compensation.

Article 17 Where the same tort causes the deaths of several persons, a uniform amount of death compensation may be determined.

Article 18 Where a tort causes the death to the victim, the close relative of the victim shall be entitled to require the tortfeasor to assume the tort liability. Where the victim of a tort, which is an entity, is split or merged, the entity succeeding to the rights of the victim shall be entitled to require the tortfeasor to assume the tort liability.

Where a tort causes the death to the victim, those who have paid the medical treatment expenses, funeral service fees and other reasonable costs and expenses for the victim shall be entitled to require the tortfeasor to compensate them for such costs and expenses, except

that the tortfeasor has already paid such costs and expenses.

Article 19 Where a tort causes any harm to the property of another person, the amount of loss to the property shall be calculated as per the market price at the time of occurrence of the loss or calculated otherwise.

Article 20 Where any harm caused by a tort to a personal right or interest of another person gives rise to any loss to the property of the victim of the tort, the tortfeasor shall make compensation as per the loss sustained by the victim as the result of the tort. If the loss sustained by the victim is hard to be determined and the tortfeasor obtains any benefit from the tort, the tortfeasor shall make compensation as per the benefit obtained by it. If the benefit obtained by the tortfeasor from the tort is hard to be determined, the victim and the tortfeasor disagree to the amount of compensation after consultation, and an action is brought to a people's court, the people's court shall determine the amount of compensation based on the actual situations.

Article 21 Where a tort endangers the personal or property safety of another person, the victim of the tort may require the tortfeasor to assume the tort liabilities including but not limited to cession of infringement, removal of obstruction and elimination of danger.

Article 22 Where any harm caused by a tort to a personal right or interest of another person inflicts a serious mental distress on the victim of the tort, the victim of the tort may require compensation for the infliction of mental distress.

Article 23 Where one sustains any harm as the result of preventing or stopping the infringement upon the civil right or interest of another person, the tortfeasor shall be liable for the harm. If the tortfeasor flees or is unable to assume the liability and the victim of the tort requires compensation, the beneficiary shall properly make compensation.

Article 24 Where neither the victim nor the actor is at fault for the occurrence of a damage, both of them may share the damage based on the actual situations.

Article 25 After the occurrence of any harm, the parties may consult each other about the methods to pay for compensations. If the consultation fails, the compensations shall be paid in a lump sum. If it is hard to make the payment in a lump sum, the payment may be made in installments but a corresponding security shall be provided.

Chapter III Circumstances to Waive Liability and Mitigate Liability

Article 26 Where the victim of a tort is also at fault as to the occurrence of harm, the liability of the tortfeasor may be mitigated.

Article 27 The actor shall not be liable for any harm that is caused intentionally by the victim.

Article 28 Where any harm is caused by a third party, the third party shall assume the tort liability.

Article 29 Where any harm to another person is caused by a force majeure, the tortfeasor shall not be liable, except as otherwise provided for by law.

Article 30 Where any harm is caused by self-defense, the person exercising self-defense shall not be liable. If the self-defense exceeds the necessary limit, causing any undue harm, the person exercising self-defense shall assume proper liability.

Article 31 Where any harm is caused by any conduct of necessity, the person causing the occurrence of danger shall be liable. If the danger is as the result of a natural cause, the person causing the harm for necessity shall not be liable or shall make proper compensation. If improper measures of necessity are taken or a necessary limit is exceeded, causing any undue harm, the person causing the harm for necessity shall assume proper liability.

Chapter IV Special Provisions on Tortfeasors

Article 32 Where a person without civil conduct capacity or with limited civil conduct capacity causes any harm to another person, the guardian shall assume the tort liability. If the guardian has fulfilled his guardian duties, his tort liability may be mitigated.

Where a person without civil conduct capacity or with limited civil conduct capacity, who has property, causes any harm to another person, the compensations shall be paid out of his own property. The guardian shall make up any deficit of the compensations.

Article 33 Where a person with full civil conduct capacity causes any harm to another person as the result of his temporary loss of consciousness or control of his conduct, if he is at fault, he shall assume the tort liability; or if he is not at fault, the victim shall be compensated properly according to the economic condition of the person causing the harm.

Where a person with full civil conduct capacity causes any harm to another person as the result of his temporary loss of consciousness or control of his conduct due to alcohol intoxication or abuse of narcotic or psychoactive drug, he shall assume the tort liability.

Article 34 Where an employee of an employer which is an entity causes any harm to another person in the execution of his work duty, the employer shall assume the tort liability.

Where, during the period of labor dispatch, a dispatched employee causes any harm to another person in the execution of his work duty, the entity employer receiving the dispatched employee shall assume the tort liability; and the entity employer dispatching the employee, if at fault, shall assume the corresponding complementary liability.

Article 35 Where, in a labor relationship formed between individuals, the party providing labor services causes any harm to another person as the result of the labor services, the party receiving labor services shall assume the tort liability. If the party providing labor services causes any harm to himself as the result of the labor services, both parties shall assume corresponding liabilities according to their respective faults.

Article 36 A network user or network service provider who infringes upon the civil right or interest of another person through network shall assume the tort liability.

Where a network user commits a tort through the network services, the victim of the tort shall be entitled to notify the network service provider to take such necessary measures as deletion, block or disconnection. If, after being notified, the network service provider fails to take necessary measures in a timely manner, it shall be jointly and severally liable for any additional harm with the network user.

Where a network service provider knows that a network user is infringing upon a civil right or interest of another person through its network services, and fails to take necessary measures, it shall be jointly and severally liable for any additional harm with the network user.

Article 37 The manager of a public venue such as hotel, shopping center, bank, station or entertainment place or the organizer of a mass activity shall assume the tort liability for any harm caused to another person as the result of his failure to fulfill the duty of safety protection. If the harm to another person is caused by a third party, the third party shall assume the tort liability; and the manager or organizer, if failing to fulfill the duty of safety protection, shall assume the corresponding complementary liability.

Article 38 Where a person without civil conduct capacity sustains any personal injury during the period of studying or living in a kindergarten, school or any other educational institution, the kindergarten, school or other educational institution shall be liable unless it can prove that it has fulfilled its duties of education and management.

Article 39 Where a person with limited civil conduct capacity sustains any personal injury during the period of studying or living in a school or any other educational institution, the school or other educational institution shall be liable if failing to fulfill its duties of education and management.

Article 40 Where, during the period of studying or living in a kindergarten, a school or any other educational institution, a person without civil conduct capacity or with limited civil conduct capacity sustains any personal injury caused by any person other than those of the kindergarten, school or other education institution, the person causing the harm shall assume the tort liability; and the kindergarten, school or other educational institution shall assume the corresponding complementary liability if failing to fulfill its duties of management.

Chapter V Product Liability

Article 41 Where a defective product causes any harm to another person, the manufacturer shall assume the tort liability.

Article 42 Where a product with any defect caused by the fault of the seller causes any harm to another person, the seller shall assume the tort liability.

Where a seller can neither specify the manufacturer of a defective product nor specify the supplier of the defective product, the seller shall assume the tort liability.

Article 43 Where any harm is caused by a defective product, the victim may require compensation to be made by the manufacturer of the product or the seller of the product.

If the defect of the product is caused by the manufacturer and the seller has made the compensation for the defect, the seller shall be entitled to be reimbursed by the manufacturer. If the defect of the product is caused by the fault of the seller and the manufacturer has made the compensation for the defect, the manufacturer shall be entitled to be reimbursed by the seller.

Article 44 Where any harm is caused to another person by a defective product and the defect is caused by the fault of a third party such as carrier or warehouseman, the manufacturer or seller of the product that has paid the compensation shall be entitled to be reimbursed by the third party.

Article 45 Where the defect of a product endangers the personal or property safety of another person, the victim shall be entitled to require the manufacturer or seller to assume

the tort liabilities by removing the obstruction or eliminating the danger.

Article 46 Where any defect of a product is found after the product is put into circulation, the manufacturer or seller shall take such remedial measures as warning and recall in a timely manner. The manufacturer or seller who fails to take remedial measures in a timely manner or take sufficient and effective measures and has caused any harm shall assume the tort liability.

Article 47 Where a manufacturer or seller knowing any defect of a product continues to manufacture or sell the product and the defect causes a death or any serious damage to the health of another person, the victim shall be entitled to require the corresponding punitive compensation.

Chapter VI Liability for Motor Vehicle Traffic Accident

Article 48 Where a motor vehicle traffic accident causes any harm, the compensatory liability shall be assumed according to the relevant provisions of the Road Traffic Safety Law.

Article 49 Where the owner and the user of a motor vehicle are not the same person due to the relationship of a lease, a borrowing or any other reason and the liability of a traffic accident is attributed to the motor vehicle, the insurance company shall make compensation within the liability limit of the mandatory motor vehicle insurance. The user of the motor vehicle shall make up any deficit of the compensation; and if the owner of the motor vehicle is at fault as to the harm, he shall assume the corresponding compensatory liability.

Article 50 Where a motor vehicle has been transferred and delivered from one party to another through sale or in any other transaction method but the registration of ownership transfer has not been conducted, if the liability of a traffic accident is attributed to the motor vehicle, the insurance company shall make compensation within the liability limit of the mandatory motor vehicle insurance. The transferee of the motor vehicle shall make up any deficit of the compensation.

Article 51 Where an illegally assembled motor vehicle or a motor vehicle reaching the standard of retirement, which has been transferred through sale or in any other transfer method, causes a traffic accident and a harm, the transferor and the transferee shall be liable jointly and severally.

Article 52 Where a traffic accident occurs to a motor vehicle that has been obtained by theft, robbery or snatch and causes a harm, the thief, robber or snatcher shall assume the compensatory liability. The insurance company that makes advances for rescue expenses within the liability limit of the mandatory motor vehicle insurance shall be entitled to be reimbursed by the person liable for the traffic accident.

Article 53 Where the driver of a motor vehicle flees after a traffic accident occurs to the motor vehicle, if the motor vehicle is covered by the mandatory insurance, the insurance company shall make compensation within the liability limit of the mandatory motor vehicle insurance; or if the motor vehicle cannot be identified or is not covered by the mandatory insurance, and the expenses for the death of or personal injury to the victim, such as rescue and funeral fees, need to be paid, the advances shall be made out of the Social Assistance Fund for

Road Traffic Accidents. After advances are made out of the Social Assistance Fund for Road Traffic Accidents, the governing body of the fund shall be entitled to be reimbursed by the person liable for the traffic accident.

Chapter VII Liability for Medical Malpractice

Article 54 Where a patient sustains any harm during diagnosis and treatment, if the medical institution or any of its medical staff is at fault, the medical institution shall assume the compensatory liability.

Article 55 During the diagnosis and treatments, the medical staff shall explain the illness condition and relevant medical measures to their patients. If any operation, special examination or special treatment is needed, the medical staff shall explain the medical risks, alternate medical treatment plans and other information to the patient in a timely manner, and obtain a written consent of the patient; or, when it is not proper to explain the information to the patient, explain the information to the close relative of the patient, and obtain a written consent of the close relative.

Where any medical staff member fails to fulfill the duties in the preceding paragraph and causes any harm to a patient, the medical institution shall assume the compensatory liability.

Article 56 Where the opinion of a patient or his close relative cannot be obtained in the case of an emergency such as rescue of a patient in critic condition, with the approval of the person in charge of the medical institution or an authorized person in charge, the corresponding medical measures may be taken immediately.

Article 57 Where any medical staff member fails to fulfill the obligations of diagnosis and treatment up to the standard at the time of the diagnosis and treatment and causes any harm to a patient, the medical institution shall assume the compensatory liability.

Article 58 Under any of the following circumstances, a medical institution shall be at fault constructively for any harm caused to a patient:

1. violating a law, administrative regulation or rule, or any other provision on the procedures and standards for diagnosis and treatment;
2. concealing or refusing to provide the medical history data related to a dispute; or
3. forging, tampering or destroying any medical history data.

Article 59 Where any harm to a patient is caused by the defect of any drug, medical disinfectant or medical instrument or by the transfusion of substandard blood, the patient may require a compensation from the manufacturer or institution providing blood, or require a compensation from the medical institution. If the patient requires a compensation from the medical institution, the medical institution that has paid the compensation shall be entitled to be reimbursed by the liable manufacturer or institution providing blood.

Article 60 Under any of the following circumstances, a medical institution shall not assume compensatory liability for any harm caused to a patient:

1. the patient or his close relative does not cooperate with the medical institution in the diagnosis and treatment in line with the procedures and standards for diagnosis and treatment;

2. the medical staff have fulfilled the duty of reasonable diagnosis and treatment in the case of an emergency such as rescue of a patient in critical condition; or

3. diagnosis and treatment of the patient is difficult due to the medical level at the time.

Under the circumstance in item 1 of the preceding paragraph, if the medical institution or any of its medical staff is also at fault, the medical institution shall assume the corresponding compensatory liability.

Article 61 A medical institution and its medical staff shall fill out and properly keep the hospital admission logs, medical treatment order slips, test reports, operation and anesthesia records, pathology records, nurse care records, medical expenses sheets and other medical history data according to the relevant provisions.

Where a patient files a request for consulting or copying the medical history data in the preceding paragraph, the medical institution shall provide the data.

Article 62 A medical institution and its medical staff shall keep confidential the privacy of a patient. If any privacy data of a patient is divulged or any of the medical history data of a patient is open to the public without the consent of the patient, causing any harm to the patient, the medical institution shall assume the tort liability.

Article 63 A medical institution and its medical staff shall not conduct unnecessary examinations in violation of the procedures and standards for diagnosis and treatment.

Article 64 The legitimate rights and interests of a medical institution and its medical staff shall be protected by law. Anyone who interrupts the order of the medical system or obstructs the work or life of medical staff shall be subject to legal liability.

Chapter VIII Liability for Environmental Pollution

Article 65 Where any harm is caused by environmental pollution, the polluter shall assume the tort liability.

Article 66 Where any dispute arises over an environmental pollution, the polluter shall assume the burden to prove that it should not be liable or its liability could be mitigated under certain circumstances as provided for by law or to prove that there is no causation between its conduct and the harm.

Article 67 Where the environmental pollution is caused by two or more polluters, the seriousness of liability of each polluter shall be determined according to the type of pollutant, volume of emission and other factors.

Article 68 Where any harm is caused by environmental pollution for the fault of a third party, the victim may require a compensation from either the polluter or the third party. After making compensation, the polluter shall be entitled to be reimbursed by the third party.

Chapter IX Liability for Ultrahazardous Activity

Article 69 One who causes any harm to another person while engaging in any ultrahazardous operation shall assume the tort liability.

Article 70 Where a nuclear accident occurs to a civil nuclear facility and causes any harm to another person, the operator of the civil nuclear facility shall assume the tort liability unless it can prove that the harm is caused by a situation such as war or by the victim intentionally.

Article 71 Where a civil aircraft causes any harm to another person, the operator of the civil aircraft shall assume the tort liability unless it can prove that the harm is caused by the victim intentionally.

Article 72 Where the possession or use of inflammable, explosive, acutely toxic, radioactive or any other ultrahazardous materials causes any harm to another person, the possessor or user shall assume the tort liability unless it can prove that the harm is caused by the victim intentionally or by a force majeure. If the victim is grossly negligent for the occurrence of the harm, the liability of the possessor or user may be mitigated.

Article 73 Where any harm is caused to another person by an aerial, high pressure or underground excavation activity or by the use of high speed rail transport vehicle, the operator shall assume the tort liability unless it can prove that the harm is caused by the victim intentionally or by a force majeure. If the victim is negligent for the occurrence of the harm, the liability of the operator may be mitigated.

Article 74 Where any harm is caused to another person by the loss or abandonment of ultrahazardous materials, the owner shall assume the tort liability. If the owner has delivered the ultrahazardous materials to another person for management, the person who manages the materials shall assume the tort liability; and if the owner is at fault, he shall be liable jointly and severally with the person who manages the materials.

Article 75 Where any harm to another person is caused by the illegal possession of ultrahazardous materials, the illegal possessor shall assume the tort liability. If the owner and the managing person cannot prove that it has fulfilled its duty of a high degree of care in preventing others from illegal possession, they shall be liable jointly and severally with the illegal possessor.

Article 76 Where any harm is caused by the entry into an area of ultrahazardous activities or an area of storing ultrahazardous materials, if the managing person has taken safety measures and fulfilled its duty of warning, its liability may be mitigated or it may assume no liability.

Article 77 Where any legal provision prescribes a limit of compensation for liability for an ultrahazardous activity, such a provision shall apply.

Chapter X Liability for Harm Caused by Domestic Animal

Article 78 Where a domestic animal causes any harm to another person, the keeper or manager of the animal shall assume the tort liability, but may assume no liability or assume mitigated liability, if it can prove that the harm is caused by the victim intentionally or by the gross negligence of the victim.

Article 79 Where any harm is caused to another person by a failure to take safety measures against an animal in violation of management rules, the keeper or manager of the animal shall assume the tort liability.

Article 80 Where any dangerous animal such as a fierce dog that is prohibited from keeping causes any harm to another person, the keeper or manger of the animal shall assume the tort liability.

Article 81 Where any animal of a zoo causes any harm to another person, the zoo shall assume the tort liability unless it can prove that it has fulfilled its duties of management.

Article 82 Where an abandoned or fleeing animal causes any harm to another person during the time period of its abandonment or fleeing, the original keeper or manager of the animal shall assume the tort liability.

Article 83 Where any harm is caused to another person by an animal for the fault of a third party, the victim may require a compensation from the keeper or manger of the animal, or require a compensation from the third party. After making compensation, the keeper or manager of the animal shall be entitled to be reimbursed by the third party.

Article 84 Animals shall be kept in accordance with the law, in the manner of respecting the social morals, and without interference with the life of others.

Chapter XI Liability for Harm Caused by Object

Article 85 Where any building, structure or facility or any thing laid thereon or suspended therefrom falls off or falls down, causing any harm to another person, if the owner, manager or user cannot prove that he is not at fault, he shall assume the tort liability. After making compensation, the owner, manager or user shall be entitled to be reimbursed by other liable persons if any.

Article 86 Where any building, structure or facility collapses, causing any harm to another person, the construction employer and contractor shall be liable jointly and severally. After making compensation, the construction employer or contractor shall be entitled to be reimbursed by other liable persons if any.

Where the collapse of any building, structure or facility, which causes any harm to another person, is attributed to any other liable person, the other liable person shall assume the tort liability.

Article 87 Where any object thrown out of a building or falling down from a building causes any harm to another person and it is hard to determine the specific tortfeasor, all the users of the building who possibly commit the tort but those who can prove that they are not the tortfeasor shall make indemnity.

Article 88 Where a pile of objects collapse and cause any harm to another person, the person making the pile shall assume the tort liability if it cannot prove that it has no fault.

Article 89 Where any harm is caused to another person by objects piled, dumped or scattered on a public road, which obstruct passage, the relevant entity or individual shall assume the tort liability.

Article 90 Where any harm is caused to another person by a broken tree, the owner or manager of the tree shall assume the tort liability if it cannot prove that he is not at fault.

Article 91 Where anyone digs a pit, repairs or installs any underground facility, etc. at a public venue or on a public road but fails to set up any obvious warning sign or take any safety measure, and causes any harm to another person, the person shall assume the tort liability. Where a manhole or any other underground facility causes any harm to another person, the manager of the manhole or the facility shall assume the tort liability if he cannot prove that

he has fulfilled the duties of management.

Chapter XII Supplementary Provision

Article 92 This Law shall come into force on July 1, 2010.

16. Public Security Administration Punishments Law of the People's Republic of China

(Adopted at the 17th Session of the Standing Committee of the 10th National People's Congress on August 28, 2005; amended in accordance with the Decision on Amending the Public Security Administration Punishments Law of the People's Republic of China as adopted at the 29th Session of the Standing Committee of the Eleventh National People's Congress on October 26, 2012 Order No. 67 of the President of the People's Republic of China)

Chapter I General Provisions

Article 1 This Law is enacted with a view to maintaining the social security order, guaranteeing public safety, protecting the lawful rights and interests of the citizens, legal persons and other organizations, regulating and ensuring the lawful fulfillment of the public security administration duties by the public security organs and the people's policemen.

Article 2 With regard to an act of disrupting public order, encroaching upon the right of the person, the right of property or impairing social administration, if it is of social harmfulness and constitutes any crime as provided for in the Criminal Law of the People's Republic of China, it shall be subject to criminal liabilities. If it is not serious enough to be subject to a criminal punishment, it shall, in accordance with this law, be subject to public security punishment by the public security organ.

Article 3 The provisions of this Law shall apply to the procedures for the public security administration punishments. If any matter is not covered by this Law, the relevant provisions of the Administrative Punishment Law of the People's Republic of China shall apply.

Article 4 This Law shall apply to the acts violating the public security administration within the territory of the People's Republic of China unless it is otherwise provided for in any law. This Law shall apply to the acts violating the public security administration that occur in the vessels and aircrafts of the People's Republic of China unless it is otherwise provided for in any law.

Article 5 The public security administration punishments shall be based on facts and shall be suitable for the nature and circumstances and extent of harm to the society caused by the act violating the public security administration.

The imposition of public security administration punishments shall be open and impartial, shall respect and guarantee human rights and shall protect the personal dignity of the citizens.

The principle of combining education with punishments shall be observed in tackling security cases.

Article 6 The people's governments at all levels shall strengthen the comprehensive control

of social security, shall take effective measures to solve social contradictions, enhance social harmony and maintain social stability.

Article 7 The public security department of the State Council shall be responsible for the public security administration throughout the country. The public security organs of the people's governments at all levels shall be responsible for the public security administration within their respective administrative division.

The jurisdiction of security cases shall be forest forth by the public security department of the State Council.

Article 8 Where an act violating public security administration causes any damage to any other person, the violator or its guardian shall bear civil liabilities under the law.

Article 9 With regard to the acts violating public security administration, such as fight and destroy of property of any other person due to civil disputes, if the circumstances are lenient, the public security organ may solve them by mediation. Upon mediation of the public security organ, if the parties concerned reach an agreement, it shall be exempted from punishment. If no agreement is reached, or if an agreement has been reached but not executed, the public security organ may punish the violator of public security administration in accordance with this Law and inform the parties concerned that they may lodge a civil lawsuit in the people's court for the civil dispute concerned.

Chapter II Categories and Application of the Punishments Thereto

Article 10 The public security administration punishments are classified into the following categories:

- (1)Warning;
- (2)Pecuniary penalty;
- (3)Administrative detention; and
- (4)Revocation of the license issued by the public security organ;

Any foreigner who violates the public security administration may be given an additionally applicable time limit for exiting China or being expelled from China.

Article 11 The drugs, obscene articles and other prohibited articles, gambling tools, gambling stakes, tools for drug injection, and all the tools of the violator directly used for committing a violation of the public security administration that are discovered in a public security case shall be confiscated and disposed of in accordance with the relevant provisions.

The properties gained by violating the public security administration shall be confiscated and returned to the victim. If there is no victim, the properties shall be recorded down and shall be auctioned openly or shall be disposed of in accordance with the relevant provisions of the state, and the proceeds therefrom shall be turned over to the state treasury.

Article 12 Where a person who attains to the age of 14 but is less than 18 years old violates public security administration, he shall be given a lighter or mitigated punishment. Where a person who is less than 14 years old violates public security administration, he (she) shall be immune from punishment, but his guardian shall be ordered to offer him strict custodian education.

Article 13 If a mentally insane patient causes any harmful consequences at a time when he (she) is unable to understand or control his own conduct, he shall be immune from punishment, but his (her) guardian shall be ordered to keep him under strict watch and control and give him medical treatment. An intermittently mentally insane patient shall be punished if he (she) violates the public security administration when he is in a normal mental state.

Article 14 A blind or deaf-and-mute person who violates the administration of public security may be given a lighter or mitigated punishment or may be exempted from punishment.

Article 15 An intoxicated person who violates the administration of public security shall be punished.

As to any intoxicated person who may face danger himself (herself) or cause danger to the body or property of any other person or to the public safety, a protective measure shall be taken to control him (her) until he (she) sobers up.

Article 16 Where a person commits two or more acts violating public security administration, rulings shall be made separately but shall be executed concurrently. The maximum time period for the concurrently executed punishments as administrative detention shall not exceed 20 days.

Article 17 Where 2 or more persons jointly commit a violation of public security administration, they shall be punished separately on the basis of their respective role in the violation.

Any person who instigates, coerces or induces any other person to violate public security administration, he (she) shall be punished according to the act he has instigated, coerced or induced.

Article 18 Where an entity violates public security administration, the directly liable person-in-charge of the entity and other directly liable persons shall be punished in accordance with this Law. Where any other law or administrative regulation prescribes any punishment on the same violation, the other law or administrative regulation shall prevail.

Article 19 Under any of the following circumstances, the violator of public security administration shall be given a mitigated punishment or may be exempted from punishment:

- (1)The circumstances are extremely lenient;
- (2)The violator has eliminated or mitigated the consequences of the illegal act on his own initiative and has obtained the understanding of the victim;
- (3)He (She) committed the violation because he (she) is forced or induced to do so;
- (4)He (She) surrenders himself to justice and faithfully makes a statement about the violation to the public security organ; and
- (5)He (She) has performed meritorious services.

Article 20 Under any of the following circumstances, a violator of public security administration shall be given a heavier punishment:

- (1)Having caused rather serious consequences;
- (2)Instigating, coercing or inducing any other person to violate public security administration;
- (3)Revengeing on the person who reported the case to the public security organ, the accuser,

informant or witness;

(4) Having ever been subjected to any public security administration punishment within 6 months.

Article 21 Where a violator of public security administration is under any of the following circumstances, if he should be given a punishment of administrative detention under this Law, the punishment of administrative detention shall not be executed:

(1) He (She) attains to the age of 14 but is under the age of 16;

(2) He (She) attains to the age of 16 but less than the age of 18 and violates public security administration for the first time;

(3) He (She) attains to the age of 70 or more; or

(4) She (is) pregnant or is breast-feeding her baby of less than 1 year old.

Article 22 Where any violation of public security administration has not been found by the public security organ within 6 months, no punishment may be given thereafter.

The time period as provided for in the preceding paragraph shall be counted from the day when the violation is committed. If the violation is continuous or in a state of continuity, the time period shall be counted as of the day when the violation ends.

Chapter III Acts Violating Public Security Administration and the Punishments Thereto

Section 1 Acts Disrupting Public Order and the Punishments Thereto

Article 23 Where a person commits any of the following acts, he shall be given a warning or a pecuniary penalty. If the circumstances are serious, he (she) shall be detained for not less than 5 days but not more than 10 days and may be fined 500 yuan:

(1) He (she) disturbs the order of any organ, social organization, enterprise or public institution and makes it impossible for the work, production, business, medical services, teaching or scientific research to proceed normally, but has not caused any serious loss;

(2) He (She) disturbs the order of any bus station, port, dock, civil airport, emporium, park, exhibition hall or any other public place;

(3) He (She) disturbs the order of any bus, trolleybus, train, ship, aircraft or any other means of public transport;

(4) He (She) illegally stops or board any slowly going motor vehicle, ship, aircraft or any other means of transport and affects the normal operation of the means of transport; or

(5) He (She) disturbs the order of any on-going election.

The principal violator who gathers a crowd to commit any of the acts as mentioned in the preceding paragraph shall be detained for not less than 10 days but not more than 15 days, and may be fined not more than 1, 000 yuan.

Article 24 Where a person commits any of the following acts to disturb the order of a cultural activity, sport or any other large scale mass activity, he (she) shall be given a warning or fined not more than 200 yuan. If the circumstances are serious, he (she) be detained for not less than 5 days but not more than 10 days, and may be fined not more than 500 yuan:

(1) Entering into the venue by force;

- (2)Setting off fireworks and firecrackers or other articles in a prohibited area by violating relevant provisions;
- (3)Showing any insulting banner, scroll or other article;
- (4)Besieging any referee, athlete or other working personnel;
- (5)Throwing sundries into the arena and refusing to stop doing so after being ordered to stop; or
- (6)Other acts disturbing the order of large scale mass activities.

Where a person is given a punishment of detention due to disturbing the order of a sport game, he (she) may ordered not to enter into gymnasiums to watch games of the same type. If he enters into a gymnasium by violating the provisions, he shall be forced to leave the venue.

Article 25 Anyone who commits any of the following acts shall be detained for not less than 5 days but not more than 10 days, and may be concurrently fined 500 yuan. If the circumstances are relatively lenient, he (she) shall be detained 5 days or less or be fined not more than 500 yuan:

- (1)Intentionally disturbing public order by spreading any rumor, giving false information about the situation of any risk, epidemic disease or emergency, or by any other means;
- (2) Disturbing public order by throwing any fake explosive, toxic, radioactive or caustic substances, or any fake infectious disease pathogen;
- (3) Disturbing public order by threat to set fire, blast or throw dangerous substances.

Article 26 Anyone who commits any of the following acts shall be detained for not less than 5 days but not more than 10 days, and may be fined not more than 500 yuan. If the circumstances are quite serious, he (she) shall be detained for not less than 10 days but not more than 15 days, and may be fined not more than 1, 000 yuan:

- (1)Gang-fighting;
- (2)Chasing or heading off any other person;
- (3)Forcibly taking or demanding, willfully damaging, destroying or appropriating any public or private property;
- (4)Other acts of picking a quarrel and making trouble.

Article 27 Anyone who commits any of the following acts may be detained for not less than 10 days but not more than 15 days, and may be concurrently fined not more than 1, 000 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not less than 5 days but not more than 10 days, and may be concurrently fined not more than 5, 00 yuan:

- (1)Organizing, instigating, intimidating, inducing or inciting any other person to carry out activities of any cult or superstitious sect or secret society, or disturbing the social order or impairing the health of any other person by using any cult, or superstitious sect or secret society, or superstitious activity; or
- (2)Disturbing the social order or impairing the health of any other person in the name of any religion or Qigong.

Article 28 Where anyone, who deliberately interfere with the operation of any normal radio

business or produces harmful interference to any normally operating radio station by violating the provisions of the state, fails to adopt effective measures to eliminate the interference after the relevant administrative organ points it out. If the circumstances are serious, he (she) shall be detained for not less than 10 days but not more than 15 days.

Article 29 Anyone who commits any of the following acts shall be detained for not more than 5 days. If the circumstances are relatively serious, he (she) shall be detained for not less than 5 days but not more than 10 days:

(1)Invading a computer information system and causing any damage by violating the provisions of the state;

(2)Deleting, modifying, increasing or interfering with the functions of a computer information system and making the computer information system impossible to operate normally by violating the provisions of the state;

(3)Deleting, modifying or adding the data memorized, processed or transmitted in a computer information system, and the application programs of the computer information system; or

(4)Deliberately making and spreading any destructive programs such as computer virus and affecting the normal operation of a computer information system.

Section 2 Acts Impairing Public Safety and the Punishments Thereto

Article 30 Anyone who produces, buys, sells, preserves, transports, mails, carries, uses, offers or disposes of any dangerous substance, such as explosive, toxic, radioactive or caustic substances or infectious disease pathogens, he (she) shall be detained for not less than 10 days but not more than 15 days. If circumstances are relatively lenient, he (she) shall be detained for not less than 5 days but not more than 10 days.

Article 31 Where any dangerous substance, such as explosive, toxic, radioactive or caustic substances or any infectious disease pathogen, are stolen, robbed or lost, if the liable person fails to report according to the relevant provisions, he (she) shall be detained for not more than 5 days. If he (she) deliberately conceals the fact so as not to report, he (she) shall be detained for not less than 5 days but not more than 10 days.

Article 32 Anyone who illicitly carries any gun, ammunition, crossbow, dagger or any other tool controlled by the state shall be detained for not more than 5 days, and may be concurrently fined 500 yuan. If the circumstances are lenient, he (she) shall be given a warning or be fined not more than 200 yuan.

Anyone who illicitly carries any gun, ammunition, crossbow, dagger or any other tool controlled by the state into a public place or public transport tool shall be detained for not less than 5 days but not less than 10 days and may be concurrently fined 500 yuan.

Article 33 Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days:

(1)Stealing, damaging or destroying any public facilities for oil and gas pipeline, electricity and telecom, radio and television facilities, water conservancy and flood prevention engineering or facilities for hydrological monitoring and measurement, weather observation

and forecast, environment monitoring, geographical monitoring or earthquake monitoring;
(2) Removing, damaging or destroying any border mark and facilities such as boundary tablet, boundary marker, or indicating facilities for territorial land or territorial sea; or
(3) Illicitly carrying out any activity that may affect the direction of the border (boundary) line or build any facilities that may hamper the border (boundary) administration.

Article 34 Anyone who steals, damages or illegally moves any aviation facilities in use, or forces into the cockpit of any aircraft shall be detained for not less than 10 days but not more than 15 days.

Where a person uses any device or tool that may affect the normal functions of the navigation system on an aircraft in use, if he (she) refuses to stop its act after being dissuaded from doing so, he (she) shall be detained for not more than 5 days or shall be fined not more than 500 yuan.

Article 35 Where a person commits any of the following acts shall be detained for not less than 5 days but not more than 10 days, and may be concurrently fined 500 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not more than 5 days or shall be fined not more than 500 yuan:

- (1) Stealing, damaging or destroying or illicitly removing any railway facilities, equipment, locomotive fittings and safety signals;
 - (2) Placing obstacles on a railway or intentionally throwing any object to a train;
 - (3) Digging holes or quarrying or obtaining sand at the location of a railway, bridge or culvert;
- or
- (4) Illegally establishing any crossway or road junction on a railway.

Article 36 Where a person illegally enters into a railway protection net or walks, sits or lie on a railway or rushes to cross a railway when a train is coming, if he (she) affects the safety of the train, he (she) shall be given a warning or shall be fined not more than 200 yuan.

Article 37 Anyone who commits any of the following acts shall be detained for not more than 5 days or shall be fined not more than 500 yuan. If the circumstances are serious, he (she) shall be detained for not less than 5 days but not more than 10 days, and may be concurrently fined not more than 500 yuan:

- (1) Installing or using any power grid without approval, or installing or using any power grid that doesn't conform to the safety requirements;
- (2) Failing to install any covering, sign or fence for a pit, well, ridge and hole in a construction site where vehicles and pedestrians pass, or intentionally damaging, destroying, or removing any covering, sign and fence;
- (3) Stealing, damaging or destroying any public facilities, such as well lids and lighting devices on a road.

Article 38 Where a large scale mass culture or sport activity is in violation of the relevant provisions, if there is any risk of safety accident, the organizer shall be detained for not less than 5 days but not more than 10 days, and shall be concurrently fined not less than 200 yuan but not more than 500 yuan. If the circumstances are relatively lenient, he (she)

detained for not more than 5 days or shall be fined not more than 500 yuan.

Article 39 Where the business manager of a hotel, restaurant, cinema, theatre, entertainment place, playground, exhibition hall or any other place for public activity causes any safety accident risk in this place by violating the safety provisions, if he (she) refuses to make corrections after he (she) has been ordered to make corrections, he (she) shall be detained for not more than 5 days.

Section 3 Acts Infringing upon Personal Rights or Encroaching upon Property Right and the Punishments Thereto

Article 40 Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days, and shall be concurrently fined not less than 500 yuan but not more than 1, 000 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not less than 5 days but not more than 10 days, and shall be concurrently fined not less than 200 yuan but not more than 500 yuan:

- (1)Organizing, coercing or inducing any minor who hasn't attained to the age of 16 or a disabled person to make terrific or cruel performances;
- (2)Forcing any other person to work by violence, menace or by any other means; or
- (3)Illegally restricting the personal freedom of any other person, illegally intruding the house of any other person or illegally searching the body of any other person.

Article 41 Anyone who coerces, induces or uses any person to go begging shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined not more than 1, 000 yuan.

Anyone who goes begging by importuning, forcibly begging or by any other means of annoying any person shall be detained for not more than 5 days or shall be given a warning.

Article 42 Anyone who commits any of the following acts shall be detained for not more than 5 days or shall be fined not more than 500 yuan. If the circumstances are relatively serious, he (she) shall be detained for not less than 5 days but not more than 10 days, and may be concurrently fined not more than 500 yuan:

- (1)Threatening the personal safety of any other person by writing threat letters or by any other means;
- (2)Insulting any other person openly or making up stories to defame any other person;
- (3)Attempting to make any other person subject to criminal punishment or public security administration punishment by making up stories and bringing a false charge against any other person;
- (4)Threatening, insulting, beating or revenging upon the witness and his (her) close relatives;
- (5)Interfering with the normal life of any other person by sending any obscene, insulting, threatening or other information time after time;
- (6)Peeping into, sneaking photos, wiretapping or spreading the privacy of any other person.

Article 43 Anyone who blows any person or intentionally injures the body of any person shall be detained for not less than 5 days but not more than 10 days, and shall be fined not less than 200 yuan but not more than 500 yuan. If the circumstances are lenient, he (she) shall

be detained for not more than 5 days or shall be fined not more than 500 yuan.

Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days, and shall be fined not less than 500 yuan but not more than 1,000 yuan:

- (1) Beating or injuring any person by forming a group;
- (2) Beating or injuring any person who is disabled, pregnant, under the age of 14 or more than 60 years old; or
- (3) Beating or injuring any person for two or more times, or beating or injuring several people at a time.

Article 44 Anyone who acts indecently towards any person or deliberately expose his body at a public place shall be detained for not less than 5 days but not more than 10 days if the circumstances are absolutely vile. Anyone who acts indecently towards a disabled person, mentally insane patient, or minor under the age of 14, or who commits any other severe violation shall be detained for not less than 10 days but not more than 15 days.

Article 45 Anyone who commits any of the following acts shall be detained for not more than 5 days or shall be given a warning:

- (1) Maltreating his (her) family member; the maltreated person requests for punishing him or her; or
- (2) Abandoning any person who hasn't the abilities of living by himself and shall be supported by him (her).

Article 46 Anyone who forcibly buys and sells any goods, forces any person to provide services or forces any person to accept services shall be detained for not less than 5 days but not more than 10 days, and shall be concurrently fined not less than 200 yuan but not more than 500 yuan. If the circumstances are lenient, he (she) shall be detained for not more than 5 days or shall be fined not more than 500 yuan.

Article 47 Anyone who stir up hatred or discrimination among ethnic groups, or publishes any content discriminating or insulting any minority ethnic group shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined 1,000 yuan.

Article 48 Anyone who claims any other's mail in the latter's name, concealing, destroying and discarding, opening any other's mail without permission, or illegally inspecting any other's mail shall be detained for not more than 5 days or fined not more than 500 yuan.

Article 49 Anyone who steals, swindles, plunders, pillages, extorts or intentionally damages or destroys any public or private property shall be detained for not less than 5 days but not more than 10 days, and may be concurrently fined 500 yuan. If the circumstances are serious, he (she) shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined 1,000 yuan.

Section 4 Acts Impairing the Social Administration and the Punishments Thereto

Article 50 Anyone who commits any of the following acts shall be given a warning or shall be fined not less than 200 yuan. If the circumstances are serious, he shall be detained for not less than 5 days but not more than 10 days, and may be concurrently fined 500 yuan:

- (1) Refusing to execute the decision or order lawfully issued by the people's government in an emergent situation;
- (2) Obstructing any functionaries of the state organ from performing their duties;
- (3) Hindering any fire engine, ambulance, engineering emergency-relief vehicle or police car from passing; or
- (4) Forcibly rushing into the warning area or warning zone delimited by the public organ.

Anyone who prevents the people's policemen from performing their duties shall be given a heavier punishment.

Article 51 Anyone who commits any fraudulent act by impersonating any functionary of the state organ or by using any other false identity shall be detained for not less than 5 days but not more than 10 days, and may be concurrently fined 500 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not more than 5 days or shall be fined not more than 500 yuan.

Anyone who commits any fraudulent act by impersonating any serviceman or policeman shall be given a heavier punishment.

Article 52 Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined not more than 1,000 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not less than 5 days but not more than 10 days, and may be concurrently fined not more than 500 yuan:

- (1) Counterfeiting, altering, buying or selling any document, certificate, certification document or seal of any state organ, mass organization, enterprise, public institution or any other organization;
- (2) Buying, selling or using any counterfeited or altered document, certificate, certification document or seal of any state organ, mass organization, enterprise, public institution or any other organization;
- (3) Counterfeiting, altering, scalping passengers tickets for vehicles, vessels, airplanes, artistic and cultural performances or sport games, or other negotiable instruments or vouchers; or
- (4) Counterfeiting or altering any registration plates of vessels, buying, selling or using any counterfeited or altered registration plates of vessels, or altering the serial number of the engine of a vessel.

Article 53 Where a vessel illegally enters into or moors in an area or island banned or restricted by the state, the person-in-charge and other relevant liable persons of the vessel shall be fined not less than 500 yuan but not more than 1,000 yuan. If the circumstances are serious, he (she) shall be detained for not more than 5 days, and shall be fined not less than 500 yuan but not more than 1,000 yuan.

Article 54 Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days, and shall be concurrently fined not less than 500 yuan but not more than 1,000 yuan:

- (1) Violating the relevant provisions of the state by carrying out activities in the name of an

unregistered social organization, and continuing to carry out activities after the social organization is canceled;

(2) A deregistered social organization still carries out activities in the name of the social organization; or

(3) Illegally engaging in any business that shall be subject to the approval of the public organ under the relevant provisions of the state.

Any of the acts as mentioned in the preceding paragraph shall be cracked down.

Where a business operator licensed by the public organ violates the relevant provisions of the state, if the circumstances are serious, the public organ may revoke the license.

Article 55 Where a person instigates or schemes any unlawful assembly, parade or demonstration, if he (she) refuses to stop its act after being dissuaded from doing so, he (she) shall be detained for not less than 10 days but not more than 15 days.

Article 56 Where a worker of a hotel fails to register the name, type and number of the identity certificate of any customer, or where the worker of a hotel clearly knows that a customer is carrying dangerous substances, if he fails to stop him from carrying the dangerous substances into the hotel, he shall be fined not less than 200 yuan but not more than 500 yuan.

Where a worker of a hotel knows any customer is a criminal suspect or is wanted for arrest by the public organ, if he (she) fails to report it to the public organ, he (she) shall be fined not less than 200 yuan but not more than 500 yuan. If the circumstances are serious, he (she) shall be detained for not more than 5 days, and may be concurrently fined not more than 500 yuan.

Article 57 A lessor of a house who rents the house to a person without an identity certificate or who fails to register the name, type and number of the identity certificate of the lessee shall be fined not less than 200 yuan but not more than 500 yuan.

A lessor of a house who knows that the lessee is committing any crime by using the rented house but fails to report it to the public organ shall be fined not less than 200 yuan but not more than 500 yuan. If the circumstances are serious, he (she) shall be detained for not less than 5 days, and may be fined not less than 500 yuan.

Article 58 Anyone who makes noises and disturbs the normal life of any other person by violating the legal provisions on the prevention and control of pollution of social life noises shall be given a warning. If he (she) fails to make corrections after he (she) has been given a warning, he (she) shall be fined not less than 200 yuan but not more than 500 yuan.

Article 59 Anyone who commits any of the following acts shall be fined not less than 500 yuan but not more than 1, 000 yuan. If the circumstances are serious, he (she) shall be detained for not less than 5 days but not more than 10 days, and shall be concurrently fined 1, 000 yuan.

(1) If a pawnbroking worker fails to check the relevant certifications or to perform the register formalities for any pawn accepted by him (her), or if a he (she) clearly knows that the pawner is a criminal suspect or the pawn is a booty, he (she) fails to report it to the public organ;

- (2) Purchasing any discarded equipment and device specifically used for railways, oil fields, power supply, telecommunications, mines, water conservancy or urban public utilities;
- (3) Purchasing any of booties or articles suspected to be booties that are being searched by the public organ; or
- (4) Purchasing any other articles as prohibited by the state from being purchased.

Article 60 Anyone who commits any of the following acts shall be detained for not less than 5 days but not more than 10 days, and shall be concurrently fined not less than 200 yuan but not more than 500 yuan:

- (1) Concealing, removing, selling off, damaging or destroying any property detained, sealed up or frozen by any administrative law enforcement organ;
- (2) Affecting the administrative law enforcement organ's handling of a case by counterfeiting, concealing or destroying any evidence, or providing any false testimonies, giving any false information about the cases in question;
- (3) Harboring, removing or selling on behalf of any other person any booties which he (she) obviously knows;
- (4) A criminal who is subject to execution of supervision without incarceration or deprivation of political rights according to law, is under suspension of execution or is temporarily serving a sentence outside an incarceration facility or a person who is subject to a compulsory criminal measure according to law violates any law, administrative regulation, or provisions of a relevant department of the State Council on supervision and administration.

Article 61 Anyone who helps to organize or transport any other person(s) to illegally cross the national border (frontier) shall be detained for not less than 10 days but not more than 15 days, and shall be concurrently fined not less than 1, 000 yuan but not more than 5, 000 yuan.

Article 62 Anyone who knowingly facilitates any other person to illegally cross the national border (frontier) shall be detained for not less than 5 days but not more than 10 days, and shall be fined not less than 500 yuan but not more than 2, 000 yuan.

Anyone who illegally crosses the national border (frontier) shall be detained for not more than 5 days or shall be fined not more than 500 yuan.

Article 63 Anyone who commits any of the following acts shall be given a warning or shall be fined not more than 200 yuan. If any circumstances are serious, he (she) shall be detained for not less than 5 days but not more than 10 days, and shall be concurrently fined not less than 200 yuan but not more than 500 yuan:

- (1) Destroying any cultural relics or historical sites of interest under national protection by carving on, smearing them or by any other means;
- (2) Endangering the safety of cultural relics by carrying out any activities of blasting, excavation or otherwise in violation of the provisions of the state.

Article 64 Anyone who commits any of the following acts shall be fined not less than 500 yuan but not more than 1, 000 yuan. If the circumstances are serious, he (she) shall be detained for not less than 10 days but not more than 15 days, and shall be concurrently fined

not less than 500 yuan but not more than 1, 000 yuan:

(1)Driving the motor vehicle of any other person without permission; or

(2)Driving any aircraft or motor vessel without a driving license or driving the aircraft or motor vessel of any other person without permission.

Article 65 Anyone who commits any of the following acts shall be detained for not less than 5 days but not more than 10 days. If the circumstances are serious, he shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined 1, 000 yuan:

(1)Deliberately destroying or defiling the tomb of any other person or destroying, throwing away the skeleton or bone ashes of any other person; or

(2)Parking any corpse at a public place or affecting the normal life or work order of any other person for parking a corpse, and refusing to stop his (her) act after being dissuaded from doing so.

Article 66 Anyone who whores or goes whoring shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined not more than 5, 000 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not more than 5 days or shall be fined not more than 500 yuan.

Anyone who finds customers for any prostitute at a public place shall be detained for not more than 5 days or shall be fined not less than 500 yuan.

Article 67 Anyone who induces, shelters, introduces any other person to prostitute shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined 5, 000 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not more than 5 days or shall be fined not 500 yuan.

Article 68 Anyone who produces, transports, copies, sells or rents any obscene book and periodical, picture, film, audio and visual product, etc. or transmitting any obscene information through the computer network, telephone or other telecommunication tools shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined 3, 000 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not more than 5 days or shall be fined not more than 500 yuan.

Article 69 Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined not less than 500 yuan but not more than 1, 000 yuan:

(1)Organizing the broadcasting of any obscene audio and video program;

(2)Organizing or making any obscene performance; or

(3)Joining people in licentious activities.

Anyone who knowingly facilitates any other person to engage in any of the activities as mentioned in the preceding paragraph shall be punished in accordance with the preceding paragraph.

Article 70 Anyone who facilitates gambling for the purpose of making profits, or participates in any gambling activity on a relatively large sum of gambling stakes shall be detained for not more than 5 days or shall be fined not more than 500 yuan. If the circumstances are

serious, he (she) shall be detained for not less than 10 days but not more than 15 days, and shall be concurrently fined not less than 500 yuan but not more than 3, 000 yuan.

Article 71 Anyone who commits any of the acts shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined not more than 3, 000 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not more than 5 days or shall be fined not more than 500 yuan:

(1) Illegally planting 500 opium poppies or less or a small number of original plants for narcotics;

(2) Illegally buying, selling, transporting, carrying or holding a small number of seeds or seedlings of mother plants of narcotic drugs; or

(3) Illegally transporting, buying, selling, storing or selling a small number of poppy capsules. If a person stops committing the acts as mentioned in the Item (1) of the preceding paragraph on his (her) initiative before it is mature, he (she) shall not be punished.

Article 72 Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined not more than 2, 000 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not more than 5 days or shall be fined not more than 500 yuan:

(1) Illegally holding less than 200 grams of opium, heroin or methyl amphetamine, or a small quantity of other drugs;

(2) Providing any drug to any other person;

(3) Taking or injecting any drug; or

(4) Coercing or cheating any medical worker to prescribe any narcotic or psychotropic drug.

Article 73 Anyone who instigates, induces or cheats any other person to take or inject any drug shall be detained for not less than 10 days but not more than 15 days, and shall be fined not less than 500 yuan but not more than 2, 000 yuan.

Article 74 Where a staff member of an entity of the hotel industry, catering industry, culture and entertainment industry or taxi industry divulges the secret information to a violator or criminal when the public security organ investigates into or punishes an activity, i.e. drug addiction, gambling, whoring or going whoring, he (she) shall be detained for not less than 10 days but not more than 15 days.

Article 75 Anyone who interferes with the normal life of any other person due to animal breeding shall be given a warning. If he fails to make corrections after the warning, or if he indulges his animal to frighten any other person, he (she) shall be fined not less than 200 yuan but not more than 500 yuan.

Anyone who provokes an animal to injure any other person shall be punished in accordance with the first paragraph of Article 43

Article 76 Where a person commits any of the acts as mentioned in Article 67, 68 or 70, if he (she) refuses to make corrections despite of repeated warning, he (she) may be subject to a compulsory education measure as provided for by the state.

Chapter IV Punishment Procedures

Section 1 Investigation

Article 77 A public security organ shall timely accept and record any case involving a violation of the public security administration, which is reported, charged or tipped off by any person or entity, or any case in which the violator of public security administration gives himself up to the police, or transferred by any other administrative department or by a judicial organ.

Article 78 After the public security organ accepts a case reported, charged, tipped off by any person or entity, or voluntarily confessed by the violator (s), if it considers that it falls within the category of violation of public security administration, it shall immediately begin to investigate into it. If it considers that it doesn't fall within the category of violation of public security administration, it shall notify the person or entity who reports, charges or tips off the case, or the violator who gives himself up to police of the relevant information and shall make an explanation.

Article 79 The public security organs and the people's policemen shall investigate into the public security cases in compliance with the law. It is strictly prohibited for anyone to collect evidence by illegal methods, such as making an interrogation by torture or extorting a confession from the interrogated, or threatening, enticing or cheating the interrogated. Any proof gathered by illegal means shall not be the basis for punishment.

Article 80 The public security organs and the people's policemen shall keep confidential the state secrets and business secrets to which they access when handling the public security cases.

Article 81 When the people's policemen confront with any of the following circumstances when handling a case, they shall disqualify themselves. The violators of public security administration, victims or their statutory agents may also have the right to request them to disqualify themselves:

- (1) Being partied concerned or being close relatives of any party concerned in the case in question;
- (2) They themselves or their close relatives have any interest in the case in question;
- (3) Having any other relationship with any party concerned in this case that may affect the impartial handling of the case.

The disqualification of the people's policeman shall be decided by the public organ they work for. The person-in-charge of a public security organ shall be decided by the superior public security organ.

Article 82 Where it is necessary to summon a violator of public security administration to accept investigation, upon approval the person-in-charge of the case-handling department of the public security organ, a summon certificate shall be used for summoning him (her). With regard to a violator of public security administration found on the spot, the people's policeman may, after presenting his work certificate, orally summon him (her), but shall give explanatory notes in the interrogatory transcripts.

Public security organs shall inform the summoned of the reasons and grounds for summoning. Anyone who refuses to accept the summon without sufficient reasons or evades

the summon may be summoned by force.

Article 83 For anyone who violates the rules of public security administration, the public security organ shall make a timely interrogation after summoning him, and the interrogation may not last more than eight hours at most. Where the circumstances are complicated and the punishment of administrative detention may apply according to the present Law, the time for interrogation may not exceed twenty four hours.

The public security organ shall inform a family member of the summoned of the reason of summon and his whereabouts in a timely manner.

Article 84 The interrogatory transcripts shall be presented to the interrogated for verification. If the interrogated cannot read, the transcripts shall be read out to him. Where there is any omission or mistake in the transcripts, the interrogated may suggest a supplement or correction. When the interrogated assures that there is no error or mistake in the transcripts, he shall affix his signature or seal to the transcripts, to which the people's policeman who effects the interrogation shall also affix his own signature.

Where the interrogated requests for providing written materials by himself regarding the matters he is interrogated of, such request shall be permitted; where necessary, the people's policeman may also demand the interrogated to produce written materials by himself.

To interrogate any violator of public security administration who is under the age of sixteen, the parents or any other guardian of the violator shall be informed to be present.

Article 85 To interrogate a victim or any other witness, the people's policeman may make the interrogation at the entity where the victim or the witness works or the abode where the victim or witness lives; where necessary, the victim or witness may also be informed to bear witness at the public security organ.

To interrogate the victim or any other witness at any place other than the public security organ, the people's policeman shall show his working certificate.

The interrogation of victims and witnesses shall be simultaneously governed by the provisions of Article 85 of the present Law.

Article 86 To interrogate a violator of public security administration, a victim or any other witness who is deaf or dumb, someone who is home at sign language shall be present to provide assistance, and it shall be remarked on the transcripts.

To interrogate a violator of public security administration, a victim or any other witness who does not understand the language which is commonly used in the local place, an interpreter shall be equipped, which shall be remarked on the transcripts.

Article 87 The public security organ may search the places, articles, and persons involved in a violation of public security administration. To conduct the search, there shall be no less than two people's policemen present, who shall show their working certificates and the proof of search as issued by the public security organ of the people's government at the county level or above. Where it is necessary to make an immediate search, the people's policemen may carry out an onsite search, with the exception of searching a citizen's abode when a proof of search as issued by the public security organ of the people's government at the

county level or above shall be produced.

The search of the body of a woman shall be conducted by a female worker.

Article 88 Transcripts shall be made for the searches conducted, to which the searchers, the searched and witnesses shall affix their signatures or seals. Where the searched refuses to affix his signature, it shall be remarked on the transcripts by the people's policemen.

Article 89 When handling a public security administration case, the public security organ may detain the articles which are to be used as evidence relating to the case in question, with the exception of the property lawfully occupied by the victim or bona fide third party which shall not be detained but shall be recorded down. Anything that is irrelevant to the case in question shall not be detained.

For the detained articles, the people's policemen shall make a check jointly with the witnesses on the spot and the holder of the detained articles and shall produce a checklist in duplicate, which shall bear the signature or seal of the searchers, witnesses, and holder, with one copy kept by the holder and the other kept in the case files for future reference.

The detained articles shall be properly preserved and may not be used for any other purposes. For those articles that are not suitable for longtime keeping, they shall be dealt with according to relevant provisions. Where it is found that any of the detained articles is irrelevant to the case in question, it shall be returned in a timely manner. Where it is verified that it is the lawful property of any other person, it shall be returned after being recorded down. Where no person claims right to the said property or where it is impossible to find out the right holder after six months expires, it shall be publicly auctioned or dealt with according to the relevant provisions of the state, and the proceeding arising therefrom shall be turned over to the state treasury.

Article 90 Where it is necessary to solve any controversial issue involved in the case in question for the purpose of clarifying the facts involved, a person with the corresponding professional knowledge may be designated or hired to conduct an authentication. After making the authentication, the authenticator shall produce his opinions of authentication, to which he shall affix his signature.

Section 2 Decision

Article 91 A public security punishment shall be decided by the public security organ of the people's government on the county level or above; in particular, a warning or a fine of less than 500 yuan may be decided by a local police station.

Article 92 For anyone to whom it is decided to give the punishment of administrative detention, the time for restricting his personal freedom by compulsory measures taken prior to the punishment shall be counted into the administrative detention, with one day of personal freedom restriction counting as one day of administrative detention.

Article 93 The public security organ may, in the handling of a public security administration case, make a public security punishment decision where there is no statement of the violator but there are sufficient evidence to prove the facts of the case in question. However, where there are statements of the violator without the support of other evidences, no public security

punishment decision may be made.

Article 94 The public security organ shall, before making a public security punishment decision, inform the violator of public security administration of the facts, reasons, and grounds, and shall inform him of the rights that he may enjoy according to law.

The violator of public security administration shall have the right to make statements and defend himself. The public security organ shall fully listen to the thoughts of the violator of public security administration, and shall check the facts, reasons and evidences as presented by the violator; where any of the facts, reasons and evidences as presented by the violator is found to hold water, it shall be accepted by the public security organ.

The public security organ may not aggravate the punishment as a result of the violator's making a statement or defense.

Article 95 The public security organ shall, after finishing the investigation of a public security administration case, make the following decisions according to the different situations:

(1)Where there is any act to which a public security punishment shall be given according to law, a punishment decision shall be made according to the severity and the specific situation of the circumstances concerned;

(2)Where no punishment is to be given according to law or where the facts of breaking the law cannot establish, a decision of no punishment shall be made;

(3)Where the violation is suspected to constitute any crime, it shall be transferred to the competent organ to subject the violator to criminal liabilities;

(4)Where it is found that the violator of public security administration has committed any other law-breaking acts, the public security organ shall inform the competent organ to deal with it when it makes the decision of punishment for the violation of public security administration.

Article 96 Where the public security organ makes a decision of public security punishment, it shall make a written decision of public security punishment, which shall specify the following contents:

(1)the name, gender, and age of the person to be punished, the name and number of the identity certificate as well as the address of residence thereof;

(2)the facts and evidences of violation;

(3)the type of punishment and the grounds thereof;

(4)the way and term of executing the punishment;

(5)how to request for administrative reconsideration or how to lodge an administrative lawsuit and the time limit thereof in case the person to be punished refuses to accept the punishment decision;

(6)the name of the public security that makes the punishment decision and the date when the punishment decision is made.

The written decision shall bear the seal of the public security organ that makes the said decision.

Article 97 The public security organ shall announce the written decision of public security

punishment to the person to be punished and shall deliver it to him on the spot. Where it is impossible to deliver to him the written decision on the spot, the written decision shall be served to him within two days. Where it is decided to give him an administrative punishment, the public security organ that makes the decision shall inform a family member of the person to be punished.

Where there is any victim, the public security organ shall send a reproduction of the written decision to the victim concerned.

Article 98 The public security organ shall, before making the public security punishment decision of canceling the license of the violator or impose upon the violator a fine of 2,000 yuan or more, inform the violator of the right to request for holding a hearing. Where the violator requests for holding a hearing, the public security organ shall hold a hearing according to law in a timely manner.

Article 99 The time limit for the public security organs to handle public security cases shall not be any more than thirty days as of the day when it accepts the case in question; where the case is very difficult or complicated, the time limit may be prolonged for thirty days, subject to the approval of the public security organ on the next higher level.

The time required by authentication for the purpose of clarifying the facts concerned shall not be included in the time limit for handling the case in question.

Article 100 For a violation of public security administration with clear facts and exact evidence to which a warning or a fine of not more than 200 yuan shall apply, a public security punishment decision may be made on the spot.

Article 101 To make a public security punishment decision on the spot, the people's policemen shall show their working certificates to the violator of public security administration and shall fill out a punishment decision. The punishment decision shall be delivered to the punished on the spot. If there is any victim, a copy of the decision shall be given to the victim. The punishment decision as mentioned in the preceding paragraph shall state the name and violation of the punished, the basis for punishment, amount of the fine, the time, venue as well as the name of the public security organ, and shall bear the signature or seal of the people's policemen who make the punishment decision.

Where a public security punishment decision is made on the spot, the people's policemen who make it shall, within 24 hours, report it to public security organ where they work for archival purposes.

Article 102 If the punished refuses to accept the public security punishment decision, he (she) may apply for administrative reconsideration or lodge an administrative lawsuit.

Section 3 Execution

Article 103 For a person to whom it is decided to give the punishment of administrative detention, he shall be sent to the detention house by the public security organ that makes the decision for executing the decision.

Article 104 A person who is given a punishment of fine shall, within 15 days after he (she) receives a punishment decision, pay the fine to the designated bank. However, the people's

policemen may collect the fine under any of the following circumstances:

- (1)The fine is not more than 50 yuan and the punished raises no objection to the fine;
- (2)In a remote, on-water or unaccessible area, after the public security organ and its policemen makes a decision of fine in accordance with this Law, it is really difficult for the punished to pay the fine to the designated bank and the punished states his difficulty; or
- (3)The punished has no fixed abode in the local area and it is difficult to execute the fine in the future if the fine is not collected on the spot.

Article 105 The people's policemen shall, within 2 days after collecting a fine, turn the fine over to the public security organ where they work. An on-site fine collected on water or passenger train shall be turned over to the public security organ within 2 days after the vessel reaches the land or arrives at a station. The public security organ shall put the fine into the designated bank within 2 days after it receives it.

Article 106 To collect a fine on the spot, the policemen shall issue to the punished a receipt of fine uniformly produced by the public finance department of the people's government of the province, autonomous region or municipality directly under the Central Government. If they fail to do so, the punished may refuse to pay the fine.

Article 107 If the punished refuses to accept the administrative punishment detention decision and if he (she) applies for an administrative reconsideration or lodge an administrative lawsuit, he (she) may file an application with the public security organ for suspending the execution of the administrative detention. If the public security organ believes that there will be no danger as a result of the suspension of administrative detention, after the punished or his (her) close relative proposes a guarantor who meets the requirements as specified in Article 108 of this Law or pays a bail of 200 per day, the execution of punishment decision of administrative detention may be suspended.

Article 108 A guarantor may meet shall following conditions:

- (1)He (She) is not involved in this case;
- (2)He (She) enjoys the political rights and his (her) personal freedom is not restricted;
- (3)He (She) has a registered permanent residence or fixed abode in the local area; and
- (4) He (She) is able to perform his (her) the obligations of a guarantor.

Article 109 The guarantor shall guarantee that the guaranteed will not evade the execution of punishment of administrative detention.

If the guarantor fails to perform the obligations of a guarantor, which leads to the guaranteed's evading the execution of punishment of administrative detention, the public security organ shall fine him (her) not more than 3, 000 yuan.

Article 110 Where a person to whom it is decided to give a punishment of administrative detention evades the execution thereof after a bail is paid and the administrative detention is suspended, the security shall be confiscated and shall be turned over to the state treasury and the decision of administrative detention shall be still executed.

Article 111 After a punishment decision of administrative detention is revoked or after an administrative detention punishment begins to be executed, the bail collected by the public

security organ shall be refunded to the payer in a timely manner.

Chapter V Supervision over Law Enforcement

Article 112 The public security organs and the policemen shall deal with the public security cases impartially, strictly and efficiently in accordance with the law. None of them may seek any private benefits therefrom.

Article 113 During the process of handling a public security administration case, the public security organ and the people's policemen are prohibited from beating, scolding, maltreating or insulting any violator of public security administration.

Article 114 A public security organ and their policemen thereof shall be ready to accept the supervision of the general public and citizens in handling public security cases.

Where, in the process of handling any public security case, a public security organ or any of its people's policemen fails to enforce the law strictly or violate any law or discipline, any entity or individual shall be entitled to expose or charge against them in the public security organ or administrative supervision organ, which shall timely deal with the case according to its functions.

Article 115 To execute a fine in accordance with the law, the public security organ shall, in accordance with the relevant law or administrative regulation, separate the decision of a fine from the collection of fine. All the fines it has collected shall be turned over to the state treasury.

Article 116 Where a people's policeman conducts any of the following acts when handling a public security case, he (she) shall be given an administrative sanction. If any crime is constituted, he (she) shall be subject to criminal liabilities:

- (1) Making an interrogation by torture or extorting a confession from the interrogated, inflicting physical suffering on, maltreating or insulting any other person;
- (2) Restricting the personal freedom by exceeding the time limit for interrogation;
- (3) Failing to execute the system with the decision of a fine separated from the collection of fine, failing to turn any confiscated property over to the state treasury according to relevant provisions, or illegally disposing of any confiscated property;
- (4) Illegally dividing, occupying, misappropriating or deliberately destroying any confiscated or detained property;
- (5) Using the property of a victim or failing to return the property of a victim in a timely manner by violating the relevant provisions;
- (6) Failing to return the security in a timely manner by violating the relevant provisions;
- (7) Accepting the property of any other person or seeking other benefits by taking the advantages of his (her) position;
- (8) Failing to issue a receipt of fine or failing to faithfully fill in the amount of a fine after collecting the fine on the spot;
- (9) Failing to deal with the case in a timely manner after being requested to stop a violation of public security administration;
- (10) Divulging the secret information to the suspect of a violation or crime when punishing

and investing a violation of public security administration; or

(11) Seeking private benefits, abusing his (her) power, or other circumstances in which he (she) fails to perform the statutory duties.

Where the public security organ commits any of the acts as mentioned in the preceding paragraph, the directly liable person-in-charge and other directly liable persons shall be given an administrative sanction accordingly.

Article 117 Where a public security organ or any of the people's policeman encroaches upon the lawful rights and interests of any citizen, legal person or any other organization due its (his) exercise of power, it (he) shall make an apology. If it (he) causes any damage, it (he) shall liable for compensation.

Chapter VI Supplementary Provisions

Article 118 The terms "not less than", "not more than" and "within" as mentioned in this Law include the said figure.

Article 119 This Law shall come into force as of March 1, 2006. The Regulation of the on the Administrative Penalties for Public Security which was promulgated on September 5, 1986 and was amended and promulgated on May 12, 1994 shall be abolished simultaneously.

17. Criminal Law of the People's Republic of China

(Adopted by the Second Session of the Fifth National People's Congress on July 1, 1979 and amended by the Fifth Session of the Eighth National People's Congress on March 14, 1997. According to the Amendment to the Criminal Law of the People's Republic of China on December 25, 1999, Amendment (II) to the Criminal Law of the People's Republic of China on August 31, 2001, Amendment (III) to the Criminal Law of the People's Republic of China on December 29, 2001; Amendment (IV) to the Criminal Law of the People's Republic of China on December 28, 2002, Amendment (V) to the Criminal Law of the People's Republic of China on February 28, 2005, Amendment (VI) to the Criminal Law of the People's Republic of China on June 29, 2006, Amendment (VII) to the Criminal Law of the People's Republic of China on February 28, 2009, Amendment (VIII) to the Criminal Law of the People's Republic of China on February 25, 2011, Amendment (IX) to the Criminal Law of the People's Republic of China on August 29, 2015, and Amendment (X) to the Criminal Law of the People's Republic of China on November 4, 2017.)

Part I General Provisions

Chapter I Tasks, Basic Principles, and Scope of Application of the Criminal Law

Article 1. This law is formulated in accordance with the Constitution and in light of the concrete experience of China launching a struggle against crime and the realities in the country, with a view to punishing crime and protecting the people.

Article 2. The tasks of the PRC Criminal Law are to use punishment struggle against all criminal acts to defend national security, the political power of the people's democratic dictatorship, and the socialist system; to protect state-owned property and property

collectively owned by the laboring masses; to protect citizens' privately owned property; to protect citizens' right of the person, democratic rights, and other rights; to maintain social and economic order; and to safeguard the smooth progress of the cause of socialist construction.

Article 3. Any act deemed by explicit stipulations of law as a crime is to be convicted and given punishment by law and any act that no explicit stipulations of law deems a crime is not to be convicted or given punishment.

Article 4. Every one is equal before the law in committing crime. No one is permitted to have privileges to transgress the law.

Article 5. The severity of punishments must be commensurate with the crime committed by an offender and the criminal responsibility he bears.

Article 6. This law is applicable to all who commit crimes within the territory of the PRC except as specially stipulated by law.

This law is also applicable to all who commit crimes aboard a ship or aircraft of the PRC.

When either the act or consequence of a crime takes place within PRC territory, a crime is deemed to have been committed within PRC territory.

Article 7. This law is applicable to PRC citizens who commit the crimes specified in this law outside the territory of the PRC; but those who commit the crimes, provided that this law stipulates a minimum sentence of less than a three-year fixed-term imprisonment for such crimes, may not be dealt with.

This law is applicable to PRC state personnel and military personnel who commit the crimes specified in this law outside PRC territory.

Article 8. This law may be applicable to foreigners, who outside PRC territory, commit crimes against the PRC state or against its citizens, provided that this law stipulates a minimum sentence of not less than a three-year fixed term of imprisonment for such crimes; but an exception is to be made if a crime is not punishable according the law of the place where it was committed.

Article 9. This law is applicable to the crimes specified in international treaties to which the PRC is a signatory state or with which it is a member and the PRC exercises criminal jurisdiction over such crimes within its treaty obligations.

Article 10. Any person who commits a crime outside PRC territory and according to this law bear criminal responsibility may still be dealt with according to this law even if he has been tried in a foreign country; however, a person who has already received criminal punishment in a foreign country may be exempted from punishment or given a mitigated punishment.

Article 11. The problem of criminal responsibility of foreigners who enjoy diplomatic privileges and immunity is to be resolved through diplomatic channels.

Article 12. If an act committed after the founding of the PRC and before the implementation of this law was not deemed a crime under the laws at that time, the laws at that time are to be applicable. If the act was deemed a crime under the laws at that time, and if under the provisions of Chapter IV, Section 8 of the general provisions of this law it should be

prosecuted, criminal responsibility is to be investigated according to the laws at that time. However, if this law does not deem it a crime or imposes a lesser punishment, this law is to be applicable.

The effective judgments that were made according to the laws at that time before the implementation of this law will continue to be in force.

Chapter II Crimes

Section 1. Crimes and Criminal Responsibility

Article 13. All acts that endanger the sovereignty, territorial integrity, and security of the state; split the state; subvert the political power of the people's democratic dictatorship and overthrow the socialist system; undermine social and economic order; violate property owned by the state or property collectively owned by the laboring masses; violate citizens' privately owned property; infringe upon citizens' rights of the person, democratic rights, and other rights; and other acts that endanger society, are crimes if according to law they should be criminally punished. However, if the circumstances are clearly minor and the harm is not great, they are not to be deemed crimes.

Article 14. An intentional crime is a crime constituted as a result of clear knowledge that one's own act will cause socially dangerous consequences, and of hope for or indifference to the occurrence of those consequences.

Criminal responsibility shall be borne for intentional crimes.

Article 15. A negligent crime occurs when one should foresee that one's act may cause socially dangerous consequences but fails to do so because of carelessness or, having foreseen the consequences, readily assumes he can prevent them, with the result that these consequences occur.

Criminal responsibility is to be borne for negligent crimes only when the law so stipulates.

Article 16. Although an act objectively creates harmful consequences, if it does not result from intent or negligence but rather stems from irresistible or unforeseeable causes, it is not a crime.

Article 17. A person who has reached the age of sixteen who commits a crime shall bear criminal responsibility.

A person who has reached the age of fourteen but not the age of sixteen who commits the crimes of intentionally killing another or intentionally injuring another, even causing serious injury or death, and the crimes of rape, robbery, drug trafficking, arson, explosion, and poisoning shall bear criminal responsibility.

A person who has reached the age of fourteen but not the age of eighteen who commits a crime shall be given a lesser punishment or a mitigated punishment.

When a person is not criminally punished because he has not reached the age of sixteen, the head of his family or guardian is to be ordered to subject him to discipline. When necessary, he may also be given shelter and rehabilitation by the government.

Article 17(l) :A person attaining the age of 75 may be given a lighter or mitigated penalty if he commits an intentional crime; or shall be given a lighter or mitigated penalty if he commits

a negligent crime.

Article 18. A mentally ill person who causes dangerous consequences at a time when he is unable to recognize or unable to control his own conduct is not to bear criminal responsibility after being established through accreditation of legal procedures; but his family or guardian shall be ordered to subject him to strict surveillance and arrange for his medical treatment. When necessary, he will be given compulsory medical treatment by the government.

A person whose mental illness is of an intermittent nature shall bear criminal responsibility if he commits a crime during a period of mental normality.

A mentally ill person who commits a crime at a time when he has not yet completely lost his ability to recognize or control his own conduct shall bear criminal responsibility but he may be given a lesser or a mitigated punishment.

An intoxicated person who commits a crime shall bear criminal responsibility.

Article 19. A deaf-mute or a blind person who commits a crime may be given a lesser punishment or a mitigated punishment or be exempted from punishment.

Article 20. Criminal responsibility is not to be borne for an act of legitimate defense that is undertaken to stop present unlawful infringement of the state's and public interest or the rights of the person, property or other rights of the actor or of other people and that causes harm to the unlawful infringer.

Criminal responsibility shall be borne where legitimate defense noticeably exceeds the necessary limits and causes great harm. However, consideration shall be given to imposing a mitigated punishment or to granting exemption from punishment.

Criminal responsibility is not to be borne for a defensive act undertaken against ongoing physical assault, murder, robbery, rape, kidnap, and other violent crimes that seriously endanger personal safety that causes injury or death to the unlawful infringer since such an act is not an excessive defense.

Article 21. Criminal responsibility is not to be borne for damage resulting from an act of urgent danger prevention that must be undertaken in order to avert the occurrence of present danger to the state or public interest or the rights of the person, property rights, or other rights of the actor or of other people.

Criminal responsibility shall be borne where urgent danger prevention exceeds the necessary limits and causes undue harm. However, consideration shall be given according to the circumstances to imposing a mitigated punishment or to granting exemption from punishment.

The provisions of the first paragraph with respect to preventing danger to oneself do not apply to a person who bears specific responsibility in his post or profession.

Section 2. Preparation for a Crime, Criminal Attempt and Discontinuation of a Crime

Article 22. Preparation for a crime is preparation of the instruments or creation of the conditions for the commission of a crime.

One who prepares for a crime may, in comparison with one who consummates the crime, be given a lesser punishment or a mitigated punishment or be exempted from punishment.

Article 23. Criminal attempt occurs when a crime has already begun to be carried out but is not consummated because of factors independent of the will of the criminal element.

One who attempts to commit a crime may, in comparison with one who consummates the crime, be given a lesser punishment or a mitigated punishment.

Article 24. Discontinuation of a crime occurs when, during the process of committing a crime, the actor voluntarily discontinues the crime or voluntarily and effectively prevents the consequences of the crime from occurring.

One who discontinues a crime shall be exempted from punishment when there is no harm done or be given a mitigated punishment when there is harm done.

Section 3. Joint Crimes

Article 25. A joint crime is an intentional crime committed by two or more persons jointly.

A negligent crime committed by two or more persons jointly is not to be punished as a joint crime; those who should bear criminal responsibility are to be punished separately according to the crimes they have committed.

Article 26. A principal offender is one who organizes and leads a criminal group in conducting criminal activities or plays a principal role in a joint crime.

A crime syndicate is a more or less permanent crime organization composed of three or more persons for the purpose of jointly committing crimes.

The head who organizes or leads a crime syndicate shall bear criminal responsibility for all the crimes committed by the syndicate.

A principal offender other than the one stipulated in the third paragraph shall bear criminal responsibility for all the crimes he participated in, organized, or directed.

Article 27. An accomplice is one who plays a secondary or supplementary role in a joint crime.

An accomplice shall, in comparison with a principal offender, be given a lesser punishment or a mitigated punishment or be exempted from punishment.

Article 28. One who is coerced to participate in a crime shall, according to the circumstances of his crime, be given a mitigated punishment or be exempted from punishment.

Article 29. One who instigates others to commit a crime shall be punished according to the role he plays in the joint crime. One who instigates a person under the age of eighteen to commit a crime shall be given a heavier punishment.

If the instigated person does not commit the instigated crime, the instigator may be given a lesser punishment or a mitigated punishment.

Section 4. Crimes Committed by a Unit

Article 30. A company, enterprise, institution, organization, or group which commits an act endangering society that is considered a crime under the law shall bear criminal responsibility.

Article 31. A unit responsible for a criminal act shall be fined. The person in charge and other personnel who are directly responsible shall also bear criminal responsibility. Where there are other stipulations in the Special Provisions of this Law or other laws, those stipulations

shall apply.

Chapter III Punishments

Section 1. Types of Punishments

Article 32. Punishments are divided into principal punishments and supplementary punishments.

Article 33. The types of principal punishments are:

- (1) control;
- (2) Criminal detention;
- (3) fixed-term imprisonment;
- (4) life imprisonment; and
- (5) The death penalty.

Article 34. The types of supplementary punishments are:

- (1) Fines;
- (2) Deprivation of political rights; and
- (3) Confiscation of property.

Supplementary punishments may also be applied independently.

Article 35. Deportation may be applied in an independent or supplementary manner to a foreigner who commits a crime.

Article 36. Where the victim has suffered economic loss as a result of a criminal act, the criminal element, in addition to receiving criminal sanctions according to law, shall in accordance with the circumstances be sentenced to make compensation for the economic loss.

Where the criminal element bears responsibility for civil compensation and is also imposed a fine, if his property is not enough to pay the compensation and fine in full or if he has also been sentenced to confiscation of property, he shall first pay civil compensation to the victim.

Article 37. Where the circumstances of a person's crime are minor and do not require sentencing for punishment, an exemption from criminal sanctions may be granted him, but he may, according to the different circumstances of each case, be reprimanded or ordered to make a statement of repentance or formal apology or make compensation for losses, or be subjected to administrative sanctions by the competent department.

Article 37(l): Whoever is given a penalty due to a crime committed by taking advantage of his or her profession or a crime committed in violation of the specific obligations required by his or her profession may be prohibited by the people's court from engaging in the relevant profession for three to five years from the date when the penalty ends or the date when the person is released on parole in light of the circumstances of the crime committed and the need for preventing the commission of any other crime.

Where a person who is prohibited from engaging in the relevant profession violates the decision made by a people's court in accordance with the provisions of the preceding paragraph, the person shall be given a penalty by the public security authority in accordance with the law and, if the circumstances are serious, be convicted and punished in accordance

with the provisions of Article 313 of this Law.

Where there are other prohibitive or restrictive provisions in any other law or administrative regulation on the person's engagement in the relevant profession, such provisions shall prevail.

Section 2. Control

Article 38. The term of control is not less than three months and not more than two years.

In light of the crime committed, a convict sentenced to control may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during the term of execution.

Criminals sentenced to control shall be subject to community correction.

Whoever violates a restraining order as provided for in paragraph 2 shall be punished in accordance with the Public Security Administrative Punishments Law of the People's Republic of China.

Article 39. A criminal element who is sentenced to control must abide by the following rules during the term in which his control is being carried out:

- (1) abide by laws and administrative regulations, submit himself to supervision;
- (2) shall not exercise the rights to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration without the approval of the organ executing the control;
- (3) report on his own activities pursuant to the rules of the organ executing the control;
- (4) abide by the rules of the organ executing the control for meeting visitors;
- (5) report and obtain approval from the organ executing the control for a change in residence or departure from the city or county.

A criminal element who is sentenced to control shall, while engaged in labor, receive equal pay for equal work.

Article 40. Upon the expiration of the term of the control, the organ executing the control shall announce the termination of control to the criminal element sentenced to control and to the masses concerned.

Article 41. The term of control is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment begins to be executed, the term is to be shortened by two days for each day spent in custody.

Section 3. Criminal Detention

Article 42. The term of criminal detention is not less a month and not more than six months.

Article 43. A criminal element sentenced to criminal detention is to have his sentence executed by the public security organ in the vicinity.

During the period of execution, a criminal element sentenced to criminal detention may go home for one or two days each month; consideration may be given according to the circumstances to granting compensation to those who participate in labor.

Article 44. The term of criminal detention is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment,

the term is to be shortened by one day for each day spent in custody.

Section 4. Fixed-Term Imprisonment And Life Imprisonment

Article 45. Except as otherwise provided in Articles 50 and 69 of this Law, the term of fixed-term imprisonment is not less than six months and not more than fifteen years.

Article 46. A criminal element sentenced to fixed-term imprisonment or life imprisonment is to have his sentence executed in prison or in another organ executing the sentence; anyone with the ability to labor shall take part in labor, receive education, and undergo reform.

Article 47. The term of fixed-term imprisonment is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment begins to be executed, the term is to be shortened by one day for each day spent in custody.

Section 5. The Death Penalty

Article 48. The death penalty is only to be applied to criminal elements who commit the most heinous crimes. In the case of a criminal element who should be sentenced to death, if immediate execution is not essential, a two-year suspension of execution may be announced at the same time the sentence of death is imposed.

Except for judgments made by the Supreme People's Court according to law, all sentences of death shall be submitted to the Supreme People's Court for approval. Sentences of death with suspension of execution may be decided or approved by a high people's court.

Article 49. The death penalty is not to be applied to persons who have not reached the age of eighteen at the time the crime is committed or to women who are pregnant at the time of adjudication.

Death penalty shall not be given to a person attaining the age of 75 at the time of trial, unless he has caused the death of another person by especially cruel means.

Article 50. Where a convict is sentenced to death with a reprieve, if he or she does not commit any intentional crime during the period of reprieve, the sentence shall be commuted to life imprisonment upon expiration of the two-year period; if he or she has any major meritorious performance, the sentence shall be commuted to imprisonment of 25 years upon expiration of the two-year period; if the criminal has committed an intentional crime with execrable circumstances, the death penalty shall be executed with the approval of the Supreme People's Court. If the crime is committed intentionally but the death penalty is not executed, the period of death penalty with a reprieve shall be recalculated and be reported to the Supreme People's Court for recordation.

For a recidivist or a convict of murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violence who is sentenced to death with a reprieve, the people's court may, in sentencing, decide to put restrictions on commutation of his sentence in light of the circumstances of the crime committed.

Article 51. The term for suspending execution of a sentence of death is counted as commencing on the date the judgment becomes final. The term of a sentence that is reduced from the death penalty with suspension of execution to fixed-term imprisonment is counted as commencing on the date the suspension of execution expires.

Section 6. Fines

Article 52. In imposing a fine, the amount of the fine shall be determined according to the circumstances of the crime.

Article 53. A fine shall be paid in a lump sum or in installments within the period specified in the judgment. The person who fails to pay the fine in full upon the expiration of the period shall be compelled to pay. If the person sentenced is unable to pay the fine in full, the people's court may collect whenever the person is found in possession of executable property.

Where a person truly has difficulties in paying the fine because he or she due to irresistible calamity or any other reason, the people's court may render a ruling to postpone the payment of the fine, or grant a reduction or even exemption in light of the actual circumstances.

Section 7. Deprivation of Political Rights

Article 54. Deprivation of political rights is deprivation of the following rights:

- (1) The right to elect and the right to be elected;
- (2) the right to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration;
- (3) the right to hold a position in state organs; and
- (4) the right to hold a leading position in a state-owned company, enterprise, or institution or people's organization.

Article 55. The term of deprivation of political rights is not less than one year and not more than five years, except as otherwise stipulated in Article 57 of this Law.

In situations where a person is sentenced to control and to deprivation of political rights as a supplementary punishment, the term of deprivation of political rights is to be the same as the term of control, and the punishments are to be executed at the same time.

Article 56. A criminal element endangering state security shall be sentenced to deprivation of political rights as a supplementary punishment; a criminal element guilty of murder, rape, arson, explosion, spreading poison, or robbery who seriously undermines social order may also be sentenced to deprivation of political rights as a supplementary punishment.

Where deprivation of political rights is applied independently, stipulations in the Special Provisions of this Law shall be followed.

Article 57. A criminal element who is sentenced to death or to life imprisonment shall be deprived of political rights for life.

When the death penalty with a suspension of execution is reduced to fixed-term imprisonment, or life imprisonment is reduced to fixed-term imprisonment, the term of the supplementary punishment of deprivation of political rights shall be changed to not less than three years and not more than ten years.

Article 58. The term of the supplementary punishment of deprivation of political rights is counted as commencing on the date that imprisonment or criminal detention ends or on the date that parole begins; the deprivation of political rights is naturally to be effective during the period in which the principal punishment is being executed.

A criminal element who is deprived of political rights shall abide by laws, administrative regulations, and relevant regulations on supervision and administration promulgated by public security departments under the State Council; submit to supervision; and is forbidden from exercising rights stipulated in Article 54 of this Law.

Section 8. Confiscation of Property

Article 59. Confiscation of property is the confiscation of part or all of the property personally owned by the criminal element. Where all of the property personally owned by the criminal element is confiscated, living expenses shall be set aside for the criminal element himself and the dependents he supports.

When a sentence of confiscation of property is imposed, property that belongs to or should belong to family members of the criminal element may not be confiscated.

Article 60. Where it is necessary to use the confiscated property to repay legitimate debts incurred by the criminal element before the property was confiscated, the debts shall be paid at the request of the creditors.

Chapter IV The Concrete Application Of Punishments

Section 1. Sentencing

Article 61. When deciding the punishment of a criminal element, the sentence shall be imposed on the basis of the facts of the crime, the nature and circumstances of the crime, and the degree of harm to society, in accordance with the relevant stipulations of this law.

Article 62. Where the circumstances of a criminal element are such as to give him a heavier punishment or a lesser punishment under the stipulations of this law, he shall be sentenced to a punishment within the legally prescribed limits of punishment.

Article 63. Where there is any circumstance of mitigation of penalty, a convict shall be given a penalty below the statutory penalty; and if there are two or more ranges of sentencing under this Law, the penalty shall be given within the range next lower to the statutory range. Although the circumstances of a criminal element do not warrant giving him a mitigated punishment under the stipulations of this law, he too may be sentenced to a punishment below the legally prescribed punishment based on the special situation of the case and with the approval of the Supreme People's Court.

Article 64. All articles of property illegally obtained by the criminal element shall be recovered or he shall be ordered to make restitution or pay compensation for them. The legitimate property of the victims shall be promptly returned. Contraband and articles of the criminal's own property used for committing the crime shall be confiscated. Articles of confiscated property and fines shall be handed over to the national treasury and shall not be diverted or otherwise disposed of.

Section 2. Recidivists

Article 65. Where a convict sentenced to fixed-term imprisonment or a heavier penalty commits again a crime for which a fixed-term imprisonment or a heavier penalty shall be given within five years after finishing serving his sentence or being pardoned, he shall be a recidivist and be given a heavier penalty, unless it is a negligent crime or he commits the

crime under the age of 18.

In situations where a criminal element is granted a parole, the period stipulated in the preceding paragraph is to be counted as commencing on the date of expiration of the parole.

Article 66. A convict of jeopardizing the national security, terrorist activities or organized crime of a gangland nature shall be punished as a recidivist for any of such crimes committed again by him at any time after he finishes serving his sentence or is pardoned.

Section 3. Voluntary Surrender and Meritorious Service

Article 67. The act of voluntarily giving oneself up to the police and giving a true account of one's crime after committing it is an act of voluntary surrender. Criminal elements who voluntarily surrender may be given a lesser punishment or a mitigated punishment. Those among them whose crimes are relatively minor may be exempted from punishment.

Where criminal suspects, defendants, and criminals serving sentences give a true account of their other crimes which are not known to the judicial organ, their actions are regarded as an act of voluntary surrender.

A criminal suspect who truthfully confesses to his crime may be given a lighter penalty although there is no voluntary surrender as mentioned in the preceding two paragraphs; and may be given a mitigated penalty if any especially serious consequence is avoided for his truthful confession.

Article 68. Criminal elements who perform meritorious service by exposing other people's crimes that can be verified or who provide important clues leading the cracking of other cases may be given a lesser punishment or a mitigated punishment. Those who performed major meritorious service may be given a mitigated punishment or may be exempted from punishment.

Section 4. Combined Punishment For More Than One Crime

Article 69. Where a person is convicted of more than one crime before a sentence is pronounced, except for death penalty or life imprisonment, the term of criminal penalty to be executed shall be decided in light of the actual circumstances below the sum of terms but above the highest term of the imposed criminal penalties; however, the decided term of control shall not exceed three years, the decided term of criminal detention shall not exceed one year, and the decided fixed-term imprisonment shall not exceed 20 years if the sum of terms of fixed-term imprisonment is less than 35 years or shall not exceed 25 years if the sum of terms is 35 years or more.

If, for the plural crimes, imprisonment and criminal detention shall be imposed, the imprisonment shall be executed. If imprisonment and surveillance, or criminal detention and surveillance, shall be imposed for the plural crimes, surveillance shall still be executed after imprisonment or criminal detention is executed.

If there are accessory penalties imposed for the crimes, the accessory penalties must still be executed. Accessory penalties of the same kind shall be executed on a consolidated basis, while those of different kinds shall be executed separately.

Article 70. If, after judgment has been pronounced but before the punishment has been

completely executed, it is discovered that, before judgment was pronounced, the sentenced criminal element committed another crime for which he has not been sentenced, a judgment shall be rendered for the newly-discovered crime, and the punishment to be executed for the punishments sentenced in the two, former and latter, judgments decided according to the stipulations of Article 69 of this law. The term that has already been executed shall be counted in the term decided by the new judgment.

Article 71. If after judgment has been pronounced but before the punishment has been completely executed the sentenced criminal element again commits a crime, a judgment shall be rendered for the newly-committed crime, and the punishment to be executed for the punishment that has not been executed for the former crime and the punishment imposed for the latter crime decided according to the stipulations of Article 69 of this law.

Section 5. Suspension of Sentence

Article 72. Where a convict sentenced to criminal detention or imprisonment of not more than 3 years meets the following conditions, a probation may be announced, and a probation shall be announced if he is under the age of 18, is pregnant or attains the age of 75:

- (1) The circumstances of the crime are minor;
- (2) He shows repentance;
- (3) He is not likely to commit any offense again; and
- (4) Announcing the probation will not have any major adverse impact on the community where he lives.

When probation is announced, in light of the crime committed, the convict may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during probation.

If there is any accessory penalty imposed on a convict on probation, the accessory penalty must still be executed.

Article 73. The probation period for suspension of criminal detention is to be not less than the term originally decided and not more than one year, but it may not be less than two months.

The probation period for suspension of fixed-term imprisonment is to be not less than the term originally decided and not more than five years, but it may not be less than one year.

The probation period for suspension is to be counted as commencing on the date the judgment becomes final.

Article 74. Probation shall not apply to recidivists and ringleaders of criminal gangs.

Article 75. A criminal element for whom a suspension of sentence has been pronounced shall observe the following stipulations:

- (1) observing the law and administrative statutes and accepting supervision;
- (2) reporting his activities in accordance with the stipulation of the observing organ;
- (3) following the observing organ's stipulation on meeting visitors;
- (4) reporting and applying to the observing organ for approval before leaving or moving from the city or county of residence.

Article 76. A convict on probation shall be subject to community correction during probation, and if none of the circumstances as set out in Article 77 of this Law occurs, the original sentence shall no longer be executed upon expiration of probation, which shall be announced to the public.

Article 77. If a criminal element for whom a suspension of sentence has been pronounced commits new crimes during the probation period for suspension or is discovered that, before judgment was pronounced, the sentenced criminal element committed another crime for which he has not been sentenced, the suspension is to be revoked and the punishment to be executed for the punishments imposed for the former and latter crimes is to be decided according to the stipulations of Article 69 of this law.

Where a convict on probation violates any provision of laws, administrative regulations or the relevant department of the State Council on probation supervision and management or violates any restraining order in the judgment of the people's court during probation, if the circumstances are serious, the probation shall be revoked and the original sentence shall be executed.

Section 6. Reduction of Sentence

Article 78. A criminal element who is sentenced to control, criminal detention, fixed-term imprisonment or life imprisonment may have his sentence reduced if, during the period his punishment is being executed, he earnestly observes prison regulations, accepts reform through education, truly repents, or performs meritorious service. The sentence shall be reduced if any of the following meritorious services are performed:

- (1) preventing someone from engaging in major criminal activities;
- (2) informing on major criminal activities in or outside the prison that can be verified;
- (3) making inventions or major technological renovations;
- (4) risking his life to save others in day-to-day production activities and life;
- (5) performing outstanding service in combating natural disaster or preventing major accidents;
- (6) making other major contributions to the state or society.

After commutation, the actually executed term of criminal penalty shall not be:

- (1) less than 1/2 of the original term of criminal penalty, if control, criminal detention or fixed-term imprisonment is imposed;
- (2) less than 13 years, if life imprisonment is imposed; or
- (3) less than 25 years if the death penalty with a reprieve imposed on a convict is legally commuted to life imprisonment upon expiration of the reprieve period, or less than 20 years if it is commuted to imprisonment of 25 years upon expiration of the reprieve period, where the people's court has put restrictions on commutation of the death penalty with a reprieve according to paragraph 2, Article 50 of this Law.

Article 79. To receive reductions of sentence for criminal elements, the organ executing the sentence shall submit letters of sentence reduction proposal to the people's court at or above the intermediate level. The people's court shall form a collegial panel to examine the

proposals and to issue sentence reduction orders for those who demonstrate true repentance and performed meritorious service.

Article 80. The term of fixed-term imprisonment that is reduced from life imprisonment is counted as commencing on the date of the order reducing the sentence; no sentence reduction shall be made without due legal process.

Section 7. Parole

Article 81. Where a convict sentenced to fixed-term imprisonment has served not less than half of the term of his original sentence, or a convict sentenced to life imprisonment has actually served not less than 13 years of imprisonment, he may be paroled if he earnestly observes the prison rules, accepts reform through education and shows true repentance and is not likely to commit any crime again. Under special circumstances, with the approval of the Supreme People's Court, a parole may be granted without regard to the above restrictions on the term served.

No parole shall be granted to a recidivist or a convict sentenced to imprisonment of not less than 10 years or life imprisonment for murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violent crime.

When a parole decision is made on a convict, the impact of his release on parole on the community where he lives shall be considered.

Article 82. The granting of parole to criminal elements shall be carried out in accordance with the procedures stipulated in Article 79 of this law; no parole shall be granted without due legal process.

Article 83. The probation period for parole in the case of fixed-term imprisonment is the term that has not been completed; the probation period for parole in the case of life imprisonment is 10 years.

The probation period for parole is counted as commencing on the date of parole.

Article 84. Criminal elements granted parole shall observe the following stipulations:

- (1) observing the law and administrative statutes and accepting supervision;
- (2) reporting his activities in accordance with the stipulation of the supervising organ;
- (3) observing the supervising organ's stipulation on meeting visitors;
- (4) reporting and applying to the observing organ for approval before leaving or moving from the city or county of residence.

Article 85. A convict released on parole shall be subject to community correction during parole according to law, and if none of the circumstances as set out in Article 86 of this Law occurs, the original sentence shall be deemed to have been fully served upon expiration of parole, which shall be announced to the public.

Article 86. If, during the probation period for parole, a criminal element commits any further crime, the parole is to be revoked and the punishment is to be executed for the punishment that has not been executed for the former crime and the punishment imposed for the latter crime decided according to the stipulations of Article 71 of this law.

If a criminal who is granted parole is discovered to have committed, before the judgment is

pronounced, other crimes for which no punishment is imposed, the parole shall be revoked and a combined punishment for several crimes shall be given according to the provisions of Article 70 of this Law.

Where a convict released on parole violates any provision of laws, administrative regulations or the relevant department of the State Council on parole supervision and management during parole, if it does not constitute a new crime, his parole shall be revoked under statutory procedures, and he shall be taken into custody to serve his remaining term of sentence.

Section 8. Limitation

Article 87. Crimes are not to be prosecuted where the following periods have elapsed:

(1) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of less than five years, where five years have elapsed;

(2) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of not less than five years and less than ten years, where ten years have elapsed.

(3) in cases where the maximum fixed-term imprisonment is not less than ten years, where fifteen years have elapsed.

(4) in cases where the maximum legally-prescribed punishment is life-imprisonment or death, where twenty Years have elapsed. If it is considered that a crime must be prosecuted after twenty years, the matter must be submitted to the Supreme People's Procuratorate for approval.

Article 88. No limitation on the period for prosecution is to be imposed in cases where, after the people's procuratorates, public security organs, or state security organs have filed to investigate or after the people' s courts have decided to hear the cases, the criminal element escapes from investigation or adjudication.

No limitation on the period for prosecution is to be imposed in cases where, after the victims filed charges within the period for prosecution, the people' s court, people's procuratorates, or public security organs refused to file for investigation as they should.

Article 89. The period for prosecution is counted as commencing on the date of the crime; if the criminal act is of a continuous or continuing nature, it is counted as commencing on the date the criminal act is completed.

If any further crime is committed during the period for prosecution, the period for prosecution of the former crime is counted as commencing on the date of the latter crime.

Chapter V Other Provisions

Article 90. In situations where the autonomous areas inhabited by ethnic groups cannot completely apply the stipulations of this law, the people's congresses of the autonomous regions or of the provinces may formulate alternative or supplementary provisions based upon the political, economic, and cultural characteristics of the local ethnic groups and the basic principles of the stipulations of this law, and these provisions shall go into effect after they have been submitted to and approved by the National People's Congress Standing Committee.

Article 91. The term "public property" in this law refers to the following property:

- (1) property owned by the state;
- (2) property owned collectively by the laboring masses;
- (3) public donations to be used for aiding the poor and other public services, or property of special funds.

Private property that is being managed, used or transported by state organs, state-owned corporations, enterprises, collective enterprises, and people's organizations is to be treated as public property.

Article 92. The term "citizens' private property" in this law refers to the following property:

- (1) citizens' lawful income, savings, houses and other means of livelihood;
- (2) means of production that are under individual or family ownership according to law;
- (3) lawful property of independent businesses and private enterprises;
- (4) shares, stocks, securities and other property that are under individual ownership according to law.

Article 93. The term "state personnel" in this law refers to all personnel of state organs.

Personnel engaged in public service in state-owned corporations, enterprises, institutions, and people's organizations; and personnel which state organs, state-owned corporations, enterprises, and institutions assign to engage in public service in non state-owned corporations, enterprises, institutions, and social organizations; as well as other working personnel engaged in public service according to the law, are to be treated as state personnel.

Article 94. The term "judicial personnel" in this law refers to personnel engaged in the functions of investigating, prosecuting, adjudicating, supervising and controlling offenders.

Article 95. The term "serious injury" in this law refers to any one of the following injuries:

- (1) injuries resulting in loss of the use of a person's limbs or disfigurement;
- (2) injuries resulting in loss of the use of a person's hearing, sight, or functions of any other organ; or
- (3) other injuries that cause grave harm to a person's physical health.

Article 96. The phrase "violating state stipulations" in this law refers to violation of laws and decisions formulated by the National People's Congress or the National People's Congress Standing Committee; and administrative measures prescribed in administrative ordinance and regulations formulated by the State Council; as well as decisions and decrees the State Council promulgated.

Article 97. The term "ringleader" in this law refers to a criminal element who plays the role of organizing, planning or directing a criminal group or a crowd assembled to commit a crime.

Article 98. The phrase "To be handled only upon complaint" in this law refers to handling a case only when the victim files a complaint. If the victim is unable to file a complaint because of coercion or intimidation, a people's procuratorate and the victim's close relatives may also file the complaint.

Article 99. Such phrases as "not less than," "not more than" and "within" in this law all include

the given figure.

Article 100. When people join the military, or seek employment, those who received criminal punishments according to law shall factually report to the relevant units the punishments they had received and may not conceal them.

Whoever is given a penalty lighter than imprisonment of 5 years for a crime committed under the age of 18 shall be exempted from the reporting obligation as mentioned in the preceding paragraph.

Article 101. The General Provisions of this law are applicable to other laws and decrees with stipulations for criminal punishments, but other laws having special stipulations are exceptions.

Part II Special Provisions

Chapter I Crimes of Endangering National Security

Article 102. Whoever colludes with foreign states in plotting to harm the motherland's sovereignty, territorial integrity and security is to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment.

Whoever commits the crimes in the preceding paragraph in collusion with institutions, organization, or individuals outside the country shall be punished according to the stipulations in the preceding paragraph.

Article 103. Whoever organizes, plots, or acts to split the country or undermine national unification, the ringleader, or the one whose crime is grave, is to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; other active participants are to be sentenced to not less than three but not more than 10 years of fixed-term imprisonment; and other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights.

Whoever instigates to split the country and undermine national unification is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; ringleaders or those whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

Article 104. Whoever organizes, plots, or carries out armed rebellion, or armed riots, the ringleaders, or those whose crimes are grave, are to be sentenced to life imprisonment, or not less than 10 years of fixed-term imprisonment; the active participants are to be sentenced from not less than three to not more than 10 years of fixed-term imprisonment; and other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights.

Whoever instigates, coerces, lures, and bribes state personnel, members of the armed forces, people's police or people's militia to carry out armed rebellion or armed riot are to be heavily punished according to the stipulations in the preceding paragraph.

Article 105. Whoever organizes, plots, or acts to subvert the political power of the state and overthrow the socialist system, the ringleaders or those whose crimes are grave are to be sentenced to life imprisonment, or not less than 10 years of fixed-term imprisonment; active

participants are to be sentenced from not less than three years to not more than 10 years of fixed-term imprisonment; other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights.

Whoever instigates the subversion of the political power of the state and overthrow the socialist system through spreading rumors, slandering, or other ways are to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; the ringleaders and those whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

Article 106. Whoever colludes with institutions, organizations, or individuals outside the country and commits crimes stipulated in Articles 103, 104, and 105 of this chapter are to be heavily punished according to the stipulations in the articles.

Article 107. Where any domestic or overseas institution, organization or individual provides financial support for the commission of a crime as provided for in Article 102, 103, 104 or 105 of this Chapter, the directly liable person shall be sentenced to imprisonment of not more than 5 years, criminal detention, control or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years.

Article 108. Whoever defects to the enemy and turns traitor is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment; when the circumstances are serious or when it is a case of leading a group of armed personnel, people's police, or militia to defect to the enemy and turn traitor, the sentence is to be not less than ten years of fixed-term imprisonment or life imprisonment.

Article 109. A state functionary who, in the course of performing his official duties, leaves his post without permission and flees this country or flees when he is already outside this country shall be sentenced to imprisonment of not more than 5 years, criminal detention, control or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years.

A state functionary knowing any national secret, who flees this country or flees when he is already outside this country, shall be given a heavier penalty according to the provision of the preceding paragraph.

Article 110. Whoever commits any of the following acts of espionage and endangers national security is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; when the circumstances are relatively minor, the sentence is to be not less than three years and not more than ten years of fixed-termed imprisonment:

- (1) Joining an espionage organization or accepting a mission assigned by it or its agent; or
- (2) Pointing out bombing or shelling targets to the enemy.

Article 111. Whoever steals, secretly gathers, purchases, or illegally provides state secrets or intelligence for an organization, institution, or personnel outside the country is to be sentenced from not less than five years to not more than 10 years of fixed-term imprisonment; when circumstances are particularly serious, he is to be sentenced to not less than 10 years of fixed-term imprisonment, or life sentence; and when circumstances are relatively minor,

he is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights.

Article 112. Whoever supplies arms and ammunition or other military materials to an enemy during war time is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; and when the circumstances are relatively minor, he will be sentenced a fixed-term imprisonment from not less than three years to not more than 10 years.

Article 113. When one commits the aforementioned crimes in this chapter that endanger national security -- except those stipulated in the second clause of Article 103, and Articles 105, 107 and 109 -- and has incurred particularly serious harms to the country and the people, and the circumstances are particularly vile, he may be sentenced to death.

Whoever commits the crimes in this chapter may also be punished by having his property confiscated.

Chapter II Crimes of Endangering Public Security

Article 114. Whoever commits arson, breaches dikes, causes explosions, spreads pathogen of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to endanger public security, but causes no serious consequences, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years.

Article 115. Whoever commits arson, breaches dikes, causes explosions, spreads pathogens of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to have inflicted any serious injury or death on people or caused heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

Whoever commits the crimes in the preceding paragraph negligently is to be sentenced to not less than three years to not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment, or criminal detention, when circumstances are relatively minor.

Article 116. Whoever sabotages trains, motor vehicles, streetcars, ships, or airplanes in a manner sufficient to threaten the overturning or destruction of these trains, motor vehicles, streetcars, ships, or airplanes is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment, in cases when serious consequences have not been caused.

Article 117. Whoever sabotages railroads, bridges, tunnels, highways, airports, waterways, lighthouses or signs, or conducts other destructive activities in a manner sufficient to threaten the overturning or destruction of trains, motor vehicles, streets, ships or airplanes, is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment in cases where serious consequences have not been caused.

Article 118. Whoever endangers public security by sabotaging electric power, gas or other combustible or explosive equipment is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment in cases where serious consequences have

not been caused.

Article 119. Whoever causes serious consequences by sabotaging means of transportation, transportation equipment, electric power or gas equipment, or combustible or explosive equipment is to be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment, or death.

Whoever commits the crime in the preceding paragraph negligently is to be sentenced to not less than three years but not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment, or criminal detention if circumstances are relatively minor.

Article 120. Whoever organizes or leads a terrorist organization shall be sentenced to imprisonment of not less than ten years or life imprisonment and a forfeiture of property; whoever actively participates in a terrorist organization shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; and other participants shall be sentenced to imprisonment of not more than three years, criminal detention, surveillance or deprivation of political rights and may be fined in addition.

Whoever commits the crime as provided for in the preceding paragraph and also commits murder, explosion, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

Article 120 (I): Any individual who provides financial support to a terrorist organization or conducts terrorist activities, or provides training on terrorist activities shall be sentenced to imprisonment of not more than five years, criminal detention, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property.

Whoever knowingly recruits, trains or transports any member workforce for any terrorist organization, for conducting any terrorist activities or for any terrorist activities shall be punished in accordance with the provisions of the preceding paragraph.

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on the entity, and the directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Article 120(II): Whoever falls under any of the following circumstances shall be sentenced to imprisonment of not more than five years, criminal detention, surveillance or deprivation of political rights in addition to a fine; or be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property if the circumstances are serious.

(1) Preparing lethal weapons, hazardous articles or other tools for conducting terrorist activities.

(2) Organizing training on terrorist activities or actively participating in training on terrorist activities.

(3) Contacting any overseas terrorist organization or person for the purpose of conducting terrorist activities.

(4) Making a plan or any other preparation for conducting terrorist activities.

Whoever commits any other crime while committing a crime as provided for in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 120(III) : Whoever advocates terrorism or extremism or instigates terrorist activities by way of preparing or distributing any book, audio or video materials or any other article advocating terrorism or extremism or by instructing or issuing information shall be sentenced to imprisonment of not more than five years, criminal detention, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property.

Article 120(IV): Whoever, by using extremism, instigates or coerces the public to sabotage the implementation of the marriage, judicial, education, social management or any other system determined in national laws shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine; be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are serious; or be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property if the circumstances are especially serious.

Article 120(V): Whoever forces anyone else to wear the costume or symbol that advocates terrorism or extremism in a public place by means of violence or coercion, etc. shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine.

Article 120(VI): Whoever illegally holds any book, audio or video materials or any other article while obviously aware that it advocates terrorism or extremism shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine, or be sentenced to a fine only.

Article 121. Whoever hijacks an airplane through violence, coercion, or other means is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; or death if the hijacking causes serious injuries, death, or serious destruction of the airplane.

Article 122. Whoever hijacks a ship or motor vehicle through violence, coercion, or other means is to be sentenced to not less than five years but not more than 10 years of fixed-termed imprisonment; or not less than 10 years of fixed-term imprisonment, of life imprisonment, if the hijacking causes serious consequences.

Article 123. Whoever uses violence on personnel on an in-flight airplane and endangers flying safety is to be sentenced to not more than five years of fixed-termed imprisonment or criminal detention in case no serious consequences have been caused; or not less than five years of fixed-term imprisonment if serious consequences have been caused.

Article 124. Whoever sabotages radio and television broadcasting facilities, public telecommunications facilities, and endangers public safety is to be sentenced to not less than three years but not more than seven years of fixed-term imprisonment; or not less than seven years of fixed-term imprisonment if serious consequences have been caused.

Whoever commits the crime in the preceding paragraph negligently is to be sentenced to

not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment or criminal detention in case the circumstances are relatively minor.

Article 125. Whoever illegally manufactures, trades, transports, mails, or stocks up guns, ammunition, or explosives is to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment; or not less than 10 years of imprisonment, life imprisonment, or death if the consequences are serious.

Whoever illegally manufactures, trades, transports or stores pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, shall be punished in accordance with the provisions in the preceding paragraph.

If a unit commits the crime in the preceding two paragraphs, the unit will be fined, and its direct person in charge and other persons in charge are to be punished according to the regulations in the first paragraph.

Article 126. Any enterprises which are legally designated or determined to manufacture or sell guns, violate the regulations governing gun management by performing one of the following acts, the units are to be fined and personnel who are in charge and directly responsible together with other personnel who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment; when the consequences are serious, to not less than five years and not more than ten years of fixed-term imprisonment ; when the consequences are particularly serious, to not less than 10 years of fixed-term imprisonment or life imprisonment:

(1) for the purpose of illegal sale, manufacture or allocation guns whose numbers exceed quotas or whose varieties do not meet the regulations;

(2) for the purpose of illegal sale, manufacture guns without a number, or with an overlapped number, or with a fake number;

(3) illegally sell guns or sell guns manufactured for export inside the territory .

Article 127. Whoever steals or forcibly seizes any gun, ammunition or explosive, or steals or forcibly seizes pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

Whoever robs any gun, ammunition or explosive, or robs pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, or steals or forcibly seizes any gun, ammunition or explosive from State organs, members of the armed forces, the police or the people's militia, shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

Article 128. Whoever violates the regulations governing gun management by owning or unlawfully possessing, guns and ammunition is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; when the circumstances are

serious, to not less than three years and not more than seven years of fixed-term imprisonment.

Any personnel who are provided with official-use guns who illegally lease or lend the guns are to be punished in accordance with the previous paragraph.

Any personnel who are provided with official-use guns who illegally lease or lend the guns, thereby causing serious consequences are to be punished in accordance with the first paragraph.

Any units committing such crimes as stated in the second and third paragraph, are to be fined and personnel who are in charge and directly responsible are to be punished in accordance with the regulation of the first paragraph.

Article 129. Any personnel who are provided with official-use guns who lose the guns without reporting the loss in a timely fashion, thereby causing serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

Article 130. Whoever illegally carries guns, ammunition, controlled knives and tools, articles of an explosive, combustible, radioactive, poisonous or corrosive nature into a public place or public transportation vehicle, thereby endangering public safety, is to be sentenced, when the circumstances are serious, to not more than three years of fixed-term imprisonment, detention, or control when the circumstances are serious.

Article 131. Any aviation personnel who violate the rules and regulations thereby causing major air accidents and serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or detention; when causing the crash of an airplane or the death of personnel are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment.

Article 132. Any railway staff and workers who violate the rules and regulations thereby giving rise to accidents affecting the safety of railway operation are to be sentenced to not less than three years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, to not less than three years and not more than seven years of fixed-term imprisonment.

Article 133. Whoever violates traffic and transportation laws and regulations thereby giving rise to major accidents involving severe injuries, deaths, or great losses of public and private properties are to be sentenced to not more than three years of fixed-term imprisonment; when fleeing the scene after an traffic and transportation accident or under other particularly odious circumstances, to not less than three years and not more than seven years of fixed-term imprisonment; when running away causes a person's death, to not less than seven years of fixed-term imprisonment.

Article 133(l): Whoever drives a motor vehicle on a road under any of the following circumstances shall be sentenced to criminal detention in addition to a fine.

- (1) Racing a motor vehicle on a road with execrable circumstances.
- (2) Driving a motor vehicle on a road while intoxicated.
- (3) Engaging in the school bus business or passenger transport and carrying passengers by

loading much more than the fixed number of passengers, or driving the vehicle by seriously exceeding the prescribed speed.

(4) Transporting any hazardous chemical in violation of the provisions on the safety administration of hazardous chemicals, which endangers public safety.

The motor vehicle owner or manager who is directly liable for the conduct as mentioned in item (3) or (4) of the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 134. Where anyone violates the provisions concerning the safety management in production or operations and thus causes any serious casualty or any other serious consequences, he shall be sentenced to fix-term imprisonment of not more than three years or detention. If the circumstances are extremely severe, he shall be sentenced to fix-term imprisonment of not less than 3 years but not more than 7 years.

Where anyone forces any other person to conduct risky operations by violating the relevant provisions so that any serious casualty or any other serious consequence is caused, he shall be sentenced to fix-term imprisonment of not more than five years or detention. If the circumstances are extremely severe, he shall be sentenced to fix-term imprisonment of five years or more.

Article 135. Where the facilities or conditions for safe work fail to meet the relevant provisions of the state so that any serious casualty or any other serious consequence is caused, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or detention. If the circumstances are particularly severe, he shall be sentenced to fix-term imprisonment of not less than three years but not more than seven years.

Article 135 (I): Where, any of the provisions concerning safety management is violated in the holding of large-scale activities of the masses so that any serious casualty or any other serious consequence is caused, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or detention. If the circumstances are particularly severe, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 136. Whoever violates the regulations on the control of articles of an explosive; combustible, radioactive, poisonous or corrosive nature, thereby giving rise to a major accident in the course of production, storage, transportation or use and causing serious consequences, is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 137. When construction, design, working, and engineering supervision units violate

the state's regulations by reducing the quality standard of the projects, thereby giving rise to a major safety accident, those who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, in addition to fine; when the consequences are particularly serious, the sentence is to be not less than five years and not more than ten years of fixed-term imprisonment, in addition to fine.

Article 138. When school buildings or educational and teaching facilities are obviously known to be dangerous but measures are not taken or reports are not made in a timely fashion, thereby giving rise to a major accident, those who are directly responsible are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 139. When rules of fire prevention and control are violated and the notification, given by a supervision organ of fire prevention and control, to take corrective measures are refused, thereby giving rise to severe consequences, those who are directly responsible are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 139 (I): Where, after any safety accident occurs, the person who is obliged to report it fails to report it or makes a false report so that the rescue of the accident is affected and if the circumstances are severe, he shall be sentenced to fixed-term imprisonment of not more than three years or detention. If the circumstances are extremely severe, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Chapter III Crimes of Undermining the Order of Socialist Market Economy

Section 1. Crimes of Manufacturing and Selling Fake and Shoddy Goods

Article 140. Any producer or seller who mixes up or adulterates products, passes fake imitations for genuine, sells seconds at best quality price, or passes unqualified products as qualified ones, with a sale amount of not less than 50,000 yuan and not more than 200,000 yuan, is to be sentenced to not more than two years of fixed-term imprisonment or criminal detention and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 200,000 yuan and not more than 500,000 yuan, is to be sentenced to not less than two years and not more than seven years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 500,000 yuan and not more than 2 million yuan, is to be sentenced to not less than seven years and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than two million yuan, is to be sentenced to 15 years of fixed-term imprisonment or life imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount or confiscation of

property.

Article 141. Whoever produces or sells bogus drugs shall be sentenced to imprisonment of not more than 3 years or criminal detention and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if any human death is caused or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years, life imprisonment or death penalty and a fine or forfeiture of property.

The fake medicines referred to in this article mean those fake medicines as well as those medicines and non- medicines that fall into such a category as to be dealt with as fake medicines in accordance with the regulations of the "Law of the PRC Governing the Management of Pharmaceutical Products."

Article 142. Whoever produces, sells inferior medicines, thereby causing severe harm to human health is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the consequences are particularly serious, the sentence is to be not less than ten years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount or confiscation of property.

The inferior medicines referred to in this article mean those inferior pharmaceutical products that fall into the category of inferior medicines in accordance with the regulations of the "Law of the PRC Governing the Management of Pharmaceutical Products."

Article 143. Whoever produces or sells food not up to the food safety standards which may cause any serious food poisoning accident or any other serious food-borne disease shall be sentenced to imprisonment of not more than 3 years or criminal detention and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine; or if there are especially serious consequences, shall be sentenced to imprisonment of not less than 7 years or life imprisonment and a fine or forfeiture of property.

Article 144. Whoever mixes poisonous or harmful non-food raw materials into food produced or sold or knowingly sells food mixed with poisonous or harmful non-food raw materials shall be sentenced to imprisonment of not more than 5 years and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; or if any human death is caused or there is any other especially serious circumstance, shall be punished according to the provisions of Article 141 of this Law.

Article 145. Whoever produces medical apparatuses and instruments or medical hygiene materials that are not up to the national or industrial standards for safeguarding human health or sells such things while clearly knowing the fact, and if it is serious enough to endanger human health, shall be sentenced to fixed-term imprisonment of not more than

three years or criminal detention and shall also be fined not less than half but not more than two times the sales revenue; if it causes serious harm to human health, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than half but not more than two times the sales revenue; if the consequence is especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined not less than half but not more than two times the sales revenue or be sentenced to confiscation of property.

Article 146. Whoever produces electrical appliances, pressure containers, explosive and combustible products that do not conform with the standards of the state and the trade aiming to protect the human safety and property or other products that do not conform with such standards or knowingly sells the above-mentioned products thereby giving rise to serious consequences is to be sentenced to not more than five years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the consequences are particularly serious, the sentence is to be not less than five years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale.

Article 147. Whoever produces fake insecticides, fake animal-use medicines, fake chemical fertilizers or knowingly sells insecticides, animal-use medicines, chemical fertilizers and seeds which are fake or are no longer effective or any producer or seller who passes unqualified insecticides, animal-use medicines, chemical fertilizers and seeds as qualified ones, thereby giving rise to relatively large losses in production is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing grave losses in production, is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing particularly grave losses in production, is to be sentenced to not less than seven years of fixed-term imprisonment or life imprisonment or confiscation of property.

Article 148. Production of cosmetics that fails to meet hygienic standards or knowingly selling such cosmetics that cause serious consequences shall be punished with imprisonment or criminal detention of less than three years, and a fine of over 50 percent but less than 100 percent of the sales amount.

Article 149. The production and selling of products prescribed under Articles 141 to 148 of this Section that does not constitute an offense under these articles but with sales amount exceeding 50,000 yuan, shall be convicted and punished according to provisions under Article 140 of this Section.

The production and selling of products prescribed under Articles 141 and 148 of this Section that constitutes an offense under these articles and Article 140, shall be convicted and punished under provisions carrying a heavier penalty.

Article 150. Units violating provisions between Articles 140 and 148 of this Section shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished according to provisions under the respective articles.

Section 2. Smuggling Offenses

Article 151. Whoever smuggles any weapon, ammunition, nuclear materials or counterfeit currencies shall be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property; if the circumstances are especially serious, be sentenced to life imprisonment and a forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Whoever smuggles cultural relics, gold, silver or any other noble metal whose export is prohibited by the state or smuggles rare animals whose import and export are prohibited by the state or products made thereof shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; if the circumstances are especially serious, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a forfeiture of property; or if the circumstances are minor, shall be sentenced to imprisonment of not more than 5 years and a fine.

Whoever smuggles rare plants or products made thereof or other goods or articles whose import and export are prohibited by the state shall be sentenced to imprisonment of not more than 5 years or criminal detention and a fine or be sentenced to a fine only; or if the circumstances are serious, shall be sentenced to imprisonment of not less than 5 years and a fine.

Where an entity commits a crime as provided for in this Article, the entity shall be sentenced to a fine, and its directly responsible person and other directly liable persons shall be punished according to the provisions of this Article.

Article 152. Smuggling obscene movies, video tapes, audio tapes, pictures, books and journals, and other obscene articles for profit or dissemination shall be punished with imprisonment of more than three years but less than ten years with fine; for offenses of a serious nature to over ten years of imprisonment or life imprisonment, with fine or forfeiture of property; for offenses of a less serious nature to imprisonment or criminal detention or restraint of less than three years, and with fine.

Whoever transports overseas solid, liquid or gaseous waste into the territory of China by evading supervision and control of the Customs shall, if the circumstance is serious enough, be sentenced to fixed-term imprisonment of not more than five years and shall also, or shall only, be fined; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Where an entity commits any crime as mentioned in the preceding two paragraphs, it shall be fined, and the person in-charge and other persons who are held to be directly responsible shall be punished in accordance with the provisions in the preceding two paragraphs.

Article 153. Whoever smuggles goods or articles other than those as mentioned in Articles

151, 152 and 347 shall be punished in light of the graveness of the crime according to the following provisions:

(1) Whoever smuggles goods or articles to evade a relatively large amount of tax payable, or smuggles again after having been given administrative punishment twice for smuggling within a year, shall be sentenced to imprisonment of not more than 3 years or criminal detention and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

(2) Whoever smuggles goods or articles to evade a huge amount of tax payable or with any other serious circumstance shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

(3) Whoever smuggles goods or articles to evade an especially huge amount of tax payable or with any other especially serious circumstance shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable or a forfeiture of property.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being sentenced to imprisonment or criminal detention of less than three years; and, for cases of a serious nature, to imprisonment of over three years and less than 10 years; and -- for cases of an extraordinary serious nature -- to imprisonment of over 10 years.

For smuggling cases not being detected for several occasions, fines should be based on an accumulation of all evaded taxes of such goods and articles.

Article 154. The following smuggling cases that constitute an offense under provisions of this section shall be convicted and sentenced according to provisions under Article 153 of this law:

(1) without the approval of the Customs and before settling defaulted taxes, sale for profit in China of bonded goods approved for import for the purposes of processing, assembly, and compensated trade, including raw and processed materials, parts, finished products, and equipment; and

(2) without the approval of the Customs and before settling defaulted taxes, sale for profits in China of goods and articles with reduced import duties or tax exemption.

Article 155. Whoever commits any of the following acts shall be deemed as having committed the crime of smuggling and shall be punished in accordance with the relevant provisions of this Section:

(1) directly and illegally purchasing from smugglers articles the import of which is forbidden by the State; or directly and illegally purchasing from smugglers other smuggled goods and articles in relatively large quantities; or

(2) transporting, purchasing or selling in inland seas, territorial waters, boundary rivers or boundary lakes articles which are forbidden by the State from import and export; or

transporting, purchasing or selling, without legal certificates and in relatively large quantities, goods or articles which are restricted by the State from import and export.

Article 156. Whoever colludes with smugglers by supplying them with loans, funds, accounts, invoices, proofs, or such conveniences as transportation, safe-keeping, and mailing services, shall be regarded and punished as smuggling accomplices.

Article 157. Whoever provides armed escort for smuggling shall be given a heavier penalty according to paragraph 1, Article 151 of this law.

Whoever resorts to violence and threatening measures while resisting Customs detection shall be punished for smuggling and obstructing state organ personnel from enforcing their lawful duties provided under Article 277 of this law, and shall be punished for all offenses committed.

Section 3. Offenses Against Company and Enterprise Management Order

Article 158. Using forged certifications to apply for company registration or using other fraudulent means to falsely declare registered capital with intent to deceive company registration departments, where the registered capital so falsely declared is large in figures with serious consequences or of a severe nature, shall be punished by imprisonment or criminal detention of less than three years, with a fine or a separately imposed fine of over 1 percent but less than 5 percent of the falsely declared registered capital.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or criminal detention of less than three years.

Article 159. Company promoters, shareholders who, in violation of provisions under the Company law, fail to pay up with currency notes, provide actual property, or transfer property rights; or falsely claim to have paid up the capital; or withdraw their capital upon registration of company, where the amount involved is large with serious consequences or of a serious nature, shall be punished with imprisonment or criminal detention of less than five years, with a fine or a separately imposed fine of over 2 percent but less than 10 percent of the amount of capital so falsely claimed to have been paid up or so withdrawn.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or criminal detention of less than five years.

Article 160. Concealment of material facts or fabrication of major fraudulent contents in share-soliciting prospectuses, share-subscription applications, and bond solicitation by companies and enterprises for the purpose of issuing shares or company or enterprise bonds shall, in cases involving large amounts, with serious consequences, or of a serious nature, be punished with imprisonment or criminal detention of less than five years, with a fine or a separately imposed fine of over 1 percent and less than 5 percent of the illegally raised capital.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other personnel directly responsible being punished with

imprisonment or criminal detention of less than five years.

Article 161. Where any company or enterprises which is obliged to disclose information to its shareholders or the general public provides any false financial and accounting statements or conceals any important facts in such statements or fails to disclose any other important information that shall be disclosed according to law so that the interests of the shareholders or any other person are severely injured, or where there are other severe circumstances, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or detention, and/or shall be fined 20,000 yuan up to 200,000 yuan.

Article 162. Personnel directly in charge and other directly responsible personnel of a company or an enterprise that, during its liquidation process, conceal property or make false entries in its balance sheet or asset list, or distribute company or enterprise assets before repaying debts that seriously hurt the interests of creditors and other people, shall be punished with imprisonment or criminal detention of less than five years, with a fine or a separately imposed fine of over 20,000 yuan but less than 200,000 yuan.

Article 162 (I) Whoever conceals or deliberately destroys financial vouchers, financial account books or financial statements, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of less than five years or criminal detention, and/or be imposed a fine not less than 20,000 yuan but not more than 200,000 yuan.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be imposed a fine, and the persons who are directly in charge or persons who are directly responsible for the offence shall be punished according to the preceding paragraph.

Article 162 (II): Where any company or enterprise transfers or disposes of its properties by means of concealing its properties or undertaking fabricated debts or by any other means or goes through false bankruptcy so that the interests of the creditors or any other person are severely injured, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than five years or detention, and/or shall be fined 20,000 yuan up to 200,000 yuan.

Article 163. Where any of the employees of any company or enterprise or any other entity exerts any property by taking advantage of his position or accepts any money or property of any other person so as to seek any benefits for such person, and if the amount is considerably large, he shall be sentenced to fixed-term imprisonment of not more than five years or detention. If the amount is huge, he shall be sentenced to fixed-term imprisonment of less than five years, and his properties may be confiscated.

Where any of the employees of any company or enterprise or any other entity violates the relevant provisions of the state by taking advantage of his position to accept kickbacks or commissions in any disguise and keeps them for himself, he shall be penalized according to the preceding paragraph.

Where anyone who is engaged in public services in any state-owned company, enterprise or any other state-owned entity or anyone is delegated by any state-owned company or

enterprise or any other state-owned entity to any non-state-owned company or enterprise or any other entity to engage in public services commits any of the acts as described in either of the preceding paragraphs shall be convicted and penalized according to Articles 185 and 186 of the present Law.

Article 164. Whoever gives any property to a staff member of a company, an enterprise or any other entity for any illicit benefit shall be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine if the amount of property is relatively large; or be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine if the amount of property is huge.

Whoever gives any property to a functionary of a foreign country or an official of an international public organization for any improper commercial benefit shall be punished according to the provision of the preceding paragraph.

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of paragraph 1 of this Article.

A briber who voluntarily confesses to his bribery before a criminal investigation on him is opened may be given a mitigated penalty or be exempted from penalty.

Article 165. Directors and managers of state-owned companies or enterprises who, in order to gain illegal benefits, make use of their job opportunity to conduct for themselves or others business similar to that conducted by companies or enterprises to which they attach, shall, in cases involving a large amount, be punished with imprisonment or criminal detention for less than three years, with a fine or a separately imposed fine, for cases involving extraordinarily large amounts, with imprisonment of over three years but less than seven years, and with fine.

Article 166. Work personnel in state-owned companies, enterprises, or institutions, who use their job opportunity to commit the following acts that seriously hurt state interests, shall be punished with imprisonment or criminal detention of less than three years, with a fine or a separately imposed fine; for cases that cause extraordinary huge losses to state interests, with imprisonment of over three years and less than seven years, and with fine:

- (1) offering profitable business conducted by their own units to their relatives and friends for operation;
- (2) buying merchandise from units operated and managed by their relatives and friends at a price apparently higher than market price or selling merchandise to units operated and managed by their relatives and friends at a price apparently lower than market price; or
- (3) buying substandard merchandise from units operated and managed by their relatives and friends.

Article 167. People directly in charge of state-owned companies, enterprises, or institutions who are defrauded because of serious irresponsibility during the process of signing or fulfilling contracts and thus cause great damage to national interests shall be sentenced to not more than three years in prison or criminal detention. If they cause especially serious

damage to national interests, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 168. Where an employee of a state-run company or enterprise is seriously irresponsible or abuses the office, causing its bankruptcy or serious losses to the state-owned company or enterprise, and causing heavy losses to the interests of the state, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the losses to the interests of the state is extremely heavy, he shall be sentenced to fix-term imprisonment of not less than three years but not more than seven years.

Where an employee of a state-owned institution commits the crime as mentioned in the preceding paragraph, causing heavy losses to the interests of the state, he shall be punished according to the preceding paragraph.

Where an employee of a state-owned company, enterprise or institution commits the crimes as mentioned in the preceding two paragraphs out of irregularities for favoritism, he shall be given a heavier punishment according to the first paragraph of this article.

Article 169. People directly in charge of state-owned companies or enterprises or higher competent departments who cause great damage to national interests by practicing favoritism and converting state-owned assets into low-value stocks or selling them at a low price shall be sentenced to not more than three years in prison or criminal detention. They shall be sentenced to not less than three years and not more than seven years in prison if they cause especially serious damage to national interests.

Article 169 (I): Where any director, supervisor or senior manager of any listed company goes against his fiduciary duty to the company and takes advantage of his position to manipulate the listed company in any of the following circumstances so that the listed company suffers from any serious loss, he shall be sentenced to fixed-term imprisonment of not more than three years or detention, and/or shall be fined. If the listed company thus suffers from extremely serious losses, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined:

- (1) Providing any fund, commodity, service or any other asset gratuitously to any other entity or individual;
- (2) Providing or accepting any fund, commodity, service or any other asset under obviously unfair terms;
- (3) Providing any fund, commodity, service or any other asset to any entity or individual who obviously does not have the ability of repayment;
- (4) Providing any guarantee to any entity or individual who obviously does not have the ability of repayment, or providing guarantee to any other entity or individual without justifiable reasons;
- (5) Waiving any credit or undertaking any debt without justifiable reasons;
- (6) Injuring the interests of the listed company by any other means. “(

Where the controlling shareholder or actual controller of a listed company instigates any of

the directors, supervisors, or senior managers of the listed company to conduct any of the acts as described in the preceding paragraph, it or he shall be penalized according to the preceding paragraph.

If the controlling shareholder or actual controller of the listed company that commits the crime as described in the preceding paragraph is an entity, a fine shall be imposed upon the entity and the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the first paragraph herein.

Section 4. The Crimes of Undermining the Order of Financial Management

Article 170. Whoever counterfeits currencies shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; or if there is any of the following circumstances, be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property:

- (1) Being a ringleader of a currency-counterfeiting ring.
- (2) The amount of counterfeit currencies is especially large.
- (3) Any other especially serious circumstance.

Article 171. Whoever sells or buys a substantial amount of counterfeit money or transports it with the full knowledge that it is counterfeit shall be sentenced to not more than three years in prison or criminal detention. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the amount is especially huge, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

Employees of banks or other financial institutions who buy counterfeit money or take advantage of their positions to trade counterfeit money for real currency shall be sentenced to not less than three years and not more than 10 years in prison. In addition, they shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount involved is large or if the circumstances are serious, they shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, they shall be fined not less than 20,000 yuan and not more than 200,000 yuan or have their property confiscated. If the circumstances are not so serious, they shall be sentenced to not more than three years in prison or criminal detention.

They shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. Whoever counterfeits money and sells or transports the counterfeit money shall be convicted and given stiff punishment in accordance with the provisions in Article 170 of this law.

Article 172. Whoever knowingly possesses or uses a substantial amount of counterfeit money shall be sentenced to not more than three years in prison or criminal detention. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more

than 100,000 yuan. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount is especially large, he or she shall be sentenced to not less than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

Article 173. Whoever alters a substantial amount of money shall be sentenced to not more than three years in prison or criminal detention. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan.

Article 174. Whoever establishes, without the approval of the competent authorities of the state, a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and/or shall be imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the circumstances are serious, he shall be sentenced to fix-term imprisonment of not less than three years but not more than ten years, and/or shall be imposed a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Whoever forges, alters or transfers the permit for operation or other documents of approval of a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be punished according to the preceding paragraph.

Where a unit commits the crimes as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the offence shall be punished according to the first paragraph of this article.

Article 175. Whoever illegally obtains credit funds from a financial institution and relends them to other people at a high interest rate with the aim of making a profit shall be sentenced to not more than three years in prison or criminal detention, if the amount of illegal proceeds is substantial. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than seven years in prison. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds.

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than three years in prison or criminal detention.

Article 175 (1): Where anyone obtains by fraudulent means any loan, acceptance of any instrument, letter of credit, letter of guarantee, etc. from any bank or any other financial

institution so that any serious loss is caused to the bank or financial institution or any other serious consequence has resulted, he shall be sentenced to fixed-term imprisonment of not more than three years or detention, and/or shall be fined. If the loss caused to the bank or any other financial institution is extremely large or if there is any other extremely serious circumstance, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined.

Where any entity commits the crime as described in the preceding paragraph, it shall be fined, and the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the preceding paragraph.

Article 176. Whoever takes deposits from people illegally or in disguised form and disrupts financial order shall be sentenced to not more than three years in prison or criminal detention. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the amount involved is large or if the circumstances are otherwise serious, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan.

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 177. Whoever forges or alters financial bills in any of the following ways shall be sentenced to not more than five years in prison or criminal detention. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the circumstances are serious, he or she shall be sentenced to not less than five years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the circumstances are especially serious, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated:

- (1) Forging or altering bank drafts, cashier's checks, and checks;
- (2) Forging or altering documents authorizing collection of payments, remittance documents, certificates of deposit, and other account-settlement documents;
- (3) Forging or altering letters of credit or accompanying documents;
- (4) Forging credit cards.

If the crimes mentioned in the preceding paragraph are committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 177 (I) Under any of the following circumstances, anyone who disrupts the management of credit cards shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention or deprivation of political rights, and shall be concurrently

or separately fined 10,000 yuan up to 100,000 yuan; if the sum involved is huge or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of 3 up to 10 years and shall be concurrently fined 20,000 yuan up to 200,000 yuan:

(1) knowingly holding or transporting a relatively large number of counterfeited credit cards or blank credit cards;

(2) unlawfully holding a relatively large number of others' credit cards;

(3) having obtained credit cards by using false identity certification;

(4) selling, providing others with counterfeited credit cards or obtaining credit cards by using false identity certification.

Anyone who steals, buys or illicitly supplies information of others' credit cards shall be punished in accordance with the preceding paragraph.

Any employee of a bank or of any other financial institution who violates any of the crimes as described in the second paragraph by taking the advantage of his position shall be given a heavier punishment.

Article 178. Whoever forges or alters treasury bonds or other negotiable securities issued by the state involving a substantial amount of money shall be sentenced to not more than three years in prison or criminal detention. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the amount is especially large, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

Whoever forges or alters share certificates or company and enterprise bonds involving a substantial amount of money shall be sentenced to not more than three years in prison or criminal detention. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan.

If the crimes mentioned in the preceding two paragraphs are committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding two paragraphs.

Article 179. Whoever issues shares or company and enterprise bonds involving a large amount of money without the permission of relevant state departments shall be sentenced to not more than five years in prison or criminal detention if the consequences are serious or if the circumstances are otherwise serious. He or she shall be fined, additionally or exclusively, a sum not less than 1 percent and not more than 5 percent of the illegally raised funds.

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question

shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than five years in prison or criminal detention.

Article 180. Whoever has inside information on securities or futures transactions or illegally obtains inside information on securities or futures transactions, and prior to the release of the information that involves the issuance of securities or securities or futures transactions or other information that has a material effect on the transaction price of securities or futures, buys or sells the said securities, engages in the futures transaction related to the inside information, leaks the said information, or explicitly or implicitly advises others to engage in the aforesaid transaction activities shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than five years or criminal detention, and/or be fined 1 to 5 times the illegal gains; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined 1 to 5 times the illegal gains.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the offence shall be sentenced to fix-term imprisonment of not more than five years or criminal detention.

The range of inside information and the insiders shall be determined in accordance with the laws and administrative regulations.

Where any practitioner of a stock exchange, a futures exchange, a securities company, a futures brokerage company, a fund management company, a commercial bank, an insurance company or any other financial institution or any staff member of the relevant regulatory department or industry association uses any undisclosed information obtained by taking advantage of his position other than the inside formation to engage in the securities or futures transaction activities related to the said information or explicitly or implicitly advise others to engage in the relevant transaction activities in violation of the relevant provisions, and the circumstances are serious, he shall be punished under paragraph 1.

Article 181. Whoever fabricates and spreads false information to adversely affect stock or futures exchange transactions, disrupt the stock or futures exchange market shall, if the consequences are serious, be sentenced to fixed-term imprisonment of not more than five years or criminal detention, and/or be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Any employee of a stock exchange, futures exchange, securities company or futures brokering company or any member of a securities association or futures association or department for the administration of securities or futures who deliberately provides false information or forges, alters or destroys transaction records in order to cajole investors into buying or selling securities or futures contracts and thus serious consequences have resulted, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, and/or shall be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are extremely serious, he shall be sentenced to

fixed-term imprisonment of not less than five years but not more than 10 years, and/or shall be imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Where a unit commits the crime as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the crime shall be sentenced to fix-term imprisonment of not more than five years or criminal detention.

Article 182. Where any of the following circumstances arises, and if the circumstances are serious, the person who manipulates the securities or futures market shall be sentenced to fixed-term imprisonment of not more than five years or detention, and/or shall be fined. If the circumstances are extremely serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years, and shall be fined:

- (1) Manipulating the trading prices of securities or futures or the trading volume of securities or futures by concentrating independently or by collusion the advantages in capital or the advantages in shareholding or positions or the advantage in information so as to carry out colluded or continuous transactions;
- (2) Colluding with any other person to carry out securities or futures transactions with each other according to the time, price or ways as agreed to in advance so that the trading prices or volumes of securities or futures are affected;
- (3) Making securities transactions among the accounts under the actual control of his own or taking himself as the object of trading of futures agreements so that the trading prices or volumes of securities or securities are affected;
- (4) Manipulating the securities or futures markets by any other means.

Where any entity commits the crime as described in the preceding paragraph, a fine shall be imposed upon the entity, and the persons-in-charge who are held to be directly responsible any other liable persons shall be penalized according to the preceding paragraph.

Article 183. Personnel of insurance companies who take advantage of their office to intentionally make false claims on insured incidents which have not occurred to defraud insurance indemnity are to be sentenced and punished in accordance with the stipulations of Article 271 of this law.

Personnel of state-owned insurance companies and personnel delegated by state-owned insurance companies to perform official duties in non-state-owned insurance companies who commit an act mentioned in the preceding paragraph are to be sentenced and punished in accordance with the stipulations in Article 382 and Article 383 of this law.

Article 184. Personnel of banks or other monetary institutions who ask others for money or goods, or illegally accept money or goods from others in activities of monetary business and seek benefits for others, or accept rebate or service charges for themselves under various pretexts in violation of state stipulations are to be sentenced and punished in accordance with the stipulations of Article 163 of this law.

Personnel of state-owned monetary institutions and personnel delegated by state-owned

monetary institutions to perform official duties in non-state-owned monetary institutions who commit an act mentioned in the preceding paragraph are to be sentenced and punished in accordance with the stipulations in Article 385 and Article 386 of this law.

Article 185. Any employee of a commercial bank, securities exchange, futures exchange, securities company, futures brokering company, insurance company or of any other banking institution who, by taking advantage of his position, misappropriates money belonging to the unit or any client shall be convicted and punished according to Article 272 of this Law.

If any employee of a State-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other banking institution or any person who is assigned by a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other banking institution to an institution that is not owned by the state to engage in public service commits the act as mentioned in the preceding paragraph, he shall be convicted and punished according to the provisions in Article 384 of this Law.

Article 185 (I): Where any commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company, or any other financial institution violates its fiduciary duty, unlawfully utilizes the funds or any other entrusted property of its clients, and if the circumstances are serious, a fine shall be imposed upon the entity, and the persons-in-charge who are held to be directly responsible as well as other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or detention, and shall be fined 30,000 yuan up to 300,000 yuan. If the circumstances are extremely serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years, and shall be fined 50,000 yuan up to 500,000 yuan.

Where any public fund management institution such as a social security fund management institution or housing accumulation fund management institution, or any insurance company, insurance asset management company, or securities investment fund management company violates any of the state provisions in its use of funds, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the preceding paragraph.

Article 186. Where any of the employees of any bank or any other financial institution grants any loan by violating the relevant provisions of the state and the sum is huge or any serious loss has resulted, he shall be sentenced to fixed-term imprisonment of not more than five years or detention, and shall be fined 10,000 yuan up to 100,000 yuan. If the sum is extremely huge or extremely serious losses have resulted, he shall be sentenced to fixed-term imprisonment of more than five years, and shall be fined 20,000 yuan up to 200,000 yuan.

Where any employee of any bank or any other financial institution violates the relevant provisions of the state to grant loans to any of his relatives, he shall be penalized according to the preceding paragraph.

Institutions that commit a crime mentioned in the preceding two paragraphs are to be

sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding two paragraphs.

The scope of related people is determined in accordance with "The Law of Commercial Banks of the People's Republic of China" and other monetary laws and regulations concerned.

Article 187. Where any employee of any bank or any other financial institution accepts the money of any client without writing it into the accounts, and if the sum is huge or if any serious loss has resulted, he shall be sentenced to fixed-term imprisonment of not more than five years, and shall be fined 20,000 yuan up to 200,000 yuan. If the sum is extremely huge or the losses are extremely serious, he shall be sentenced to fixed-term imprisonment of five years or more, and shall be fined 50,000 yuan up to 500,000 yuan.

Institutions which commit a crime mentioned in the preceding paragraph is to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding paragraph.

Article 188. Where any employee of any bank or any other financial institution violates the relevant provisions when issuing any letter of credit, letter of guarantee, instrument, certificate of deposit, certification of credit, etc. to any other person, and if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than five years or detention. If the circumstances are extremely severe, he shall be sentenced to fixed-term imprisonment of five years or more.

Institutions which commit a crime mentioned in the preceding paragraph are to be sentenced to a fine, and personnel in charge directly responsible for the crime, or other personnel directly responsible for the crime are to be punished in accordance with the stipulations of the preceding paragraph.

Article 189. Personnel of banks or other monetary institutions who, in handling bills, accept, make payment for, or stand guarantee for, bills which are issued in violation of the Negotiable Instruments Law, thus causing serious losses, are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention; when the losses are especially serious, the sentence is to be not less than five years of fixed-term imprisonment.

Institutions that commit a crime mentioned in the preceding paragraph are to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding paragraph.

Article 190. Companies, enterprises or other organizations, should they, in violation of state stipulations, deposit foreign exchange outside of the country without authorization or illegally transfer foreign exchange out of the country, if the amount is relatively huge, the organization shall be imposed a fine whose amount ranges from 5% to 30% of the evaded foreign exchange amount and the directly responsible executives and other directly responsible

people shall be imposed a less than five year term of imprisonment or detention. If the amount is huge or there are other serious offenses, the organization shall be imposed a fine whose amount ranges from 5% to 30% of the evaded foreign exchange amount, and the directly responsible executives and other directly responsible people shall be imposed a more than five year term of imprisonment.

Article 191. Where anyone who obviously knows that any incomes are obtained from any drug-related crime, organizational crime of any gangland, terrorist crime, crime of smuggling, crime of corruption or bribery, crime of disrupting the financial management order, crime of financial fraud, etc. as well as the proceeds generated therefrom, yet commits any of the following acts for the purpose of disguising or concealing the origin or nature thereof, the incomes obtained from the commission of the aforementioned crimes as well as the proceeds generated therefrom shall be confiscated, and the offender shall be sentenced to fixed-term imprisonment of not more than five years or detention, and/or shall be imposed a fine of 5% up to 20% of the amount of laundered money. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years, and shall be imposed a fine of 5% up 20% of the amount of laundered money:

- (1) Providing any capital account;
- (2) Assisting the transfer of property into cash, financial instruments, or negotiable securities;
- (3) Assisting the transfer of capital by means of transfer accounts or any other means of settlement;
- (4) Assisting the remit of funds to overseas;
- (5) Disguising or concealing the origin or nature of any crime-related income or the proceeds generated therefrom by any other means.

Where an entity commits the crime as mentioned in the preceding paragraph, it shall be fined, and any of the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of no more than five years or criminal detention; if the circumstances are serious, any of them shall be sentenced to fixed-term imprisonment of no less than five years but no more than ten years.

Section 5. Crimes of Financial Fraud

Article 192. Whoever for the purpose of illegal possession illegally raises funds by fraudulent means, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and to a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine not less than 50,000 yuan and not more than 500,000 yuan or confiscation of property.

Article 193. Whoever for the purpose of illegal possession commits any of the following acts

to defraud the banks or other monetary institutions of loans, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan, or confiscation of property:

- (1) cooking up false reasons for importing funds or projects;
- (2) using false economic contracts;
- (3) using false certificates;
- (4) using false property right certificates for guarantee or making duplicate guarantee exceeding the value of the mortgaged goods; and
- (5) defrauding loans by other means.

Article 194. Whoever commits any of the following acts to carry out fraudulent activities with financial bills, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and to a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous, or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment and a fine of not less than 50,000 yuan and not more than 500,000 yuan, or confiscation of property:

- (1) knowingly using forged, altered drafts, cashier's checks, and checks;
- (2) knowingly using voided drafts, cashier's checks, checks;
- (3) uttering other people's drafts, cashier's checks, checks;
- (4) signing a dud check or a check with signature different from the specimen one;
- (5) issuing drafts or cashier's checks without guaranteed funds, or making false records in issuing drafts or cashier's checks to defraud money and goods.

Whoever uses forged and altered documents of authority for collection, remittance documents, bank certificates of deposit, and other bank documents of settlement is to be punished in accordance with the stipulations of the preceding paragraph.

Article 195. Whoever uses one of the following ways for fraudulent activities with letters of credit is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous

or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan or confiscation of property:

- (1) using forged or altered letters of credit or bills and documents attached;
- (2) using voided letters of credit;
- (3) obtaining letters of credit by fraud; and
- (4) carrying out fraudulent activities with letters of credit in other ways.

Article 196. Anyone who commits fraud by means of a credit card in any of the following ways shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than 5 years or criminal detention and shall be concurrently or separately fined 20,000 yuan up to 200,000 yuan; if the sum involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of 5 up to 10 years and shall be concurrently fined 50,000 yuan up to 500,000 yuan; if the sum involved is extremely huge, or if there are other extremely serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall be concurrently fined 50,000 yuan up to 500,000 yuan or be sentenced to confiscation of all personal property:

- (1) using a forged credit card or using a credit card obtained by using false identity certification;
- (2) using an invalidated credit card;
- (3) illegally using another's credit card; or
- (4) overdrawing with ill intentions.

The phrase "overdrawing with ill intentions" as mentioned in the preceding paragraph means that a credit card holder who, for the purpose of illegal possession, overdraws beyond the limited amount or beyond the time limit and refuses to repay the overdrawn amount after the bank that issues the card demands him to do so.

Anyone who steals a credit card and uses it shall be convicted and punished in accordance with the provisions in Article 264 of this Law.

Article 197. Whoever uses a relatively substantial amount of forged or altered treasury bills or other negotiable securities issued by the state to engage in fraudulent activities shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention and be fined no more than 200,000 yuan but no less than 20,000 yuan; when the amount is large and other serious circumstances are involved, the sentence shall be no more than 10 years but no less than five years of fixed-term imprisonment and a fine of no more than 500,000 yuan but no less than 50,000 yuan; and when the amount is extraordinarily large and other especially serious circumstances are involved, the sentence shall be life imprisonment or no less than 10 years of fixed-term imprisonment and a fine of no more than 500,000 yuan but no less than 50,000 yuan, or confiscation of property.

Article 198. Fraudulent insurance activities falling under any one of the following circumstances shall, for cases involving relatively large amounts be punished with

imprisonment or criminal detention of less than five years, with a fine of over 10,000 yuan but less than 100,000 yuan; for cases involving large amounts, or of a serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving extraordinarily large amounts, or of a serious nature, with imprisonment of over 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan, or with forfeiture of property:

- (1) policy holder intentionally fabricates insurance object to deceive insurance money;
- (2) policy holder, the insured, or the beneficiary fabricates false causes to insurance incident or inflate the extent of loss to deceive insurance money;
- (3) policy holder, the insured, or the beneficiary fabricate non-existing insurance incident to deceive insurance money;
- (4) policy holder, the insured, or the beneficiary intentionally create an insurance incident with property loss to deceive insurance money; or
- (5) policy holder or the beneficiary intentionally causes the death, injury, or sickness of the insured to deceive insurance money.

Acts falling under preceding Paragraphs (4) and (5) which constitute other crimes shall be punished for all offenses committed.

Units violating Paragraph (1) shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or criminal detention of less than five years; for cases involving large amounts, or of a serious nature, with imprisonment of over five years but less than 10 years; for cases involving extraordinarily large amounts, with imprisonment of over five years but less than 10 years; or, in cases involving an extraordinary large amount, or of a serious nature, with imprisonment of over 10 years.

Appraisers, certifiers, and property valuers, who intentionally provide false evidence to abet others to commit fraud, shall be punished as insurance fraudulence accomplices.

Article 199 Deleted according to Amendment (IX) to the Criminal Law of the People's Republic of China

Article 200. Where an entity commits a crime as provided for in Article 192, 194 or 195 of this Section, a fine shall be imposed on it, and the directly responsible person and other directly liable persons shall be sentenced to imprisonment of not more than 5 years or criminal detention and may be sentenced to a fine in addition; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine.

Section 6. Offenses Against Tax Collection and Management

Article 201. Where any taxpayer files false tax returns by cheating or concealment or fails to file tax returns, and the amount of evaded taxes is relatively large and accounts for more than 10 percent of payable taxes, he shall be sentenced to fixed-term imprisonment not

more than three years or criminal detention, and be fined; or if the amount is huge and accounts for more than 30 percent of payable taxes, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Where any withholding agent fails to pay or fails to pay in full the withheld or collected taxes by cheating or concealment, and the amount is relatively large, he shall be punished under the preceding paragraph.

Where either of the acts described in the preceding two paragraphs is committed many times without punishment, the amount shall be calculated on an accumulated basis.

Where any taxpayer who committed the act as described in paragraph 1 has made up the payable taxes and paid the late fine after the tax authority sent down the notice of tax recovery according to law, and has been administratively punished, he shall not be subject to criminal liability, except one who has been criminally punished in five years for evading tax payment or has been, twice or more, administratively punished by the tax authorities.

Article 202. Using violence or threatening means to refuse payment of tax shall be punished with imprisonment or criminal detention of less than three years, with a fine of over 100 percent but less than 500 percent of the amount of taxes so refused to pay; for cases of a serious nature, with imprisonment of over three years but less than seven years, with a fine of over 100 percent but less than 500 percent of the amount of taxes so refused to pay.

Article 203. Taxpayers who fail to settle payable taxes, or transfer or conceal property resulting in tax organs being unable to recover the owed taxes of over 10,000 yuan but less than 100,000 yuan, shall be punished with imprisonment or criminal detention of less than three years, with a fine or a separately imposed fine of over 100 percent and less than 500 percent of the unsettled amount; if the amount in question exceeds 100,000 yuan, with imprisonment of over three years but less than seven years, with a fine of over 100 percent but less than 500 percent of the unsettled amount.

Article 204. Using false export reports or other fraudulent means to defraud state export tax refunds involving a relatively large amount shall be punished with imprisonment or criminal detention of less than five years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving large amounts or of a serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving extraordinarily large amounts, or of a especially serious nature with imprisonment of over 10 years or life imprisonment, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund, or with forfeiture of property.

Tax payers using the fraudulent means mentioned in preceding paragraph to deceptively reclaim their paid taxes shall be convicted and punished according to provisions of Article 201, with those who deceptively claim more than what they have paid, being punished according to provisions of the preceding paragraph.

Article 205. Falsely issuing exclusive value-added tax invoices or other invoices to defraud export tax refunds or to off set taxes shall be punished with imprisonment or criminal

detention of less than three years, with a fine of over 20,000 yuan and less than 200,000 yuan; for cases involving relatively large amounts of falsely reported taxes, or of a serious nature, with imprisonment of over three years and less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large amounts of falsely reported taxes, or of a more serious nature, with imprisonment of over 10 years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Units committing offenses under this article shall be punished with a fine, with personnel directly in charge or other directly responsible personnel being punished with imprisonment of criminal detention of less than three years; for cases involving relatively large amounts of taxes, or with a serious nature, with imprisonment of over three years but less than ten years; for cases involving large amounts of taxes, or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

Falsely issuing exclusive value-added tax invoices or other invoices to defraud export tax refunds or to off set taxes refers to any false issuance intended for others or himself, or letting others falsely issue for him, or induce others to falsely issue.

Article 205(1): Whoever falsely issues any invoice other than those as mentioned in Article 205 of this Law shall be sentenced to imprisonment of not more than 2 years, criminal detention or control and a fine if the circumstances are serious; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the circumstances are especially serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Article 206. Forging or selling forged exclusive value- added tax invoices shall be punished with imprisonment or criminal detention of or restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving relatively large quantities, or of a serious nature, with imprisonment of over three years and less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantities or of a especially serious nature, with imprisonment of over ten years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Units committing offenses under this article shall be punished with a fine, with personnel directly in charge or other directly responsible personnel being punished with imprisonment or criminal detention, or restriction for less than three years; for cases involving relatively large quantities or of a serious nature, with imprisonment of over three years but less than 10 years; for cases involving large quantities or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

Article 207. Committing illegal sale of exclusive value-added tax invoices shall be punished with imprisonment or criminal detention, or restriction for less than three years, with a fine

over 20,000 yuan but less than 200,000 yuan.; for cases involving relatively large quantities, with imprisonment over three years but less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantity with imprisonment of over 10 years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Article 208. Illegal purchase of exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be punished with imprisonment or criminal detention of less than five years, with a fine or a separately imposed fine of over 20,000 yuan and less than 200,000 yuan.

Falsely issuing or reselling illegally purchased exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be convicted and punished respectively under Articles 205, 206, and 207 of this law.

Article 209. Forging or manufacturing without authority or selling or manufacturing without authority other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished with imprisonment or criminal detention and restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving large quantities, with imprisonment of over three years but less than seven years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving extraordinarily large quantities, with imprisonment of over seven years, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Forging or manufacturing without authority or selling other invoices manufactured without authority, which have not been mentioned in the preceding paragraph, shall be punished with imprisonment or criminal detention of, or restriction for less than two years, with a fine of over 10,000 yuan but less than 50,000 yuan; for cases of a serious nature, with imprisonment of over two years and less than seven years, with a fine of over 50,000 yuan and less than 500,000 yuan.

Illegal sale of other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished according to the first paragraph.

Illegal sale of other invoices not mentioned in the third paragraph shall be punished according to the second paragraph.

Article 210. Theft of exclusive value-added tax invoices or other invoices usable in defrauding export tax refunds or offsetting taxes, shall be convicted and punished according to Article 264 of this law.

Obtaining by fraudulent means exclusive value-added tax invoices or other invoices usable in defrauding export tax refunds or offsetting taxes shall be convicted and punished according to Article 266 of this law.

Article 210(I): Whoever knowingly holds counterfeit invoices shall be sentenced to imprisonment of not more than 2 years, criminal detention or control and a fine if the quantity is relatively large; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the quantity is huge.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Article 211. Units committing offenses under Articles 201, 203, 204, 207, 208, and 209 of this section shall be punished with fines, with personnel directly in charge and other directly responsible personnel being punished according to these articles, respectively.

Article 212 Fines and forfeitures of property imposed against offenders convicted under Articles 201 through 205 of this section should not be enforced until the tax authorities have recovered the taxes in question and the export tax refunds so defrauded.

Section 7. Infringement of Intellectual Property Rights

Article 213. Using an identical trademark on the same merchandise without permission of its registered owner shall, if the case is of a serious nature, be punished with imprisonment or criminal detention of less than three years, with a fine, or a separately imposed fine; for cases of a more serious nature, with imprisonment of over three years and less than seven years, and with fine.

Article 214. Knowingly selling merchandise under a faked trademark with a relatively large sales volume shall be punished with imprisonment or criminal detention of less than three years, with a fine or a separately imposed fine; in cases involving a large sales volume, with imprisonment of more than three years but less than seven years, and with fine.

Article 215. Forging or manufacturing without authority or selling or manufacturing without authority other's registered trademarks or identifications shall, for cases of a serious nature, be punished with imprisonment or criminal detention, or restriction for less than three years, with a fine or a separately imposed fine; for cases of a especially serious nature, with imprisonment of over three years and less than seven years, and with fine.

Article 216. Whoever counterfeits other people's patents, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

Article 217. Whoever, for the purpose of reaping profits, has committed one of the following acts of copyright infringement and gains a fairly large amount of illicit income, or when there are other serious circumstances, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine; when the amount of the illicit income is huge or when there are other particularly serious circumstances, he is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine:

- (1) copy and distribute written, musical, movie, televised, and video works; computer software; and other works without the permission of their copyrighters;
- (2) publish books whose copyrights are exclusively owned by others;
- (3) duplicate and distribute audiovisual works without the permission of their producers;
- (4) produce and sell artistic works bearing fake signatures of others.

Article 218. Whoever, for the purpose of reaping profits, knowingly sells the duplicate works

described in Article 217 of this Law, and gains a huge amount of illicit income, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

Article 219. Whoever engages in one of the following activities which encroaches upon commercial secrets and brings significant losses to persons having the rights to the commercial secrets is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine; or is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine, if he causes particularly serious consequences:

(1) acquire a rightful owner's commercial secrets via theft, lure by promise of gain, threat, or other improper means;

(2) disclose, use, or allow others to use a rightful owner's commercial secrets which are acquired through the aforementioned means;

(3) disclose, use, or allow others to use, in violation of the agreement with the rightful owner or the rightful owner's request of keeping the commercial secrets, the commercial secrets he is holding.

Whoever acquires, uses, or discloses other people's commercial secrets, when he knows or should know that these commercial secrets are acquired through the aforementioned means, is regarded as an encroachment upon commercial secrets.

The commercial secrets referred to in this article are technical information and operation information that are unknown to the public, can bring economic profits to their rightful owners, are functional, and are kept as secrets by their rightful owners.

The rightful owners referred to in this Article are owners of the commercial secrets and users who have the permission of the owners.

Article 220. When a unit commits the crimes stated in Article 213 through Article 219, it is to be sentenced to a fine; its directly responsible person in charge and other personnel of direct responsibility should be punished in accordance with the stipulations respectively stated in these Articles of this section.

Section 8. Crimes of Disrupting Market Order

Article 221. Whoever fabricates and spreads falsified information to impair other people's commercial reputation and commodity reputation, and causes significant losses to others or if there are other serious circumstances, is to be sentenced to not more than two years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

Article 222. Where, in violation of the state regulations, an advertisement owner, advertising agency, or advertisement carrier gives false publicity by taking the advantage of advertising a commodity or service, and when the circumstances are serious, he shall be sentenced to not more than two years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

Article 223. Where bidders submit tenders in collusion and harm the interests of persons

inviting tenders or other bidders, and when the circumstances are serious, they shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

Where bidders and persons inviting tenders harm the legitimate interests of the state, collectives, and the public by colluding in the bidding, they are to be punished in accordance with the stipulations stated in the preceding paragraph.

Article 224. Whoever, for the purpose of illegal possession, uses one of the following means during signing or executing a contract to obtain property and goods of the opposite party by fraud, and when the amount of money is relatively large, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine; or be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine, if the amount of money is huge or there are other serious circumstances; or be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment and a fine or confiscation of property, if the amount of money is particularly huge or there are other particularly serious circumstances:

- (1) sign a contract in the name of a made-up unit or under somebody else's name;
- (2) use forged, altered, or invalid negotiable instruments or other false certificates of property rights as guaranties;
- (3) fulfill small-amount contracts or partially fulfill the contract, instead of actually fulfilling the contract, to inveigle the opposite party into continuing to sign and fulfill the contract;
- (4) go into hiding after receiving goods, payment, advance payment, or property as guaranty from the opposite party;
- (5) defraud the opposite party's property through other means.

Article 224 (I): Whoever organizes or leads the pyramid selling activities to cheat the participants of property and disturb the economic and social order, in which, in the name of marketing commodities, providing services or any other business operation, the participants are required to obtain the qualification for participation by paying fees, purchasing commodities or services or any other means, the participants are classified into different levels according to a certain order, the calculation of remunerations or kickbacks to participants is directly or indirectly dependent on the number of persons recruited, and the participants are induced to continue or coerced into continuing recruiting others to participate, shall be sentenced to fixed-term imprisonment not more than five years or criminal detention, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than five years, and be fined.

Article 225. Whoever, in violation of the state stipulations, has one of the following illegal business acts, which disrupts the market order and when the circumstances are serious, is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of his illegal income and, where the circumstances are particularly serious, be sentenced to not less than five years of fixed-term imprisonment and a fine not

less than 100 percent and not more than 500 percent of his illegal income or the confiscation of his property:

- (1) engage in the monopoly business or monopolized commodities stipulated in laws and administrative regulations, or other commodities whose purchase and sale are controlled, without permission;
- (2) purchase and sell import-export licenses, certificates of origin, and operation permits or approved documents stipulated by other laws and administrative regulations;
- (3) illegally operating the business of securities, futures or insurance, or illegally engaging in fund payment and settlement business, without the approval of the relevant competent departments of the state;
- (4) conduct other illegal business activities that seriously disrupt the market order.

Article 226. Whoever commits any of the following acts by violence or threat shall be sentenced to imprisonment of not more than 3 years or criminal detention and/or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine if the circumstances are especially serious:

- (1) Forcing any other person to purchase or sell commodities;
- (2) Forcing any other person to provide or accept services;
- (3) Forcing any other person to participate in or withdraw from a bidding or audition;
- (4) Forcing any other person to transfer or acquire stocks or bonds of a corporation or enterprise or any other asset; or
- (5) Forcing any other person to participate in or withdraw from a certain business operation.

Article 227. Whoever forges or profiteers from forged train and ship tickets, stamps, or other valuable coupons, which involve a relatively large amount of money, is to be sentenced to not more than two years of fixed-term imprisonment, criminal detention or control, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of the amount of the coupons; or, if a huge amount is involved, to not less than two years and not more than seven years of fixed-term imprisonment and a fine not less than 100 percent and not more than 500 percent of the amount of the coupons.

Whoever profiteers from train and ship tickets, when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control, and may in addition or exclusively be sentenced to a fine of not less than 100 percent and not more than 500 percent of the amount of the coupons.

Article 228. Whoever, for the purpose of seeking personal gain, violates the laws and regulations on land management by illegally transferring and profiteering from land use rights and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or may in addition or exclusively be sentenced to a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights or, when the circumstances are particularly serious, is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine of not less than five percent

and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights.

Article 229. Where a person of intermediary organizations, who is in charge of asset assessment and examination, certificate examination, accounting, auditing, legal services, and other duties, intentionally provides false certificates, and when the circumstances are serious, he is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and a fine.

Where a person stated in the preceding paragraph extorts money and goods from others or illegally accepts money and goods from others to commit the aforementioned crime, and when the circumstances are serious, he is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and a fine.

Where a person stated in the first paragraph of this article is seriously irresponsible and causes serious consequences by issuing certificates greatly inconsistent with the facts, he is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine.

Article 230. Whoever violates the rules of the law on import-export commodity inspection by avoiding commodity inspection and, without authorization, selling and using imported goods or exporting exported goods without having them gone through inspection by commodity inspection authorities as required, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine.

Article 231. Where a unit commits the crimes stated in Article 221 through Article 230 of this section, it should be sentenced to a fine and its directly responsible person in charge and other directly responsible personnel be punished according to the stipulations in these articles.

Chapter IV Crimes of Infringing Upon the Rights of the Person and the Democratic Rights of Citizens

Article 232. Whoever intentionally kills another is to be sentenced to death, life imprisonment or not less than 10 years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment.

Article 233. Whoever negligently causes the death of another is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not more than three years of fixed-term imprisonment. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

Article 234. Whoever intentionally injures the person of another is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control.

Whoever commits the crime in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term

imprisonment; if he causes a person's death or causes a person's serious deformity by badly injuring him with particularly ruthless means, he is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

Article 234(I): Whoever organizes others to sell human organs shall be sentenced to imprisonment of not more than 5 years and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years and a fine or forfeiture of property.

Whoever removes any other person's organ without such other person's consent, removes any organ of a person under the age of 18 or forces or deceives any other person into donating any organ shall be convicted and punished according to the provisions of Articles 234 and 232 of this Law.

Whoever removes a dead person's organ against the person's will before his death or removes a dead person's organ against the will of the person's near relatives in violation of the provisions of the state provided that there is no consent from the person before his death shall be convicted and punished according to the provision of Article 302 of this Law.

Article 235. Whoever negligently injures another and causes him serious injury is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention. Where this law has other stipulations, matters are to be handled in accordance with such stipulations.

Article 236. Whoever, by violence, coercion or other means, rapes a woman is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment.

Whoever has sexual relations with a girl under the age of 14 is to be deemed to have committed rape and is to be given a heavier punishment.

Whoever rapes a woman or has sexual relations with a girl involving one of the following circumstances is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death:

- (1) rape a woman or have sexual relations with a girl and when the circumstances are odious;
- (2) rape several women or have sexual relations with several girls;
- (3) rape a woman in a public place and in the public;
- (4) rape a woman in turn with another or more persons;
- (5) cause the victim serious injury, death, or other serious consequences.

Article 237. Whoever, by violence, coercion or other means, forces or molests any other person or humiliates a woman shall be sentenced to imprisonment of not more than five years or criminal detention.

Whoever assembles a crowd to commit, or commits in a public place, the crime as provided for in the preceding paragraph, or has any other execrable circumstance shall be sentenced to imprisonment of not more than five years.

Whoever molests a child shall be given a heavier penalty according to the provisions of the preceding two paragraphs.

Article 238. Whoever unlawfully detains another or deprives him of his freedom of the person by any other means is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights. In circumstances where beating or humiliation are involved, a heavier punishment is to be given.

Whoever commits one of the crimes in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; when he causes a person's death, he is to be sentenced to not less than 10 years of fixed-term imprisonment; when he causes a person disability or death by violent means, he is to be punished in accordance with the stipulations in Article 234 and Article 232 of this law.

Whoever unlawfully detains or takes somebody into custody for the purpose of demanding the payment of a debt is to be given a punishment in accordance with the stipulations stated in the two preceding paragraphs.

Where an employee of a state organ abuses his authority to commit any of the three aforementioned crimes, he is to receive a heavier punishment in accordance with the stipulations stated in the three preceding paragraphs.

Article 239. Whoever abducts another person for extortion or abducts another person as a hostage shall be sentenced to fixed-term imprisonment not less than ten years or life imprisonment, and be fined or be sentenced to confiscation of property; or if the circumstances are less serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined.

Whoever commits the crime as provided for in the preceding paragraph and kills the abducted person, or intentionally injures the abducted person, causing serious injury or death of the abducted person shall be sentenced to life imprisonment or death penalty and forfeiture of property.

Whoever steals an infant for extortion shall be punished under the preceding two paragraphs.

Article 240. Those abducting and trafficking women or children are to be sentenced to 5 to 10 years in prison plus fine. Those falling into one or more of the following cases are to be sentenced to 10 years or more in prison or to be given life sentences, in addition to fines or confiscation of property. Those committing especially serious crimes are to be sentenced to death in addition to confiscation of property.

- (1) Primary elements of rings engaging in abducting and trafficking women or children;
- (2) those abducting and trafficking more than three women and/or children;
- (3) those raping abducted women;
- (4) those seducing, tricking, or forcing abducted women into prostitution, or those selling abducted women to others who in turn force them into prostitution;
- (5) those kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them;
- (6) those stealing or robbing infants or babies for the purpose of selling them;
- (7) those causing abducted women or children, or their family members, to serious injuries

or death, or causing other grave consequences;

(8) those selling abducted women or children to outside the country.

Abducting and trafficking women or children refers to abducting, kidnapping, buying, selling, transporting, or transshipping women or children.

Article 241. Those buying abducted women or children are to be sentenced to three years or fewer in prison, or put under criminal detention or surveillance.

Those buying abducted women and forcing them to have sex with them are to be convicted and punished according to stipulations of article 236.

Those buying abducted women or children and illegally depriving them of or restricting their physical freedom, or injuring or insulting them, are to be convicted and punished according to relevant stipulations of this law.

Those buying abducted women or children and committing crimes stipulated in paragraphs two and three of this article are to be punished for committing more than one crime.

Those buying and selling abducted women or children are to be convicted and punished according to article 240 of this law.

Whoever buys an abducted woman or child without maltreating the abducted child or obstructing the rescue of the woman or child may be given a lighter penalty; and may be given a lighter or mitigated penalty if he or she does not obstruct the abducted woman's return to the place where she comes from in her own will.

Article 242. Those using force or coercion to obstruct workers of state organs from rescuing bought women or children are to be convicted and punished according to article 277 of this law.

Primary elements who lead other people to obstruct workers of state organs from rescuing bought women or children are to be sentenced to five years or fewer in prison or put under criminal detention. Other elements who use force or coercion are to be punished according to paragraph one of this article.

Article 243. Those fabricating stories to frame others or in an attempt to subject others to criminal investigation, if the case is serious, are to be sentenced to three years or fewer in prison, or put under criminal detention or surveillance. Those causing serious consequences are to be sentenced to three to 10 years in prison.

Workers of state organs committing crimes stipulated in the above paragraph are to be severely punished.

Stipulations in the above two paragraphs do not apply to those who do not deliberately frame others but accuse others by mistake, or who report others' crimes not conforming to the facts.

Article 244. Whoever forces any other person to work by violence, threat or restriction of personal freedom shall be sentenced to imprisonment of not more than 3 years or criminal detention and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine.

Whoever knowingly recruits or transports a workforce for any other person to commit the act as mentioned in the preceding paragraph or otherwise assists in forcing any other person to

work shall be punished according to the provision of the preceding paragraph.

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of paragraph 1 of this Article.

Article 244(I): Where an employer, in violation of the laws and regulations on labor administration, hires minors under the age of 16 to conduct extremely intensive physical labor, work at high altitudes or work under the well or work under an explosive, flammable, radioactive or poisonous environment, if the circumstance is serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and shall also be fined; if the circumstance is especially serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall also be fined.

In case any employer that commits any act mentioned in the preceding Paragraph and causes an accident still commits any other crime, it shall be punished in accordance with the provisions on combined punishment for two and more crimes.

Article 245. Those illegally physically searching others or illegally searching others' residences, or those illegally intruding into others' residences, are to be sentenced to three years or fewer in prison, or put under criminal detention.

Judicial workers committing crimes stipulated in the above paragraph by abusing their authority are to be severely punished.

Article 246. Those openly insulting others using force or other methods or those fabricating stories to slander others, if the case is serious, are to be sentenced to three years or fewer in prison, put under criminal detention or surveillance, or deprived of their political rights.

Those committing crimes mentioned above are to be investigated only if they are sued, with the exception of cases that seriously undermine social order or the state's interests.

Where the victim files a complaint with the people's court on the commission of the conduct as provided for in paragraph 1 through the information network, but it is indeed difficult to provide evidence, the people's court may require the public security authority to provide assistance.

Article 247. Judicial workers who extort a confession from criminal suspects or defendants by torture, or who use force to extract testimony from witnesses, are to be sentenced to three years or fewer in prison or put under criminal detention. Those causing injuries to others, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law.

Article 248. Supervisory and management personnel of prisons, detention centers, and other guard houses who beat or physically abuse their inmates, if the case is serious, are to be sentenced to three years or fewer in prison or put under criminal detention. If the case is especially serious, they are to be sentenced to three to 10 years in prison. Those causing injuries to injuries, physical disablement, or death, are to be convicted and severely punished

according to article 234 and 232 of this law.

Supervisory and management personnel who order inmates to beat or physically abuse other inmates are to be punished according to stipulations in the above paragraph.

Article 249. Those provoking ethnic hatred or discrimination, if the case is serious, are to be sentenced to three years or fewer in prison, put under criminal detention or surveillance, or deprived of their political rights. If the case is especially serious, they are to be sentenced to three to 10 years in prison.

Article 250. Persons directly responsible for publishing materials that discriminate or insult minority nationalities, if the case is serious and results in grave consequences, are to be sentenced to three years or fewer in prison, or put under criminal detention or surveillance.

Article 251. Workers of state organs who illegally deprive citizens' right to religious beliefs or who encroach on minority nationalities' customs or habits, if the case is serious, are to be sentenced to two years or fewer in prison or put under criminal detention.

Article 252. Those infringing upon the citizens right of communication freedom by hiding, destroying, or illegally opening others' letters, if the case is serious, are to be sentenced to one year or less in prison or put under criminal detention.

Article 253. Postal workers who open, hide, or destroy mail or telegrams without authorization are to be sentenced to two years or less in prison or put under criminal detention.

Those committing crimes stipulated in the above paragraph and stealing money or other articles are to be convicted and severely punished according to article 264 of this law.

Article 253 (I): Whoever sells or provides any citizen's personal information in violation of the relevant provisions of the state shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

Whoever sells or provides to any other person any citizen's personal information obtained in the course of performing functions or providing services in violation of any relevant provisions of the state shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

Whoever illegally obtains any citizen's personal information by stealing or other methods shall be punished in accordance with the provisions of paragraph 1.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

Article 254. Workers of state organs who abuse their authority by retaliating against or framing accusers, petitioners, critics, or informants, in the name of conducting official business, are to be sentenced to two years or less in prison or put under criminal detention. If the case is serious, they are to be sentenced to two to seven years in prison.

Article 255. Leaders of companies, enterprises, institutions, offices, or other organizations who persecute and retaliate against accountants or statisticians who perform their duty according to law and boycott acts that violate the accounting law and statistics law, if the case is serious, are to be sentenced to three years or fewer in prison or put under criminal detention.

Article 256. In electing deputies to the people's congresses at all levels or leaders of state organs, those who undermine the elections or obstruct voters and deputies from freely exercising their right to vote or be elected by using force, coercion, deception, bribe; by falsifying election documents; by making a false report on the numbers of ballots; or by using other means, if the case is serious, are to be sentenced to three years or fewer in prison, put under criminal detention, or deprived of their political rights.

Article 257. Those using force to interfere in others' freedom of marriage are to be sentenced to two years or fewer in prison or put under criminal detention.

Those committing crimes stipulated in the above paragraph and causing others to die are to be sentenced to two to seven years in prison.

Those committing crimes stipulated in the first paragraph of this article are to be investigated only if they are sued.

Article 258. Those who have a spouse and get married again, or who marry someone whom they know has a spouse, are to be sentenced to two years or fewer in prison or put under criminal detention.

Article 259. Those who live together with or marry someone whom they know is the spouse of an active duty service member are to be sentenced to three years or fewer in prison or put under criminal detention.

Those who use their authority or subordinate relationship to seduce the wives of active duty servicemen for illicit sexual relations by resorting to coercion are to be convicted and punished according to article 236 of this law.

Article 260. Those mistreating their family members, if the case is serious, are to be sentenced to two years or less in prison, or put under criminal detention or surveillance.

Those committing crimes stipulated in the above paragraph and causing the victims to severe injuries or death are to be sentenced to two to seven years in prison.

The crime as provided for in paragraph 1 shall not be handled unless an accusation is filed, except when the victim is unable to file an accusation or fails to file an accusation due to coercion or intimidation.

Article 260(1): Whoever who has the duty to ward or nurse a juvenile, an elder person, a sick person, or a disabled person maltreats the person under his or her guardianship or nursing with execrable circumstances shall be sentenced to imprisonment of not more than three years or criminal detention.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 261. Those who have the obligation but refuse to support those who are aged, young, sick, or do not have the ability to live independently, if the case is serious, are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance.

Article 262. Those abducting minors under 14 years of age from their family or guardians are to be sentenced to five years or less in prison or put under criminal detention.

Article 262 (I): Where anyone organizes any disabled person or any minor below the age of 14 by force or coercion to beg, he shall be sentenced to fixed-term imprisonment of not more than three years or detention, and shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years not more than seven years, and shall be fined.

Article 262 (II):Whoever organizes minors to commit theft, fraud, snatch, extortion or any other activity in violation of the public security administration shall be sentenced to fixed-term imprisonment not more than three years or criminal detention, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Chapter V The Crime of Encroaching on Property

Article 263. Those robbing public or private property using force, coercion, or other methods are to be sentenced to three to 10 years in prison in addition to fine. Those falling in one or more of the following cases are to be sentenced to 10 years or more in prison, given life sentences, or sentenced to death, in addition to fines or confiscation of property:

- (1) those intruding into others' houses to rob;
- (2) those committing robbery on public transportation vehicles;
- (3) those robbing banks or other financial institutions;
- (4) those committing several robberies or robbing large amounts of money or other properties;
- (5) those causing serious injuries to or death while robbing;
- (6) those committing robbery posing as servicemen or policemen;
- (7) those committing robbery using guns;
- (8) those robbing materials for military use, or materials for fighting disasters or relieving disaster victims.

Article 264. Whoever steals a relatively large amount of public or private property, commits thefts many times, commits a burglary or carries a lethal weapon to steal or pick pockets shall be sentenced to imprisonment of not more than 3 years, criminal detention or control and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years or life

imprisonment and a fine or forfeiture of property.

Article 265. Those stealing others' communication lines or reproducing others' telecommunication codes for the purpose of making profits, or those using telecommunication equipment or facilities knowing that they are stolen or reproduced are to be convicted and punished according to article 264 of this law.

Article 266. Those defrauding relatively large amounts of public or private money and property are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to fines; or are to be fined. Those defrauding large amounts of money and property or having involvement in other serious cases are to be sentenced to three to 10 years in prison, in addition to fines. Those defrauding extraordinarily large amounts of money and property or involving in especially serious cases are to be sentenced to 10 years or more in prison or given life sentences, in addition to fines or confiscation of property. If cases are governed by other stipulations of this law, those stipulations shall apply.

Article 267. Whoever seizes public or private property, or commits robbery for two times or more shall, if the amount involved is relatively large, be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine or be sentenced to a fine only; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property.

Whoever commits the crime with a lethal weapon is to be convicted and punished according to the regulations in Article 263 of this law.

Article 268. In cases where a crowd is assembled to seize public or private property, and the amount involved is quite large and the other circumstances are serious, ringleaders and other active participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control, in addition to a fine; and the sentence is to be not less than three years and not more than 10 years, in addition to a fine, when the amount involved is huge and the other circumstances are particularly serious.

Article 269. Whoever commits the crimes of theft, fraud, or forcible seizure, and uses violence, or threats to use violence, at the scene in order to conceal booty, resist arrest or destroy criminal evidence, is to be convicted and punished in accordance with Article 263 of this Law.

Article 270. Whoever illegally takes over another person's property in the latter's custody, and the amount involved is relatively large, and refuses to return it, is to be sentenced to not more than two years of fixed-term imprisonment, criminal detention, or a fine; when the amount involved is huge and the other circumstances are serious, the sentence is to be not less than two years but not more than five years of fixed-term imprisonment, in addition to a fine.

Whoever illegally takes over someone's property which the latter forgets to pick up, or the

property someone had buried, and the amount involved is relatively large, and refuses to return it, is to be punished according to the preceding paragraph.

The crimes in this article will not be prosecuted unless a complaint is filed.

Article 271. In cases where a person of a company, enterprise, or any unit, takes over the unit's property by taking advantage of his office, and the amount involved is quite large, he is to be sentenced to not more than five years of fixed-term imprisonment, or criminal detention; when the amount involved is huge, the sentence is to be not less than five years, and may be in addition to confiscation of property.

When personnel engage in public service in state-owned corporations, enterprises, or other state-owned units; or when personnel of these corporations, enterprises and units assigned to engage in public service in nonstate-owned corporations, enterprises, or other units themselves as stated in the preceding paragraph, they are to be convicted and punished according to regulations in Articles 382 and 383 of this law.

Article 272. When personnel of companies, enterprises, and other units, who take advantage of their offices to misappropriate their units' funds for their own use or for lending to others, and the amounts involved are relatively large and have not been returned for a period of over three months; or, when the period is shorter than three months but the amounts involved are quite large and the money is used for unlawful profit-making activities, they are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; those who misappropriate huge amounts of their units' funds, or those whose misappropriations are large and who refuse to return them are to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment.

Personnel engaged in public service in state-owned corporations, enterprises and other state-owned units, and personnel state-owned corporations, enterprises and other state-owned units assigned to engage in public service at non state-owned corporations, enterprises and other units as stated in the preceding paragraph are to be convicted and punished according to the regulations in Article 384 of this Law.

Article 273. Those directly responsible for misappropriating state funds and materials allocated for disaster relief, emergencies, flood control, allowances for disabled servicemen and the families of revolutionary martyrs and servicemen, aid-the-poor programs, resettlement, and social relief, when the circumstances are serious and have caused major damage to the interests of the state and the people, are to be sentenced to not more than three years of fixed-termed imprisonment or criminal detention; when the circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 274. Whoever extorts a relatively large amount of public or private property or extorts public or private property many times shall be sentenced to imprisonment of not more than 3 years, criminal detention or control and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 year and a fine; or if the amount involved is especially huge or there is

any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years and a fine.

Article 275. Whoever intentionally destroys public or private property and the amount involved is quite large and the other circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or a sentence of a fine; when the amount involved is huge and the other circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 276. Whoever destroys machinery or equipment, cruelly injures or slaughters draft animals, or uses other means to sabotage production or operation, with the purpose of giving vent to spite, seeking revenge, or for other personal motives, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; when the circumstance is serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 276(l): Whoever evades payment of a relatively large amount of labor remunerations by transferring property or escaping and hiding or refuses to pay a relatively large amount of labor remunerations though capable, and still refuses to pay even after being ordered by the relevant government department to pay, shall be sentenced to imprisonment of not more than 3 years or criminal detention and/or a fine; and if there are serious consequences, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine. Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Whoever commits an act as mentioned in the preceding two paragraphs without serious consequences but pays labor remunerations before a public prosecution is instituted and assumes the corresponding compensatory liability according to law may be given a mitigated penalty or exempted from penalty.

Chapter VI Crimes of Disrupting the Order of Social Administration

Section 1. Crimes of Disrupting Public Order

Article 277. Whoever uses violence or threat to obstruct state personnel from discharging their duties is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; or a sentence of a fine.

Whoever uses violence or threats to obstruct National People's Congress deputies, or local people's congress deputies, from discharging their lawful deputy duties is to be punished according to the preceding paragraph.

Whoever, in the event of a natural disaster or an emergency, uses violence or threats to obstruct Red Cross personnel from discharging their lawful responsibilities is to be punished according to the first paragraph.

Whoever intentionally obstructs the state's security or public security organs from carrying out their security assignments, and has caused serious consequences even though no

violence or threat is used is to be punished according to the first paragraph.

Whoever attacks by violence any policeman who is performing his or her functions in accordance with the law shall be given a heavier penalty in accordance with the provisions of paragraph 1.

Article 278. Whoever instigates the masses to use violence to resist the enforcement of state laws and administrative regulations is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; when serious consequences have been caused, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 279. Whoever poses as state organ personnel to cheat and bluff is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than 10 years of fixed-term imprisonment.

Whoever poses as a people's police to cheat and bluff is to be heavily punished in accordance with the preceding paragraph.

Article 280. Whoever forges, alters, trades in, steals, forcibly seizes or destroys any official document, certificate or seal of a state authority shall be sentenced to imprisonment of not more than three years, criminal detention, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine.

Whoever forges a seal of any company, enterprise, public institution or people's organization shall be sentenced to imprisonment of not more than three years, criminal detention, surveillance or deprivation of political rights in addition to a fine.

Whoever forges, alters or trades in any citizen's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in accordance with the law shall be sentenced to imprisonment of not more than three years, criminal detention, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Article 280(l): Whoever uses any forged, altered or uses without authority any other person's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in the activities that require the provision of identity certificate according to the provisions of the state shall, if the circumstances are serious, be sentenced to criminal detention or surveillance in addition to a fine or be sentenced to a fine only.

Whoever commits any other crime while committing a crime as mentioned in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 281. Whoever illegally produces, purchases or sells standard police uniforms, license plates of motor vehicles, or other special signs, police tools, and the consequences are serious, is to be sentenced to not more than three years of fixed-term imprisonment, criminal

detention, or control; and may also be sentenced to a fine, additionally or exclusively.

When a unit commits the crimes stated in the preceding paragraph, the unit is to be fined, and its persons in charge and other who are directly responsible are to be punished according to the regulations in the preceding paragraph.

Article 282. Whoever illegally acquires state secrets by stealing, secretly gathering, and purchasing is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Whoever possesses documents, information, or other articles which are top secret or classified information of the state, and refuses to state their origins or use, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control.

Article 283. Whoever illegally produces or sells special espionage devices or eavesdropping or secret photographing devices shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Article 284. Whoever illegally uses special monitoring or photographing equipment and causes grave consequences is to be sentenced to not more than two years of fixed-term imprisonment, criminal detention, or control.

Article 284(1): Whoever organizes cheating in a national examination prescribed by law shall be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Whoever provides any cheating device or any other assistance for anyone else to commit the crime as mentioned in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

Whoever illegally sells or provides test questions or answers as prescribed in paragraph 1 for the purpose of cheating in the test shall be punished in accordance with the provisions of paragraph 1.

Whoever takes on behalf of anyone else or enables anyone else to take on behalf of him- or herself an examination prescribed in paragraph 1 shall be sentenced to criminal detention or surveillance in addition to a fine or be sentenced to a fine only.

Article 285. Whoever violates state regulations and intrudes into computer systems with information concerning state affairs, construction of defense facilities, and sophisticated science and technology is to be sentenced to not more than three years of fixed-term

imprisonment or criminal detention.

Whoever, in violation of the state provisions, intrudes into a computer information system other than that prescribed in the preceding paragraph or uses other technical means to obtain the data stored, processed or transmitted in the said computer information system or exercise illegal control over the said computer information system shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or criminal detention, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Whoever provides special programs or tools specially used for intruding into or illegally controlling computer information systems, or whoever knows that any other person is committing the criminal act of intruding into or illegally controlling a computer information system and still provides programs or tools for such a person shall, if the circumstances are serious, be punished under the preceding paragraph.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

Article 286. Whoever violates states regulations and deletes, alters, adds, and interferes in computer information systems, causing abnormal operations of the systems and grave consequences, is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, the sentence is to be not less than five years of fixed-term imprisonment.

Whoever violates state regulations and deletes, alters, or adds the data or application programs installed in or processed and transmitted by the computer systems, and causes grave consequences, is to be punished according to the preceding paragraph.

Whoever deliberately creates and propagates computer virus and other programs which sabotage the normal operation of the computer system and cause grave consequences is to be punished according to the first paragraph.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

Article 286(l): Any network service provider that fails to perform the information network security management obligation as prescribed in any law or administrative regulation and refuses to make corrections after being ordered by the regulatory authority to take correction measures shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine or be sentenced to a fine only under any of the following circumstances.

- (1) Causing the spread of a large amount of illegal information.
- (2) Causing the leakage of users' information, with serious consequences.

(3) Causing the loss of criminal case evidence, with serious circumstances.

(4) Any other serious circumstance.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 287. Whoever uses a computer for financial fraud, theft, corruption, misappropriation of public funds, stealing state secrets, or other crimes is to be convicted and punished according to relevant regulations of this law.

Article 287(I): Whoever commits any of the following conducts by using the information network shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine or be sentenced to a fine only.

(1) Establishing a website or a communication group mainly for committing fraud, teaching on how to commit a crime, producing or selling any prohibited or controlled article, or committing any other illegal or criminal activity.

(2) Issuing any information on the production or sale of drugs, guns, obscene articles, or any other prohibited or controlled article or any other illegal or criminal conduct.

(3) Issuing any information for committing fraud or any other illegal or criminal activity.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 287(II): Whoever, while obviously aware that any other person is committing a crime by using an information network, provides Internet access, server custody, network storage, communication transmission or any other technical support, or provides advertising, payment settlement or any other assistance for the crime shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine or be sentenced to a fine only.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 288. Whoever, in violation of the provisions of the state, installs or uses any radio station (transmitter) without approval, or occupies frequencies without approval to disrupt

the radio communication order shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

When a unit commits the crimes stated in the preceding paragraph, the unit is to be fined, and its persons in charge and others who are directly responsible are to be punished according to the preceding paragraph.

Article 289. Whoever causes a person's injury, disability or death as result of assembling a crowd for "beating, smashing and looting" is to be convicted and punished according to regulations in Articles 234 and 232 of this law. In cases where public or private property is destroyed or forcibly taken and carried away, ringleaders, in addition to the ordering of restitution of compensation, are to be convicted and punished according to Article 263 of this law.

Article 290. Where a crowd is assembled to disrupt the public order and serious circumstances are caused so that the process of work, production, business, teaching, scientific research or medical services is disrupted, and if any serious loss is caused, the ringleaders shall be sentenced to imprisonment of not less than three years but not more than seven years; and other active participants shall be sentenced to imprisonment of not more than three years, criminal detention, surveillance or deprivation of political rights.

Assembling crowds to attack state organs, thus disrupting their operations and causing serious losses, the ringleaders are to be sentenced to not less than five years but not more than 10 years of fixed-term imprisonment; and other active participants are to be sentenced to not less than five year of fixed-term imprisonment, criminal detention, control, or deprivation of political rights.

Two paragraphs are added as paragraphs 3 and 4: "Whoever disrupts the work order of any state authority for two times or more and refuses to make corrections after being given an administrative penalty shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance if there are serious consequences.

Whoever organizes or provides financial support to any other person to illegally assemble for two times or more to disrupt the public order and serious circumstances are caused shall be punished in accordance with the provisions of the preceding paragraph.

Article 291. In cases where a crowd is assembled to disturb order at stations, wharves, civil aviation stations, market places, public parks, theaters, exhibitions, sports grounds or other public places, or a crowd is assembled to block traffic or undermine traffic order, or resist or obstruct state security administration personnel who are carrying out their functions according to law, when the circumstances are serious, ringleaders are to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, or control.

Article 291(I): Whoever spreads mendacious pathogens of infectious diseases, explosives, poisonous or radioactive substances or other substances, or fabricates terrorist information

on threats of explosion, biochemical threats or radioactive threats, or, while clearly knowing that the terrorist information is fabricated, intentionally disseminate such information, thus seriously disrupting public order, shall be sentenced to fixed-term imprisonment of no more than five years, criminal detention or public surveillance; if he causes serious consequences, he shall be sentenced to fixed-term imprisonment of no less than five years.

Whoever makes up any false information on the situation of any risk, epidemic disease, disaster or emergency and spreads such information on the information network or any other media, or knowingly spreads the aforesaid false information on the information network or any other media, which seriously disrupts the public order, shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance; and if serious consequences have resulted, shall be sentenced to imprisonment of not less than three years but not more than seven years.

Article 292. In cases where a crowd is assembled to have brawls, ringleaders and other active participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control. When the cases are one of the following, ringleaders and other active participants are to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment:

- (1) crowds are assembled on many occasions to have brawls;
- (2) the size of crowds assembled to have brawls is large, and bad social effects have been caused;
- (3) crowds are assembled for brawls in public places or main thoroughfares, and serious social disorders have been caused; or
- (4) crowds are assembled for brawls with tools.

Whoever assembles a crowd to have brawls, thus causing a person serious injuries or death, is to be convicted and punished according to Articles 234 and 232 of this Law.

Article 293. Whoever disrupts the social order by committing any of the following provocative and disturbing acts shall be sentenced to imprisonment of not more than 5 years, criminal detention or control:

- (1) Assaulting any other person at will, with execrable circumstances;
- (2) Chasing, intercepting, reviling or intimidating any other person, with execrable circumstances;
- (3) Taking or demanding forcibly or vandalizing or occupying at will public or private property, with serious circumstances; or
- (4) Making trouble in a public place, which causes a serious disorder of the public place.

Whoever assembles other people to commit the acts as mentioned in the preceding paragraph many times, which seriously disrupt the social order, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and may be fined in addition.

Article 294. Whoever organizes or leads an organization of a gangland nature shall be sentenced to imprisonment of not less than 7 years and a forfeiture of property; whoever

actively participates in an organization of a gangland nature shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and may be sentenced to a fine or forfeiture of property in addition; whoever otherwise gets involved in an organization of a gangland nature shall be sentenced to imprisonment of not more than 3 years, criminal detention, control or deprivation of political rights and may be fined in addition.

A member of an overseas gangland organization who recruits members of the organization within the territory of the People's Republic of China shall be sentenced to imprisonment of not less than 3 years but not more than 10 years.

Any state functionary who harbors an organization of a gangland nature or connives at such an organization's illegal or criminal activities shall be sentenced to imprisonment of not more than 5 years; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years.

Whoever also commits any other crime while committing a crime as mentioned in the preceding three paragraphs shall be punished according to the provisions on the joinder of penalties for plural crimes.

An organization of a gangland nature shall have all of the following characteristics:

- (1) A relatively stable criminal organization is formed with a relatively large number of members, and there are specific organizers or leaders and basically fixed core members.
- (2) Economic interests are gained by organized illegal or criminal activities or other means, and it has certain financial strength to support its activities.
- (3) By violence, threat or other means, it commits organized illegal or criminal activities many times to do evil, bully and cruelly injure or kill people.
- (4) It dominates a certain area by committing illegal or criminal activities or taking advantage of the harboring or connivance by the state functionaries, forming an illegal control or significant influence in a certain area or sector, which seriously disrupts the economic and social order.

Article 295. Whoever teaches methods for committing a crime shall be sentenced to imprisonment of not more than 5 years, criminal detention or control; if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 10 years or life imprisonment.

Article 296. Whoever holds an assembly, parade, demonstration without application in accordance with the law or without authorization after application, or does not carry it out in accordance with the beginning time and ending time, place, and road as permitted by authorities concerned, and refuses to obey an order to dismiss, thereby seriously sabotaging social order, those personnel who are in charge and those who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control or deprived of political rights.

Article 297. Whoever violates laws and regulations by bringing with them weapons, controlled knives and tools or explosive articles to participate in an assembly, parade,

demonstration is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprived of political rights.

Article 298. Whoever disturbs, collides, or sabotages with other methods the legally-held assembly, parade, demonstration, thereby giving rise to chaotic public order is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control or deprived of political rights.

Article 299. Whoever desecrates the national flag or the national emblem of the People's Republic of China on a public occasion by intentionally burning, mutilating, scrawling on, defiling, or trampling on it or otherwise shall be sentenced to imprisonment of not more than three years, limited incarceration, supervision without incarceration, or deprivation of political rights.

Whoever intentionally tampers with the lyrics or music of the national anthem of the People's Republic of China, plays or sings the national anthem in a manner of distortion or denigration, or otherwise desecrates the national anthem on a public occasion shall be punished under the preceding paragraph if the circumstances are serious.

Article 300. Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to sabotage the implementation of any law or administrative regulation of the state shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years or life imprisonment in addition to a fine or forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not more than three years, criminal detention, surveillance or deprivation of political rights in addition to a fine or be sentenced to a fine only.

Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to cheat any other person, which leads to the person's serious injury or death shall be punished in accordance with the provisions of the preceding paragraph.

Whoever also commits the crime of raping a woman or swindling any person of his or her property while committing a crime as mentioned in paragraph 1 shall be punished according to the provisions on the joinder of penalties for plural crimes.

Article 301. Whoever takes a lead in assembling a crowd to engage in promiscuous activities or repeatedly participates in such activities is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, or control.

Whoever seduces minors to participate in mass promiscuous activities is to be severely punished in accordance with the previous paragraph.

Article 302. Whoever steals, insults, or intentionally destroys a corpse, skeleton or cremains shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance.

Article 303. Anyone who organizes gambling parties or is engaged in gambling as his main business for the purpose of making profits shall be sentenced to fixed-term imprisonment of not more than three years, detention, or surveillance, and shall be fined.

Anyone who establishes or runs any casino shall be sentenced to fixed-term imprisonment of not more than three years, detention, or surveillance, and shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years, and shall be fined.

Article 304. Postal service personnel who are severely irresponsible, purposely delay sending mails thereby giving rise to great loss of public properties, interests of the state and people are to be sentenced to not more than two years of fixed-term imprisonment or criminal detention.

Section 2. Crimes of Disrupting Justice

Article 305. During the course of criminal procedures, any witness, expert witness, recorder, translator who purposely makes false testimony, makes expert evaluation, records, translates with an intention to frame others or conceal criminal evidence in the circumstances which have an important bearing on a case is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

Article 306. During the course of criminal procedure, any defender, law agent destroys, falsifies evidence, assist parties concerned in destroying, falsifying evidence, threatening, luring witnesses to contravene facts, change their testimony or make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

If witnesses, testimonies, or other evidences provided, shown, used by a defender, law agent are not true but are not falsified purposely, they do not fall into the category of falsifying evidences.

Article 307. Whoever stops with violence, threat, bribe, and other methods a witness to testify or instigates others to make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are severe, to not less than three years but not more than seven years of fixed-term imprisonment.

Whoever assists the parties concerned in destroying or falsifying evidences is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention if the circumstances are severe.

Any judicial personnel committing the crimes as stated in the previous two paragraphs is to be severely punished.

Article 307(l): Whoever files a civil lawsuit based on any fabricated facts, which disrupts the judicial order or seriously infringes upon any other person's lawful rights and interests shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime of illegally occupying any other person's property or evading his or her lawful debts as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Any judicial staff member who commits a crime as mentioned in the preceding three paragraphs with any other person by taking advantage of his or her power shall be given a heavier penalty; and if he or she commits any other crime at the same time, shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 308. Whoever resorts to persecution and retaliation against a witness is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

Article 308(1): Any judicial staff member, defender, litigation representative, or any litigation participant who discloses any information that shall not be disclosed in a case not tried in public in accordance with the law, thus causing public information dissemination or any other serious consequence shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine or be sentenced to a fine only.

Whoever commits any conduct as mentioned in the preceding paragraph to divulge any state secret shall be convicted and punished in accordance with the provisions of Article 398 of this Law.

Whoever publicly discloses or reports any case information prescribed in paragraph 1 shall be punished in accordance with the provisions of paragraph 1 if the circumstances are serious.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

Article 309. Whoever falls under any of the following circumstances so that the order of the courtroom is disrupted shall be sentenced to imprisonment of not more than three years, criminal detention, surveillance or a fine.

- (1) Assembling a crowd to clamor in a courtroom or attacking a courtroom.
- (2) Assaulting any judicial staff member or litigation participant.
- (3) Insulting, defaming or threatening any judicial staff member or litigation participant despite of court prohibition, which seriously disrupts the order of the courtroom.
- (4) Destroying any of the facilities of the courtroom, grabbing or destroying any litigation documents, evidence or otherwise disrupts the order of the courtroom with serious circumstances.

Article 310. Whoever provides a person who he clearly knows to be a convict with a hiding place, financial and material support, assists him to escape, hides, or protects him by

falsifying evidence is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; when the circumstances are severe, to not less than three years but not more than ten years of fixed-term imprisonment.

Whoever commits a crime as stated in the previous paragraph and conspires in advance is to be punished as committing a joint crime.

Article 311. Whoever, being obviously aware of any other person's commission of a crime of espionage, terrorism or extremism, refuses to provide relevant information or evidence when a judicial authority investigates or collects relevant evidence shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance if the circumstances are serious.

Article 312. Where anyone who obviously knows that the income or the proceeds are generated therefrom is obtained from the commission of any crime harbors, transfer, purchases or sells them as an agent or disguises or conceals them by any other means, he shall be sentenced to fixed-term imprisonment of not more than three years, detention, or surveillance, and/or shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined.

Where any entity commits the crime as described in the preceding paragraph, it shall be fined, and the direct liable person in charge and other directly liable persons shall be punished under the preceding paragraph.

Article 313. Whoever refuses to execute a judgment or ruling rendered by a people's court while he or she is able to do so shall be sentenced to imprisonment of not more than three years or criminal detention or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Article 314. Whoever hides, transfers, sells off, purposely destroys property which is already sealed, seized, or frozen is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or be fined if the circumstances are severe.

Article 315. Criminals who, in accordance with the law, are already under detention and perform one of the following acts which sabotage supervision order are to be sentenced to not more than three years of fixed-term imprisonment if the circumstances are severe:

- (1) beat supervising personnel;
- (2) organize other people under detention to sabotage supervision order;
- (3) assemble a crowd to make trouble, thereby disturbing normal supervision order;
- (4) beat, carry out corporal punishment on or instigate other people to beat, carry out corporal punishment on other people under detention.

Article 316. Criminals, defendants, criminal suspects who are already under detention in

accordance with the law and who escape are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

Whoever seizes by force criminals, defendants, criminal suspects who are sent under escort is to be sentenced to not more than seven years of fixed-term imprisonment; when the circumstances are severe, to not less than seven years of fixed-term imprisonment.

Article 317. Whoever takes a lead in organizing an attempt to escape from a prison or whoever takes an active part in the attempt is to be sentenced to not less than five years of fixed-term imprisonment; others who participate in the attempt to not more than five years of fixed-term imprisonment or criminal detention.

Whoever takes a lead in staging a riot to escape from a prison or in assembling a crowd to open a prison with tools or whoever takes an active part in the attempt is to be sentenced to not less than ten years of fixed-term imprisonment or life imprisonment; when the circumstances are particularly severe, to death penalty; others who participate in the attempt to not less than three years and not more than ten years of fixed-term imprisonment.

Section 3. Crimes of Disrupting Administration of the Border

Article 318. Whoever organizes people to secretly cross the national boundary (border) shall be sentenced to not less than two years and not more than seven years of fixed-term imprisonment and a fine; or not less than seven years of fixed-term imprisonment or to life imprisonment, and may in addition be sentenced to a fine or confiscation of property for any of the following situations:

- (1) ringleader who organizes people to secretly cross the national boundary (border);
- (2) repeatedly organizing people to secretly cross the national boundary (border) or organizing a large number of people to secretly cross the national boundary (border);
- (3) causing serious injuries and deaths to the people being organized;
- (4) depriving or restricting personal freedom of the people being organized;
- (5) resisting investigation by violent or threatening methods;
- (6) obtaining huge amounts of illegal income;
- (7) other exceptionally serious circumstances.

Whoever commits the crimes mentioned in the preceding paragraph, killing, harming, raping, and kidnapping and selling the people being organized, or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

Article 319. Whoever defrauds people, in the name of labor export and economic and trade exchanges or for other reasons, of their exit documents such as passports and visas through fraud and deception for use in organizing people in the secret crossing of the national boundary (border) shall be sentenced to not more than three years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Institutions which commit the crimes mentioned in the preceding paragraph shall be

sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

Article 320. Whoever provides fake and altered exit and entry documents such as passports and visas, or sells exit and entry documents such as passports and visas, shall be sentenced to not more than five years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than five years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Article 321. Whoever transports people secretly across the national boundary (border) shall be sentenced to not more than five years of fixed-term imprisonment and criminal detention or control, and may in addition be sentenced to a fine; or not less than five years and not more than 10 years of fixed-term imprisonment and a fine for any of the following situations:

- (1) repeatedly involving in transporting activities or transporting a large number of people;
- (2) using transportation means such as ships and vehicles that do not meet essential safety conditions and that are sufficient to cause serious consequences;
- (3) obtaining huge amount of illegal income;
- (4) other exceptionally serious circumstances.

Whoever, in the course of transporting people secretly across the national boundary (border), causes heavy injuries and deaths to the people being transported or resists investigation by violent and threatening methods shall be sentenced to not less than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Whoever commits the crimes mentioned in the two preceding paragraphs by killing, harming, raping, and kidnapping and selling the people being transported; or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

Article 322. Whoever secretly crosses China's frontier (border) in violation of the provisions on frontier (border) administration shall be sentenced to imprisonment of not more than one year, criminal detention or surveillance in addition to a fine if the circumstances are serious; and whoever secretly crosses China's frontier (border) for the purpose of joining a terrorist organization, receiving training on terrorist activities or conducting terrorist activities shall be sentenced to imprisonment of not less than one year but not more than three years in addition to a fine.

Article 323. Whoever intentionally sabotages boundary tablets, boundary markers or survey indicators of a permanent nature along the borders of the country shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

Section 4. Crimes of Disrupting Administration of Cultural Relics

Article 324. Whoever intentionally destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or criminal detention, and may in addition or

exclusively be sentenced to a fine; or when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Whoever intentionally destroys state-protected places of historical interest or scenic beauty, and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine.

Whoever, through negligence, destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or criminal detention.

Article 325. Whoever violates laws and regulations on cultural relics protection by secretly selling or giving to foreigners his or her collection of precious cultural relics, the export of which is banned by the state shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and may in addition be sentenced to a fine.

Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

Article 326. Whoever, for the purpose of reaping profits, resells cultural relics, the transaction of which is banned by the state and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and may in addition be sentenced to a fine, or when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

Article 327. States-owned museums, libraries, and other units that violate the laws and regulations on protection of cultural relics, selling or giving without permission cultural relic objects under state protection to non-state-owned units or individuals are to be sentenced to a fine and persons in direct charge of the units and other persons directly involved in the case for responsibility are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

Article 328. Whoever robs any site of ancient culture or ancient tomb of a historical, artistic or scientific value shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; if the circumstances are minor, be sentenced to imprisonment of not more than 3 years, criminal detention or control and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than 10 years or life imprisonment

and a fine or forfeiture of property:

- (1) Robbing any site of ancient culture or ancient tomb which has been determined as a key cultural relic under the protection of the state or a cultural relic under the protection of a province;
- (2) Being a ringleader of a group of robbers of sites of ancient culture and ancient tombs;
- (3) Having robbed sites of ancient culture and ancient tombs many times; or
- (4) Robbing a site of ancient culture or ancient tomb of valuable cultural relics or causing severe damage to valuable cultural relics.

Whoever robs ancient human fossils and ancient vertebrate fossils that have scientific value is to be punished according to the provisions of the preceding article.

Article 329. Whoever seizes and steals state-owned records is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

Whoever violates the provisions of the Archives Law, selling and transferring state-owned records without authorization and when the circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

Whoever commits the preceding two acts and at the same time, they form the other crimes specified in this law is to be convicted and punished according to the provisions that provide relatively severe punishment.

Section 5. Crimes of Endangering Public Health

Article 330. Whoever violates the provisions of the Law on Prevention and Cure of Contagious Diseases and has one of the following cases, causing the spread of A-category contagious diseases or causing a serious danger of the spread of contagious diseases is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

- (1) The drinking water supplied by water supply units is not up to the hygienic standards set by the state;
- (2) refusing to give sterilization treatment to sewage, pollutants, and excrement and urine contaminated by pathogens of contagious diseases according to the hygienic requirements set by the sanitation and epidemic control organs;
- (3) allowing or conniving at contagious disease sufferers, contagious disease pathogen carriers, and suspected contagious disease sufferers to take up jobs susceptible to spreading contagious diseases that are prohibited to be taken by such persons by the provisions of the public health administrative departments of the State Council; and
- (4) refusing to implement the prevention and control measures set by the sanitation and epidemic control organs in accordance with the Law on Prevention and Cure of Contagious Diseases.

Any unit that commits the preceding crimes is to be sentenced to a fine and the person in direct charge of the unit and other persons directly involved in the case for responsibility are to be punished according to the provisions of the preceding article.

The scope of A-category contagious diseases is determined in accordance with the "The Law of the People's Republic of China on Prevention and Cure of Contagious Diseases" and the relevant provisions of the State Council.

Article 331. Personnel engaged in the testing, storage, carriage, and transporting of contagious diseases' bacterial spawns and viruses violate the relevant provisions of the public health administrative departments of the State Council, causing the spread of contagious diseases' bacterial spawns and viruses and resulting in serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 332. Whoever violates national border health and quarantine regulations, causing the spread of quarantined contagious diseases or a serious danger of spreading them, is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine.

A unit which violates the crime of the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

Article 333. Whoever sells blood illegally by involving others shall be sentenced to not more than five years of fixed-term imprisonment and a fine. Whoever, by violent and threatening methods, forces others to sell blood shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine.

Whoever causes harm to others through the act mentioned in the preceding paragraph shall be convicted and fined in accordance to stipulations of Article 234 of this law.

Article 334. Whoever illegally collects and supplies or produces and supplies blood products that do not meet state- stipulated standards, and enough to endanger human health, shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention and a fine. Whoever causes serious harm to human health shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine; and for whoever causes exceptionally serious consequences, a sentence of not less than 10 years of fixed-term imprisonment or life imprisonment, and may in addition be sentenced to a fine or confiscation of property.

Departments that have approval from principal state departments to collect and supply blood or produce and supply blood products but do not conduct inspection and tests in accordance with stipulations or violate other operations specifications, causing harm to human health, the unit concerned shall be fined, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

Article 335. Medical personnel who fail seriously to carry out their responsibility, causing the death of patients or serious harm to the health of patients shall be sentenced to not more

than three years of fixed-term imprisonment or criminal detention.

Article 336. Whoever illegally engages in medical practice without obtaining the qualification for medical practice, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment, and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

Whoever conducts unauthorized birth control reversal surgery, fake birth control surgery, and pregnancy termination surgery, or takes out birth control devices from the womb, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

Article 337. Whoever, in violation of the relevant state provisions on animal and plant epidemic prevention and quarantine, causes a serious animal or plant epidemic or the risk of a serious animal or plant epidemic shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or criminal detention, and/or be fined. Units that commit the crime of the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

Section 6. Crimes of Undermining Protection of Environmental Resources

Article 338. Whoever, in violation of the state provisions, discharges, dumps or disposes of any radioactive waste, any waste containing pathogens of any infectious disease, any poisonous substance or any other hazardous substance, which has caused serious environmental pollution, shall be sentenced to imprisonment of not more than 3 years or criminal detention and/or a fine; or if there are especially serious consequences, be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

Article 339. Those who dump, store or process solid waste from abroad in the country in violation of state regulations are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and in addition be sentenced to a fine. Those whose acts cause serious environmental pollution and major damages to public or private properties or seriously endanger people's health are to be punished by sentence of not less than five years and not more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine. Those whose acts have especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine.

Those who import solid waste as raw material without the approval of concerned administrative department of the State Council and cause serious environmental pollution, major damages to public or private properties and or seriously endanger people's health are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and in addition be sentenced to a fine.

Whoever, under the pretext of using as raw materials, imports solid, liquid or gaseous waste that cannot be used as raw materials shall be convicted and punished in accordance with the Paragraphs 2 and 3 of Article 152 of this Law.

Article 340. Those who violate laws and regulations to protect aquatic products and catch aquatic products in forbidden areas or forbidden periods or use tools and methods in violation of regulations in a serious nature are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention or control, and may in addition be sentenced to a fine.

Article 341. Those who illegally hunt and kill rare and endangered wild animals which are under the state key production plan or illegally purchase, transport or sell those rare and endangered wild animals and their manufactured products are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and may in addition be sentenced to a fine. In serious cases, those law offenders are to be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine and confiscation of their properties.

Those who violate hunting law and regulations and use tools and methods which are forbidden to be used in no-hunting zones or periods and thus damage the source of wild animals and if the situation is serious are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention or control, and in addition be sentenced to a fine.

Article 342. Whoever, in violation of the regulations on land administration, unlawfully occupies cultivated land, forestland or other land used for agriculture, and change the use of the occupied land, if the area involved is relatively large and a large area of such land is damaged, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only be fined.

Article 343. Whoever, in violation of the Mineral Resources Law, engages in mining without a mining permit, enters a mining area under state planning, a mining area of great value to the national economy or a mining area of any other person to engage in mining without approval, or engages in mining of a special mineral which is subject to protective excavation according to the state provisions without approval shall be sentenced to imprisonment of not more than 3 years, criminal detention or control and/or a fine if the circumstances are serious; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

Those who violate the stipulations of Mineral Resources Law and use destructive mining methods to tap mineral resources and have caused serious damages to mineral resources are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and in addition be sentenced to a fine.

Article 344. Whoever, in violation of the provisions of the state, illegally fells or destroys precious trees or other plants subject to key protection of the state, or illegally purchases, transports, processes or sells precious trees or other plants subject to key protection of the state or the products processed therefrom, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance, and shall also be fined; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 345. Whoever stealthily fells trees or other woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined.

Whoever, in violation of the provisions of the Forestry Law, arbitrarily fells trees or other woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever illegally purchases or transports trees or woods, which he knows are felled stealthily or arbitrarily, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever stealthily or arbitrarily fells trees or woods in any nature reserve at the national level shall be given a heavier punishment.

Article 346. If a unit commits the crimes stipulated in Article 338 to 345, the unit will be sentenced to a fine, while the leading person with direct responsibility and other personnel directly responsible for such violations are to be punished in accordance with the stipulations of related articles.

Section 7. Crimes of Smuggling, Trafficking, Transporting and Manufacturing Drugs

Article 347. Those who commit the crimes of smuggling, trafficking, transporting and manufacturing drugs, regardless of the quantity of drugs, shall be investigated for their criminal responsibility and punished according to the Criminal Law.

Those who smuggle, traffic, transport or manufacture drugs with one of the following conditions are to be punished by 15 years of fixed-term imprisonment, life imprisonment or death sentence, and, in addition, confiscation of their properties:

(1) Smuggling, trafficking, transporting or manufacturing opium with a quantity of more than 1,000 grams [ke 0344], heroin or methylaniline [jia ji ben bing an 3946 1015 0058 0014 5143] with a quantity of more than 50 grams or other narcotics with a large quantity;

(2) The principal leaders of criminal groups engaged in smuggling, trafficking, transporting and manufacturing drugs;

(3) Those who use arms to cover up smuggling, trafficking, transporting and manufacturing drugs;

(4) Those who use violence to resist inspection, detention or arrest in serious situation; and

(5) Those who take part in organized international drug trafficking activities.

Those who smuggle, traffic, transport or manufacture opium with a quantity less than 1,000 grams but more than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 50 grams but more than 10 grams, and those who deal with other drugs in large quantity are to be sentenced to more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

Those who smuggle, traffic, transport or manufacture opium with a quantity less than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 10 grams, or those who deal with a small quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment, detention or control, and, in addition, be sentenced to a fine. In more serious cases, those law offenders are to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

Units which commit the crimes as stated in (2), (3) and (4) above are to be penalized with a fine. Their leading personnel directly responsible for those acts and other directly responsible personnel are to be punished in accordance with the above sections of this article.

Those who utilize or urge youngsters to engage in smuggling, trafficking, transporting or manufacturing drugs or selling drugs to youngsters are to be punished in a heavier manner. As to those who commit crimes repeatedly, the quantities of drugs involved in smuggling, trafficking, transporting and manufacturing will be combined in the judgment for sentencing.

Article 348. Those who illegally hold more than 1,000 grams of opium or more than 50 grams of heroin or methylaniline or large quantities of other drugs are to be sentenced to more than seven years of fixed-term imprisonment or life imprisonment and, in addition, be sentenced to a fine. Those who illegally hold more than 200 grams but less than 1,000 grams of opium or hold more than 10 grams of heroin but less than 50 grams of methylaniline or hold a large quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment or detention or control and, in addition, be sentenced to paying a fine. In serious cases, the law offenders are to be sentenced to more than three years but less than

seven years of fixed-term imprisonment and, in addition, be sentenced to paying a fine.

Article 349. Those who provide cover for criminals who have engaged in smuggling, trafficking, transporting and manufacturing drugs and those who hide, move or conceal drugs and properties of criminals are to be sentenced to less than three years of fixed-term imprisonment, detaining or control. In serious cases, they are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Anti-drug smuggling personnel or other workers of state organs who shield or harbor criminal elements who smuggle, sell, transport, or make drugs, are to be severely punished according to stipulations of the above paragraph.

Those who conspire with others in advance to commit crimes stipulated in the above two paragraphs of this article are to be handled as accomplices of smuggling, trafficking, transporting, or making drugs.

Article 350. Whoever, in violation of the provisions of the state, illegally produces, trades in, transports or carries into or out of China acetic anhydride, ethyl ether, chloroform, or other raw materials or auxiliary materials for manufacturing drugs shall be sentenced to imprisonment of not more than three years, criminal detention or surveillance in addition to a fine if the circumstances are relatively serious; if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property.

Whoever, being obviously aware that someone else is manufacturing drugs, produces, trades in or transports the articles as provided for in the preceding paragraph for the said person shall be punished as an accomplice to the crime of drug manufacturing.

Units committing crimes stipulated in the above two paragraphs are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above two paragraphs.

Article 351. Illegal growing of opium poppy, marijuana, or other kinds of plants from which drugs are extracted is to be forcibly eliminated. Those falling in one or more of the following cases are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance, in addition to fine:

- (1) Those growing more than 500 but fewer than 3,000 opium poppy plants, or those growing relatively large numbers of other kinds of plants from which drugs are extracted;
- (2) those who grow again after their cases have been settled by a public security organ;
- (3) those refusing and resisting elimination of their crops.

Those illegally growing more than 3,000 opium poppy plants or large numbers of other kinds of plants from which drugs are extracted are to be sentenced to five years or more in prison, in addition to paying a fine or having their property confiscated.

Those illegally growing opium poppy plants or other kinds of plants from which drugs are extracted but voluntarily wiping them out before reaping them may be exempted from punishment.

Article 352. Those illegally selling, buying, transporting, hand carrying, or those who are illegally in possession of non-sterilized seeds or saplings of opium poppy or other kinds of plants from which drugs are extracted, if the amounts are relatively large, are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine; or are to be fined.

Article 353. Those who lure, instigate, or trick others into taking or injecting drugs are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine.

Those forcing others to take or inject drugs are to be sentenced to three to 10 years in prison in addition to paying a fine.

Those luring, instigating, tricking, or forcing minors into taking or injecting drugs are to be severely punished.

Article 354. Those harboring others who take or inject drugs are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine.

Article 355. Personnel who produce, transport, manage, or use according to law narcotics or drugs for mental sickness under the state's control and who, in violation to the state's regulations, provide those who take or inject drugs with addictive narcotics or drugs for mental sickness that are under the state's control are to be sentenced to three years or fewer in prison or put under criminal detention, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine. Those providing addictive narcotics or drugs for mental sickness that are under the state's control to criminal elements engaging in smuggling or trafficking drugs or, with the purpose of making profits, to those taking or injecting drugs, are to be convicted and punished according to article 347 of this law.

Units committing crime stipulated in the above paragraph are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above paragraph.

Article 356. Those who have been convicted of smuggling, trafficking, transporting, or making drugs, or who are illegally in possession of drugs, and who again commit the crime stipulated in this section, are to be severely punished.

Article 357. Drugs as mentioned in this law refer to opium, heroin, ice, morphine, marijuana, cocaine, and other addictive narcotics and drugs for mental sickness that are under the state's control.

The amounts of drugs are to be calculated according to the verified amounts of drugs smuggled, sold, transported, or made, or the amounts illegally in possession, and are not to be calculated in terms of the pureness of the drugs.

Section 8. The Crime of Organizing, Forcing, Seducing, Harboring, or Introducing Prostitution

Article 358. Whoever organizes or forces anyone else into prostitution shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property if the circumstances are serious.

Whoever organizes or forces any juvenile into prostitution shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

Whoever commits the crime in the preceding two paragraphs and also commits murder, injuring, rape, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

Whoever recruits or transports persons for an organizer of prostitution or otherwise assists in organizing prostitution shall be sentenced to imprisonment of not more than five years in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine.

Article 359. Those harboring prostitution or seducing or introducing others into prostitution are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine. If the case is serious, they are to be sentenced to five years or more in prison in addition to a fine.

Those seducing young girls under 14 years of age into prostitution are to be sentenced to five years or more in prison in addition to a fine.

Article 360. Those engaging in prostitution or visiting a whorehouse knowing that they are suffering from syphilis, clap, or other serious venereal diseases are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance, in addition to having to pay a fine.

Article 361. Personnel of hotels, restaurants, entertainment industry, taxi companies, and other units who take advantage of their units' position to organize, force, seduce, harbor, or introduce others to prostitution are to be convicted and punished according to articles 358 and 359 of this law.

Main persons in charge of the aforementioned units who commit crimes stipulated in the above paragraph are to be severely punished.

Article 362. Personnel of hotels, restaurants, entertainment industry, taxi companies, or other units who inform law offenders and criminals while public security personnel are checking prostitution and whorehouse visiting activities, if the case is serious, are to be convicted and punished according to article 310 of this law.

Section 9. The Crime of Producing, Selling, or Disseminating Obscene Materials

Article 363. Those producing, reproducing, publishing, selling, or disseminating obscene materials with the purpose of making profits are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine. If the case is especially serious, they are to be sentenced to 10 years or more in prison or given life sentence, in addition to a fine or confiscation of property.

Those providing others with international standard book numbers [ISBN] for publishing obscene books or magazines are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to having to pay a fine; or are to be fined. Those providing others with ISBNs knowing that they are going to use them for publishing obscene books or magazines are to be punished according to the above stipulations.

Article 364. Those disseminating obscene books, magazines, films, audio or video products, pictures, or other kinds of obscene materials, if the case is serious, are to be sentenced to two years or fewer in prison or put under criminal detention or surveillance.

Those organizing the broadcasting or showing of obscene motion pictures, video films, or other kinds of audio or video products are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to having to pay a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to paying a fine.

Those producing or reproducing and organizing the broadcasting or showing of obscene motion pictures, video tapes, or other kinds of audio or video products are to be severely punished according to stipulations in paragraph two of this article.

Those broadcasting or showing obscene materials to minors under 18 years of age are to be severely punished.

Article 365. Those organizing an obscene performance are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine.

Article 366. Units committing crimes stipulated in articles 363, 354, or 365 of this section are to be fined, and their main persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of respective articles.

Article 367. Obscene materials mentioned in this law refer to erotic books, magazines, motion pictures, video tapes, audio tapes, pictures, and other obscene materials that graphically describe sexual intercourse or explicitly publicize pornography.

Scientific products about physiological or medical knowledge are not obscene materials.

Literary and artistic works of artistic value that contain erotic contents are not regarded as obscene materials.

Chapter VII Crimes of Endangering the Interests of National Defense

Article 368. Those who use methods of violence or threat to obstruct military personnel from carrying out their duties in accordance with the law are to be sentenced to not more than three years of fixed-term imprisonment, or criminal detention or control and may, in addition, be sentenced to a fine.

Those who intentionally obstruct military actions of the armed forces and cause serious consequences are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

Article 369. Whoever sabotages weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not more than three

years or criminal detention or public surveillance; whoever sabotages major weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of 3 up to 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death penalty.

Any one who commits a crime as described in the preceding two paragraphs and causes serious consequences due to negligence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are extremely serious, he shall be sentenced to fixed-term imprisonment of 3 up to 7 years.

He who commits a crime as mentioned in the preceding two paragraphs during wartime shall be given a heavier punishment.

Article 370. Those who knowingly supply unqualified weapons and equipment and other military facilities to armed units are to be sentenced to not more than five years fixed-term imprisonment or criminal detention. In serious cases, those law offenders are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, life imprisonment or death.

Those who commit the above-mentioned crimes and cause serious consequences due to negligence are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention. Those who commit above-mentioned crimes and cause especially serious consequences due to negligence are to be sentenced to more than three years but less than seven years of fixed-term imprisonment.

If a unit commits crimes noted in section one of this article, the unit will be sentenced to a fine. Leading personnel of the unit having direct responsibility and other personnel directly responsible for the crimes are to be punished in accordance with section one of this article.

Article 371. The principal leaders of those who assemble a crowd to charge military forbidden zones and seriously disrupt order in military forbidden zones are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. Other active participants are to be sentenced to not more than five years of fixed-term imprisonment, criminal detention or control or deprivation of political rights.

The principal leaders of those who assemble a crowd to seriously disrupt order in military administrative zones, hamper operation in the military administrative zones and cause serious losses are to be sentenced to more than three years but less than seven years of fixed-term imprisonment. Other active participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprivation of political rights.

Article 372. Those who pose as military personnel and engage in cheating and bluffing are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprivation of political rights. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Article 373. Those who instigate military personnel to escape from the unit to which they

belong or knowingly employ those escaped military personnel are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control if the situation is serious.

Article 374. Those who play favoritism and commit irregularities in conscription work or receive and deliver unqualified enlisted men are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention if the situation is serious. Those law offenders are to be sentenced to more than three years but less than seven years fixed-term imprisonment if the consequences are especially serious.

Article 375. Those who forge, alter, buy or sell, steal or rob documents, certificates and seals of armed units are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprivation of political rights. If the situation is serious, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Whoever illegally produces, buys, or sells uniforms of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, criminal detention or public surveillance, and/or be fined.

Whoever forges, steals, buys, sells, or illegally provides or uses license plates of vehicles or other special signs of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, criminal detention or public surveillance, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Where any entity commits the crime in paragraph 2 or 3, it shall be fined, and the direct liable person in charge and other directly liable persons shall be punished under the applicable paragraph.

Article 376. Reserve service personnel who refuse or evade conscription or military training in times of war are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention if the situation is serious.

Citizens who refuse or evade conscription in times of war are to be sentenced to not more than two years of fixed-term imprisonment if the situation is serious.

Article 377. Those who intentionally provide false enemy information and thus cause serious consequences are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment. Those whose acts cause especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment.

Article 378. Those who create rumors and undermine the morale of the armed forces are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Article 379. Those who knowingly provide shelter, properties and things for escaped military personnel in times of war are to be sentenced to not more than three years of fixed-term

imprisonment or criminal detention if the situation is serious.

Article 380. Units which refuse or intentionally delay military orders for supplies in times of war are to be sentenced to a fine. The principal leading responsible personnel and other persons directly responsible for the crimes are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention. In serious cases, those law offenders are to be sentenced to more than five years of fixed-term imprisonment.

Article 381. Those who refuse military expropriation or requisition in times of war are to be sentenced to more than three years of fixed-term imprisonment or criminal detention if the situation is serious.

Chapter VIII Graft and Bribery

Article 382. State personnel who take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties constitute the crime of graft.

Those who are entrusted by state organs, state companies, state enterprises, state undertakings and mass organizations to administer and operate state properties but take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties also constitute the crime of graft.

Those who collaborate with those personnel as listed in the aforementioned two paragraphs and join the crime are considered as committing a joint crime.

Article 383. Whoever commits the crime of corruption shall be punished in light of the graveness of the crime according to the following provisions:

(1) If the amount involved in the corruption is relatively large or there is any other relatively serious circumstance, the convict shall be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine.

(2) If the amount involved in the corruption is huge or there is any other serious circumstance, the convict shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine or forfeiture of property.

(3) If the amount involved in the corruption is especially huge or there is any other especially serious circumstance, the convict shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property; or if the amount involved is especially huge and especially material losses have been caused to the interests of the state or the public, the convict shall be sentenced to life imprisonment or death penalty and a forfeiture of property.

Whoever has committed repeatedly crimes of corruption without being punished shall be punished based on the accumulative amount involved in the crimes of corruption.

Whoever commits a crime as mentioned in paragraph 1, and before a public prosecution is filed, truthfully confesses his or her crime, shows sincere repentance and actively returns the illegally obtained money to avoid or reduce the occurrence of losses, if there is any circumstance as set forth in item (1), may be given a lighter or mitigated penalty or be exempt from penalty; or if there is any circumstance as set forth in item (2) or (3), may be given a lighter penalty.

Where a convict who commits a crime as mentioned in paragraph 1 and falls under any circumstance as set forth in item (3) is sentenced to death with a reprieve, the people's court may, in light of the circumstances of the crime committed, decide to commute the sentence to life imprisonment upon expiration of the two-year period, sentence the convict to life imprisonment, and shall not offer commutation or parole.

Article 384. State personnel who take advantage of their office and misappropriate public funds for personal use or illegal activities or misappropriate large amounts of public funds without returning the money within three months are guilty of the crime of embezzlement and are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention. In serious cases, those offenders are to be sentenced to more than five years of fixed-term imprisonment. Those who misappropriate a large amount of public funds without returning the money are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment.

Those who misappropriate funds for relief of natural disasters, flood prevention, preferential treatment to military dependents, helping the poor and aid supplies for personal use are to be punished in a severe manner.

Article 385. State personnel who take advantage of their office to demand money and things from other people or if they illegally accept money and things from other people and give favors to the latter are guilty of the crime of bribery.

State personnel in their economic operation accept various kinds of kickback and handling fees for their personal use in violation of state provisions also guilty of the crime of bribery and are to be punished accordingly.

Article 386. Whoever commits the crime of accepting bribes is to be punished on the basis of Article 383 of this law according to the amount of bribes and the circumstances. A heavier punishment shall be given to whoever demands a bribe.

Article 387. State organs, state-owned companies, enterprises, institutions, and people's organizations which exact or illegally accept articles of property from other people and try to obtain gain for other people shall be sentenced to a fine if the circumstances are serious; moreover, their personnel who are directly in charge and other personnel who are directly held responsible for the crime are to be sentenced to not more than five years of fixed-term imprisonment or to criminal detention.

In economic activities, should the units listed in the preceding paragraph secretly accept, outside the account, kickback or service charges of various types, they are to be punished as having accepted a bribe on the basis of the provisions in the preceding paragraph.

Article 388. State functionaries who help trustors to seek illegitimate gain, exact or accept articles of property from trustors by taking advantage of the facilities created by their authority of office or position, or through the action related to the post of other state functionaries, shall be dealt with according to the crime of accepting bribes.

Article 388 (I):Where any close relative of a state functionary or any other person who has a close relationship with the said state functionary seeks any improper benefit for a requester

for such a benefit through the official act of the said state functionary or through the official act of any other state functionary by using the advantages generated from the authority or position of the said state functionary, and asks or accepts property from the requester for such a benefit, and the amount is relatively large or there is any other relatively serious circumstance, he shall be sentenced to fixed-term imprisonment not more than three years or criminal detention, and be fined; if the amount is huge or there is any other serious circumstance, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined; or if the amount is extremely huge or there is any other extremely serious circumstance, shall be sentenced to fixed-term imprisonment not less than seven years, and be fined or be sentenced to confiscation of property.

Where any state functionary who has left his position, any close relative of him or any other person who has a close relationship with him commits the act as prescribed in the preceding paragraph by using the advantages generated from the former authority or position of the said state functionary, he shall be convicted and punished under the preceding paragraph.

Article 389. An act of giving state functionaries articles of property in order to seek illegitimate gain shall be considered a crime of offering bribes.

In economic activities, whoever gives articles of property to state functionaries in violation of state provisions, when the amount is fairly large, or gives a kickback or service charges of various types to state functionaries in violation of state provisions is to be dealt with as committing the crime of offering bribes.

Whoever gives articles of property to state functionaries due to extortion but receives no illegitimate gain shall not be considered as committing the crime of offering bribes.

Article 390. Whoever commits the crime of offering bribes shall be sentenced to imprisonment of not more than five years or criminal detention in addition to a fine; whoever seeks any illicit benefit by means of offering bribes and the circumstances are serious or causes any serious loss to the national interest shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or if the circumstances are especially serious, or any especially serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property.

The briber who actively confesses to his or her crime before being prosecuted may be given a lighter or mitigated penalty. Whoever commits a relatively minor crime and plays a crucial role in resolving an important case or has any major meritorious performance may be given a lighter penalty or be exempt from penalty.

Article 390(1): Whoever, for the purpose of seeking illicit benefits, offers bribe to any close relative of an employee of a state functionary or any other person who has a close relationship with the said employee of the state authority, or any dismissed employee of a state authority or any of his or her close relatives or any other person who has a close relationship with the said employee shall be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine; if there is any serious circumstance or

any serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if there is any other especially serious circumstance or any especially serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than seven years but not more than ten years in addition to a fine.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine.

Article 391. Whoever offers property to any state authority, state-owned company, enterprise, public institution or people's organization for the purpose of seeking illicit benefits or offers commission or handling charges in any name in violation of the provisions of the state in economic exchanges shall be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine.

Whichever unit commits the crime mentioned in the preceding paragraph is to be sentenced to a fine, and the responsible persons who are directly in charge of the unit or other personnel who are held directly responsible for the crime shall be punished on the basis of the preceding paragraph.

Article 392. Whoever introduces bribery to any employee of a state authority shall be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine if the circumstances are serious.

Before prosecution, if the person introducing bribery to state functionaries takes the initiative to admit his/her crime, he or she may receive a lighter punishment or be exempted from punishment.

Article 393. Where any entity offers bribes for the purpose of seeking illicit benefits or offers commission or handling charges to any employee of a state authority in violation of the provisions of the state shall, if the circumstances are serious, be sentenced to a fine, and the directly responsible person in charge and other directly liable persons shall be sentenced to imprisonment of not more than five years or criminal detention in addition to a fine. Whoever owns the illegal income obtained from bribery shall be convicted and punished in accordance with the provisions of Articles 389 and 390 of this Law.

Article 394. State functionaries who accept gifts in the course of carrying out official duties at home or in intercourse with foreign countries but who fail to turn over the gifts to the state in accordance with state provisions, when the amount is fairly large, shall be punished in accordance with the crimes stated in Article 382 and Article 383 of this law.

Article 395. Where the property or expenditure of any state functionary obviously exceeds his legitimate income, and the difference is huge, he shall be ordered to explain the sources. If he fails to do so, the difference shall be determined as illegal income, and he shall be sentenced to fixed-term imprisonment not more than five years or criminal detention; or if the difference is extremely huge, shall be sentenced to fixed-term imprisonment not less

than five years but not more than ten years. The difference of the property shall be recovered. State functionaries who have savings deposits in foreign countries must declare their deposits according to state provisions. Those who hide their deposits of this nature by not declaring them are to be sentenced to not more than two years of fixed-term imprisonment or to criminal detention; when the circumstances are not serious, they shall be given administrative punishment by the unit to which they belong or by a competent organ of a higher level according to the circumstance.

Article 396. State organs, state-owned companies, enterprises, business units, and mass organizations which violate state regulations by privately distributing state assets to groups of individuals in the name of the units, where the amounts involved are fairly large, the principal personnel directly responsible and other personnel with direct responsibility shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine; and when huge amounts are involved, not less than three years and not more than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Judicial organizations and administrative and law enforcement organizations which violate state stipulations by privately distributing to groups of individuals fines and confiscated goods that should be turned over to the higher authorities, shall be punished in accordance with the stipulations of the preceding paragraph.

Chapter IX Crimes of Dereliction of Duty

Article 397. State personnel who abuse their power or neglect their duties, causing great losses to public property and the state's and people's interests, shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

State personnel who practice favoritism and commit irregularities and the crimes mentioned in the preceding paragraph shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

Article 398. State personnel who violate the stipulations of the Law of Protection of State Secrets and intentionally or negligently reveal state secrets, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment.

Non-state personnel who commit the crime mentioned in the preceding paragraph shall be punished in consideration of the circumstances and in accordance with the stipulations of the preceding paragraph.

Article 399. Any judicial officer who, by bending the law for selfish ends or twisting the law

to serve his friends and relatives, subjects any person he knows to be innocent to investigation for criminal responsibility, intentionally protects any person he knows to be guilty from investigation for criminal responsibility, intentionally runs counter to the facts and law to render judgments that abuse the law in criminal proceedings shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Whoever, in civil or administrative proceedings, intentionally runs counter to the facts and law to render judgments that abuse the law, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Whoever, in the enforcement of any judgment or ruling, seriously neglects his duty or abuses his authority and fails to adopt judicial protective measures or perform statutory enforcement duties, or illegally adopts judicial protective measures or mandatory enforcement measures, if any heavy loss thus occurs to the interests of the parties involved or others, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if any especially heavy loss thus occurs to the interests of the parties involved or others, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

Any judicial officer, who takes any bribe and commits any act mentioned in the preceding three paragraphs, which also constitutes a crime as provided for in Article 385 of this Law, shall be convicted and punished in accordance with the provisions for a heavier punishment.

Article 399 (1): Where anyone who undertakes the duties of arbitration according to law intentionally goes against the facts or law and makes any wrongful ruling in the process of arbitration, he shall be sentenced to fixed-term imprisonment of not more than three years or detention. If the circumstances are extremely serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 400. Judicial work personnel who release without authority crime suspects, accused persons, or criminals from custody shall be punished with imprisonment or criminal detention of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years; or -- for cases of an extraordinary serious nature -- with imprisonment of over 10 years.

Judicial work personnel who, because of serious irresponsibility, cause the escape of crime suspects, accused persons, or criminals from custody resulting in severe consequences, shall be punished with imprisonment or criminal detention of less than three years; or -- for cases causing extraordinary serious consequences -- with imprisonment of over three years and less than 10 years.

Article 401. Judicial work personnel who, because of favoritism and malpractice, offer

commutation, parole, or out-of-prison enforcement for offenses that fail to meet requirements of such commutation, parole, or out-of-prison enforcement, shall be punished with imprisonment or criminal detention of less than three years; or -- for cases of a serious nature -- with imprisonment of over three years and less than seven years.

Article 402. Administrative law enforcement personnel who, because of favoritism and malpractice, fail to refer cases to judicial organs for establishing criminal liabilities under the law, shall -- in cases of a serious nature -- be punished with imprisonment or criminal detention of less than three years; or -- where serious consequences have been caused -- with imprisonment of over three years and less than seven years.

Article 403. State organ work personnel under relevant competent state departments, who, because of favoritism, malpractice, and abuse of powers, approve or register the incorporation or registration of companies that fail to meet conditions required by law, or approve their applications for issuance of shares or bonds, or listing resulting in serious losses to public property and interests of the state and the people, shall be punished with imprisonment or criminal detention of less than five years.

Personnel directly in charge of a department of a higher level that forcibly order registration organs or their work personnel to commit acts of the preceding paragraph shall be punished according to provisions of the preceding paragraph.

Article 404. Work personnel of tax organs, who, because of favoritism and malpractice, fail to impose or impose less mandatory taxes resulting in serious losses of state revenues, shall be punished with imprisonment or criminal detention of less than five years; or -- in cases causing extraordinary serious losses -- with imprisonment of over five years.

Article 405. Work personnel of tax organs, who, in violation of provisions under the law and administrative rules, cause great losses to state interests in handling work relating to sale of invoices, tax offsetting, and export tax refund as a result of favoritism and malpractice, shall be punished with imprisonment or criminal detention of less than five years; or -- in cases causing extraordinary serious losses to state interests -- with imprisonment of over five years. Other state organ work personnel, who, in violation of state stipulations, practice favoritism and malpractice in work relating to export tax refunds, including provision of customs declaration bills for export goods, and verification and cancellation of exchange earnings through export, resulting in serious losses to state interests, shall be punished according to the provisions of the preceding paragraph.

Article 406. Work personnel of state organs, who, because of serious irresponsibility, have been deceived in the course of entering or executing agreements, resulting in serious losses to state interests, shall be punished with imprisonment or criminal detention of less than three years; or -- for cases causing extraordinary serious losses to state interests -- with imprisonment of over three years and less than seven years.

Article 407. Work personnel of departments in charge of forest industry, who, in violation of provisions under the Forest Law, issue logging licenses in excess of approved annual quotas or indiscriminately issue logging licenses, shall -- in cases of a serious nature that cause

severe damages to forests -- be punished with imprisonment or criminal detention of less than three years.

Article 408. Work personnel of state organs in charge of environmental protection and supervision, whose serious irresponsibility has resulted in serious consequences, including severe environmental pollution that causes serious damages to public and private property or human casualties, shall be punished with imprisonment or criminal detention of less than three years.

Article 408(I): Where a state functionary with food safety supervision and management functions abuses his powers or neglects his duties, if any serious food safety accident or other serious consequence is caused, he shall be sentenced to imprisonment of not more than 5 years or criminal detention; or if any especially serious consequence is caused, be sentenced to imprisonment of not less than 5 years but not more than 10 years.

Where the crime as provided for in the preceding paragraph is committed by the state functionary by making falsehood for personal gains, a heavier penalty shall be imposed on him.

Article 409. Government work personnel of public health administrative departments engaging in the prevention and treatment of infectious diseases, whose serious irresponsibility has resulted in the communication and spread of infectious diseases, shall -
- in cases of a serious nature --be punished with imprisonment or criminal detention of less than three years.

Article 410. State organ work personnel, who practice favoritism and malpractice, violate land management rules, and abuse powers in illegally approving land acquisition and occupation, or illegally leasing out land use rights at a price lower than market value, shall -
- in cases of a serious nature -- be punished with imprisonment or criminal detention of less than three years; or -- for cases causing extraordinary heavy losses to state or collective interests -- with imprisonment of over three years and less than seven years.

Article 411. Customs work personnel who practice favoritism and malpractice in conniving smuggling, shall, -- for cases of a serious nature-- be punished with imprisonment or criminal detention of less than five years; or -- for cases of an extraordinary serious nature -- be punished with imprisonment of over five years.

Article 412. Work personnel with state commercial inspection departments or organizations, who practice favoritism and malpractice and forge inspection results, shall be punished with imprisonment or criminal detention of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years.

Work personnel mentioned in the preceding paragraph, who, because of serious irresponsibility, fail to inspect goods requiring inspection, or delay inspection and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or criminal detention of less than three years.

Article 413. Quarantine personnel with animal and plant quarantine organs, who practice favoritism and malpractice in forging quarantine results, shall be punished with imprisonment

or criminal detention of less than five years; or -- in cases with serious consequences -- with imprisonment of over five years and less than 10 years.

Work personnel mentioned in the preceding paragraph, who, because of serious irresponsibility, fail to carry out quarantine on goods requiring quarantine, or delay quarantine and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or criminal detention of less than three years.

Article 414. State organ work personnel charged with the responsibility of establishing liabilities of criminal acts relating to the sale of fake and shoddy merchandise, who practice favoritism and malpractice and fail to perform their duties under the law, shall -- in cases of a serious nature -- be punished with imprisonment or criminal detention of less than five years.

Article 415. State organ work personnel charged with the responsibility of handling passports, visas, and other exit/entry documents, who knowingly grant exit/entry documents to personnel attempting to cross state (border) lines illegally; or state organ work personnel of frontier defense or customs, who knowingly let go personnel who try to cross state (border) lines illegally, shall be punished with imprisonment or criminal detention of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than seven years.

Article 416. State organ personnel charged with the responsibility of rescuing abducted or kidnapped women and children, who fail to act at the request of the abducted or kidnapped women or children or members of their family or at information received from members of the public, resulting in serious consequences, shall be punished with imprisonment or criminal detention of less than five years.

State organ work personnel with rescue responsibility, who take advantage of their duties to obstruct rescue operations, shall be punished with imprisonment of over two years and less than seven years; or -- for less serious cases -- with imprisonment or criminal detention of less than two years.

Article 417. State organ personnel charged with the responsibility of investigating and banning criminal activities, who send secret information or tip off criminal elements, or provide facility to help them evade punishment, shall be punished with imprisonment or criminal detention of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than 10 years.

Article 418. State organ work personnel who practice favoritism and malpractice in recruiting government functionaries or students, shall -- in cases of a serious nature -- be punished with imprisonment or criminal detention of less than three years.

Article 419. State personnel who cause damage to or loss of precious cultural relics through serious irresponsibility shall be sentenced to not more than three years in prison or criminal detention if the circumstances are serious.

Chapter X Crimes of Violation of Duty by Military Personnel

Article 420. Acts by military personnel of endangering national and military interests in violation of their duties which are punishable by law are considered crimes in violation of duty by military personnel.

Article 421. Those who endanger military operations in defiance of orders in wartime shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 422. Those who endanger military operations by deliberately concealing military information, providing false military information, refusing to relay military orders, or relaying false military orders shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 423. Those who care for nothing but their own lives on the battleground and lay down their arms and surrender to the enemy of their own accord shall be sentenced to not less than three years and not more than 10 years in prison. If the circumstances are serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

Those who work for the enemy after their surrender shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 424. Those who flee from battle shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years in prison and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 425. Commanders and personnel on duty who cause serious consequences by leaving their posts without permission or by neglecting their duties shall be sentenced to not more than three years in prison or criminal detention. In the event of especially serious consequences, they shall be sentenced to not less than three years and not more than seven years in prison.

Those who commit the crimes mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years in prison.

Article 426. Whoever obstructs any commander or person on duty from performing his or her duties through violence or intimidation shall be sentenced to imprisonment of not more than five years or criminal detention; be sentenced to imprisonment of not less than five years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious. Whoever commits the crime during wartime shall be given a heavier penalty.

Article 427. Those who cause serious consequences by abusing their powers and directing their subordinates to engage in activities in violation of their duties shall be sentenced to not more than five years in prison or criminal detention. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in

prison.

Article 428. Commanders who cause serious consequences by turning away from battle or acting passively in combat in defiance of orders shall be sentenced to not more than five years in prison. In the event of major losses in combat or battle, or other especially serious circumstances, they shall be sentenced to not less than five years in prison.

Article 429. The commanders of those who cause friendly forces to suffer major losses by not coming to their rescue on the battleground, although they know that they are in imminent danger, are asking for rescue, and can be rescued, shall be sentenced to not more than five years in prison.

Article 430. Those who endanger national and military interests by leaving their posts without permission, fleeing the country, or defecting while outside the country during the course of performing official duties shall be sentenced to not more than five years in prison or criminal detention.

If the circumstances are serious, they shall be sentenced to not less than five years in prison. In the event of desertion by aircraft or on board vessels, or other especially serious circumstances, those involved shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 431. Those who illegally obtain military secrets by stealing, spying, or buying such secrets shall be sentenced to not more than five years in prison. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison.

Those who steal, spy, or buy military secrets for overseas institutions, organizations, or personnel, and illegally provide such secrets to them shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 432. Those who leak military secrets by design or by accident in violation of laws and regulations on protecting state secrets shall be sentenced to not more than five years in prison or criminal detention if the circumstances are serious. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

Article 433. Whoever fabricates rumors to mislead people and shake the confidence of the army in wartime shall be sentenced to imprisonment of not more than three years; be sentenced to imprisonment of not less than three years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious.

Article 434. Those who inflict injuries on themselves to eschew military duties in wartime

shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 435. Those who desert their troops in violation of military service laws and regulations shall be sentenced to not more than three years in prison or criminal detention if the circumstances are serious.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than three years and not more than seven years in prison.

Article 436. Those who violate regulations on the use of weaponry in circumstances that are so serious as to constitute accidents through negligence that result in serious injuries or deaths or that cause other serious consequences shall be sentenced to not more than three years in prison or criminal detention. If the consequences are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 437. Those who cause serious consequences by changing the prescribed ways of using weaponry in violation of weaponry management regulations shall be sentenced to not more than three years in prison or criminal detention. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 438. Those who steal or snatch weaponry or war materiel shall be sentenced to not more than five years in prison or criminal detention. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Those who steal or snatch firearms, ammunition, or explosives shall be punished in accordance with the provisions in Article 127 of this law.

Article 439. Those who illegally sell or transfer military weaponry shall be sentenced to not less than three years and not more than 10 years in prison. In the event of selling or transferring large quantities of weaponry, or other especially serious circumstances, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 440. Those who abandon weaponry in defiance of orders shall be sentenced to not more than five years in prison or criminal detention. In the event of abandoning important weaponry or large quantities of weaponry, or other serious circumstances, they shall be sentenced to not less than five years in prison.

Article 441. In the event of failure to promptly report loss of weaponry, or other serious circumstances, those involved shall be sentenced to not more than three years in prison or criminal detention.

Article 442. In the event of selling or transferring military real estate without permission in violation of relevant provisions, and if the circumstances are serious, the people directly responsible shall be sentenced to not more than three years in prison or criminal detention. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than 10 years in prison.

Article 443. Those who abuse their powers and maltreat their subordinates in vicious circumstances that result in serious injuries or give rise to other serious consequences shall be sentenced to not more than five years in prison or criminal detention. If deaths result, they shall be sentenced to not less than five years in prison.

Article 444. Persons directly responsible for the intentional abandonment of injured or sick servicemen on battlefields, if the case is serious, are to be sentenced to five years or fewer in prison.

Article 445. Those working in medical aid or medical treatment positions during wartime who refuse to save or treat seriously injured or critically sick servicemen when conditions permit them to do so are to be sentenced to five years or fewer in prison or put under criminal detention. If the case results in serious disability, death, or other grave consequences of the injured or sick servicemen, those responsible are to be sentenced to five to 10 years in prison.

Article 446. Those cruelly injuring innocent residents or looting innocent residents' money or other property on military action areas are to be sentenced to five years or fewer in prison. If the case is serious, they are to be sentenced to five to 10 years in prison. If the case is extraordinarily serious, they are to be sentenced to 10 years or more in prison, given a life sentence, or sentenced to death.

Article 447. Those releasing prisoners of war without authorization are to be sentenced to five years or fewer in prison. Those releasing important prisoners of war or many prisoners of war, or those involved in other serious cases, are to be sentenced to five years or more in prison.

Article 448. Those mistreating prisoners of war, if the case is serious, are to be sentenced to three years or fewer in prison.

Article 449. During wartime, convicted servicemen who are sentenced to three years or fewer in prison, who pose no practical dangers, and whose sentence is suspended, are allowed to redeem themselves by good service. If they prove to have done meritorious service, their original sentence may be rescinded and they may not be considered to have committed a crime.

Article 450. This chapter applies to active duty military officers, civilian cadres, soldiers, and cadets with military status of the Chinese People's Liberation Army [PLA]; active duty military officers, civilian cadres, soldiers, and cadets with military status in the Chinese People's Armed Police; and personnel of the reserve force and other personnel carrying out military tasks.

Article 451. Wartime as mentioned in this chapter refers to the time after the state has declared the state of war, troops have been assigned with combat missions, or when the country is suddenly attacked by enemy.

The time during which troops carry out marshal law missions or handle emergency violence is considered wartime.

Supplementary Articles

Article 452. This law will go into effect as of October 1, 1997.

Regulations, supplementary provisions, and decisions made by the National People's Congress Standing Committee that are listed in appendix one of this law have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect.

Supplementary provisions and decisions made by the National People's Congress Standing Committee that are listed in appendix two of this law are to be retained. Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply as of the date when this law goes into effect.

Appendix I

The following regulations, supplementary provisions, and decisions, made by National People's Congress Standing Committee, have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect

1. PRC Provisional Regulations on Punishing Military Personnel for Violation of Duty;
2. Decision on Severely Punishing Criminals Seriously Undermining the Economy;
3. Decision on Severely Punishing Criminal Elements Seriously Compromising Social Order;
4. Supplementary Provisions on Cracking Down on the Crime of Smuggling;
5. Supplementary Provisions on Cracking Down on the Crime of Corruption or Bribery;
6. Supplementary Provisions on Cracking Down on the Crime of Letting Out State Secrets;
7. Supplementary Provisions on Cracking Down on the Crime of Killing Rare and Endangered Wildlife That Are Selectively Under the State's Protection;
8. Decision on Cracking Down on the Crime of Insulting the PRC National Flag or Emblem;
9. Supplementary Provisions on Cracking Down on the Crime of Robbing Ancient Cultural Ruins or Ancient Tombs;
10. Decision on Punishing Criminal Elements Hijacking Aviation Vehicles;
11. Supplementary Provisions on Cracking Down on the Crime of Counterfeiting Registered Trade Marks;
12. Decision on Cracking Down on the Crime of Producing or Selling Counterfeit or Inferior Commodities;
13. Decision on Cracking Down on the Crime of Infringing on Copyright;
14. Decision on Cracking Down on the Crime of Violating the Company Law;
15. Decision on Handling Escaped Criminals Under Reform Through Labor or People Under Education Through Labor, or Those Who Commit Crimes Again.

Appendix II

The following supplementary provisions and decisions, made by the National People's Congress Standing Committee, are to be retained. Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply

as of the date when this law goes into effect.

1. Decision on Prohibiting Drugs;
2. Decision on Punishing Criminal Elements Committing Smuggling, Producing, Selling, or Disseminating Obscene Materials;
3. Decision on Punishing Criminal Elements Committing Abduction and Selling or Kidnapping of Women or Children;
4. Decision on Strictly Prohibiting Prostitution and Whorehouse Visiting;
5. Supplementary Provisions on Cracking Down on the Crime of Evading Taxes or Refusing to Pay Taxes;
6. Supplementary Provisions on Severely Cracking Down on the Crime of Organizing People to Illegally Cross National Borders (Frontiers) or of Illegally Shipping People Across National Borders (Frontiers);
7. Decision on Cracking Down on the Crime of Undermining the Financial Order;
8. Decision on Cracking Down on the Crime of the Fraudulent Issuance of, Forging, or Illegally Selling Invoices Exclusively for Value-Added Taxes.

18. Civil Procedure Law of the People's Republic of China

(Adopted at the 4th Session of the Seventh National People's Congress on April 9, 1991; amended for the first time in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China as adopted at the 30th Session of the Standing Committee of the Tenth National People's Congress on October 28, 2007; and amended for the second time in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China as adopted at the 28th Session of the Standing Committee of the Eleventh National People's Congress on August 31, 2012; and amended for the third time in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China and the Administrative Litigation Law of the People's Republic of China as adopted at the 28th Session of the Standing Committee of the Twelfth National People's Congress on June 27, 2017)

Part One General Provisions

Chapter 1 Purposes, Scope of Application and Basic Principles

Article 1 The Civil Procedure Law of the People's Republic of China is formulated in accordance with the Constitution and in consideration of civil trial experience and actual circumstances of civil trials in China.

Article 2 The purposes of the Civil Procedure Law of the People's Republic of China are to protect the parties' exercise of procedural rights; ensure that a people's court finds facts, distinguishes right from wrong, applies law correctly and try civil cases in a timely manner; confirm civil rights and obligations; punish violations of civil law; protect the lawful rights and interests of the parties; educate citizens on consciously abiding by law; maintain the social and economic order; and guarantee smooth socialist development.

Article 3 The provisions of this Law shall apply to civil actions accepted by a people's court regarding property or personal relationships between citizens, between legal persons, between other organizations or between citizens and legal persons, citizens and other organizations or legal persons and other organizations.

Article 4 For all civil actions conducted within the territory of the People's Republic of China, this Law must be complied with.

Article 5 Foreign nationals, stateless persons and foreign enterprises and organizations which institute or respond to actions in the people's courts shall have equal procedural rights and obligations as citizens, legal persons and other organizations of the People's Republic of China.

Where the courts of a foreign country impose any restrictions on the civil procedural rights of citizens, legal persons and other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall apply the principle of reciprocity to the civil procedural rights of citizens, enterprises and organizations of such a foreign country.

Article 6 The power to try civil cases shall be exercised by the people's courts.

The people's courts shall try civil cases independently in accordance with law, without interference from any government agency, social group or individual.

Article 7 When trying civil cases, the people's courts must regard facts as the basis and regard law as the yardstick.

Article 8 All parties to a civil action shall have equal procedural rights. When trying civil cases, the people's courts shall provide safeguards and facilitation for all parties to exercise their procedural rights, and apply law equally for all parties.

Article 9 When trying civil cases, the people's courts shall conduct mediation under the principles of free will of the parties and legality; and if mediation fails, shall enter a judgment in a timely manner.

Article 10 When trying civil cases, the people's courts shall apply the collegial bench, disqualification, open trial and "final after two trials" systems in accordance with law.

Article 11 Citizens of all ethnicities shall be entitled to use their native spoken and written languages in civil procedures.

In areas where an ethnic minority is concentrated or several ethnicities cohabit, the people's courts shall conduct trial and publish legal instruments in the spoken and written language commonly used by the local ethnicity or ethnicities.

The people's courts shall provide interpretation for litigation participants who are not familiar with the spoken or written language commonly used by the local ethnicity or ethnicities.

Article 12 When a people's court tries a civil case, the parties shall have the right to debate.

Article 13 In civil procedures, the principle of good faith shall be adhered to.

The parties shall be entitled to dispose of their respective civil rights and procedural rights within the extent as permitted by law.

Article 14 The people's procuratorates shall have the authority to exercise legal supervision over civil procedures.

Article 15 For conduct which infringes upon the civil rights and interests of the state, a collective or an individual, a state organ, a social group, an enterprise or a public institution may support the entity or individual which suffers infringement in instituting an action in a people's court.

Article 16 The people's congresses of ethnical autonomous areas may formulate provisions with necessary changes or supplementary provisions in accordance with the principles of the Constitution and this Law and in consideration of the specific circumstances of the local ethnicity or ethnicities. Such provisions formulated by an autonomous region shall be subject to the approval of the Standing Committee of the National People's Congress. Such provisions formulated by an autonomous prefecture or autonomous county shall be subject to the approval of the standing committee of the people's congress of the corresponding province or autonomous region and be filed with the Standing Committee of the National People's Congress.

Chapter 2 Jurisdiction

Section 1 Hierarchical Jurisdiction

Article 17 The basic people's courts shall have jurisdiction over civil cases as a court of first instance, except as otherwise provided for in this Law.

Article 18 The intermediate people's courts shall have jurisdiction over the following civil cases as a court of first instance:

- (1) Major foreign-related cases.
- (2) Cases which have a major impact within their respective jurisdictions.
- (3) Cases which are under the jurisdiction of the intermediate people's courts as determined by the Supreme People's Court.

Article 19 The higher people's courts shall have jurisdiction over civil cases which have a major impact within their respective jurisdictions as a court of first instance.

Article 20 The Supreme People's Court shall have jurisdiction over the following civil cases as a court of first instance:

- (1) Cases which have a major impact nationwide.
- (2) Cases which the Supreme People's Court deems shall be tried by itself.

Section 2 Territorial Jurisdiction

Article 21 A civil action instituted against a citizen shall be under the jurisdiction of the people's court at the place of domicile of the defendant; or if the defendant's place of domicile is different from his or her place of habitual residence, the civil action shall be under the jurisdiction of the people's court at the place of habitual residence of the defendant.

A civil action instituted against a legal person or any other organization shall be under the jurisdiction of the people's court at the place of domicile of the defendant.

Where the places of domicile or places of habitual residence of several defendants in the same action are located within the jurisdictions of two or more people's courts, both or all of such people's courts shall have jurisdiction over the action.

Article 22 The following civil actions shall be under the jurisdiction of the people's court at

the place of domicile of the plaintiff; or if the plaintiff's place of domicile is different from his or her place of habitual residence, the civil actions shall be under the jurisdiction of the people's court at the place of habitual residence of the plaintiff:

(1) An action regarding a personal relationship instituted against a person who does not reside within the territory of the People's Republic of China.

(2) An action regarding a personal relationship instituted against a person whose whereabouts is unknown or against a person who has been declared missing.

(3) An action instituted against a person who is subject to any compulsory correctional measure.

(4) An action instituted against a person who is incarcerated.

Article 23 An action instituted for a contract dispute shall be under the jurisdiction of the people's court at the place of domicile of the defendant or at the place where the contract is performed.

Article 24 An action instituted for an insurance contract dispute shall be under the jurisdiction of the people's court at the place of domicile of the defendant or at the place where the subject matter insured is located.

Article 25 An action instituted for a negotiable instrument dispute shall be under the jurisdiction of the people's court at the place of payment of the negotiable instrument or at the place of domicile of the defendant.

Article 26 An action instituted for a dispute arising from formation, shareholder eligibility confirmation, profit distribution, dissolution or any other matter of a company shall be under the jurisdiction of the people's court at the place of domicile of the company.

Article 27 An action instituted for a dispute arising from a railway, road, water, air, or multi-mode transportation contract shall be under the jurisdiction of the people's court at the place of departure or destination of transportation or at the place of domicile of the defendant.

Article 28 An action instituted for a tort shall be under the jurisdiction of the people's court at the place where the tort occurs or at the place of domicile of the defendant.

Article 29 An action instituted for damages for a railway, road, water or air transportation accident shall be under the jurisdiction of the people's court at the place where the accident occurs, where the vehicle or vessel first arrives or where the aircraft first lands or at the place of domicile of the defendant.

Article 30 An action instituted for damages for a vessel collision or any other maritime accident shall be under the jurisdiction of the people's court at the place where the collision occurs, where the colliding vessel first arrives or where the vessel at fault is detained or at the place of domicile of the defendant.

Article 31 An action instituted for maritime salvage shall be under the jurisdiction of the people's court at the place of salvage or at the place where the salvaged vessel first arrives.

Article 32 An action instituted for a general average shall be under the jurisdiction of the people's court at the place where the vessel first arrives, where the general average is adjusted or where the voyage ends.

Article 33 The following cases shall be under the exclusive jurisdiction of the people's courts as specified below:

(1) An action instituted for a real estate dispute shall be under the jurisdiction of the people's court at the place where the real estate is located.

(2) An action instituted for a dispute arising from harbor operations shall be under the jurisdiction of the people's court at the place where the harbor is located.

(3) An action instituted for an inheritance dispute shall be under the jurisdiction of the people's court at the place of domicile of the deceased upon death or at the place where the major part of estate is located.

Article 34 Parties to a dispute over a contract or any other right or interest in property may, by a written agreement, choose the people's court at the place of domicile of the defendant, at the place where the contract is performed or signed, at the place of domicile of the plaintiff, at the place where the subject matter is located or at any other place actually connected to the dispute to have jurisdiction over the dispute, but the provisions of this Law regarding hierarchical jurisdiction and exclusive jurisdiction shall not be violated.

Article 35 When two or more people's courts have jurisdiction over an action, the plaintiff may institute an action in one of such people's courts; and if the plaintiff institutes actions in two or more people's courts that have jurisdiction, the people's court which docketed the case first shall have jurisdiction over the action.

Section 3 Jurisdiction Transfer and Specified Jurisdiction

Article 36 Where a people's court discovers that a case accepted is not under its jurisdiction, it shall transfer the case to the people's court having jurisdiction, and the people's court to which the case is transferred shall accept the case. If the people's court to which the case is transferred deems that the transferred case is not under its jurisdiction according to the relevant provisions, it shall report the case to its superior for specified jurisdiction and shall not transfer the case without direction.

Article 37 Where a people's court having jurisdiction is unable to exercise its jurisdiction for any special reasons, its superior shall specify jurisdiction.

Where there is any dispute over jurisdiction between the people's courts, the dispute shall be resolved by the disputing courts through consultations; or if such consultations fail, the disputing courts shall request their common superior to specify jurisdiction.

Article 38 A people's court at a higher level shall have the power to try a first instance civil case under the jurisdiction of a people's court at a lower level. If it is necessary to transfer a first instance civil case under its jurisdiction to a people's court at a lower level for trial, a people's court at a higher level shall file a report with its superior for approval of the transfer. If a people's court at a lower level deems it necessary for a first instance civil case under its jurisdiction to be tried by a people's court at a higher level, it may request the people's court at a higher level to try the case.

Chapter 3 Trial Organization

Article 39 When a people's court tries a first instance civil case, a collegial bench consisting

of judges and jurors or consisting of judges only shall be formed. The members of a collegial bench must be in an odd number.

Civil cases tried under summary procedure shall be tried by a sole judge.

When performing their juror's duties, jurors shall have equal rights and obligations as a judge.

Article 40 When a people's court tries a second instance civil case, a collegial bench consisting of judges only shall be formed. The members of a collegial bench must be in an odd number.

For a case remanded for retrial, the original trial people's court shall form a new collegial bench under the procedure at first instance.

If a case for retrial was originally tried by a court of first instance, a new collegial bench shall be formed under the procedure at first instance; or if the case for retrial was originally tried by a court of second instance or tried directly by a people's court at a higher level, a new collegial bench shall be formed under the procedure at second instance.

Article 41 The president of a people's court or a divisional chief of a people's court shall designate a judge as the presiding judge of a collegial bench; and if the president or divisional chief participates in the trial, the president or divisional chief shall be the presiding judge.

Article 42 When deliberating a case, a collegial bench shall adhere to the rule of majority. Deliberation transcripts shall be prepared and be signed by the members of the collegial bench. The dissenting opinions during deliberations shall be truthfully included in the transcripts.

Article 43 Judges shall handle cases impartially in accordance with law.

Judges shall not accept any treats or gifts from the parties or their litigation representatives. Judges who commit embezzlement, accept bribes, practice favoritism for personal gains or adjudicate by bending the law shall be subject to legal liability; and those suspected of any crime shall be subject to criminal liability in accordance with law.

Chapter 4 Disqualification

Article 44 Under any of the following circumstances, a judge shall voluntarily disqualify himself or herself, and a party shall be entitled to request disqualification of such a judge verbally or in writing:

(1) The judge is a party to a case or is a close relative of a party to a case or a litigation representative thereof.

(2) The judge is an interested party to a case.

(3) The judge has any other relationship with a party to a case or a litigation representative thereof, which may affect the impartial trial of the case.

Where a judge accepts any treat or gift from a party to a case or a litigation representative thereof or meets with a party to a case in violation of legal provisions, a party shall be entitled to require disqualification of such a judge.

A judge who commits any conduct in the preceding paragraph shall be subject to legal liability in accordance with law.

The provisions of the preceding three paragraphs shall also apply to court clerks, interpreters, identification or evaluation experts, and surveyors.

Article 45 To request disqualification, a party shall state reasons and file a request at the beginning of the trial of a case; and a request may also be filed before the end of court debate if a party becomes aware of a reason for disqualification after the trial of a case begins.

Before the people's court decides whether to grant the request for disqualification, the person whose disqualification is requested shall be suspended from participating in the case, unless the case requires that emergency measures be taken.

Article 46 The disqualification of the presiding judge who is the president of a people's court shall be decided by the judicial committee of the people's court; the disqualification of judges shall be decided by the president of a people's court; and the disqualification of other persons shall be decided by the presiding judge.

Article 47 A people's court shall make a decision verbally or in writing on a party's request for disqualification within three days after the request is filed. Against the decision, a party may apply for reconsideration once when receiving the decision. During the period of reconsideration, the person whose disqualification is requested shall not be suspended from participating in the case. A people's court shall make a decision on an application for reconsideration within three days and notify the reconsideration applicant of the decision.

Chapter 5 Primary Litigation Participants

Section 1 Parties

Article 48 Citizens, legal persons and other organizations may act as the parties to civil actions.

The legal representative of a legal person shall participate in an action on behalf of the legal person. The primary person in charge of any other organization shall participate in an action on behalf of the organization.

Article 49 The parties shall be entitled to retain representatives, file a request for disqualification, collect and provide evidence, debate, file a request for mediation, file an appeal, and apply for enforcement.

The parties may consult materials related to the case and copy materials and legal instruments related to the case. The scope of and measures for consulting and copying materials related to a case shall be prescribed by the Supreme People's Court.

The parties must exercise their procedural rights in accordance with law, observe the order of litigation, and execute effective written judgments, rulings and consent judgments.

Article 50 Both sides of a civil action may reach a settlement themselves.

Article 51 The plaintiff may relinquish or modify its claims. The defendant may admit or repudiate the plaintiff's claims and shall have the right to file a counterclaim.

Article 52 A joint action means that one side or both sides of a civil action consist of two or more persons, the subject matter of action for each party is same or is of the same kind and the people's court deems that the disputes of all the parties may be tried concurrently, to

which all the parties agree.

Where the parties on one side of a joint action have common rights and obligations regarding the subject matter of action, the litigation conduct of any of such parties shall bind the rest of such parties if the conduct is recognized by the rest of such parties; or where the parties on one side of a joint action have no common rights and obligations regarding the subject matter of action, the litigation conduct of any of such parties shall not bind the rest of such parties.

Article 53 Where the parties on one side of a joint action is numerous, such parties may recommend a representative or representatives to participate in the action. The litigation conduct of such representatives shall bind all the parties represented; however, to modify or relinquish any claims, admit any claims of the opposing party or reach a settlement, such representatives must obtain a consent from the parties represented.

Article 54 Where the subject matter of action for each party is of the same kind, the parties on one side of an action are numerous, but the exact number of such parties is uncertain when the action is instituted, the people's court may publish a notice to describe the case and claims and notify right holders to register with the people's court within a certain period of time.

The right holders which have registered with the people's court may recommend a representative or representatives to participate in the litigation; and if no representative is recommended, the people's court may determine a representative or representatives in consultation with the right holders which have registered with the people's court.

The litigation conduct of such representatives shall bind all the parties represented; however, to modify or relinquish any claims, admit any claims of the opposing party or reach a settlement, such representatives must obtain a consent from the parties represented.

The judgment or ruling issued by the people's court shall bind all right holders which have registered with the people's court. Such a judgment or ruling shall also apply to actions instituted during the time limitation by rights holders which have not registered with the people's court.

Article 55 For conduct that pollutes environment, infringes upon the lawful rights and interests of vast consumers or otherwise damages the public interest, an authority or relevant organization as prescribed by law may institute an action in a people's court.

Where the people's procuratorate finds in the performance of functions any conduct that undermines the protection of the ecological environment and resources, infringes upon consumers' lawful rights and interests in the field of food and drug safety or any other conduct that damages social interest, it may file a lawsuit with the people's court if there is no authority or organization prescribed in the preceding paragraph or the authority or organization prescribed in the preceding paragraph does not file a lawsuit. If the authority or organization prescribed in the preceding paragraph files a lawsuit, the people's procuratorate may support the filing of a lawsuit.

Article 56 A third party which deems that it has an independent claim regarding the subject

matter of an action between two parties shall have the right to institute an action.

Where a third party does not have an independent claim regarding the subject matter of an action between two parties but is an interested party in law to the outcome of the case, the third party may apply to participate in the action or the people's court may notify the third party to participate in the action. If the third party assumes any civil liability according to the judgment entered by the people's court, the third party shall have the procedural rights and obligations as a party to the action.

Where a third party as mentioned in the preceding two paragraphs fails to participate in an action, which is not attributable to the third party's fault, and there is evidence that an effective judgment, ruling or consent judgment is entirely or partially erroneous and causes damage to the third party's civil rights and interests, the third party may, within six months from the day when the third party knows or should have known that the third party's civil rights and interests have been damaged, institute an action in the people's court which entered the judgment, ruling or consent judgment. If, after trial, the third party's claims are supported, the people's court shall modify or revoke the original judgment, ruling or consent judgment; or if the third party's claims are not supported, the claims shall be dismissed.

Section 2 Litigation Representatives

Article 57 The guardian of a person without competency to participate in an action shall participate in the action on behalf of the person as the person's legal representative. If the legal representatives of a person shift their duty of representation onto each other, the people's court shall specify one of them to participate in the action on behalf of the person.

Article 58 A party or a legal representative may retain one or two persons as litigation representatives.

The following persons may serve as a litigation representative:

- (1) A lawyer or legal service worker at the basic level.
- (2) A close relative or staff member of a party.
- (3) A citizen recommended by the community of or the entity employing a party or recommended by a relevant social group.

Article 59 To participate in an action on behalf of a party or a legal representative, a litigation representative must submit to the people's court a power of attorney, to which the signature or seal of the party or legal representative is affixed.

The power of attorney must state the authorized matters and the extent of authority. To admit, relinquish or modify any claims, reach a settlement, or file a counterclaim or an appeal on behalf of a party or a legal representative, a litigation representative must have a special authorization from the party or legal representative.

Where a citizen of the People's Republic of China who is residing in a foreign country posts a power of attorney or delivers through another person a power of attorney to China, the power of attorney must be authenticated by the embassy or consulate of the People's Republic of China in that country. If there is no such an embassy or consulate in that country, the power of attorney shall be first authenticated by an embassy or consulate of a third

country which has a diplomatic relationship with the People's Republic of China in that country and then be authenticated by the embassy or consulate of the People's Republic of China in the third country or be authenticated by the local patriotic overseas Chinese organization.

Article 60 Where the authority of a litigation representative of a party has changed or has been revoked, the party shall notify the people's court in writing and the people's court shall notify the opposing party of the change or revocation.

Article 61 Lawyers serving as litigation representatives and other litigation representatives shall have the right to investigate and collect evidence and may consult materials related to the case. The scope of and measures for consulting materials related to a case shall be prescribed by the Supreme People's Court.

Article 62 Where a party to a divorce case has appointed a litigation representative, the party shall still appear in court unless the party is unable to express his or her ideas; and if the party is unable to appear in court under special circumstances, the party must submit a written opinion to the people's court.

Chapter 6 Evidence

Article 63 Evidence includes:

- (1) statement of a party;
- (2) documentary evidence;
- (3) physical evidence;
- (4) audio-visual recordings;
- (5) electronic data;
- (6) witness testimony;
- (7) expert opinion; and
- (8) transcripts of survey.

Evidence must be verified before being used as a basis for deciding a fact.

Article 64 A party shall have the burden to provide evidence for its claims.

A people's court shall investigate and collect evidence which a party and its litigation representative are unable to collect for some objective reasons and evidence which the people's court deems necessary for trying a case.

A people's court shall, under statutory procedures, verify evidence comprehensively and objectively.

Article 65 A party shall provide evidence for its claims in a timely manner.

A people's court shall, according to the claims of a party and the circumstances of trial of a case, determine the evidence to be provided by a party and the time limit for provision of evidence. Where it is difficult for a party to provide evidence within the time limit, the party may apply to the people's court for an extension, and the people's court may appropriately extend the time limit upon application of the party. Where a party provides any evidence beyond the time limit, the people's court shall order the party to provide an explanation; and if the party refuses to explain or the party's explanation is not acceptable, the people's court

may, according to different circumstances, deem the evidence inadmissible or adopt the evidence but impose an admonition or a fine on the party.

Article 66 A people's court shall issue receipts for evidentiary materials submitted to the court by a party, indicating the name of evidence, number of pages, number of copies, original or photocopy, time of receipt, and other matters, to which the signatures or seals of the court personnel receiving the same shall be affixed.

Article 67 A people's court shall have the authority to investigate and collect evidence from the relevant entities and individuals, and the relevant entities and individuals shall not refuse such investigation and collection of evidence.

A people's court shall identify the authenticity and examine and determine the validity of documentary evidence provided by the relevant entities and individuals.

Article 68 Evidence shall be presented in court and cross-examined by the parties. Evidence which involves any state secret, trade secret or individual privacy shall be kept confidential, and if it is necessary to present such evidence in court, such evidence shall not be presented in open court.

Article 69 A people's court shall regard legal facts and documents notarized under statutory procedures as a basis for deciding facts, unless there is any evidence to the contrary which suffices to overturn the notarization.

Article 70 The originals as documentary evidence shall be submitted. The originals as physical evidence shall be submitted. If it is difficult to submit the originals, replicas, photographs, copies or extracts may be submitted.

Documentary evidence in a foreign language must be submitted with Chinese versions.

Article 71 The people's court shall identify the authenticity of audio-visual recordings and, in consideration of other evidence in the case, examine and determine whether the audio-visual recordings may serve as a basis for deciding facts.

Article 72 Any entity or individual which knows any circumstances of a case shall have the obligation to testify in court. The person in charge of a relevant entity shall support a witness in testifying.

A person who is unable to appropriately express his or her ideas shall not testify.

Article 73 Upon notice by a people's court, a witness shall testify in court. Under any of the following circumstances, a witness may testify by written testimony, audio-visual transmission technology, audio-visual recordings or any other means as permitted by a people's court:

- (1) The witness is unable to appear in court for health reasons.
- (2) The witness is unable to appear in court for remote residence and travel difficulty.
- (3) The witness is unable to appear in court for a force majeure such as a natural disaster.
- (4) The witness is unable to appear in court for any other justifiable reason.

Article 74 The travel, room and board, and other necessary expenses of a witness for performing his or her obligation of testifying in court, as well as loss of working time, shall be assumed by the losing party. A party which applies for a witness to testify shall advance

the same; or if no party applies and the people's court notifies a witness to testify, the people's court shall advance the same.

Article 75 A people's court shall, in consideration of other evidence in the case, examine and determine whether the statements of a party may serve as a basis for deciding facts.

The deciding of facts of a case by a people's court based on evidence shall not be affected by a party's refusal to provide a statement.

Article 76 A party may apply to the people's court for identification regarding a specialized issue for ascertaining the facts of a case. Where a party applies for identification, the parties on both sides shall determine a qualified identification expert by consultation; or if such consultation fails, the people's court shall specify one for them.

Where no party applies for identification but the people's court deems it necessary to conduct identification regarding a specialized issue, the people's court shall employ a qualified identification expert to conduct identification.

Article 77 An identification expert shall have the right to access the case file needed for conducting identification and, when necessary, may interview a party or a witness.

An identification expert shall issue a written identification opinion and affix his or her signature or seal to the identification document.

Article 78 Where a party raises any objection to an identification opinion or a people's court deems it necessary to require an identification expert to testify in court, the identification expert shall testify in court. If, upon notice by the people's court, the identification expert refuses to testify in court, the identification opinion shall not be used as a basis for deciding facts; and the party which has paid the identification fees may require that the identification fees be refunded.

Article 79 A party may apply to the people's court for notifying a person with expertise to appear in court to offer an opinion regarding an identification opinion issued by an identification expert or regarding a specialized issue.

Article 80 When surveying any physical evidence or a site, the surveyors must produce their credentials issued by a people's court and invite the local grassroots organization or the entity employing a party to send personnel to participate in the survey. The party or an adult family member of the party shall be present; and the survey shall not be affected by the refusal of the party or the adult family member to appear on site.

Upon notice by the people's court, the relevant entities and individuals shall have the obligations to protect the site and assist in the survey.

The surveyors shall prepare transcripts of the process and results of survey, to which the surveyors, the party and the invited participants shall affix their signatures or seals.

Article 81 Where any evidence may be extinguished or may be hard to obtain at a later time, a party may, in the course of an action, apply to the people's court for evidence preservation, and the people's court may also take preservation measures on its own initiative.

Where any evidence may be extinguished or may be hard to obtain at a later time, if the circumstances are urgent, an interested party may, before instituting an action or applying

for arbitration, apply for evidence preservation to a people's court at the place where the evidence is located or at the place of domicile of the respondent or a people's court having jurisdiction over the case.

Other procedures for evidence preservation shall be executed by reference to the relevant provisions of Chapter IX of this Law regarding preservation.

Chapter 7 Periods and Service of Process

Section 1 Periods

Article 82 Periods include statutory periods and periods prescribed by a people's court.

Periods shall be calculated by hour, day, month and year. The beginning hour and day of a period shall not be counted in the period.

If the expiration date of a period falls on a holiday, the first day after the holiday shall be the expiration date of the period.

A statutory period shall not include the time en route. A litigation document posted before the expiration date of a period shall not be regarded as past due.

Article 83 Where a party fails to comply with a period for reasons beyond the party's control or for any other justifiable reasons, the party may apply for an extension of the period within ten days after the impediment is eliminated, and the people's court shall decide whether to permit such an extension.

Section 2 Service of Process

Article 84 Service of process must be accompanied with a service acknowledgement, to which the person to be served shall affix a date of receipt and his or her signature or seal.

The date of receipt affixed to the service acknowledgement by the person to be served shall be the date of service.

Article 85 Process shall be served directly on the person to be served. If the person to be served, who is a citizen, is absent, a cohabiting adult family member of the person to be served shall sign for the service of process. If the person to be served is a legal person or any other organization, the legal representative of the legal person, the primary person in charge of the organization or the employee of the legal person or organization responsible for receiving process shall sign for the service of process. If the person to be served has a litigation representative, the litigation representative may sign for the service of process. If the person to be served has informed the people's court of a designated person to receive process, the designated person shall sign for the service of process.

The date of receipt affixed to the service acknowledgment by the cohabiting adult family member of the person to be served, the employee of the legal person or organization responsible for receiving process, the litigation representative or the designated person to receive process shall be the date of service.

Article 86 Where the person to be served refuses to receive or his or her cohabiting adult family member refuses to receive process, the process server may invite the representatives of relevant grassroots organizations or the entity employing the person to be served to be present, provide an explanation on the refusal, record the cause of refusal and date on the

service acknowledgement, to which the process server and witnesses shall affix their signatures or seals, and drop process at the domicile of the person to be served; and may also drop process at the domicile of the person to be served and record the service of process by photograph, video and other means, and process shall be deemed served.

Article 87 With the consent of the person to be served, a people's court may serve process by fax, email and other means capable of confirming receipt by the person to be served, except a judgment, ruling and consent judgment.

Where a means in the preceding paragraph is adopted, the date when a fax, an email or any other means reaches the specific system of the person to be served shall be the date of service of process.

Article 88 Where direct service of process is difficult, service of process may be entrusted to another people's court or be conducted by post. If process is served by post, the date of receipt stated on the service acknowledgement shall be the date of service.

Article 89 Where the person to be served is in the military service, process shall be served on the person through the political office of the unit at or above the regiment level of the armed force where the person serves.

Article 90 Where the person to be served is incarcerated, process shall be served on the person through the incarceration facility.

Where the person to be served is subject to any compulsory correctional measure, process shall be served on the person through the compulsory correctional facility.

Article 91 The office or entity through which process is served must, immediately after receiving process, deliver the same to the person to be served, the person to be served shall sign for the service of process, and the date of receipt on the service acknowledgement shall be the date of service.

Article 92 Where the whereabouts of the person to be served is unknown or service of process is not possible by other means set out in this Section, process may be served by public announcement. Process shall be deemed served sixty days after the date of public announcement.

The reasons for and the course of service of process by public announcement shall be recorded in the case file.

Chapter 8 Mediation

Article 93 When trying civil cases, a people's court shall, under the principle of free will of the parties, conduct mediation by distinguishing between right and wrong based on clear facts.

Article 94 When a people's court conducts mediation, mediation may be conducted by one judge or by the collegial bench, and mediation shall be conducted on the spot as much as possible.

When a people's court conducts mediation, it may notify by simple means the parties and witnesses to appear in court.

Article 95 When a people's court conducts mediation, it may invite relevant entities and

individuals to provide assistance. The invited entities and individuals shall assist the people's court in mediation.

Article 96 A mediation agreement must be based on the free will of both sides, and the parties shall not be forced to reach a mediation agreement. The content of a mediation agreement shall not violate any legal provisions.

Article 97 When a mediation agreement is reached, the people's court shall prepare a consent judgment. A consent judgment shall state the claims, facts of the case and results of mediation.

The judges and court clerk shall affix their signatures and the people's court shall affix its seal to a consent judgment, which shall be served on both sides.

Once a consent judgment is signed by both sides, it shall become legally binding.

Article 98 A consent judgment of a people's court is not required for mediation agreements reached in the following cases:

- (1) Divorce cases where both parties have reconciled through mediation.
- (2) Adoption cases where an adoptive relationship has been maintained through mediation.
- (3) Cases where performance on the spot is possible.
- (4) Other cases where a consent judgment is not required.

A mediation agreement which does not require a consent judgment shall be recorded in the transcripts and become legally binding immediately after both sides and the judges and court clerk affix their signatures or seals to the transcripts.

Article 99 Where no mediation agreement is reached or one party retracts before a mediation agreement is served on the party, the people's court shall enter a judgment in a timely manner.

Chapter 9 Preservation and Advance Enforcement

Article 100 For a case where, for the conduct of a party or for other reasons, it may be difficult to execute a judgment or any other damage may be caused to a party, a people's court may, upon application of the opposing party, issue a ruling on preservation of the party's property, order certain conduct of the party or prohibit the party from certain conduct; and if no party applies, the people's court may, when necessary, issue a ruling to take a preservative measure.

A people's court may order the applicant to provide security for taking a preservative measure and, if the applicant fails to provide security, shall issue a ruling to dismiss the application.

After accepting an application, a people's court must, if the circumstances are urgent, issue a ruling within 48 hours; and if it rules to take a preservative measure, the measure shall be executed immediately.

Article 101 Where the lawful rights and interests of an interested party will be irreparable damaged if an application for preservation is not filed immediately under urgent circumstances, the interested party may, before instituting an action or applying for arbitration, apply to the people's court at the place where the property to be preserved is

located or at the place of domicile of the respondent or a people's court having jurisdiction over the case for taking preservative measures. The applicant shall provide security and, if the applicant fails to provide security, the people's court shall issue a ruling to dismiss the application.

After accepting an application, a people's court must issue a ruling within 48 hours; and if it rules to take a preservative measure, the measure shall be executed immediately.

Where the applicant fails to institute an action or apply for arbitration in accordance with law within 30 days after the people's court takes a preservative measure, the people's court shall remove preservation.

Article 102 Preservation shall be limited to the extent specified in an application or the property in connection with the case.

Article 103 Property shall be preserved by seizure, impoundment, freezing of account or any other means prescribed by law. After preserving any property, a people's court shall immediately notify the person whose property is preserved.

Property which has already been seized or frozen shall not be repeatedly seized or frozen.

Article 104 Where, in a property dispute case, the respondent has provided security, the people's court shall issue a ruling to remove preservation.

Article 105 Where an application is erroneous, the applicant shall compensate the respondent for any loss incurred from preservation.

Article 106 A people's court may, upon application of a party, issue a ruling on advance enforcement for the following cases:

(1) Cases to recover support for elderly parents, support for other adult dependants, child support, consolation money or medical expenses.

(2) Cases to recover labor remuneration.

(3) Cases requiring advance enforcement under urgent circumstances.

Article 107 For a people's court to issue a ruling on advance enforcement, both of the following conditions shall be met:

(1) The rights and obligations between the parties are clear, and a denial of advance enforcement will seriously affect the life or business operation of the applicant.

(2) The respondent is capable of performance.

The people's court may order the applicant to provide security; and if the applicant fails to provide security, shall dismiss the application. If the applicant loses the action, the applicant shall compensate the respondent for any property loss incurred from advance enforcement.

Article 108 Against a ruling on preservation or advance enforcement, a party may apply for reconsideration once. The enforcement of the ruling shall not be suspended during the period of reconsideration.

Chapter 10 Compulsory Measures against Obstruction of Civil Procedures

Article 109 Where a defendant who must appear in court refuses to appear in court without justifiable reasons after being summonsed twice by a people's court, the people's court may summons the defendant by force.

Article 110 Litigation participants and other persons shall abide by court rules.

A people's court may admonish persons who violate court rules, order such persons to leave the court, or impose a fine or detention on such persons.

For persons who clamor in a courtroom, attack a courtroom, or insult, defame, threaten or assault judges, seriously disrupting the order of the courtroom, the people's court shall investigate their criminal liability in accordance with law; or if the circumstances are not serious, impose a fine or detention on them.

Article 111 Where a litigation participant or any other person commits any of the following conduct, the people's court may impose a fine or detention on the litigation participant or person according to the severity of the circumstances; and if suspected of any crime, the litigation participant or person shall be subject to criminal liability in accordance with law.

(1) Forging or destroying any material evidence, which obstructs the trial of the case by the people's court.

(2) Preventing a witness from testifying by violence, threat or bribery or instigating, bribing or coercing any other person to commit perjury.

(3) Concealing, transferring, selling or destroying any seized or impounded property or any inventoried property under the custody of the litigation participant or person as ordered or transferring any frozen property.

(4) Insulting, defaming, falsely incriminating, assaulting or retaliating any judge, primary litigation participant, witness, interpreter, identification expert, surveyor or person assisting in enforcement.

(5) Obstructing judicial personnel from performing their duties by violence, threat or any other means.

(6) Refusing to execute any effective judgment or ruling of a people's court.

Where an entity commits any of the conduct in the preceding paragraph, the people's court may impose a fine or detention on the primary person in charge or directly liable persons of the entity; and if suspected of any crime, such persons shall be subject to criminal liability in accordance with law.

Article 112 Where the parties, maliciously in collusion, attempt to infringe upon the lawful rights and interests of other persons by litigation, mediation or any other means, a people's court shall dismiss their claims and impose a fine or detention on the parties according to the severity of the circumstances; and if suspected of any crime, they shall be subject to criminal liability in accordance with law.

Article 113 Where the party against whom enforcement is sought, maliciously in collusion with other persons, evades performance of obligations determined in a legal instrument by litigation, arbitration, mediation or any other means, a people's court shall impose a fine or detention on them according to the severity of the circumstances; and if suspected of any crime, they shall be subject to criminal liability.

Article 114 Where an entity with an obligation to assist in investigation or enforcement commits any of the following conduct, the people's court may, in addition to ordering the

entity to perform the obligation of assistance, impose a fine on the entity:

(1) The relevant entity refuses or obstructs investigation or collection of evidence by the people's court.

(2) The relevant entity refuses to assist in property inquiry, seizure, freezing, transfer or sale, after receiving a notice of enforcement assistance from the people's court.

(3) The relevant entity refuses to assist in withholding the income of the party against whom enforcement is sought, handling the transfer of a relevant property right certificate, or delivering a relevant bill, certificate or license or any other relevant property, after receiving a notice of enforcement assistance from the people's court.

(4) The relevant entity otherwise refuses to assist in enforcement.

Where an entity commits any of the conduct in the preceding paragraph, the people's court may impose a fine on the primary person in charge or directly liable persons of the entity; and if the entity still fails to perform its obligation to provide assistance, may detain such persons and offer judicial recommendations to the supervisory authority or other relevant authorities regarding disciplinary actions against such persons.

Article 115 The amount of a fine on an individual shall not be more than 100,000 yuan. The amount of a fine on an entity shall not be less than 50,000 yuan but not be more than 1 million yuan.

The period of detention shall not be longer than 15 days.

A people's court shall deliver a detainee to a public security authority for custody. If the detainee admits and corrects his or her wrongdoing during the period of detention, the people's court may decide to discharge the detainee early.

Article 116 A summons by force, a fine or detention must subject to the approval of the president of a people's court.

A warrant shall be issued for a summons by force.

A written decision shall be made to impose a fine or detention. Against such a decision, a party may apply to the people's court at the next higher level for reconsideration once. The enforcement of the decision shall not be suspended during the period of reconsideration.

Article 117 Any compulsory measure against obstruction of civil procedures must be taken upon decision of a people's court. Any entity or individual which recovers a debt by illegally withholding another person against the person's will or illegally seizing another person's property shall be subject to criminal liability in accordance with law or subject to detention or a fine.

Chapter 11 Litigation Expenses

Article 118 A party instituting a civil action shall pay a case acceptance fee according to the relevant provisions. In property cases, a party shall pay other litigation expenses, in addition to a case acceptance fee.

Where it is difficult for a party to pay any litigation expenses, the party may, according to the relevant provisions, apply to the people's court for payment postponement, reduction or waiver.

Procedures for collection of litigation expenses shall be formulated separately.

Part Two Trial Procedure

Chapter 12 Formal Procedure at First Instance

Section 1 Instituting and Accepting an Action

Article 119 An action to be instituted must meet all of the following conditions:

- (1) The plaintiff is a citizen, legal person or any other organization with a direct interest in the case.
- (2) There is a clear defendant.
- (3) There are specific claims, facts and reasons.
- (4) The case is within the scope of civil actions accepted by the people's courts and under the jurisdiction of the people's court in which the action is instituted.

Article 120 A plaintiff shall submit a written complaint to the people's court and provide copies of it according to the number of defendants.

Where it is difficult for a plaintiff to write a complaint, the plaintiff may institute an action verbally, and the people's court shall record it in the transcripts and notify the opposing party.

Article 121 A written complaint shall state:

- (1) the name, gender, age, ethnicity, occupation, employer, domicile and contact methods of the plaintiff; or the name and domicile of a legal person or any other organization and the name, title and contact methods of the legal representative or primary person in charge thereof;
- (2) information on the defendant, including but not limited to name, gender, employer and domicile; and information on a legal person or any other organization, including but not limited to name and domicile;
- (2) claims and supporting facts and reasons; and
- (3) evidence, sources of evidence, and names and domiciles of witnesses.

Article 122 Where mediation is appropriate for the civil dispute involved in an action instituted by a party in a people's court, mediation shall be conducted first, unless the parties refuse mediation.

Article 123 A people's court shall protect the right to sue enjoyed by a party in accordance with law. A people's court must accept an action instituted under Article 119 of this Law. A people's court shall, within seven days, docket a case which meets the conditions for instituting an action and notify the party; or issue a ruling within seven days to refuse to accept an action which fails to meet the conditions for instituting an action, and the plaintiff may appeal against the ruling.

Article 124 A people's court shall handle the following actions according to different circumstances:

- (1) Notifying the plaintiff to file an administrative lawsuit, if the case is within the scope of administrative lawsuits in accordance with the Administrative Litigation Law.
- (2) Notifying the plaintiff to apply to an arbitral institution for arbitration, if, in accordance with law, both parties shall apply for arbitration under a written arbitration agreement reached

between them and are prohibited from instituting an action in a people's court.

(3) Notifying the plaintiff to apply to a relevant authority for settlement of a dispute, if, in accordance with law, the dispute shall be handled by other authorities.

(4) Notifying the plaintiff to institute an action in a people's court having jurisdiction, if the case is not within its jurisdiction.

(5) Notifying the plaintiff to petition for retrial, except for a ruling of a people's court which allows withdrawal of an action, if a party institutes an action again for a case for which a judgment, ruling or consent judgment has come into force.

(6) Refusing to accept an action instituted during a period of prohibition from instituting an action, if, in accordance with law, the action shall not be instituted during a certain period.

(7) Refusing to accept an action instituted by the plaintiff without new developments or new reasons within six months for a divorce case where dissolution of marriage is not granted by a judgment or both parties have reconciled through mediation or for a case where an adoptive relationship is maintained by a judgment or through mediation.

Section 2 Pretrial Preparations

Article 125 A people's court shall, within five days after docketing a case, serve a copy of the written complaint on the defendant, and the defendant shall submit a written statement of defense within 15 days after receiving the complaint. The written statement of defense shall state the name, gender, age, ethnicity, occupation, employer, domicile and contact methods of the defendant; or the name and domicile of a legal person or any other organization and the name, title and contact methods of the legal representative or primary person in charge thereof. The people's court shall, within five days after receiving the written statement of defense, serve a copy of it on the plaintiff.

The defendant's failure to submit a written statement of defense shall not affect the trial of the case by the people's court.

Article 126 After deciding to accept a case, a people's court shall notify the parties, verbally or in a notice of case acceptance or a notice of response to an action, of their relevant procedural rights and obligations.

Article 127 Where a party raises any objection to jurisdiction after a case is accepted by a people's court, the party shall file the objection with the people's court during the period of submitting a written statement of defense. The people's court shall examine the objection. If the objection is supported, the people's court shall issue a ruling to transfer the case to the people's court having jurisdiction; or if the objection is not supported, the people's court shall issue a ruling to dismiss the objection.

Where a party raises no objection to jurisdiction and responds to the action by submitting a written statement of defense, the people's court accepting the action shall be deemed to have jurisdiction, unless the provisions regarding hierarchical jurisdiction and exclusive jurisdiction are violated.

Article 128 The parties shall be notified of the composition of a collegial bench within three days after the composition is determined.

Article 129 Judges must carefully examine case materials and investigate and collect necessary evidence.

Article 130 The personnel assigned by a people's court to conduct investigation shall produce their credentials to the person under investigation.

The investigation transcripts shall be checked by the person under investigation and be signed or sealed by the person under investigation and the investigators.

Article 131 A people's court may, when necessary, entrust investigation to a people's court in a different place.

The entrusting people's court must specify the investigated matters and the investigation requirements. The entrusted people's court may conduct additional investigation on its own initiative.

The entrusted people's court shall complete investigation within 30 days after receiving a letter on entrusted investigation. If the entrusted people's court is unable to complete investigation for certain reasons, it shall notify the entrusting people's court in a letter within the aforesaid period.

Article 132 Where a party who must participate in a joint action fails to participate in the action, the people's court shall notify the party to participate in the action.

Article 133 A people's court shall handle accepted cases according to different circumstances:

(1) Initiating the procedure for urging debt repayment at the court's discretion, if the parties are not in dispute and the prescribed conditions are met for initiating the procedure for urging debt repayment.

(2) Resolving disputes in a timely manner through mediation, if pre-trial mediation is allowed.

(3) Determining the application of summary procedure or formal procedure according to the circumstances of a case.

(4) Clarifying the focus of disputes by requiring the parties to exchange evidence and other means, if it is necessary to hold a court session.

Section 3 Court Trial

Article 134 A people's court shall try civil cases openly, except those involving any state secret or individual privacy or as otherwise provided by law.

Divorce cases and cases involving any trade secret may be tried in camera upon application of the parties.

Article 135 A people's court may, as needed, try civil cases in a circuit manner and on the spot.

Article 136 A people's court shall notify the parties and other litigation participants of the trial of a civil case three days before holding a court session. If the case is to be tried openly, the names of parties, cause of action, and time and location of court session shall be published.

Article 137 Before a court session begins, the court clerk shall check whether the parties and other litigation participants are present and announce court rules.

When a court session begins, the presiding judge shall check the identity of each party,

announce the cause of action, announce the names of judges and court clerk, notify the parties of their relevant procedural rights and obligations, and ask the parties whether they file any requests for disqualification.

Article 138 Court investigation shall be conducted in the following order:

- (1) The parties each present a statement.
- (2) Witnesses are notified of their rights and obligations, witnesses testify, and the statements of absent witnesses are read.
- (3) Documentary evidence, physical evidence, audio-visual recordings, and electronic data are adduced.
- (4) Expert opinions are read.
- (5) Transcripts of survey are read.

Article 139 The parties may adduce new evidence in court.

As permitted by the court, a party may question a witness, identification expert or surveyor. A party's request for reinvestigation, re-identification or resurvey shall be subject to the decision of the people's court.

Article 140 The added claims of a plaintiff, the counterclaim of a defendant, and a third party's claims related to the case may be tried concurrently.

Article 141 Court debate shall be conducted in the following order:

- (1) The plaintiff and the litigation representative thereof present their case.
- (2) The defendant and the litigation representative thereof present their arguments.
- (3) A third party and the litigation representative thereof present their case or their arguments.
- (4) Debate among the parties.

At the end of court debate, the presiding judge shall ask each side's final statement in the order of plaintiff, defendant and third party.

Article 142 After the end of court debate, a judgment shall be entered in accordance with law. Where mediation is possible before a judgment is entered, mediation may be conducted; and if mediation fails, a judgment shall be entered in a timely manner.

Article 143 Where a plaintiff refuses to appear in court without justifiable reasons after being summonsed or leaves the courtroom during a court session without permission from the court, the court may deem that the plaintiff has withdrawn the action; and if the defendant has filed a counterclaim, the court may enter a default judgment.

Article 144 Where a defendant refuses to appear in court without justifiable reasons after being summonsed or leaves the courtroom during a court session without permission from the court, the court may enter a default judgment.

Article 145 Where a plaintiff requests withdrawal of the action before a judgment is pronounced, the people's court shall issue a ruling on whether to grant such a request.

If the people's court decides not to grant the request and the plaintiff refuses to appear in court without justifiable reasons after being summonsed, the people's court may enter a default judgment.

Article 146 Under any of the following circumstances, a court session may be postponed:

- (1) A party or any other litigation participant which must appear in court fails to appear in court for justifiable reasons.
- (2) A party files an unexpected request for disqualification.
- (3) It is necessary to notify a new witness to appear in court, collect new evidence, conduct re-identification or resurvey, or conduct further investigation.
- (4) Other circumstances requiring postponement.

Article 147 The court clerk shall record all court trial activities in transcripts, to which the judges and court clerk shall affix their signatures.

The court transcripts shall be read out in court, and the parties and other litigation participants may be notified to read the court transcripts in court or within five days. If the parties and other litigation participants deem that there are any omissions or errors in the court transcripts regarding their respective statements, they shall be entitled to request supplementation or correction. If no supplementation or correction is permitted, their requests shall be on record.

The parties and other litigation participants shall affix their signatures or seals to the court transcripts. The court transcripts shall record any refusals to affix signatures or seals and be attached to the case file.

Article 148 Whether a case is tried openly or in camera, a people's court shall, without exception, pronounce its judgment publicly.

If a judgment is pronounced in court, a written judgment shall be issued within ten days; or if a judgment is pronounced later on a fixed date, a written judgment shall be issued immediately after pronouncement.

When a judgment is pronounced, the parties must be notified of their right to appeal, the time limit for appeal, and the appellate court.

When a divorce judgment is pronounced, the parties must be notified that neither of them may marry another person before the judgment takes effect.

Article 149 A people's court shall complete the trial of a case under formal procedure within six months after the case is docketed. If an extension of the period is necessary under special circumstances, the period may be extended for six months with the approval of the president of the people's court; and any further extension shall be subject to the approval of the superior of the people's court.

Section 4 Suspension and Termination of an Action

Article 150 Under any of the following circumstances, an action shall be suspended:

- (1) A party dies and it is necessary to wait for his or her successors to indicate whether they will participate in the action.
- (2) A party loses his or her litigation competency and his or her legal representative has not been determined.
- (3) A party which is a legal person or any other organization is terminated and the successors to the rights and obligations of the party have not been determined.
- (4) A party is unable to participate in the action for reasons beyond the party's control.

(5) The action must depend on the results of the trial of another case which has not been concluded.

(6) Other circumstances requiring suspension.

The action shall resume after the cause of suspension is eliminated.

Article 151 Under any of the following circumstances, an action shall be terminated:

(1) The plaintiff dies without successors or all of his or her successors waive their procedural rights.

(2) The defendant dies without estate and without any person which shall assume the defendant's obligations.

(3) In a divorce case, either party dies.

(4) In a case to recover support for elderly parents, support for other adult dependants or child support or to rescind an adoptive relationship, either party dies.

Section 5 Judgments and Rulings

Article 152 A written judgment shall state the results of judgment and reasons for entering the judgment. The content of a written judgment includes:

(1) the cause of action, claims, facts in dispute, and reasons;

(2) the facts found and reasons and the laws applied and reasons in the judgment;

(3) the results of judgment and the assumption of litigation expenses; and

(4) the time limit for filing an appeal and the appellate court.

The judges and court clerk shall affix their signatures and the people's court shall affix its seal to the written judgment.

Article 153 Where a portion of the facts of a case tried by a people's court has been ascertained, the people's court may first enter a judgment regarding such facts.

Article 154 The scope of application of a ruling shall include:

(1) Refusing to accept an action;

(2) Objection to jurisdiction;

(3) Dismissing an action;

(4) Preservation and advance enforcement;

(5) Granting or not granting the withdrawal of an action;

(6) Suspension or termination of an action;

(7) Correcting typos in a written judgment;

(8) Suspension or termination of enforcement;

(9) revoking or not enforcing an arbitration award;

(10) Refusing to enforce a debt instrument with enforceability legally granted by a notary office; and

(11) Other issues to be resolved by a ruling.

A ruling in items (1) to (3) of the preceding paragraph is appealable.

A written ruling shall state the results of ruling and reasons for issuing the ruling. The judges and court clerk shall affix their signatures and the people's court shall affix its seal to a written ruling. A verbal ruling shall be recorded in transcripts.

Article 155 The judgments and rulings of the Supreme People's Court and the judgments and rulings not appealable in accordance with law or not appealed during the prescribed time limit shall be effective judgments and rulings.

Article 156 The public may consult effective written judgments and rulings, except content involving any national secret, trade secret or individual privacy.

Chapter 13 Summary Procedure

Article 157 Where a basic people's court and its detached tribunals try simple civil cases with clear facts, unambiguous rights and obligations and minor disputes, the provisions of this Chapter shall apply.

Where a basic people's court and its detached tribunals try civil cases other than those in the preceding paragraph, the parties may agree on the application of summary procedure.

Article 158 In simple civil cases, the plaintiff may institute an action verbally.

Both sides may appear at the same time before a basic people's court or its detached tribunal for resolution of a dispute. The basic people's court or its detached tribunal may try the case immediately or schedule the trial for another day.

Article 159 When trying simple civil cases, a basic people's court and its detached tribunals may, in simple manners, summon the parties and witnesses, serve process and try cases but shall protect the parties' right to present a statement.

Article 160 Not subject to Articles 136, 138 and 141 of this Law, a simple civil case shall be tried by a sole judge.

Article 161 A people's court which tries a case under summary procedure shall complete the trial of the case within three months after the case is docketed.

Article 162 Where a basic people's court or its detached tribunal tries a simple civil case as described in paragraph 1 of Article 157 of this Law, if the amount of subject matter is lower than 30 percent of the previous year's average annual wages of workers in a province, autonomous region or municipality directly under the Central Government, the adjudication of the basic people's court or detached tribunal shall be final.

Article 163 A people's court which discovers during the trial of a case that the application of summary procedure is not appropriate for the case shall issue a ruling to transfer the case into formal procedure.

Chapter 14 Procedure at Second Instance

Article 164 Against a first instance judgment of a local people's court, a party shall have the right to file an appeal with the people's court at the next higher level within 15 days from the date of service of the written judgment.

Against a first instance ruling of a local people's court, a party shall have the right to file an appeal with the people's court at the next higher level within 10 days from the date of service of the written ruling.

Article 165 An appellant shall submit a written appeal. The written appeal shall include the names of the parties which are natural persons, names of a legal person and its legal representative or names of any other organization and its primary person in charge; the

name of the original trial people's court, case number and cause of action; and the claims in appeal and reasons for appeal.

Article 166 An appellant shall submit a written appeal through the original trial people's court and provide copies of it according to the number of the opposing parties or the representatives of the opposing parties.

Where a party appeals directly to a people's court of second instance, the people's court of second instance shall, within five days, transfer the written appeal to the original trial people's court.

Article 167 The original trial people's court shall, within five days after receiving a written appeal, serve the copies of the written appeal on the opposing parties, and the opposing parties shall, within 15 days after receiving the copies, submit their written statements of defense. The original trial people's court shall, within five days after receiving the written statements of defense, serve the copies of the written statements of defense on the appellant. The trial of the case by a people's court shall not be affected by an opposing party's failure to submit a written statement of defense.

After receiving both the written appeal and the written statements of defense, the original trial people's court shall, within five days, transfer them along with the entire case file and evidence to the people's court of second instance.

Article 168 The people's court of second instance shall review the facts and application of law in relation to the claims in appeal.

Article 169 The people's court of second instance shall form a collegial bench to try an appeal case in a court session. Where, after consultation of the case file, investigation and questioning of the parties, no new fact, evidence or reason is submitted, the collegial bench may decide not to hold a court session if deeming a court session unnecessary.

The people's court of second instance may try an appeal case in its own courtroom or at the place where the case occurred or where the original trial people's court is located.

Article 170 After trial, the people's court of second instance shall handle appeal cases according to the following different circumstances:

(1) Dismissing an appeal and sustaining the original judgment or ruling in the form of a judgment or ruling, if the original judgment or ruling is clear in fact finding and correct in application of law.

(2) Reversing, revoking or modifying the original judgment or ruling in accordance with law in the form of a judgment or ruling, if the original judgment or ruling is erroneous in fact finding or application of law.

(3) Issuing a ruling to revoke the original judgment and remand the case to the original trial people's court for retrial or reversing the original judgment after ascertaining facts, if the original judgment is unclear in finding the basic facts.

(4) Issuing a ruling to revoke the original judgment and remand the case to the original trial people's court, if the original judgment seriously violates statutory procedures, such as omitting a party or illegally entering a default judgment.

Where, after the original trial people's court enters a judgment for a case remanded for retrial, a party appeals the judgment, the people's court of second instance shall not remand the case again for retrial.

Article 171 The people's court of second instance shall, without exception, issue a ruling after trial of an appeal against a ruling of the people's court of first instance.

Article 172 When trying an appeal case, the people's court of second instance may conduct mediation. If a mediation agreement is reached, a consent judgment shall be prepared, to which the judges and court clerk shall affix their signatures and the people's court shall affix its seal. Upon service of the consent judgment, the judgment of the original trial people's court shall be deemed revoked.

Article 173 Where an appellant requests withdrawal of its appeal before the people's court of second instance pronounces its judgment, the people's court of second instance shall issue a ruling on whether to grant such a request.

Article 174 Subject to the provisions of this Chapter, a people's court of second instance shall try appeal cases under the formal procedure at first instance.

Article 175 The judgments and rulings of a people's court of second instance shall be final.

Article 176 A people's court shall complete the trial of an appeal case against a judgment within three months after the appeal is docketed. Any extension of the aforesaid period under special circumstances shall be subject to the approval of the president of the people's court. A people's court shall issue a final ruling for an appeal case against a ruling within 30 days after the appeal is docketed.

Chapter 15 Special Procedures

Section 1 General Provisions

Article 177 The people's courts shall try voter eligibility cases, missing person declaration and death declaration cases, cases of determining civil incompetency or limited civil competency of citizens, cases of determining unclaimed property, cases of confirming mediation agreements and cases of security interest realization in accordance with the provisions of this Chapter. Where this Chapter is silent, the relevant provisions of this Law and other laws shall apply.

Article 178 For cases tried under procedures in this Chapter, the trial results are not appealable. A collegial bench consisting of judges only shall be formed to try a voter eligibility case or a significant or difficult case; and any other case shall be tried by a sole judge.

Article 179 A people's court which discovers during the trial of a case under a procedure in this Chapter that the case involves a dispute over civil rights and interests shall issue a ruling to terminate the special procedure and notify the interested parties that they may institute a separate action.

Article 180 A people's court shall complete the trial of a case under a special procedure within 30 days after the case is docketed or within 30 days after the period of public announcement expires. Any extension of the aforesaid trial period under special circumstances shall be subject to the approval of the president of the people's court. This

article is not applicable to the trial of voter eligibility cases.

Section 2 Voter Eligibility Cases

Article 181 Against an election committee's decision on a petition regarding voter eligibility, a citizen may, five days before the election day, institute an action in the basic people's court at the place where the electoral district is located.

Article 182 After accepting a voter eligibility case, a people's court must complete the trial of the case before the election day.

The plaintiff, the representative of the election committee and the relevant citizen must participate in the trial.

The written judgment of the people's court shall be served on the election committee and the plaintiff before the election day, and the relevant citizen shall be notified.

Section 3 Missing Person Declaration and Death Declaration Cases

Article 183 Where the whereabouts of a citizen has been unknown for two years and an interested party applies for declaration of the citizen to be missing, the application shall be filed with the basic people's court at the place of domicile of the citizen whose whereabouts is unknown.

The written application shall state the fact and time of disappearance and claims, to which a written certificate issued by a public security authority or any other relevant authority regarding the fact that citizen's whereabouts is unknown shall be attached.

Article 184 Where the whereabouts of a citizen has been unknown for four years, has been unknown for involvement in an accident for two years, or has been unknown for involvement in an accident which the citizen cannot survive according to a certificate issued by a relevant authority, if an interested party applies for declaration of the citizen to be dead, the application shall be filed with the basic people's court at the place of domicile of the citizen whose whereabouts is unknown.

The written application shall state the fact and time of the citizen's whereabouts being unknown and claims, to which a written certificate issued by a public security authority or any other relevant authority regarding the fact that the citizen's whereabouts is known shall be attached.

Article 185 After accepting a missing person declaration or death declaration case, a people's court shall issue a public announcement to search for the missing person. The period of public announcement for declaring a person to be missing shall be three months, and the period of public announcement for declaring a person to be dead shall be one year. Where a citizen's whereabouts has been unknown for his or her involvement in an accident which the citizen cannot survive according to a certificate issued by a relevant authority, the period of public announcement for declaring the citizen to be dead shall be three months. Upon expiration of the aforesaid period of public announcement, the people's court shall, according to whether the missing or death of the citizen to be declared has been confirmed as a fact, enter a judgment to declare that the person is missing or dead or enter a judgment to dismiss the application.

Article 186 Where a citizen who has been declared to be missing or dead reappears, the people's court shall, upon application of the citizen or an interested party, enter a new judgment to revoke the original one.

Section 4 Cases of Determining Civil Incompetency or Limited Civil Competency of Citizens

Article 187 For the determination of a citizen's civil incompetency or limited civil competency, an application shall be filed by a close relative of the citizen or any other interested party with the basic people's court at the place of domicile of the citizen.

The written application shall state the facts and basis regarding the citizen's civil incompetency or limited civil competency.

Article 188 After accepting an application, a people's court shall, when necessary, conduct identification of the citizen's civil incompetency or limited civil competency to be determined upon application. If the applicant has provided an expert opinion, the people's court shall examine the expert opinion.

Article 189 Where a people's court tries a case of determining a citizen's civil incompetency or limited civil competency, a close relative, other than the applicant, of the citizen shall serve as the citizen's representative. If the close relatives of the citizen shift their duty of representation onto each other, the people's court shall specify one of them as the representative of the citizen. If the citizen's health status allows, the people's court shall also solicit the opinion of the citizen.

If, upon trial, the people's court holds that the application is supported by facts, it shall enter a judgment to determine that the citizen is a person without civil competency or with limited civil competency; otherwise, it shall enter a judgment to dismiss the application.

Article 190 Upon application of a person who has been determined as a person without civil competency or with limited civil competency or application of his or her guardian, a people's court shall enter a new judgment to revoke the original one if it is evidenced that the cause of the person's civil incompetency or limited civil competency has been eliminated.

Section 5 Cases of Determining Unclaimed Property

Article 191 For the determination of unclaimed property, a citizen, a legal person or any other organization shall file an application with the basic people's court at the place where the property is located.

The written application shall state the kind and quantity of property and the grounds for requesting determination of unclaimed property.

Article 192 After accepting an application, the people's court shall conduct examination and verification and issue a public announcement on claiming the property. If no one claims the property upon one year from the date of public announcement, the people's court shall enter a judgment to determine that the property is unclaimed property and therefore owned by the state or a collective.

Article 193 Where, after any property is determined as unclaimed property in a judgment, the original owner of the property or the successor thereto appears, the original owner or successor may claim the property within the time limitation prescribed in the General

Principles of Civil Law, the people's court shall, after examination and verification, enter a new judgment to revoke the original one.

Section 6 Cases of Confirming Mediation Agreements

Article 194 To apply for judicial confirmation of a mediation agreement, both parties to the mediation agreement shall, in accordance with the People's Mediation Law and other laws, jointly file an application with the basic people's court of the place where the mediation organization is located within 30 days from the effective date of the mediation agreement.

Article 195 After accepting an application, if the application complies with legal provisions upon examination, the people's court shall issue a ruling to affirm the validity of the mediation agreement, and if one party refuses to perform or fails to fully perform the mediation agreement, the opposing party may apply for enforcement to the people's court; or if the application does not comply with legal provisions upon examination, the people's court shall issue a ruling to dismiss the application, and the parties may, through mediation, modify the mediation agreement or reach a new mediation agreement and may also institute an action in a people's court.

Section 7 Cases of Security Interest Realization

Article 196 To apply for realization of a security interest, the security interest holder or any other party entitled to request realization of the security interest shall, in accordance with the Property Law and other laws, file an application with the basic people's court at the place where the property posted as security is located or at the place of registration of the security interest.

Article 197 After accepting an application, if the application complies with legal provisions upon examination, the people's court shall issue a ruling to auction or sell the property posted as security, and the parties may, based on the ruling, apply for enforcement to the people's court; or if the application does not comply with legal provisions, the people's court shall issue a ruling to dismiss the application, and the party may institute an action in a people's court.

Chapter 16 Trial Supervision Procedure

Article 198 Where the president of a people's court at any level discovers any error in any effective judgment, ruling or consent judgment of the court and deems a retrial necessary, the president shall submit it to the judicial committee for deliberation and decision.

Where the Supreme People's Court discovers any error in any effective judgment, ruling or consent judgment of a local people's court at any level or a people's court at a higher level discovers any error in any effective judgment, ruling or consent judgment of a people's court at a lower level, the Supreme People's Court or the court at a higher level shall have the power to directly retry the case or specify a people's court at a lower level to retry the case.

Article 199 A party which deems that an effective judgment or ruling is erroneous may file a petition for retrial with the people's court at the next higher level; and if the parties on one side are numerous or the parties on both sides are citizens, the parties may file a petition for retrial with the original trial people's court. Where a party files a petition for retrial, the

execution of the judgment or ruling shall not be discontinued.

Article 200 Where a petition for retrial filed by a party falls under any of the following circumstances, the people's court shall conduct a retrial:

- (1) There is any new evidence which suffices to overturn the original judgment or ruling.
- (2) The basic facts found in the original judgment or ruling are not evidenced.
- (3) The primary evidence admitted in the original judgment or ruling for finding facts is forged.
- (4) The primary evidence admitted in the original judgment or ruling for finding facts has not been cross-examined.
- (5) For objective reasons, a party is unable to gather any primary evidence necessary for the trial of a case and applies in writing for the people's court to investigate and gather the evidence, but the people's court has not investigated and gathered the evidence.
- (6) There is any erroneous application of law in the original judgment or ruling.
- (7) The composition of the trial organization is illegal or any judge who shall be disqualified in accordance with law fails to be disqualified.
- (8) The legal representative of a person without competency to participate in the action fails to participate in the action on behalf of the person or a party which shall participate in the action fails to participate in the action, which is not attributable to the fault of the party or the litigation representative thereof.
- (9) A party's right to debate is illegally denied.
- (10) A default judgment is entered against a party which has not been summonsed.
- (11) The original judgment or ruling has omitted any claims or exceeded the claims of the parties.
- (12) The legal instrument on which the original judgment or ruling is based has been revoked or modified.
- (13) When trying the case, a judge commits embezzlement, accepts bribes, practices favoritism for personal gains, or adjudicates by bending the law.

Article 201 Where, against an effective consent judgment, a party adduces any evidence that the mediation has violated the principle of free will of the parties or any content of the mediation agreement has violated law, the party may petition for retrial. The people's court shall, upon examination and verification, conduct a retrial.

Article 202 A party shall not file a petition for retrial against an effective judgment or consent judgment which dissolves a marital relationship.

Article 203 A party which petitions for retrial shall submit a written retrial petition and other materials. The people's court shall, within five days after receiving the written retrial petition, serve the copies of the written retrial petition on the opposing parties. The opposing parties shall submit their written opinions within 15 days after receiving the copies of the written retrial petition; and any opposing party's failure to submit a written opinion shall not affect the examination of the petition by the people's court. The people's court may require the petitioner and the opposing parties to provide relevant supplements and may question them on relevant matters.

Article 204 A people's court shall, within three months after receiving a written retrial petition, examine the petition and, if the petition complies with the provisions of this Law, issue a ruling to retry the case; or if the petition does not comply with the provisions of this Law, issue a ruling to dismiss the petition. Where, under special circumstances, an extension of the aforesaid period is necessary, the extension shall be subject to the approval of the president of the people's court.

A case to be retried according to a ruling issued upon petition of a party shall be retried by a people's court at or above the level of an intermediate people's court, except a case to be retried by a basic people's court upon petition as chosen by the parties under Article 199 of this Law. A case to be retried according to a ruling issued by the Supreme People's Court or a higher people's court shall be retried by the court issuing the ruling, and the court issuing the ruling may transfer the case to any other people's court including the original trial people's court for retrial.

Article 205 A party which petitions for retrial shall file a petition for retrial within six months from the effective date of a judgment or ruling; or under the circumstances of item (1), (3), (12) or (13) of Article 200 of this Law, file a petition for retrial within six months from the day when the party knows or should have known.

Article 206 For a case retried according to a decision made under the trial supervision procedure, a ruling shall be issued to suspend the execution of the original judgment, ruling or consent judgment, but suspension of execution is not required for cases to recover support for elderly parents, support for other adult dependants, child support, consolation money, medical expenses, and labor remuneration, among others.

Article 207 For a case to be retried by a people's court under the trial supervision procedure, if the effective judgment or ruling was entered by a court of first instance, the people's court shall retry the case under the procedure at first instance, and the judgment or ruling entered by the people's court is appealable; if the effective judgment or ruling was entered by a court of second instance, the people's court shall retry the case under the procedure at second instance, and the judgment or ruling entered by the people's court shall be immediately effective; or if the case is directly retried by a people's court at a higher level, the people's court at a higher level shall retry the case under the procedure at second instance, and the judgment or ruling entered by the people's court at a higher level shall be immediately effective.

A people's court shall form a new collegial bench to retry a case.

Article 208 Where the Supreme People's Procuratorate discovers that any effective judgment or ruling of a people's court at any level falls under any of the circumstances set out in Article 200 of this Law or any effective consent judgment thereof causes any damage to the national interest or public interest, or a people's procuratorate at a higher level discovers that any effective judgment or ruling of a people's court at a lower level falls under any of the circumstances set out in Article 200 of this Law or any effective consent judgment thereof causes any damage to the national interest or public interest, the Supreme People's

Procuratorate or the people's procuratorate at a higher level shall file an appeal.

Where a local people's procuratorate at any level discovers that any effective judgment or ruling of a people's court at the same level falls under any of the circumstances set out in Article 200 of this Law or discovers that any consent judgment thereof causes any damage to the national interest or public interest, the people's procuratorate may offer procuratorial recommendations to the people's court at the same level and file a report with the people's procuratorate at the next higher level; and may also request the people's procuratorate at the next higher level to file an appeal with the people's court at the corresponding level.

A people's procuratorate at any level shall have the authority to offer procuratorial recommendations to the people's court at the same level regarding violations of law by judges in trial procedures other than the trial supervision procedure.

Article 209 Under any of following circumstances, a party may apply to a people's procuratorate for procuratorial recommendations or appeal:

- (1) A people's court dismisses a petition for retrial.
- (2) A people's court fails to issue a ruling regarding a petition for retrial within the prescribed time limit.
- (3) The judgment or ruling entered after retrial is clearly erroneous.

The people's procuratorate shall, within three months, examine the party's application and make a decision to offer or not to offer procuratorial recommendations or a decision to file or not to file an appeal. The party shall not apply again to the people's procuratorate for offering procuratorial recommendations or filing an appeal.

Article 210 A people's procuratorate may, as necessary for offering procuratorial recommendations or filing an appeal to perform its duty of legal supervision, investigate and verify relevant information from the parties or those who are not parties to a case.

Article 211 For a case where a people's procuratorate files an appeal, the people's court accepting the appeal shall issue a ruling on retrial within 30 days after receiving the written appeal; and under any of the circumstances set out in items (1) to (5) of Article 200 of this Law, may transfer the case to the people's court at the next lower level for retrial unless the case has been retried by the people's court at the next lower level.

Article 212 A people's procuratorate which files an appeal against a judgment, ruling or consent judgment of a people's court shall prepare a written appeal.

Article 213 When a people's court retries a case upon appeal of a people's procuratorate, the people's court shall notify the people's procuratorate to send personnel to be present in court.

Chapter 17 Procedure for Urging Debt Repayment

Article 214 A creditor which requests a debtor to repay money or negotiable securities may apply to the basic people's court having jurisdiction to issue an order for payment if the following conditions are met:

- (1) There are no other debt disputes between the creditor and the debtor.
- (2) The order for payment can be served on the debtor.

The creditor's written application shall state the amount of money or negotiable securities to be repaid and the facts and evidence on which the application is based.

Article 215 After a creditor files an application, the people's court shall, within five days, notify the creditor whether the application is accepted.

Article 216 After accepting an application, the people's court shall examine the facts and evidence provided by the creditor and, if the creditor-debtor relationship is clear and legal, issue an order for payment to the debtor within 15 days after accepting the application; or if the application is not supported, issue a ruling to dismiss the application.

The debtor shall, within 15 days after receiving the order for payment, repay the debt or submit a written objection to the people's court.

If the debtor has neither submitted an objection nor complied with the order for payment during the period prescribed in the preceding paragraph, the creditor may apply to the people's court for enforcement of the order for payment.

Article 217 After receiving a written objection from a debtor, if the objection is supported upon examination, a people's court shall issue a ruling to terminate the procedure for urging debt repayment, and the order for payment shall be automatically invalidated.

Where an order for payment is invalidated, the litigation procedure shall be initiated, unless the party applying for the order for payment disagrees to institute an action.

Chapter 18 Procedure for Announcement to Urge Declaration of Claims

Article 218 The holder of an instrument negotiable by endorsement according to the relevant provisions may, if the instrument is stolen, lost or extinguished, apply to the basic people's court at the place of payment of the instrument for an announcement to urge declaration of claims. The provisions of this Chapter shall also apply to other matters regarding which an announcement to urge declaration of claims may be applied for according to legal provisions. The applicant shall file a written application with the people's court, which shall state the main content of the instrument, such as the face value, issuer, holder and endorser, as well as the grounds and facts for the application.

Article 219 Where a people's court decides to accept an application, the people's court shall, at the same time, notify the drawee to stop payment and, within three days, issue an announcement to urge interested parties to declare their claims. The period of declaration of claims shall be decided by a people's court according to the specific circumstances but shall not be less than sixty days.

Article 220 The drawee shall, upon receiving a notice of stopping payment from a people's court, stop payment until the termination of the procedure for announcement to urge declaration of claims.

During the period of declaration of claims, any transfer of rights under the instrument shall be void.

Article 221 Interested parties shall declare their claims to the people's court during the period of declaration of claims.

After receiving claims from interested parties, the people's court shall issue a ruling to

terminate the procedure for announcement to urge declaration of claims and notify the applicant and the drawee.

The applicant or a claimant may institute an action in the people's court.

Article 222 Where no one declares a claim, the people's court shall enter a judgment according to the application to declare the instrument to be void. The judgment shall be publicly announced, and the drawee shall be notified. From the date of announcement of the judgment, the applicant shall be entitled to require payment from the drawee.

Article 223 Where, for any justifiable reasons, any interested party is unable to declare its claims to the people's court before a judgment is entered, the interested party may, within one year from the day when the interested party knows or should have known the public announcement of the judgment, institute an action in the people's court which entered the judgment.

Part Three Enforcement Procedure

Chapter 19 General Provisions

Article 224 An effective civil judgment or ruling or the property portion of a criminal judgment or ruling shall be enforced by the people's court of first instance or the people's court at the same level as the people's court of first instance at the place where the property under enforcement is located.

Other legal instruments enforced by a people's court as prescribed by law shall be enforced by the people's court at the place of domicile of the party against whom enforcement is sought or at the place where the property under enforcement is located.

Article 225 Where a party or an interested party deems that enforcement has violated any legal provisions, the party or interested party may file a written objection with the people's court in charge of enforcement. Where a party or an interested party files a written objection, the people's court shall examine the written objection within 15 days after receiving it and, if the objection is supported, issue a ruling to revoke or correct enforcement; or if the objection is not supported, issue a ruling to dismiss the objection. Against such a ruling, the party or interested party may apply for reconsideration to the people's court at the next higher level within ten days after the ruling is served.

Article 226 Where a people's court fails to conduct enforcement within six months after receiving a written application for enforcement, the applicant for enforcement may apply for enforcement to the people's court at the next higher level. Upon examination, the people's court at the next higher level may order the original people's court to conduct enforcement within a certain time limit or decide to conduct enforcement by itself or order another people's court to conduct enforcement.

Article 227 Where, during enforcement, a person which is not a party to the case files a written objection regarding the subject matter of enforcement, the people's court shall examine the written objection within 15 days after receiving it and, if the objection is supported, issue a ruling to suspend enforcement against the subject matter; or if the objection is not supported, issue a ruling to dismiss the objection. If the person which is not

a party to the case or a party disagrees on such a ruling and deems that the original judgment or ruling is erroneous, the trial supervision procedure shall apply; or if such disagreement is irrelevant to the original judgment or ruling, the person or the party may institute an action in a people's court within 15 days after the aforesaid ruling regarding objection is served.

Article 228 Enforcement shall be conducted by enforcement personnel.

When taking enforcement measures, the enforcement personnel shall produce their credentials. After completion of enforcement, the enforcement personnel shall prepare enforcement transcripts, to which the relevant persons on the site shall affix their signatures or seals.

A people's court may, as needed, establish an enforcement department.

Article 229 Where the party against whom enforcement is sought or the property under enforcement is in a different place, enforcement may be entrusted to the people's court in the different place. The entrusted people's court must begin enforcement within 15 days after receiving a letter of entrustment and shall not refuse enforcement. After completion of enforcement, the entrusted people's court shall notify in a letter the entrusting people's court of the results of enforcement; or if enforcement cannot be completed within 30 days, the entrusted people's court shall also notify in a letter the entrusting people's court of the status of enforcement.

If the entrusted people's court fails to begin enforcement within 15 days after receiving a letter of entrustment, the entrusting people's court may request the superior of the entrusted people's court to order the entrusted people's court to conduct enforcement.

Article 230 Where, during enforcement, both sides reach a settlement agreement, the enforcement personnel shall record the provisions of the settlement agreement in the enforcement transcripts, to which both sides shall affix their signatures or seals.

Where the applicant for enforcement reaches a settlement agreement as a victim of a fraud or under duress with the party against whom enforcement is sought or a party fails to perform a settlement agreement, the people's court may, upon application of a party, resume the enforcement of the original effective legal instrument.

Article 231 Where, during enforcement, the party against whom enforcement is sought provides security to the people's court, the people's court may, with the consent of the applicant for enforcement, decide to suspend enforcement and decide a period of suspension. If the party against whom enforcement is sought fails to perform its obligations within the aforesaid period, the people's court shall have the power to conduct enforcement against the property posted as security by the party against whom enforcement is sought or the property of any guarantor.

Article 232 Where a citizen as the party against whom enforcement is sought dies, his or her debts shall be repaid with his or her estate. Where a legal person or any other organization as the party against whom enforcement is sought is terminated, the successors to the rights and obligations of the legal person or organization shall perform the obligations of the legal person or organization.

Article 233 Where, after completion of enforcement, the judgment, ruling or any other legal document on which enforcement is based is revoked by a people's court for any errors, the people's court shall issue a ruling on the property which has undergone enforcement to order the party which has acquired the property to return the property; and if the party refuses to return the property, the people's court shall conduct enforcement.

Article 234 The provisions of this Part shall also apply to the enforcement of a consent judgment of a people's court.

Article 235 The people's procuratorates shall have the authority to conduct legal supervision over civil enforcement.

Chapter 20 Application and Transfer for Enforcement

Article 236 The parties must comply with an effective civil judgment or ruling. If a party refuses to comply, the opposing party may apply to the people's court for enforcement, and the judges may also transfer the case to the enforcement personnel for enforcement.

The parties must comply with a consent judgment and other legal instruments enforced by a people's court. If a party refuses to comply, the opposing party may apply to the people's court for enforcement.

Article 237 Where a party refuses to comply with an award rendered by a legally established arbitral institution, the opposing party may apply for enforcement to the people's court having jurisdiction. The people's court accepting the application shall enforce the award.

Where the respondent adduces evidence that the arbitration award falls under any of the following circumstances, the people's court shall, upon examination and verification by a collegial bench, issue a ruling not to enforce the arbitration award:

- (1) The contract between the parties does not include an arbitration clause or the parties have not reached any written arbitration agreement after a dispute arose.
- (2) The matters arbitrated are outside the scope of an arbitration agreement or the arbitral institution has no arbitration power.
- (3) The composition of the arbitration tribunal or the arbitration procedure has violated the statutory procedures.
- (4) The evidence for rendering the award is forged.
- (5) The opposing party withholds any evidence to the arbitral institution, which suffices to affect an impartial award.
- (6) When arbitrating the case, any arbitrator commits embezzlement, accepts bribes, practices favoritism for personal gains, or renders the award by bending the law.

If a people's court holds that the enforcement of an arbitration award is contrary to the public interest, the people's court shall issue a ruling not to enforce the award.

Such a ruling shall be served on both sides and the arbitral institution.

Where an arbitration award is not enforced according to a ruling of a people's court, the parties may, according to a written arbitration agreement reached by them, apply again to an arbitral institution for arbitration or institute an action in a people's court.

Article 238 Where a party fails to comply with a debt instrument with enforceability legally

granted by a notary office, the opposing party may apply to the people's court having jurisdiction for enforcement, and the people's court accepting the application shall conduct enforcement.

If the notarized debt instrument is erroneous, the people's court shall issue a ruling not to enforce the debt instrument and serve a written ruling on both sides and the notary office.

Article 239 The period for applying for enforcement shall be two years. The suspension or interruption of the time limitation for applying for enforcement shall be governed by legal provisions regarding the suspension or interruption of the time limitations for instituting an action.

The period in the preceding paragraph shall begin from the last day of the performance period specified in a legal instrument; begin from the last day of each specified performance period if a legal instrument requires performance in installments; or begin from the effective date of a legal instrument if the legal instrument does not specify a period of performance.

Article 240 Enforcement personnel receiving a written application for enforcement or a letter of transfer for enforcement shall issue a notice of enforcement to the party against whom enforcement is sought and may immediately take enforcement measures.

Chapter 21 Enforcement Measures

Article 241 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument as required by a notice of enforcement, the party shall report its current property status and its property status for one year before receiving the enforcement notice. If the party refuses to report or submits a false report, the people's court may, according to the severity of the circumstances, impose a fine or detention on the party which is a natural person or her or her legal representative or the primary person in charge or directly liable persons of the relevant entity.

Article 242 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument as required by a notice of enforcement, the people's court shall have the right to inquire the relevant entities about the deposits, bonds, stocks, fund shares and other property of the party against whom enforcement is sought. The people's court shall have the right to seize, freeze, transfer or sell the property of the party against whom enforcement is sought according to different circumstances. The aforesaid property inquiry and seizure, freezing, transfer and sale by the people's court shall not exceed the extent of obligations that the party against enforcement is sought shall perform.

The people's court shall issue a ruling on seizure, freezing, transfer or sale of property, as well as a notice of enforcement assistance, and the relevant entities must assist.

Article 243 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument as required by a notice of enforcement, the people's court shall have the right to withhold or withdraw a portion of the party's income corresponding to the party's obligations to be performed. However, the people's court shall ensure that necessary living expenses for the party and his or her dependent family members are retained by the party.

The people's court shall issue a ruling on withholding or withdrawing income, as well as a notice of enforcement assistance, and the entity employing the party, banks, credit unions and other entities engaged in savings must assist.

Article 244 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument as required by a notice of enforcement, the people's court shall have the right to seize, impound, freeze, auction or sell a portion of the party's property corresponding to the party's obligations to be performed. However, the people's court shall ensure that necessities of life for the party and his or her dependent family members are retained by the party.

The people's court shall issue a ruling to take a measure in the preceding paragraph.

Article 245 When a people's court seizes or impounds any property, if the party against whom enforcement is sought is a citizen, the people's court shall notify the party or his or her adult family members to appear on the site; or if the party against whom enforcement is sought is a legal person or any other organization, the people's court shall notify its legal representative or primary person in charge to appear on the site. Their refusals to appear on the site shall not affect the enforcement. If the party against whom enforcement is sought is a citizen, the entity employing the citizen or the grassroots organizations at the place where the property is located shall send personnel to the site.

The enforcement personnel must prepare an inventory of the seized or impounded property, to which the persons on the site shall affix their signatures or seals, and a copy of the inventory shall be provided to the party against whom enforcement is sought. If the party against whom enforcement is sought is a citizen, a copy of the inventory may also be provided to his or her adult family members.

Article 246 The enforcement personnel may specify the party against whom enforcement is sought to be responsible for the safekeeping of the seized property. The party against whom enforcement is sought shall assume any losses incurred for the fault of the party against whom enforcement is sought.

Article 247 After any property is seized or impounded, the enforcement personnel shall order the party against whom enforcement is sought to perform obligations determined in a legal instrument during a specified period. If the party against whom enforcement is sought fails to do so within the specified period, the people's court shall auction the seized or impounded property; and if auction is not appropriate or both parties disagree on auction, the people's court may authorize a relevant entity to sell or may directly sell the property. Property prohibited by the state from being sold freely shall be delivered to the relevant entities for purchase at a price prescribed by the state.

Article 248 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument and conceals property, the people's court shall have the right to issue a search warrant to search the party, the residence of the party or a place where property may be concealed.

To take the measure in the preceding paragraph, the president of the people's court shall

sign and issue a search warrant.

Article 249 The property, bill or certificate to be delivered as specified in a legal instrument shall be delivered in the presence of both sides as summoned by the enforcement personnel or be delivered through the enforcement personnel, and the party accepting delivery shall sign for it.

Where a relevant entity holds the property, bill or certificate, the entity shall deliver it according to the notice of enforcement assistance from the people's court, and the party accepting delivery shall sign for it.

Where a relevant citizen holds the property, bill or certificate, the people's court shall notify the citizen to surrender it. If the citizen refuses to do so, the people's court shall conduct enforcement.

Article 250 For a compulsory eviction from a building or land, the president of a people's court shall sign and issue a public announcement to order the party against whom enforcement is sought to perform the obligation within a specified period. If the party against whom enforcement is sought fails to do so within the specified period, the enforcement personnel shall conduct enforcement.

When conducting enforcement, if the party against whom enforcement is sought is a citizen, the people's court shall notify the party or his or her adult family members to appear on the site; or if the party against whom enforcement is sought is a legal person or any other organization, the people's court shall notify its legal representative or primary person in charge to appear on the site. Their refusals to appear on the site shall not affect the enforcement. If the party against whom enforcement is sought is a citizen, the entity employing the citizen or the grassroots organizations at the place where the building or land is located shall send personnel to the site. The enforcement personnel shall include enforcement information in the transcripts, to which the persons on the site shall affix their signatures or seals.

The people's court shall assign personnel to transport the property removed from a building as a result of compulsory eviction to a designated location and deliver the property to the party against whom enforcement is sought. If the party against whom enforcement is sought is a citizen, the property may also be delivered to his or her adult family member. Any losses incurred due to refusal to accept delivery shall be assumed by the party against whom enforcement is sought.

Article 251 Where, during enforcement, the formalities for transferring any property right certificate is required, the people's court may issue a notice of enforcement assistance to the relevant entities, and the relevant entities must assist.

Article 252 Where the party against whom enforcement is sought fails to perform any conduct specified in a judgment, ruling or any other legal instrument as required by a notice of enforcement, the people's court may conduct enforcement or authorize a relevant unit or any other person to complete the conduct at the expense of the party against whom enforcement is sought.

Article 253 Where the party against whom enforcement is sought fails to perform any obligation of pecuniary payment during a period specified in a judgment, ruling or any other legal instrument, the party against whom enforcement is sought shall pay double interest for the debt for the period of deferred performance. If the party against whom enforcement is sought fails to perform any other obligation during a period specified in a judgment, ruling or any other legal instrument, the party against whom enforcement is sought shall pay a late fee for deferred performance.

Article 254 Where, after a people's court takes the enforcement measures in Articles 242, 243 and 244 of this Law, the party against whom enforcement is sought is still unable to repay debts, the party against whom enforcement is sought shall continue to perform obligations. Once the creditor discovers that the party against whom enforcement is sought has any other property, the creditor may, at any time, apply to the people's court for enforcement.

Article 255 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument, the people's court may take or notify a relevant entity to assist in taking the measure of restricting exit from China, the measure of recording the failure in the credit system, the measure of publishing information on the failure on media and other measures prescribed by law.

Chapter 22 Suspension and Termination of Enforcement

Article 256 Under any of the following circumstances, the people's court shall issue a ruling to suspend enforcement:

- (1) The applicant indicates that enforcement may be deferred.
- (2) A person which is not a party to the case raises any justified objection to the subject matter of enforcement.
- (3) A citizen as one of the parties dies, and it is necessary to wait for his or her successors to succeed to his or her rights or obligations.
- (4) A legal person or any other organization as one of the parties is terminated, and the successors to its rights and obligations have not been determined.
- (5) Other circumstances under which the people's court deems that enforcement shall be suspended.

Enforcement shall be resumed after the circumstances causing suspension have disappeared.

Article 257 Under any of the following circumstances, the people's court shall issue a ruling to terminate enforcement:

- (1) The applicant withdraws the application for enforcement.
- (2) The legal instrument on which enforcement is based has been revoked.
- (3) The citizen as the party against whom enforcement is sought dies, without any estate for enforcement, and no one succeeds to his or her obligations.
- (4) The person entitled to recover support for elderly parents, support for other adult dependants or child support dies.

(5) The citizen as the party against whom enforcement is sought is unable to repay his or her borrowings for living in hardship, has no source of income, and has lost his or her ability to work.

(6) Other circumstances under which the people's court deems that enforcement shall be terminated.

Article 258 A ruling to suspend or terminate enforcement shall be effective immediately after being served on a party.

Part Four Special Provisions on Foreign-Related Civil Procedures

Chapter 23 General Principles

Article 259 The provisions of this Part shall apply to foreign-related civil actions within the territory of the People's Republic of China. Where this Part is silent, other relevant provisions of this Law shall apply.

Article 260 Where there is any discrepancy between an international treaty concluded or acceded to by the People's Republic of China and this Law, the provisions of the international treaty shall prevail, except clauses to which the People's Republic of China has declared reservations.

Article 261 Civil actions instituted against foreign nationals, foreign organizations or international organizations which enjoy diplomatic privileges or immunities shall be governed by the relevant laws of the People's Republic of China and the international treaties concluded or acceded to by the People's Republic of China.

Article 262 When trying foreign-related civil cases, a people's court shall use the spoken and written languages commonly used in the People's Republic of China. Upon request of the parties, interpretation may be provided at the expense of the parties.

Article 263 A foreign national, a stateless person or a foreign enterprise or organization which needs to be represented by a lawyer in instituting or responding to an action in a people's court must retain a lawyer of the People's Republic of China.

Article 264 Where a foreign national, a stateless person or a foreign enterprise or organization without a domicile within the territory of the People's Republic of China needs to be represented by a lawyer or any other person of the People's Republic of China in an action, the power of attorney posted or forwarded from outside the territory of the People's Republic of China is valid only after it has been legalized by a notary office in the home country and authenticated by the Chinese embassy or consulate stationed in that country or has undergone the legalization formalities prescribed in the relevant treaty concluded by the People's Republic of China and that country.

Chapter 24 Jurisdiction

Article 265 Where an action is instituted against a defendant which has no domicile within the territory of the People's Republic of China for a contract dispute or any other property right or interest dispute, if the contract is signed or performed within the territory of the People's Republic of China, the subject matter of action is located within the territory of the People's Republic of China, the defendant has any impoundable property within the territory

of the People's Republic of China, or the defendant has any representative office within the territory of the People's Republic of China, the people's court at the place where the contract is signed or performed, where the subject matter of action is located, where the impoundable property is located, where the tort occurs or where the domicile of the representative office is located may have jurisdiction over the action.

Article 266 Actions instituted for disputes arising from the performance of contracts for Chinese-foreign equity joint ventures, Chinese-foreign contractual joint ventures or Chinese-foreign cooperative exploration and exploitation of natural resources in the People's Republic of China shall be under the jurisdiction of the people's courts of the People's Republic of China.

Chapter 25 Service of Process and Periods

Article 267 A people's court may serve process on a party which has no domicile within the territory of the People's Republic of China in the following manners:

(1) Process is served in the manners specified in the international treaty concluded or acceded to by the home country of the person to be served and the People's Republic of China.

(2) Process is served through diplomatic channels.

(3) If the person to be served is a citizen of the People's Republic of China, service of process may be entrusted to the embassy or consulate of the People's Republic of China stationed in the country where the person to be served resides.

(4) Process is served on a litigation representative authorized by the person to be served to receive service of process.

(5) Process is served on the representative office or a branch office or business agent authorized to receive service of process established by the person to be served within the territory of the People's Republic of China.

(6) Service of process by post is allowed if the law of the home country of the person to be served permits service of process by post, and if, three months after the postmark date, the service acknowledgement is not returned, but based on all circumstances, it may be determined that process has been served, process shall be deemed served on the expiration date of the aforesaid period.

(7) Process is served by fax, email or any other means capable of confirming receipt by the person to be served.

(8) If service of process by the aforesaid means is not possible, process shall be served by public announcement, and process shall be deemed served three months after the date of public announcement.

Article 268 Where a defendant has no domicile within the territory of the People's Republic of China, the people's court shall serve a copy of the written complaint on the defendant and notify the defendant to a written statement of defense within 30 days after receiving the copy of the written complaint. If the defendant applies for an extension of the aforesaid period, the extension shall be subject to the decision of the people's court.

Article 269 A party which has no domicile within the territory of the People's Republic of China shall have the right to appeal against a judgment or ruling of a people's court of first instance within 30 days from the date of service of the written judgment or ruling. The appellee shall submit a written statement of defense within 30 days after receiving a copy of the written appeal. If a party is unable to file an appeal or submit a written statement of defense within the statutory period and applies for an extension of the period, the application shall be subject to the decision of the people's court.

Article 270 The period for a people's court to try a foreign-related civil case shall not be limited by the provisions of Article 149 and 176 of this Law.

Chapter 26 Arbitration

Article 271 Where, for disputes arising from foreign economic and trade activities or international transportation or maritime activities, the parties have included an arbitration clause in the contracts or have reached a written arbitration agreement after a dispute arose to refer such disputes to an international arbitral institution of the People's Republic of China or any other arbitral institution for arbitration, the parties shall not institute an action in a people's court.

If the parties have not included any arbitration clauses in the contracts or have not reached a written arbitration agreement after a dispute arose, the parties may institute an action in a people's court.

Article 272 Where a party applies for a preservation measure, the international arbitral institution of the People's Republic of China shall submit the party's application to the intermediate people's court at the place of domicile of the respondent or at the place where the respondent's property is located.

Article 273 Where an international arbitral institution of the People's Republic of China has rendered an award for a dispute, the parties shall not institute an action in a people court for the dispute. If a party fails to comply with the arbitration award, the opposing party may apply for enforcement of the award to the intermediate people's court at the place of domicile of the respondent or at the place where the respondent's property is located.

Article 274 Where the respondent adduces evidence that an arbitration award of an international arbitral institution of the People's Republic of China falls under any of the following circumstances, a people's court shall, upon examination and verification by a collegial bench, issue a ruling not to enforce the award:

- (1) The contract between the parties does not include an arbitration clause or the parties have not reached any written arbitration agreement after a dispute arose.
- (2) The respondent is not notified to appoint an arbitrator or of the conduct of arbitration procedure or fails to present its case, which is not attributable to the fault of the respondent.
- (3) The composition of the arbitration tribunal or the arbitration procedure is not in conformity with arbitration rules.
- (4) The matters arbitrated are outside the scope of an arbitration agreement or the arbitral institution has no arbitration power.

If a people's court holds that the enforcement of an arbitration award is contrary to the public interest, the people's court shall issue a ruling not to enforce the award.

Article 275 Where an arbitration award is not enforced according to a ruling of a people's court, the parties may, according to a written arbitration agreement reached by them, apply again for arbitration or institute an action in a people's court.

Chapter 27 Judicial Assistance

Article 276 In accordance with an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity, a people's court and a foreign court may request each other to provide judicial assistance in service of process, investigation and collection of evidence and other litigation activities.

If any matter requested by a foreign court for assistance is detrimental to the sovereignty, security or public interest of the People's Republic of China, the people's court shall not grant the request.

Article 277 Judicial assistance shall be requested and provided through the channels prescribed in an international treaty concluded or acceded to by the People's Republic of China; or in the absence of such a treaty, shall be requested and provided through diplomatic channels.

A foreign embassy or consulate to the People's Republic of China may serve process on and investigate and collect evidence from its citizens but shall not violate the laws of the People's Republic of China and shall not take compulsory measures.

Except for the circumstances in the preceding paragraph, no foreign authority or individual shall, without permission from the competent authorities of the People's Republic of China, serve process or conduct investigation and collection of evidence within the territory of the People's Republic of China.

Article 278 The written request of a foreign court for the provision of judicial assistance by a people's court and the annexes thereto shall be accompanied with Chinese versions or versions in other languages specified in the relevant international treaty.

A letter of request and its annexes submitted to a foreign court by a people's court for judicial assistance shall also be appended with the translations in the language of the country or the texts in the language specified in the relevant international treaty.

Article 279 The people's courts shall provide judicial assistance under the procedures prescribed by the laws of the People's Republic of China. If a foreign court requests that judicial assistance be provided in a special manner, it may be provided in the special manner requested, but the special manner requested shall not violate the laws of the People's Republic of China.

Article 280 Where a party applies for enforcement of an effective judgment or ruling of a people's court, if the party against whom enforcement is sought or the property thereof is not within the territory of the People's Republic of China, the applicant may apply directly to the foreign court having jurisdiction for recognition and enforcement or apply to a people's court for the people's court to request recognition and enforcement by the foreign court in

accordance with the provisions of an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity.

Where a party applies for enforcement of an effective arbitration award of an international arbitral institution of the People's Republic of China, if the party against whom enforcement is sought or the property thereof is not within the territory of the People's Republic of China, the applicant shall apply directly to the foreign court having jurisdiction for recognition and enforcement.

Article 281 Where an effective judgment or ruling of a foreign court requires recognition and enforcement by a people's court of the People's Republic of China, a party may apply directly to the intermediate people's court of the People's Republic of China having jurisdiction for recognition and enforcement or apply to the foreign court for the foreign court to request recognition and enforcement by the people's court in accordance with the provisions of an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity.

Article 282 After examining an application or request for recognition and enforcement of an effective judgment or ruling of a foreign court in accordance with an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity, a people's court shall issue a ruling to recognize the legal force of the judgment or ruling and issue an order for enforcement as needed to enforce the judgment or ruling according to the relevant provisions of this Law if the people's court deems that the judgment or ruling does not violate the basic principles of the laws of the People's Republic of China and the sovereignty, security and public interest of the People's Republic of China. If the judgment or ruling violates the basic principles of the laws of the People's Republic of China or the sovereignty, security or public interest of the People's Republic of China, the people's court shall not grant recognition and enforcement.

Article 283 Where an arbitration award of a foreign arbitral institution requires recognition and enforcement by a people's court of the People's Republic of China, a party shall apply directly to the intermediate people's court at the place of domicile of the party against whom enforcement is sought or at the place where the property thereof is located, and the people's court shall process the application in accordance with an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity.

Article 284 This Law comes into force on the date of issuance, and the Civil Procedure Law of the People's Republic of China (for Trial Implementation) shall be repealed simultaneously.

19. Administrative Litigation Law of the People's Republic of China

(Adopted at the 2nd session of the Seventh National People's Congress on April 4, 1989; and amended for the first time in accordance with the Decision of the Standing Committee of the National People's Congress on Amending the Administrative Litigation Law of the People's Republic of China adopted at the 11th session of the Standing Committee of the

Twelfth National People's Congress on November 1, 2014; and amended for the second time in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China and the Administrative Litigation Law of the People's Republic of China as adopted at the 28th Session of the Standing Committee of the Twelfth National People's Congress on June 27, 2017)

Chapter I General Provisions

Article 1 To ensure the impartial and timely trial of administrative cases by the people's courts, settle administrative disputes, protect the lawful rights and interests of citizens, legal persons, and other organizations, and oversee administrative agencies' exercise of power according to the law, this Law is developed in accordance with the Constitution.

Article 2 A citizen, a legal person, or any other organization which deems that an administrative action taken by an administrative agency or any employee thereof infringes upon the lawful rights and interests of the citizen, legal person, or other organization shall have the right to file a complaint with a people's court in accordance with this Law.

The term “administrative action” as mentioned in the preceding paragraph includes administrative actions taken by an organization empowered by a law, regulation, or rule.

Article 3 The people's courts shall protect the right of a citizen, a legal person, or any other organization to file a complaint, and accept, according to the law, administrative cases that shall be accepted.

Administrative agencies and the employees thereof may not interfere with or impede the acceptance of administrative cases by the people's courts.

The person in charge of an administrative agency against which a complaint is filed shall appear in court to respond to the complaint, or, if he or she is unable to appear in court, authorize a relevant employee of the administrative agency to appear in court.

Article 4 The people's courts shall independently exercise judicial power over administrative cases, without any interference by any administrative agency, social group, or individual.

The people's courts shall establish administrative divisions for the trial of administrative cases.

Article 5 The people's courts shall try administrative cases based on facts according to the law.

Article 6 In the trial of administrative cases, the people's courts shall examine the legality of administrative actions.

Article 7 In the trial of administrative cases, the people's courts shall apply the collegial bench, disqualification, open trial, and “final after two levels of trial” rules according to the law.

Article 8 In administrative litigation, the parties shall have equal legal status.

Article 9 Citizens of all ethnicities shall have the right to use the spoken and written languages of their respective ethnicities in administrative litigation.

In an area where an ethnic minority is concentrated or several ethnicities cohabit, the people's courts shall conduct trial and publish legal instruments in the spoken and written languages commonly used by the local ethnicity or ethnicities.

The people's courts shall provide interpretation for litigation participants who are not familiar with the spoken and written languages commonly used by the local ethnicity or ethnicities.

Article 10 In administrative litigation, the parties shall have the right to debate.

Article 11 The people's procuratorates shall have the authority to exercise legal supervision over administrative litigation.

Chapter II Scope of Cases Accepted

Article 12 The people's courts shall accept the following complaints filed by citizens, legal persons, or other organizations:

(1) A complaint against any administrative punishment, such as administrative detention, suspension or revocation of a license or permit, ordered suspension of production or business, confiscation of illegal income, confiscation of illegal property, a fine, or a warning.

(2) A complaint against any administrative compulsory measure, such as restriction of personal freedom or seizure, impoundment, or freezing of property, or administrative enforcement.

(3) A complaint against an administrative agency's denial of, or failure to respond within the statutory period to, an application for administrative licensing or any other administrative licensing decision made by the administrative agency.

(4) A complaint against an administrative agency's decision to confirm the ownership or the right to use any natural resource, such as land, mineral resources, water, forest, hill, grassland, wasteland, tidal flat, or sea area.

(5) A complaint against a decision on expropriation or requisition or a decision on compensation for expropriation or requisition.

(6) A complaint against an administrative agency's refusal to perform, or failure to respond to an application for the administrative agency to perform, its statutory duties and responsibilities in respect of protecting personal rights, property rights, and other lawful rights and interests.

(7) A complaint claiming that an administrative agency has infringed upon the plaintiff's autonomy in business management, right in the contractual operations on rural land, or right in operations on rural land.

(8) A complaint claiming that an administrative agency has abused its administrative power to preclude or restrict competition.

(9) A complaint claiming that an administrative agency has illegally raised funds or apportioned expenses or illegally required performance of other obligations.

(10) A complaint claiming that an administrative agency has failed to pay consolation money, minimum subsistence, or social insurance benefits according to the law.

(11) A complaint claiming that an administrative agency has failed to perform according to the law or as agreed upon, or illegally modified or rescinded, an agreement, such as a government concession agreement or a land and building expropriation compensation agreement.

(12) A complaint claiming that an administrative agency has otherwise infringed upon

personal rights, property rights, or other lawful rights and interests.

In addition to those as set out in the preceding paragraph, the people's courts shall accept administrative cases which may be filed as prescribed by laws and regulations.

Article 13 The people's courts shall not accept complaints filed by citizens, legal persons, or other organizations against the following:

- (1) Actions taken by the state in national defense and foreign affairs, among others.
- (2) Administrative regulations and rules or decisions and orders with general binding force developed and issued by administrative agencies.
- (3) Decisions of administrative agencies on the rewards or punishments for their employees or the appointment or removal from office of their employees.
- (4) Administrative action taken by an administrative agency as a final adjudication according to the law.

Chapter III Jurisdiction

Article 14 The basic people's courts shall have jurisdiction over administrative cases as courts of first instance.

Article 15 An Intermediate People's Court shall have jurisdiction over the following administrative cases as a court of first instance:

- (1) A case filed against an administrative action taken by a department of the State Council or by a people's government at or above the county level.
- (2) A case handled by the Customs.
- (3) A major or complicated case within its territorial jurisdiction.
- (4) Other cases under the jurisdiction of an Intermediate People's Court as prescribed by the law.

Article 16 A Higher People's Court shall have jurisdiction as a court of first instance over major and complicated administrative cases within its territorial jurisdiction.

Article 17 The Supreme People's Court shall have jurisdiction as a court of first instance over major and complicated administrative cases nationwide.

Article 18 An administrative case shall be under the jurisdiction of the people's court at the place where the administrative agency taking the original administrative action is located. A case that has undergone reconsideration may also be under the jurisdiction of the people's court at the place where the reconsideration agency is located.

With the approval of the Supreme People's Court, a Higher People's Court may determine several people's courts that have jurisdiction over administrative cases across administrative regions.

Article 19 A complaint against an administrative compulsory measure that restricts personal freedom shall be under the jurisdiction of the people's court at the place where the defendant or the plaintiff is located.

Article 20 Administrative litigation involving real property shall be under the jurisdiction of the people's court at the place where the real property is located.

Article 21 Where two or more people's courts have jurisdiction over the same case, the

plaintiff may file a complaint in one of these people's courts. If the plaintiff has filed a complaint in two or more people's courts that have jurisdiction over the case, the people's court that first docketed the case shall have jurisdiction.

Article 22 Where a people's court finds that a case accepted is not under its jurisdiction, it shall transfer the case to the people's court that has jurisdiction over the case, and the people's court to which the case is transferred shall accept the case. If the people's court to which the case is transferred deems that the case is not under its jurisdiction either according to the relevant provisions, it shall report to the people's court at a higher level for designated jurisdiction, and may not transfer the case to another people's court on its own initiative.

Article 23 Where a people's court which has jurisdiction over a case is unable to exercise its jurisdiction for any special reasons, the people's court at a higher level shall designate another court to exercise jurisdiction over the case.

Where any dispute over jurisdiction arises between the people's courts, the dispute shall be resolved by such people's courts through consultation. If such consultation fails, the dispute shall be reported to the common people's court at a higher level of them for the designation of jurisdiction.

Article 24 A people's court at a higher level shall have the power to try administrative cases over which a people's court at a lower level has jurisdiction as a court of first instance.

Where a people's court at a lower level deems that it is necessary for a people's court at a higher level to try an administrative case over which the people's court at a lower level has jurisdiction as a court of first instance or to designate jurisdiction over the case, it may report the case to the people's court at a higher level for decision.

Chapter IV Primary Litigation Participants

Article 25 A person subjected to an administrative action or any other person which is a citizen, a legal person, or any other organization with an interest in the administrative action shall have the right to file a complaint against the administrative action.

If a citizen who has the right to file a complaint is deceased, his or her close relatives may file the complaint.

If a legal person or any other organization which has the right to file a complaint is terminated, the legal person or other organization which succeeds to its rights may file the complaint.

Where the people's procuratorate finds in the performance of functions that any administrative authority assuming supervision and administration functions in such fields as the protection of the ecological environment and resources, food and drug safety, protection of state-owned property, and the assignment of the right to use state-owned land exercises functions in violation of any law or conducts nonfeasance, which infringes upon national interest or public interest, it shall offer procuratorial recommendations to the administrative authority, and urge it to perform functions in accordance with the law. If the administrative authority fails to perform functions in accordance with the law, the people's procuratorate shall file a lawsuit with the people's court in accordance with the law.

Article 26 Where a citizen, a legal person, or any other organization directly files a complaint

with a people's court, the administrative agency taking the alleged administrative action shall be the defendant.

For a case that has undergone reconsideration, if the reconsideration agency's decision sustains the original administrative action, the administrative agency taking the original administrative action and the reconsideration agency shall be co-defendants; or, if the reconsideration agency's decision modifies the original administrative action, the reconsideration agency shall be the defendant.

If the reconsideration agency fails to make a reconsideration decision during the statutory period, and a citizen, a legal person, or any other organization files a complaint against the original administrative action, the administrative agency taking the original administrative action shall be the defendant; or if a complaint is filed against the inaction of the reconsideration agency, the reconsideration agency shall be the defendant.

For an administrative action taken by two or more administrative agencies, the administrative agencies jointly taking the administrative action shall be co-defendants.

For an administrative action taken by an organization as authorized by an administrative agency, the authorizing administrative agency shall be the defendant.

Where an administrative agency is abolished or its powers are modified, the administrative agency that succeeds to such powers shall be the defendant.

Article 27 Where one side or both sides in an administrative case arising from the same administrative action consist of two or more parties, or, where the people's court deems that two or more administrative cases arising from the same type of administrative actions may be concurrently tried upon consent of the parties to such cases, such a procedure is a joinder of proceedings.

Article 28 Where one side in a joinder of proceedings consists of a large number of parties, such parties may elect a representative or representatives from among them to proceed. The conduct of such a representative in the proceedings shall be binding upon all the parties represented; however, to modify or relinquish any claims or admit any claims of the opposing party, such a representative must obtain the consent of the parties represented.

Article 29 Where a citizen, a legal person, or any other organization with an interest in the administrative action alleged in a complaint does not file a complaint against the administrative action, or where a citizen, a legal person, or any other organization has an interest in the outcome of the case, the citizen, legal person, or other organization may, as a third party, file a request for participating in the proceedings or participate in the proceedings as notified by the people's court.

Where a people's court enters a judgment that imposes any obligation on a third party or impairs the rights and interests of the third party, the third party shall have the right to file an appeal according to the law.

Article 30 The legal representative of a citizen without the capacity to litigate shall litigate on behalf of the citizen. If the legal representatives of such a citizen try to shift their representative responsibilities onto each other, the people's court may designate one of

them to litigate on behalf of the citizen.

Article 31 A party or a legal representative may retain one or two persons as litigation representatives.

The following persons may serve as a litigation representative:

- (1) A lawyer, or a legal service worker at the basic level.
- (2) A close relative or staff member of a party.
- (3) A citizen recommended by a party's community or employer or by a relevant social group.

Article 32 Lawyers who represent the parties to a case shall have the right to consult and copy materials related to the case according to the relevant provisions and the right to investigate and collect evidence related to the case from relevant organizations and citizens. Materials which involve any state secret, trade secret, or individual privacy shall be kept confidential according to the law.

The parties and other litigation representatives shall have the right to consult and copy materials related to the court trial, except the portions involving any state secret, trade secret, or individual privacy.

Chapter V Evidence

Article 33 Evidence includes:

- (1) documentary evidence;
- (2) physical evidence;
- (3) audio and video recordings;
- (4) electronic data;
- (5) witness testimony;
- (6) statement of a party;
- (7) opinion of a forensic identification or evaluation expert; and
- (8) survey transcripts and on-site disposition transcripts.

The aforesaid evidence must be verified in court before being used as a basis for finding the facts of a case.

Article 34 The defendant shall have the burden of proof for the administrative action taken, and provide evidence for taking the administrative action and regulatory documents based on which the administrative action was taken.

Where the defendant fails to provide, or provides beyond the prescribed time limit without a good reason, any evidence, it shall be deemed that the evidence does not exist, unless the evidence is provided by a third party because the alleged administrative action involves the lawful rights and interests of the third party.

Article 35 In the course of litigation, the defendant or a litigation representative thereof may not directly collect evidence from the plaintiff, a third party, or a witness.

Article 36 Where the defendant had collected evidence when taking the administrative action, but is unable to provide such evidence for a good reason such as a force majeure, with the permission of the people's court, the time limit for the defendant to provide such evidence may be extended.

Where the plaintiff or a third party provides any ground or evidence that was not provided in the defendant's administrative disposition procedures, with the permission of the people's court, the defendant may provide additional evidence.

Article 37 The plaintiff may provide evidence to prove that the alleged administrative action was taken in violation of the law. The inadmissibility of evidence provided by the plaintiff shall not relieve the defendant from the burden of proof.

Article 38 Where a complaint is filed for the defendant's failure to perform its statutory duties and responsibilities, the plaintiff shall provide evidence to prove that it has filed a request for such performance with the defendant, except under either of the following circumstances:

(1) The defendant shall actively perform its statutory duties and responsibilities as required by its powers.

(2) The plaintiff is unable to provide evidence for a good reason.

In a case of administrative compensation or indemnity, the plaintiff shall provide evidence on the damage caused by the administrative action. If the inability of the plaintiff to provide such evidence is caused by the defendant, the defendant shall have the burden of proof.

Article 39 A people's court shall have the power to require a party to provide evidence or provide additional evidence.

Article 40 A people's court shall have the power to subpoena evidence from the relevant administrative agencies, other organizations, and citizens, but may not, for the purpose of proving the legality of an administrative, subpoena any evidence that had not been collected by the defendant when taking the administrative action.

Article 41 The plaintiff or a third party in a case may apply to the people's court for subpoenaing the following evidence related to the case which the plaintiff or third party is unable to collect independently:

(1) Evidence preserved by a state organ which may be obtained by a subpoena of a people's court.

(2) Evidence which involves any state secret, trade secret, or individual privacy.

(3) Other evidence which the plaintiff or a third party is unable to collect independently for objective reasons.

Article 42 Where any evidence may be extinguished or may be hard to obtain at a later time, a primary litigation participant may file a motion to the people's court for evidence preservation, and the people's court may also take preservation measures on its own initiative.

Article 43 Evidence shall be presented in court and cross-examined by the parties. Evidence involving any state secret, trade secret, or individual privacy may not be presented in an open court.

A people's court shall comprehensively and objectively examine and verify evidence under the statutory procedures. For inadmissible evidence, reasons for inadmissibility shall be stated in the written adjudication.

Illegally obtained evidence may not be used as a basis for finding the facts of a case.

Chapter VI Filing a Complaint and Accepting a Case

Article 44 For administrative cases within the scope of cases accepted by the people's courts, a citizen, a legal person, or any other organization may first apply to the administrative agency for reconsideration, and then file a complaint against the reconsideration decision with a people's court; or directly file a complaint with a people's court.

Where any law or regulation provides that an application for reconsideration shall be filed with the administrative agency before a complaint against the reconsideration decision is filed with a people's court, such a law or regulation shall apply.

Article 45 Against a reconsideration decision, a citizen, a legal person, or any other organization may file a complaint with a people's court within 15 days of receipt of the written reconsideration decision. If the reconsideration agency fails to make a decision during the statutory period, the applicant may file a complaint with a people's court within 15 days of expiry of the reconsideration period, except as otherwise provided for by any law.

Article 46 To directly file a complaint with a people's court, a citizen, a legal person, or any other organization shall file the complaint within six months from the day when the citizen, legal person, or other organization knew or should have known that the administrative action was taken, except as otherwise provided for by any law.

A people's court shall not accept a complaint involving real property filed more than 20 years after the alleged administrative action was taken or a complaint involving any other dispute filed more than five years after the alleged administrative action was taken.

Article 47 Where a citizen, a legal person, or any other organization applies to an administrative agency for its performance of statutory duties and responsibilities in respect of protecting the personal rights, property rights, and other lawful rights and interests of the citizen, legal person, or other organization, and the administrative agency fails to do so within two months of receipt of the application, the citizen, legal person, or other organization may file a complaint with a people's court. Where any law or regulation provides otherwise for the period for an administrative agency to perform its duties and responsibilities, such a law or regulation shall apply.

Where a citizen, a legal person, or any other organization requests an administrative agency to perform its statutory duties and responsibilities in respect of protecting the personal rights, property rights, and other lawful rights and interests of the citizen, legal person, or other organization in case of emergency, and the administrative agency fails to do so, a complaint filed by the citizen, legal person, or other organization shall not be subject to the periods as mentioned in the preceding paragraph.

Article 48 Where a citizen, a legal person, or any other organization delays in filing a complaint during the time limitation for filing a complaint for a force majeure or any other reason not attributable to the citizen, legal person, or other organization, the time of delay shall not be counted in the time limitation for filing a complaint.

Where a citizen, a legal person, or any other organization delays in filing a complaint during the time limitation for filing a complaint under any special circumstances other than those as

mentioned in the preceding paragraph, the citizen, legal person, or other organization may apply for an extension of the time limitation within ten days after the obstacle is eliminated, and the people's court shall decide whether to grant extension.

Article 49 A complaint to be filed shall satisfy the following requirements:

(1) The plaintiff is a citizen, a legal person, or any other organization as mentioned in Article 25 of this Law.

(2) There must be a specific defendant.

(3) There must be specific claims and factual basis for the complaint.

(4) The complaint must fall within the scope of cases accepted by the people's courts and under the jurisdiction of the people's court with which the complaint is filed.

Article 50 The plaintiff shall file a written complaint with a people's court, and provide the copies thereof according to the number of defendants.

Where it is difficult for a plaintiff to write a complaint, the plaintiff may verbally file a complaint, and the people's court shall transcribe the complaint, issue a dated certification in writing, and notify the opposing party.

Article 51 A people's court receiving a complaint shall docket it if it meets the conditions for filing a complaint as set out in this Law.

Where a people's court is unable to determine on the spot whether a complaint meets the conditions for filing a complaint as set out in this Law, the people's court shall receive the complaint, issue a written certification showing the date of receipt, and decide whether to docket the complaint within seven days. If the complaint does not meet the conditions for filing a complaint, the people's court shall enter a ruling not to docket the complaint. The written ruling shall state the reasons for not docketing the complaint. The plaintiff may file an appeal against the ruling.

Where a complaint is incomplete or otherwise erroneous, a people's court shall offer guidance and explanation, and notify the party of all necessary supplements and corrections at one time. Without such guidance and explanation, the people's court may not refuse to receive the complaint on the ground that it fails to meet the conditions for filing a complaint.

Where a people's court refuses to receive a complaint, refuses to issue a written certification after receiving a complaint, or fails to notify a party of all necessary supplements or corrections to a complaint at one time, the party may report it to the people's court at a higher level, which shall order corrective action to be taken by the people's court and take disciplinary action against its directly liable supervising official and other directly liable persons according to the law.

Article 52 Where a people's court neither docketed nor enters a ruling not to docket a complaint, the plaintiff may file a complaint in the people's court at the next higher level. If the people's court at the next higher level deems that the complaint meets the conditions for filing a complaint, it shall docket the complaint and try the case, or designate any other people's court at the lower level to docket the complaint and try the case.

Article 53 Where a citizen, a legal person, or any other organization deems that a regulatory

document developed by a department of the State Council or by a local people's government or a department thereof, based on which the alleged administrative action was taken, is illegal, the citizen, legal person, or other organization may concurrently file a request for review of the regulatory document when filing a complaint against the administrative action. The term "regulatory document" as mentioned in the preceding paragraph does not include administrative rules.

Chapter VII Trial and Judgment

Section 1 General Rules

Article 54 The people's courts shall try administrative cases publicly, except those involving any state secret or individual privacy or as otherwise provided for by any law.

A case involving any trade secret may be tried in camera if a party to the case files a motion for trial in camera.

Article 55 Where a party to a case deems that a judge has an interest in the case or is otherwise related to the case, which may affect the impartial trial of the case, the party shall have the right to request the disqualification of the judge.

Where a judge deems himself or herself to have an interest in the case or be otherwise related to the case, the judge shall request disqualification of himself or herself.

The provisions of the preceding two paragraphs shall also apply to court clerks, interpreters, identification or evaluation experts, and surveyors.

The disqualification of the president of a people's court as the presiding judge shall be decided by the judicial committee of the people's court; the disqualification of judges shall be decided by the president of a people's court; and the disqualification of other persons shall be decided by the presiding judge. Against such a decision, a party may apply for reconsideration once.

Article 56 During litigation, the execution of the alleged administrative action shall not be suspended; however, under any of the following circumstances, a ruling shall be entered to suspend execution:

- (1) The defendant deems it necessary to suspend execution.
- (2) The plaintiff or an interested party files a motion for suspending execution, and the people's court deems that the execution of the alleged administrative action will result in irreparable losses and that its suspension will not damage the national interest or public interest.
- (3) The people's court deems that the execution of the alleged administrative action will cause any major damage to the national interest or public interest.
- (4) The suspension is required by any law or regulation.

Against a ruling to suspend or not to suspend execution, a party may apply for reconsideration once.

Article 57 For a complaint against an administrative agency for its failure to pay, according to the law, any consolation money, minimum subsistence, or social insurance benefits for work-related injury or medical treatment, a people's court may enter a ruling to grant advance

enforcement if the plaintiff files such a motion, the rights and obligations between the parties are clear, and a denial of advance enforcement will seriously affect the subsistence of the plaintiff.

Against a ruling on advance enforcement, a party may apply for reconsideration once. Pending reconsideration, the execution of the ruling shall not be suspended.

Article 58 Where a plaintiff refuses to appear in court without a good reason after being subpoenaed or leaves the courtroom during a court session without the permission of the court, the court may deem that the plaintiff has withdrawn its complaint; and where a defendant refuses to appear in court without a good reason or leaves the courtroom during a court session without the permission of the court, the court may enter a default judgment.

Article 59 Where a litigation participant or any other person commits any of the following conduct, a people's court may, according to the severity of the circumstances, reprimand the person, order the person to sign a personal statement of repentance, impose a fine of not more than 10,000 yuan on the person, or detain the person for no longer than 15 days; and if the conduct constitutes a crime, the offender shall be subject to criminal liability according to the law:

(1) As a person with an obligation to assist in investigation or enforcement, evading or refusing without reasons the performance of such an obligation or obstructing investigation or enforcement after receiving an investigation assistance decision or an enforcement assistance notice from a people's court.

(2) Forging, concealing, or destroying evidence or providing false certification materials to obstruct the trial of a case by a people's court.

(3) Instigating or, by bribery or intimidation, causing any other person to commit perjury, threatening a witness, or preventing a witness from testifying.

(4) Concealing, transferring, selling, destroying, or damaging any seized, impounded, or frozen property.

(5) Causing the plaintiff to withdraw its complaint by deception, intimidation, or any other illegal means.

(6) Obstructing a staff member of a people's court from performing his or her duties by violence, threat, or any other means, or disturbing the order of a people's court by clamoring in a courtroom, attacking a courtroom, or any other means.

(7) Intimidating, insulting, defaming, framing up, assaulting, attacking, or retaliating on a judge or any other staff member of the people's court, a litigation participant, or a person assisting in investigation or enforcement.

For an entity committing any of the conduct as mentioned in the preceding paragraph, a people's court may fine or detain its primary person in charge or directly liable persons in accordance with the preceding paragraph; and if the conduct constitutes a crime, the offender shall be subject to criminal liability according to the law.

Any fine or detention must be subject to the approval of the president of a people's court.

Against such punishment, a party may apply to the people's court at the next higher level for

reconsideration once. Pending reconsideration, the execution of such punishment shall not be suspended.

Article 60 In the trial of an administrative case, a people's court may not conduct mediation, unless the case involves administrative compensation or indemnity or involves an administrative agency's exercise of discretionary power prescribed by any law or regulation.

“Mediation shall be conducted under the principle of free will and legality, without detriment to the national interest, public interest, or lawful rights and interests of others.

Article 61 Where a party to an administrative procedure involving administrative licensing, registration, expropriation, requisition, or an administrative agency's ruling on a civil dispute applies for settling the relevant civil dispute concurrently, the people's court may try the civil dispute case concurrently.

Where, in administrative litigation, the people's court deems it necessary to base the trial of the administrative case upon an adjudication to be made in a civil procedure, it may enter a ruling to suspend the administrative litigation.

Article 62 Where, before a people's court pronounces its judgment or ruling for an administrative case, the plaintiff requests the withdrawal of the case, or the defendant modifies its administrative action and, as a result, the plaintiff agrees to and applies for the withdrawal of the case, the people's court shall enter a ruling on whether to allow the withdrawal.

Article 63 The people's courts shall try administrative cases based on laws, administrative regulations, and local regulations. Local regulations shall be applicable to administrative cases occurring within the respective administrative regions.

For administrative cases in an ethnic autonomous region, the people's courts shall also try such cases based on the regulation on autonomy and the separate regulations of the ethnic autonomous region.

In trying administrative cases, a people's court may refer to administrative rules.

Article 64 Where, in trying an administrative case, a people's court deems that any regulatory document as mentioned in Article 53 of this Law under its review is illegal, such a document shall not be used to determine the legality of the alleged administrative action, and the people's court shall provide the authority developing the document with disposition recommendations.

Article 65 A people's court shall publish effective written judgments and rulings for public inspection, except the parts involving any state secret, trade secret, or individual privacy.

Article 66 In trying an administrative case, if a people's court deems that the supervising official or any directly liable person of an administrative agency has violated any law or discipline, the people's court shall transfer the relevant materials to the supervisory authority, the administrative agency, or the administrative agency at the next higher level; or if it deems that any crime has occurred, the people's court shall transfer the relevant materials to the public security authority or procuratorial authority.

Where a defendant refuses to appear in court without a good reason or leaves the courtroom

during a court session without the permission of the court, a people's court may announce it to the public, and provide the supervisory authority or the administrative agency at the next higher level of the defendant with judicial recommendations on the disciplinary action to be taken against the primary person in charge or directly liable persons of the defendant.

Section 2 Formal Procedure at First Instance

Article 67 A people's court shall, within five days of docketing a complaint, serve a copy of the written complaint on the defendant. The defendant shall, within 15 days of receipt of a copy of the written complaint, provide evidence for taking the alleged administrative action and the regulatory documents based on which the administrative action was taken, and submit a written statement of defense. The people's court shall, within five days of receipt of the written statement of defense, serve a copy thereof on the plaintiff.

The defendant's failure to submit a statement of defense shall not affect the trial of the case by the people's court.

Article 68 To try an administrative case, a people's court shall form a collegial bench consisting of judges or a collegial bench consisting of judges and assessors. The members of a collegial bench shall be in an odd number of three or more.

Article 69 Where the alleged administrative action has been taken under statutory procedures with conclusive evidence and correct application of laws and regulations, or the grounds for the plaintiff's application for the defendant to perform its statutory duties and responsibilities or make payment are unfounded, the people's court shall enter a judgment to dismiss the plaintiff's claims.

Article 70 Where the alleged administrative action falls under any of the following circumstances, a people's court shall enter a judgment to entirely or partially revoke the alleged administrative action, and may enter a judgment to require the defendant to take an administrative action anew:

- (1) Insufficiency in primary evidence.
- (2) Erroneous application of any law or regulation.
- (3) Violation of statutory procedures.
- (4) Overstepping of power.
- (5) Abuse of power.
- (6) Evident inappropriateness

Article 71 Where a people's court enters a judgment to require that the defendant take an administrative action anew, the defendant shall not take an administrative action which is basically the same as the original administrative action based on the same facts and reasons.

Article 72 Where, through trial, a people's court holds that the defendant has failed to perform its statutory duties and responsibilities, it shall enter a judgment to require the defendant to perform its statutory duties and responsibilities during a specified period.

Article 73 Where, through trial, a people's court holds that the defendant has a legal obligation to pay, it shall enter a judgment to require the defendant to perform the payment obligation.

Article 74 Where the alleged administrative action falls under any of the following circumstances, a people's court shall enter a judgment to confirm the illegality of the alleged administrative action but not to revoke it:

(1) An administrative action shall be revoked according to the law, but the revocation will cause any significant damage to the national interest or public interest.

(2) A petty violation of the statutory procedures in taking an administrative action will not have any actual impact on the plaintiff's rights.

Where the alleged administrative action falls under any of the following circumstances, a people's court shall enter a judgment to confirm the illegality of the alleged administrative action, if it is not necessary to revoke it or enter a judgment to require the defendant to perform:

(1) An administrative action is illegal, but there is nothing revocable.

(2) The defendant has modified the original illegal administrative action, but the plaintiff still requests confirmation of the illegality of the original administrative action.

(3) The defendant fails to perform or delays the performance of its statutory duties and responsibilities, and it is meaningless to enter a judgment to require the defendant to perform.

Article 75 Where the alleged administrative action has been taken by a party other than an administrative agency, is baseless, or otherwise seriously and evidently violates the law, a people's court shall enter a judgment to confirm the void of the alleged administrative action if the plaintiff so requests.

Article 76 Where a people's court enters a judgment to confirm the illegality or void of the alleged administrative action, it may concurrently order the defendant to take remedial measures; and, if the plaintiff has sustained losses from the alleged administrative action, order the defendant to assume compensatory liability according to the law.

Article 77 Where an administrative punishment is evidently inappropriate, or any other administrative action is erroneous in determining or recognizing an amount, a people's court may enter a judgment to modify it.

A modification judgment of a people's court may not aggregate the plaintiff's obligations or impair the plaintiff's rights and interests, unless the plaintiffs include any interested party with opposing claims.

Article 78 Where the defendant fails to perform according to the law or as agreed upon or illegally modifies or rescinds an agreement as mentioned in item (11), paragraph 1, Article 12 of this Law, a people's court shall enter a judgment to require the defendant to continue to perform, take remedial measures, or compensate for losses, among others.

Where the defendant legally modifies or rescinds an agreement as mentioned in item (11), paragraph 1, Article 12 of this Law, but fails to provide indemnity as required by the law, the people's court shall enter a judgment to require the defendant to provide indemnity.

Article 79 Where the reconsideration agency and the administrative agency taking the original administrative action are co-defendants in a case, a people's court shall adjudicate concurrently on the reconsideration decision and the original administrative action.

Article 80 Whether a case is tried openly or in camera, a people's court shall, without exception, pronounce its judgment publicly.

If a judgment is pronounced in court at the end of a trial, a written judgment shall be served within ten days; or if the pronouncement of a judgment is scheduled for a later date, a written judgment shall be served immediately after pronouncement.

When a judgment is pronounced, the parties must be informed of their rights to appeal, the period for filing an appeal, and the appellate court.

Article 81 A people's court of first instance shall enter a judgment within six months from the day when a complaint is docketed. Any extension of the aforesaid period as needed under special circumstances shall be subject to the approval of a Higher People's Court. Where a Higher People's Court trying a case as a court of first instance needs to extend the aforesaid period, the extension shall be subject to the approval of the Supreme People's Court.

Section 3 Summary Procedure

Article 82 In trying the following administrative cases, a people's court of first instance may apply the summary procedure if it deems that the facts are clear, the rights and obligations between the parties are clear, and the dispute is minor:

- (1) The alleged administrative action was taken on the spot according to the law.
- (2) The amount involved in the case is not more than 2,000 yuan.
- (3) The case involves the disclosure of open government information.

For administrative cases other than those as mentioned in the preceding paragraph, the summary procedure may be applied with the consent of all parties.

The summary procedure may not apply to a case remanded for retrial or a case retried under the trial supervision procedure.

Article 83 An administrative case to which the summary procedure is applied shall be tried by a sole judge, and be closed within 45 days from the day when the complaint is docketed.

Article 84 Where a people's court discovers during trial that the application of the summary procedure is not appropriate for the case, it shall enter a ruling to try the case under the formal procedure.

Section 4 Procedures at Second Instance

Article 85 Against a judgment of a people's court of first instance, a party shall have the right to file an appeal with the people's court at the next higher level within 15 days of the service of the written judgment. Against a ruling of a people's court of first instance, a party shall have the right to file an appeal with the people's court at the next higher level within 10 days of the service of the written ruling. If the party fails to appeal upon expiry of the aforesaid period, the judgment or ruling of the people's court of first instance shall take effect.

Article 86 A people's court shall form a collegial bench to try an appeal case in court. Where, after reviewing the case file, conducting investigation, and questioning the parties, no new fact, evidence, or ground is submitted, the collegial bench may try the appeal case without holding court if the collegial bench deems it unnecessary.

Article 87 In trying an appeal case, a people's court shall comprehensively review the

judgment or ruling of the people's court conducting the original trial and the alleged administrative action.

Article 88 A people's court trying an appeal case shall enter a final judgment within three months of receipt of a written appeal. Any extension of the aforesaid period as needed under special circumstances shall be subject to the approval of a Higher People's Court. Where a Higher People's Court trying an appeal case needs to extend the aforesaid period, the extension shall be subject to the approval of the Supreme People's Court.

Article 89 A people's court trying an appeal case shall:

- (1) enter a judgment or ruling to dismiss the appeal and sustain the original judgment or ruling, if the original judgment or ruling is clear in fact finding and correct in application of laws and regulations;
- (2) enter its own judgment or ruling, revoke the original judgment or ruling, or enter a modification judgment or ruling according to the law, if the original judgment or ruling is erroneous in fact finding or application of laws and regulations;
- (3) remand the case to the people's court conducting the original trial for retrial or enter its own judgment after fact finding, if the original judgment is unclear in the finding of the basic facts; or
- (4) enter a ruling to revoke the original judgment and remand the case to the people's court conducting the original trial for retrial, if the original judgment omits a party, is a default judgment illegally entered, or otherwise seriously violates the statutory procedures.

Where, after the people's court conducting the original trial enters a judgment for a case remanded for retrial, a party appeals, the people's court of second instance shall not remand the case for retrial again.

Where a people's court trying an appeal case needs to change the original judgment, its own judgment shall also contain a determination regarding the alleged administrative action.

Section 5 Trial Supervision Procedure

Article 90 A party to a case may petition the people's court at the next higher level for retrial if the party deems that the effective judgment or ruling for the case is erroneous, but the execution of the judgment or ruling shall not be suspended.

Article 91 Where a party's petition for retrial falls under any of the following circumstances, a people's court shall conduct retrial:

- (1) A ruling not to docket a complaint or a ruling to dismiss a complaint is erroneous.
- (2) There is any new evidence which suffices to overturn the original judgment or ruling.
- (3) The primary evidence for the fact finding in the original judgment or ruling is insufficient, has not been cross-examined, or is forged.
- (4) There is any erroneous application of laws and regulations in the original judgment or ruling.
- (5) There is any violation of statutory proceedings, which may affect the impartial trial of the case.
- (6) The original judgment or ruling has omitted any claims.

(7) The legal instrument based on which the original judgment or ruling is entered has been revoked or modified.

(8) In trying the case, a judge commits embezzlement, accepts bribes, practices favoritism, makes falsification, or adjudicates by bending the law.

Article 92 Where the president of a people's court at any level discovers that any effective judgment or ruling of the court falls under any of the circumstances as set out in Article 91 of this Law or discovers that any mediation was conducted by the court in violation of the free will principle or any part of an effective consent judgment of the court is in violation of the law, and deems a retrial necessary, the president shall submit the case to the judicial committee of the court for deliberation and decision.

Where the Supreme People's Court discovers that any effective judgment or ruling of a local people's court at any level, or a people's court at a higher level discovers that any effective judgment or ruling of a people's court at a lower level, falls under any of the circumstances as set out in Article 91 of this Law, the Supreme People's Court discovers that any mediation was conducted by a local people's court at any level in violation of the free will principle or any part of an effective consent judgment of a local people's court at any level is in violation of the law, or a people's court at a higher level discovers that any mediation was conducted by a people's court at a lower level in violation of the free will principle or any part of an effective consent judgment of a people's court at a lower level is in violation of the law, the Supreme People's Court or the people's court at a higher level shall have the power to directly retry the case or specify the people's court at a lower level to retry the case.

Article 93 Where the Supreme People's Procuratorate discovers that any effective judgment or ruling of a people's court at any level, or a people's procuratorate at a higher level discovers that any effective judgment or ruling of a people's court at a lower level, falls under any of the circumstances as set out in Article 91 of this Law, or the Supreme People's Procuratorate discovers that any effective consent judgment of a people's court at any level, or a people's procuratorate at a higher level discovers that any effective consent judgment of a people's court at a lower level, is detrimental to the national interest or public interest, the Supreme People's Procuratorate or the people's procuratorate at a higher level shall file an appeal.

Where a local people's procuratorate at any level discovers that any effective judgment or ruling of a people's court at the same level falls under any of the circumstances as set out in Article 91 of this Law or discovers that any effective consent judgment of a people's court at the same level is detrimental to the national interest or public interest, the people's procuratorate may provide the people's court at the same level with procuratorial recommendations, and report such recommendations to the people's procuratorate at the next higher level for recordation; or request that the people's procuratorate at the next higher level file an appeal with the people's court at the same level.

A people's procuratorate at any level shall have the power to provide a people's court at the same level with procuratorial recommendations regarding the violations of the law by judges

in trial procedures other than the trial supervision procedure.

Chapter VIII Enforcement

Article 94 The parties must comply with an effective judgment, ruling, or consent judgment of a people's court.

Article 95 Where a citizen, a legal person, or any other organization refuses to comply with a judgment, ruling, or consent judgment, the administrative agency or a third party may apply to the people's court of first instance for enforcement, or the administrative agency may conduct enforcement according to the law.

Article 96 Where an administrative agency refuses to comply with a judgment, ruling, or consent judgment, the people's court of first instance may take the following measures:

(1) By a notice, requiring a bank to transfer the amount of a fine that shall be refunded or the amount payable from the administrative agency's account.

(2) If the administrative agency fails to comply during a specified period, imposing a fine of 50 to 100 yuan per day on the person in charge of the administrative agency from the expiry date of the specified period.

(3) Issuing a public announcement on the administrative agency's refusal to comply.

(4) Providing the supervisory authority or the administrative agency at the next higher level with judicial recommendations. The authority or agency receiving judicial recommendations shall handle such recommendations according to the relevant provisions, and inform the people's court of the results.

(5) If the administrative agency's refusal to comply with the judgment, ruling, or consent judgment has any adverse social impact, detaining the directly liable supervising official and other directly liable persons of the administrative agency; and if the circumstances are so serious that any crime is constituted, subjecting the offenders to criminal liability according to the law.

Article 97 Where, during the statutory period, a citizen, a legal person, or any other organization neither files a complaint against an administrative action nor complies with an administrative action, the administrative agency may apply to a people's court for enforcement, or conduct enforcement according to the law.

Chapter IX Foreign-Related Administrative Litigation

Article 98 This Law shall apply to administrative litigation conducted by foreign nationals, stateless persons, and foreign organizations in the People's Republic of China, except as otherwise provided for by any law.

Article 99 Foreign nationals, stateless persons, and foreign organizations conducting administrative litigation in the People's Republic of China shall have equal litigation rights and obligations as citizens and organizations of the People's Republic of China.

Where the courts of a foreign country impose any restrictions on the rights of citizens and organizations of the People's Republic of China in administrative litigation, the people's courts shall apply the principle of reciprocity to the rights of citizens and organizations of the foreign country in administrative litigation.

Article 100 Where foreign nationals, stateless persons, and foreign organizations retain lawyers to represent them in administrative litigation in the People's Republic of China, they shall retain lawyers of law firms of the People's Republic of China.

Chapter X Supplementary Provisions

Article 101 Where this Law is silent regarding any period, service of process, property preservation, court session, mediation, suspension of proceedings, termination of proceedings, summary procedure, or enforcement, among others, for administrative cases tried by the people's courts or regarding the supervision by the people's procuratorates over the acceptance, trial, adjudication, and enforcement of administrative cases, the relevant provisions of the Civil Procedure Law of the People's Republic of China shall apply.

Article 102 The people's courts shall collect court costs for the trial of administrative cases. The court costs shall be assumed by the losing party or, if both sides are liable, assumed by both sides. The specific measures for the collection of court costs shall be developed additionally.

Article 103 This Law shall come into force on October 1, 1990.

20. Special Maritime Procedure Law of the People's Republic of China

(Adopted by the thirteenth Session of the Standing Committee of the Ninth People's Congress on December 15, 1999)

Chapter I General Provisions

Article 1 This Law is formulated for the purposes of maintaining the litigation rights, ensuring the ascertaining of facts by the people's courts, distinguishing right from wrong, applying the law correctly, trying maritime cases promptly.

Article 2 Whoever engages in maritime litigation within the territory of the People's Republic of China shall apply the Civil Procedure Law of the People's Republic of China and this Law. Where otherwise provided for by this Law, such provisions shall prevail.

Article 3 If an international treaty concluded or acceded to by the People's Republic of China contains provisions that differ from provisions of the Civil Procedure Law of the People's Republic of China and this Law in respect of foreign-related maritime procedures, the provisions of the international treaty shall apply, except those on which China has made reservations.

Article 4 The maritime court shall entertain the lawsuits filed in respect of a maritime tortious dispute, maritime contract dispute and other maritime disputes brought by the parties as provided for by laws.

Article 5 In dealing with maritime litigation, the maritime courts, the higher people's courts where such courts are located and the Supreme People's Court shall apply the provisions of this Law.

Chapter II Jurisdiction

Article 6 Maritime territorial jurisdiction shall be conducted in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China.

The maritime territorial jurisdiction below shall be conducted in accordance with the following provisions:

(1) A lawsuit brought on maritime tortious may be, in addition to the provisions of Articles 19 to 31 of the Civil Procedure Law of the People's Republic of China, under jurisdiction of the maritime court of the place of its port of registry;

(2) A lawsuit brought on maritime transportation contract may be, in addition to the provisions of Articles 82 of the Civil Procedure Law of the People's Republic of China, under jurisdiction of the maritime court of the place of its port of re-transportation;

(3) A lawsuit brought on maritime charter parties may be under jurisdiction of the maritime court of the place of its port of ship delivery, port of ship return, port of ship registry, port where the defendant has its domicile;

(4) A lawsuit brought on a maritime protection and indemnity contract may be under jurisdiction of the maritime court of the place where the object of the action is located, the place where the accident occurred or the place where the defendant has its domicile;

(5) A lawsuit brought on a maritime contract of employment of crew may be under jurisdiction of the maritime court of the place where the plaintiff has its domicile, the place where the contract is signed, the place of the port where the crew is abroad or the port where the crew leaves the ship or the place where the defendant has its domicile;

(6) A lawsuit brought on a maritime guaranty may be under jurisdiction of the maritime court of the place where the property mortgaged is located or the place where the defendant has its domicile; a lawsuit brought on a ship mortgage may also be under jurisdiction of the maritime court in the place of registry port;

(7) a lawsuit brought on ownership, procession, and use, maritime liens of a ship, may be under jurisdiction of the maritime court of the place where the ship is located, the place of ship registry or the place where the defendant has its domicile.

Article 7 The following maritime litigation shall be under the exclusive jurisdiction of the maritime courts specified in this Article:

(1) A lawsuit brought on a dispute over harbour operations shall be under the jurisdiction of the maritime court of the place where the harbour is located;

(2) A lawsuit brought on a dispute over pollution damage for a ship's discharge, omission or dumping of oil or other harmful substances, or maritime production, operations, ship scrapping, repairing operations shall be under the jurisdiction of the maritime court of the place where oil pollution occurred, where injury result occurred or where preventive measures were taken;

(3) A lawsuit brought on a dispute over a performance of a maritime exploration and development contract within the territory of the People's Republic of China and the sea areas under its jurisdiction shall be under the jurisdiction of the maritime court of the place where the contract is performed.

Article 8 Where the parties to a maritime dispute are foreign nationals, stateless persons, foreign enterprises or organizations and the parties, through written agreement, choose the maritime court of the People's Republic of China to exercise jurisdiction, even if the place which has practical connections with the dispute is not within the territory of the People's Republic of China, the maritime court of the People's Republic of China shall also have jurisdiction over the dispute.

Article 9 An application for determining a maritime property as ownerless shall be filed by the parties with the maritime court of the place where the property is located; an application for declaring a person as dead due to a maritime accident shall be filed with the maritime court of the place where the competent organ responsible for handling with the accident or the maritime court that accepts the relevant maritime cases.

Article 10 In the event of a jurisdictional dispute between a maritime court and a people's court, it shall be resolved by the disputing parties through consultation; if the dispute cannot be so resolved, it shall be reported to their common superior people's court for the designation of jurisdiction.

Article 11 When the parties apply for enforcement of maritime arbitral award, apply for recognition and enforcement of a judgement or written order of a foreign court and foreign maritime arbitral award, an application shall be filed with the maritime court of the place where the property subjected to execution or of the place where the person subjected to execution has its domicile. In case of no maritime court in the place where the property subjected to execution or in the place where the person subjected to execution has its domicile, an application shall be filed with the intermediate people's court of the place where the property subjected to execution or of the place where the person subjected to execution has its domicile.

Chapter III Maritime Claims Preservation

Section 1 General Principles

Article 12 Maritime claims mean maritime courts, according to applications of maritime claimants, take compulsory preservation measures against property of persons against whom the claims are brought up in order to ensure the realization of such rights.

Article 13 An application for maritime claims by the parties shall, before bring a lawsuit, be filed with the maritime court of the place where the property subjected to preservation.

Article 14 Maritime claims shall not be bound by procedure jurisdiction agreements or arbitration agreements relating to the said maritime claims between the parties.

Article 15 Where maritime claimants apply for maritime claims, written applications shall be filed with maritime courts. Maritime claims, application reasons, objects subjected to preservation and amounts for guaranty shall be stated in applications.

Article 16 A maritime court may, in accepting a maritime preservation application, order the claimant to provide a guaranty. Where the claimant fails to provide guaranty, his application shall be rejected.

Article 17 After receiving an application, the maritime court must make an order within 48

hours; if the court orders the adoption of maritime preservation measures, the execution thereof shall begin immediately. Where not conforming to the conditions for a maritime preservation, the application shall be rejected.

If the party concerned is not satisfied with the order, he may, within five days from the date of the receipt of the order, apply for reconsideration which could be granted only once. The maritime court shall make a reconsideration decision within five days from the date of the receipt of the reconsideration application. Execution of the order shall not be suspended during the time of reconsideration.

Where the interested party raises objection to the maritime preservation, the maritime court, upon examination and deeming it reasonable, shall cancel the property preservation.

Article 18 If the person against whom the application for maritime preservation is made provides guaranty, or the party has justified reasons for applying cancellation of maritime reservation, the people's court shall cancel the property reservation promptly.

If the maritime claimant fails to bring an action or apply for arbitration according to the arbitration agreement within the time limit specified by this Law, the people's court shall cancel the property reservation or return the guaranty promptly.

Article 19 Where the relevant maritime dispute enters into litigation or arbitration procedure after execution of the maritime preservation, the party may bring an action relating to the maritime claim to the maritime court which has taken maritime claim preservation or other maritime courts having jurisdiction over it, with the exception of signing of a litigation jurisdiction agreement or an arbitration agreement between the parties.

Article 20 If an application for maritime preservation is wrongfully made by a maritime claimant, the claimant shall compensate the person against whom the application is made for any loss incurred from maritime preservation.

Section 2 Arresting or Auction Sale of Ships

Article 21 The following maritime claims may applied for arresting ships:

- (1) the destruction of or damage to the property occurred in the operation of the ship;
- (2) the loss of life or personal injury directly relating to the operation of the ship;
- (3) salvage payment;
- (4) the damage or threat of damage caused by the ship to the environment, seashore or the relevant interested parties; the measures taken for prevention, reduction and elimination of such damage; payment for compensation of such damage; the reasonable cost for the measures taken actually or preparing to take for restoring the environment; loses the third party suffered or will probably suffer due to such damage; and the damage, fees or loses which are similar in nature specified in this Item;
- (5) fees relating to floating, elimination, recycling and destruction of sunken ships, shipwreck, stranded objects, abandoned ships or making them harmless, including fees relating to floating, elimination, recycling and destruction of the objects which still are or were abroad such ships or making them harmless, and fees relating to maintenance of abandoned ships and supporting the crew members;

- (6) the agreement or use or charter parties of the ship;
- (7) an agreement for carriage of goods or passengers;
- (8) goods (including luggage) on board or loss or damage related thereto;
- (9) general average;
- (10) towage service;
- (11) pilotage service;
- (12) provision of materials or services for operation, management, maintenance and repair of ships;
- (13) ship building, rebuilding, repair, refitting or fitting;
- (14) prescribed fees or fees for ports, canals, wharves, harbors or other waterways;
- (15) wages of ship's crew or other payments, including the repatriation fee and social insurance premium payable for ship's crew;
- (16) expenses paid for a ship or shipowner;
- (17) ship's insurance premium (including mutual insurance membership fee) paid by a shipowner or bareboat charterer, or paid on his behalf;
- (18) the commission, brokerage or agency fee related to a ship paid by the shipowner or bareboat charterer, or paid on his behalf;
- (19) a dispute over ownership or possession of a ship;
- (20) a dispute over use of or profit from a ship between co-owners of the ship;
- (21) a mortgage of a ship or right of the same nature; or
- (22) a dispute arising from a contract for sale of a ship.

Article 22 No application for arrest of a ship may be filed except for the maritime claims as stipulated in Article 21 of this Law; there are exceptions, however, for executing judgments, arbitral awards or other legal documents.

Article 23 If any of the following circumstances exists, a maritime court may arrest the involved ship:

- (1) where the shipowner is held responsible for a maritime claim and is the owner of the ship when the arrest is executed;
- (2) where the bareboat charterer of the ship is held responsible for a maritime claim and is the bareboat charterer or the owner of the ship when the arrest is executed;
- (3) where a maritime claim is entitled to a mortgage of the ship or right of the same nature;
- (4) where a maritime claim relates to ownership or possession of the ship; or
- (5) where a maritime claim is entitled to a maritime lien.

A maritime court may arrest other ships owned by the shipowner, bareboat charterer, time charterer or voyage charterer who is held responsible for a maritime claim, when the arrest is executed, with the exception of the claims related to ownership or possession of the ship. No ship engaging in military or government duties may be arrested.

Article 24 A maritime claimant may not apply to arrest a ship having been arrested for the same maritime claim, except that any of the following circumstances exists:

- (1) where the party who opposes the claim has not provided a sure guarantee;

(2) where the guarantor probably cannot perform his obligation of guarantee wholly or partly;
or

(3) where the maritime claimant agrees to release the arrested ship or return the existing guarantee for justifiable reason; or cannot stop the release of the arrested ship or return of the existing guarantee by justifiable means.

Article 25 For a maritime claimant applying to arrest the involved ship, if the name of the party who opposes the claim cannot be ascertained at once, the filing of his application shall not be affected.

Article 26 A maritime court may issue the relevant departments with a notice for assistance in execution at the same time it issues or cancels an order for arrest of a ship, and the notice shall clearly set forth the scope and content of the assistance in execution and the relevant departments have the obligation to assist in execution. A maritime may directly dispatch personnel to board the ship for supervision if it deems necessary.

Article 27 After a maritime court orders to impose preservation upon a ship, with consent of the maritime claimant, it may allow the ship to continue the operation by ways of restraining the disposition or mortgage of the ship.

Article 28 The period of arresting a ship for maritime claim preservation shall be 30 days. If a maritime claimant brings a law suit or applies for arbitration within 30 days, and applies for arrest of a ship in the course of the litigation or arbitration, the arrest of the ship shall not be restrained by the period stipulated in the preceding paragraph.

Article 29 If, on the expiration of the period of arresting a ship, the party who opposes the claim fails to provide guarantee, and the ship is not suitable for being arrested longer, the maritime claimant may apply to the maritime court arresting the ship for auction of the ship after bringing a law suit or applying for arbitration.

Article 30 A maritime court shall conduct examination after receiving the application for auction of a ship, and make an order approving or disapproving the auction of the ship.

If a party is not satisfied with the order, he may apply for reconsideration once within five days of the date of receiving the written order. The maritime court shall make a reconsideration decision within five days of receiving the reconsideration application. Execution of the order shall be suspended during the time of reconsideration.

Article 31 Where a maritime claimant, after filing an application for auction of a ship, applies for stopping the auction, whether or not to give a permission shall be ordered by the maritime court. If the maritime court orders to stop the auction of the ship, expenses incurred for auctioning the ship shall be paid by the maritime claimant.

Article 32 A maritime court that orders to auction a ship shall issue a public notice through newspapers or other new media. If a foreign ship is to be auctioned, a public notice shall be issued through newspapers or other news media distributed abroad.

A public notice shall contain the following particulars:

- (1) name and nationality of the ship to be auctioned;
- (2) causes and basis for auction of the ship;

- (3) composition of the ship auction committee;
- (4) time and place for auction of the ship;
- (5) time and place for display of the ship to be auctioned;
- (6) procedure to be undergone for participating in the bidding;
- (7) registered items to be handled for claims; and
- (8) other particulars as required to be publicized.

The period of a public notice for auction of a ship shall not less than 30 days.

Article 33 A maritime court, 30 days prior to auction of the ship, shall issue notices to the registration authorities of the country of registry of the ship to be auctioned, and to the known lienor, mortgagee and owner of the ship.

The contents of the notice contain the name of the ship to be auctioned, time and place for auction of the ship, causes and basis for auction of the ship, and registration of claims.

The notice shall be in writing or take other appropriate forms by which receipt can be confirmed.

Article 34 Auction of a ship shall be executed by a ship auction committee. The ship auction committee shall be composed of three or five persons, that is, execution officers appointed, as well as auctioneers and surveyors engaged by the maritime court.

The ship auction committee organizes appraisal and valuation of the ship; organizes and presides over the auction; signs a letter of confirmation for conclusion of the auction with the bidder; and handles procedures for the transfer of the ship.

The ship auction committee shall be responsible to the maritime court and subject to supervision of the maritime court.

Article 35 Bidders shall register with the ship auction committee within a prescribed time limit. For registration, they shall submit for inspection the identity certificates of themselves, enterprises' legal representatives, or persons-in-charge of other organizations, as well as powers of attorney of agents, and pay a certain amount of bonds for purchase of the ship.

Article 36 A ship auction committee shall display the ship to be auctioned before the auction of the ship, and shall provide facilities for inspecting the ship to be auctioned and relevant data.

Article 37 The vendee shall pay without delay not less than 20 percent of the ship's price after he signs a letter of confirmation, and the remainder of the ship's price shall be settled within seven days of the date of concluding the auction, however, except otherwise agreed upon between the ship auction committee and the vendee.

Article 38 Once the vendee has settled the price in full, the original shipowner shall delivery the ship to the vendee on the basis of the current condition of the ship, at the place of berth of the ship, within a fixed time limit. The ship auction committee shall organize and supervise the delivery of the ship, and sign a letter of confirmation of ship's delivery with the vendee after the delivery of the ship.

After the delivery of the ship is finished, the maritime court shall issue an order releasing the arrest of the ship.

Article 39 After the delivery of the ship, the maritime court shall issue a public notice through newspapers or other news media, announcing that the ship has been auctioned openly and delivered to the vendee.

Article 40 After accepting the ship, the vendee shall undergo formalities for registration of the ship's ownership at the ship registration authorities on the basis of the letter of confirmation for conclusion of auction and relevant data. The original shipowner shall undergo formalities for cancellation of registration of the ship's ownership at the original ship registration authorities. Failure to undergo formalities for cancellation of registration of the ship's ownership by the original shipowner shall not affect the transfer of the ship's ownership.

Article 41 Malicious collusion between bidders makes the auction invalid. Any bidder involved in malicious collusion shall pay expenses for auctioning the ship and compensate losses incurred. The maritime court may impose upon the bidder involved in malicious collusion a fine of not more than ten percent and not less than 30 percent of the highest price offered.

Article 42 In addition to the provisions in this Section, auction shall be governed by the relevant provisions of the Auction Law of the People's Republic of China.

Article 43 Auction of an arrested ship for debt payment during the procedure of execution may be referred to the relevant provisions of this Section.

Section 3 Arrest and Auction of the Goods on Board

Article 44 A maritime claimant may apply to arrest the goods on board for ensuring the fulfillment of his maritime claim.

The goods on board to be arrested on application shall be under ownership of the party who opposes the claim.

Article 45 The value of the goods on board to be arrested on application by a maritime claimant shall be equivalent to the amount of his claim.

Article 46 The period of arresting the goods on board for maritime claim preservation shall be 30 days.

If a maritime claimant brings a law suit or applies for arbitration within 15 days, and applies for arrest of the goods on board in the course of the litigation or arbitration, the arrest of the goods on board shall not be restrained by the period stipulated in the preceding paragraph.

Article 47 If, on the expiration of the period of arresting the goods on board, the party who opposes the claim fails to provide guarantee, and the goods are not suitable for being arrested longer, the maritime claimant may apply to the maritime court arresting the goods on board for auction of the goods after bringing a law suit or applying for arbitration.

For articles which cannot be stored, or are difficult to be stored, or the storage expense may exceed their value, the maritime claimant may apply for auction in advance.

Article 48 A maritime court shall conduct examination after receiving the application for auction of the goods on board, and make an order approving or disapproving the auction of the goods on board.

If a party is not satisfied with the order, he may apply for reconsideration once within five

days of the date of receiving the written order. The maritime court shall make a reconsideration decision within five days of receiving the reconsideration application. Execution of the order shall be suspended during the time of reconsideration.

Article 49 Auction of the goods on board shall be executed by an auction organization composed of execution officers appointed, and auctioneers engaged by the maritime court, or executed by an agency authorized by the maritime court.

Auction of the goods on board, if not covered by the provisions of this Section, shall be referred to the relevant provisions of Section 2 of this Chapter on auction of a ship.

Article 50 Application by a maritime claimant for maritime claim preservation imposed upon fuel and materials used by a ship related to the maritime claim shall be governed by the provisions of this Section.

Chapter IV Maritime Injunction

Article 51 A maritime injunction means any of compulsory measures by which a maritime court, on application by a maritime claimant, orders an act or omission by the party who opposes the claim, in order to protect the lawful rights and interests of the maritime claimant against any infringement.

Article 52 An interested party applying for a maritime injunction before bringing a law suit shall refer to the maritime court at the place where the maritime dispute occurred.

Article 53 A maritime injunction shall not be restrained by a jurisdiction agreement or an arbitration agreement relating to the maritime claim as agreed upon between the parties.

Article 54 A maritime claimant applying for a maritime injunction shall submit a written application to a maritime court. The application shall clearly set forth causes for application with relevant evidence attached thereto.

Article 55 A maritime court accepting an application for a maritime injunction may order the maritime claimant to provide guarantee. If the maritime claimant fails to provide guarantee, the application shall be rejected.

Article 56 To make a maritime injunction, the following conditions shall be fulfilled:

- (1) The claimant has a specific maritime claim;
- (2) There is a need to rectify an act committed by the party who opposes the claim, in violation of the provisions of the law or the stipulations of a contract; and
- (3) In case of emergency, failure to make a maritime injunction immediately will cause damage or expand damage.

Article 57 After accepting the application, a maritime court shall make an order within 48 hours. If an order is made for making a maritime injunction, it shall be executed immediately; if the conditions for a maritime injunction are not fulfilled, an order shall be made to reject the application.

Article 58 If a party is not satisfied with the order, he may apply for reconsideration once within five days of the date of receiving the written order. The maritime court shall make a reconsideration decision within five days of receiving the reconsideration application. Execution of the order shall not be suspended during the time of reconsideration.

If an interested party lodges an objection to a maritime injunction, the maritime court shall order to cancel the maritime injunction if it deems the causes are tenable through investigation.

Article 59 If the party who opposes the claim refuses to obey a maritime injunction, the maritime court may impose a fine or detain him in accordance with the seriousness of the circumstances; if a crime has been constituted, criminal liability shall be investigated according to the law.

A fine on an individual shall not be less than 1,000 yuan and not more than 30,000 yuan . A fine on a unit shall not be less than 30,000 yuan and not more than 100,000 yuan.

The period of detention shall not be longer than 15 days.

Article 60 A maritime claimant wrongfully submitting an application for a maritime injunction shall compensate losses incurred by the party who opposes the claim or an interested party.

Article 61 If no litigation or arbitration procedures start for relevant maritime disputes after the execution of the maritime injunction, the parties may bring a law suit for this maritime claim to the maritime court making the maritime injunction or the other maritime court having jurisdiction, except that a jurisdiction agreement or an arbitration agreement has been concluded between the parties.

Chapter V Maritime Evidence Preservation

Article 62 Maritime evidence preservation means any of compulsory measures by which a maritime court obtains, retains or seals up evidence related to the maritime claim on application by the maritime claimant.

Article 63 An interested party applying for maritime evidence preservation before bringing a law suit shall refer to the maritime court at the place where the evidence to be preserved is located.

Article 64 Maritime evidence preservation shall not be restrained by a jurisdiction agreement or an arbitration agreement relating to the maritime claim as agreed upon between the parties.

Article 65 A maritime claimant applying for maritime evidence preservation shall submit a written application to a maritime court. The application shall clearly set forth the evidence to be preserved on application, the relation between the evidence and the maritime claim and causes for application.

Article 66 A maritime court accepting an application for maritime evidence preservation may order the maritime claimant to provide guarantee. If the maritime claimant fails to provide guarantee, the application shall be rejected.

Article 67 To impose maritime evidence preservation, the following conditions shall be fulfilled:

- (1) The claimant is the party to the maritime claim;
- (2) The evidence to be preserved on application provides proof for the maritime claim;
- (3) The party who opposes the claim is the person related to the evidence to be preserved on application; and

(4) In case of emergency, failure to impose evidence preservation immediately will result in loss or difficulty in obtaining the evidence for the maritime claim.

Article 68 After accepting the application, a maritime court shall make an order within 48 hours. If an order is made for imposing maritime evidence preservation measures, it shall be executed immediately; if the conditions for maritime evidence preservation are not fulfilled, an order shall be made to reject the application.

Article 69 If a party is not satisfied with the order, he may apply for reconsideration once within five days of the date of receiving the written order. The maritime court shall make a reconsideration decision within five days of receiving the reconsideration application. Execution of the order shall not be suspended during the time of reconsideration. If the causes for applying for reconsideration by the party who opposes the claim are tenable, the evidence preserved shall be returned to the party who opposes the claim.

If an interested party lodges an objection to maritime evidence preservation, the maritime court shall order to cancel maritime evidence preservation if it deems the causes are tenable through investigation; if preservation has been imposed, evidence related to the interested party shall be returned to the interested party.

Article 70 A maritime court imposing maritime evidence preservation may seal up the evidence, may obtain reproductions or duplicates, or take photos, conduct tape-recording, make extracts or records of investigation. If really necessary, the original of the evidence shall be obtained.

Article 71 A maritime claimant wrongfully submitting an application for maritime evidence preservation shall compensate losses incurred by the party who opposes the claim or an interested party.

Article 72 If no litigation or arbitration procedures start for relevant maritime disputes after the imposition of maritime evidence preservation, the parties may bring a law suit for the maritime claim to the maritime court imposing maritime evidence preservation or the other maritime court having jurisdiction, except that a jurisdiction agreement or an arbitration agreement has been concluded between the parties

Chapter VI Maritime Guarantee

Article 73 Maritime guarantee includes guarantee involved in procedures provided in this Law such as maritime claim preservation, maritime injunction, maritime evidence preservation.

The guarantee shall be in form of providing cash or surety, establishing mortgage or pledge.

Article 74 A guaranty provided by a maritime claimant shall be delivered to the maritime court; a guaranty provided by the person against whom the application for maritime preservation is made may be delivered to the maritime court, or delivered to the maritime claimant.

Article 75 The modes and quantity of a guaranty provided by a maritime claimant shall be determined by the maritime court. The modes and quantity of a guaranty provided by the person against whom the application for maritime preservation is made shall be determined through consultation between the maritime claimant and the person against whom the

application for maritime preservation is made; if failing such consultation, they shall be determined by a maritime court.

Article 76 Where a maritime claimant requests a person against whom the application for maritime preservation is made to provide guaranty on a maritime claim, the quantity of the guaranty shall equal to the quantity of his creditor's rights, but shall not exceed the value of the preserved property.

The quantity of a guaranty provided by a maritime claimant shall equal to the losses possibly caused to a person against whom the application for maritime preservation is made due to his claim. The specific quantity thereof shall be determined by the maritime court.

Article 77 After a guaranty is provided, the person providing the guaranty may, for any justified reasons, file an application to the maritime court to reduce, modify or cancel the guaranty.

Article 78 Where losses are caused to a person against whom the application for maritime preservation is made due to excessive quantity of the guaranty claimed by a maritime claimant, the maritime claimant shall bear the liability for compensation.

Article 79 The guaranty involved in constituting a limitation fund for maritime claims liability and in advance execution as well as other procedures may be handled by reference to the provisions of this Chapter.

Chapter VII Service

Article 80 In serving a maritime litigation document, the relevant provisions of the Civil Procedure Law of the People's Republic of China are applicable, and the following methods may also be adopted:

(1) to serve on an agent ad litem commissioned by the person on whom the litigation document is to be served.

(2) to serve on a representative office or branch office established in the People's Republic of China by the person on whom the service is to be made or on his business agent;

(3) to serve by employing other appropriate methods by which the receipt can be confirmed. A legal paper relating to the arrest of a ship may also be served on the captain of the ship involved.

Article 81 If the person who has the obligation of receiving a legal paper refuses to sign and receive the legal paper, the person serving the paper shall record on the receipt the situations. After the person serving the paper and the witness have affixed their signatures or seals to the receipt, the legal paper shall be left at his domicile and the service shall be deemed completed.

Chapter VIII Trial Procedures

Section 1 Provisions on Trying Cases Involving Collision of Ships

Article 82 When a plaintiff brings an action and a defendant files a defence, the Investigation Form of Maritime Accident shall be truthfully completed.

Article 83 When serving a statement of complaint or a defence on any party, the maritime court shall not attach thereto any relevant evidential materials.

Article 84 The parties shall finish the provision of evidence before a court session. After having finished the provision of evidence and issued a note stating the provision of evidence to the maritime court, the parties may apply to consult evidential materials relating to the collision of ships.

Article 85 The parties shall not repudiate their statements in the Investigation Form of Maritime Accident and the evidence they have provided, except that they have new evidence and full reasons which explain that such evidence cannot be provided during the period of providing evidence.

Article 86 The inspection and evaluation of a ship shall be conducted by an institution or individual with authority granted by the State or with professional qualifications. An inspection or evaluation conclusion drawn by an institution or individual without authority granted by the State or without professional qualifications shall not be accepted by the maritime court.

Article 87 A maritime court trying a case involving collision of ships shall conclude the case within one year after placing the case on the docket. Any extension of the period necessitated by special circumstances shall be subject to the approval of the president of the court.

Section 2 Provisions on Trying Cases Involving General Average

Article 88 With respect to a dispute arising from general average, the parties may agree to commission an adjustment institution to have it adjusted, or directly bring an action in the maritime court. When entertaining a dispute arising from general average that has not been adjusted, the maritime court may commission an adjustment institution to have it adjusted.

Article 89 A report of general average adjustment made by an adjustment institution, if the parties do not raise any objections, may be regarded as the basis for contributing liabilities; if the parties raise any objections, the maritime court shall determine to accept them or not.

Article 90 Not being affected by the procedures of an action of general average brought for an identical average accident, the parties may bring an action against the person liable for any non general average losses.

Article 91 An action of non general average brought by the parties for an identical accident in a maritime court entertaining the case involving general average, as well as an action of recourse brought for general average contribution against the person liable, may be tried in combination by the maritime court.

Article 92 The maritime court trying a case involving general average shall conclude the case within one year after placing the case on the docket. Any extension of the period necessitated by special circumstances shall be subject to the approval of the president of the court.

Section 3 Provision on Exercising the Right to Indemnity by Subrogation by a Maritime Insurer

Article 93 Where the occurrence of an insured event is caused by a third party, after having paid insurance indemnity to the insured, the insurer may exercise by subrogation the right

of the insured to demand indemnity against the third party up to the limit of insurance indemnity.

Article 94 When an insurer exercises the right to indemnity by subrogation, if the insured does not bring an action against the third party causing the insured event, the insurer shall, in the name of itself, bring an action against the third party.

Article 95 When an insurer exercises the right to indemnity by subrogation, if the insured has brought an action against the third party causing the insured event, the insurer may request the court entertaining the case to change the party so as to exercise by subrogation the right of the insured to demand indemnity against the third party.

Where the insurance indemnity obtained by the insured can not make up all the losses caused by a third party, the insurer and the insured may, as joint plaintiffs, demand indemnity from the third party.

Article 96 When bring an action or applying to participate in the proceedings in accordance with the provision of Articles 94 and 95 of this Law, an insurer shall submit vouchers certifying the payment of insurance indemnity by the insurer, as well as other documents that ought to be submitted when participating in the proceedings, to the maritime court entertaining the case.

Article 97 With respect to a claim for indemnity against oil pollution damage caused by a ship, the person suffering for the damage may make the claim to the shipowner causing the oil pollution damage, or directly make the claim to the insurer bearing the liability for oil pollution damage of the shipowner or to other person providing financial suretyship.

Where the insurer bearing the liability for oil pollution damage of the shipowner or the other person providing financial suretyship against whom an action is filed, he is entitled to require the shipowner causing the oil pollution damage to participate in the proceedings.

Section 4 Summary Procedures, Procedures for Hastening Debt Recovery and Procedures for Publicizing Public Notice for Assertion of Claims

Article 98 When trying a simple maritime case in which the facts are evident, the rights and obligations clear and the disputes trivial in character, the maritime court may apply the provisions on summary procedures in the Civil Procedure Law of the People's Republic of China.

Article 99 When requesting payment of a pecuniary debt or recovery of negotiable instruments from a debtor on the basis of any maritime causes, a creditor may, if the relevant provisions of the Civil Procedure Law of the People's Republic of China are conformed to, apply to the maritime court that has jurisdiction for an order of payment.

Where a debtor is a foreign national, stateless person, foreign enterprise or organization, but he has domicile, representative office or branch office within the territory of the People's Republic of China and an order of payment can be served, the creditor may apply to the maritime court that has jurisdiction for an order of payment.

Article 100 A holder of a voucher for taking delivery of goods such as a bill of lading may, if the voucher for taking delivery of goods is out of his control or destroyed, apply to the

maritime court of the place where the goods are for publication of public notice for assertion of claims.

Chapter IX Procedures for Constituting a Limitation Fund for Maritime Claims Liability

Article 101 Where limitation of liability is applied according to law after the occurrence of a maritime accident, the shipowner, charter, operator, salvor and insurer may apply to the maritime court to constitute a limitation fund for maritime claims liability.

Where any oil pollution damage is caused by a ship, the shipowner and the insurer of liability or other persons providing financial suretyship shall, for a purpose of obtaining the right to limitation of liability stipulated by law, constitute a limitation fund for maritime claims liability of oil pollution damage with the maritime court.

An application for constituting a limitation fund for liability may be submitted before bring an action or during the proceedings, but it shall be submitted at least before the making of the judgment of first instance.

Article 102 Where an application for constituting a limitation fund for maritime claims liability is to be submitted before bring an action, the parties shall submit it to the maritime court of the place where the accident is occurred, the place where the contract is performed or the place where the ship is arrested.

Article 103 The constitution of a limitation fund for maritime claims liability shall not be restricted by an agreement between the parties on litigation jurisdiction or arbitration.

Article 104 When applying to constitute a limitation fund for maritime claims liability, the applicant shall submit a written application. The application shall specify the quantity of and the reasons for the limitation fund for maritime claims liability, as well as the names, addresses and corresponding methods of the known interested parties, and shall have relevant evidence attached.

Article 105 After entertaining an application for constituting a limitation fund for maritime claims liability, the maritime court shall, within seven days, issue a notice to the known interested parties, and publish a public announcement in newspapers or through other news media.

The notice and public announcement shall include the following contents:

- (1) name of the applicant;
- (2) facts of and reasons for the application;
- (3) matters for which the limitation fund for maritime claims liability is to be constituted;
- (4) matters concerning the undertaking of registration of the creditors' rights;
- (5) other matter that need to be made known.

Article 106 Where an interested party objects the application of an applicant for constituting a limitation fund for maritime claims liability, the party shall, within seven days from the date of the receipt of the notice or within thirty days from the date of the public announcement for those who have not received the notice, raise the objection in written form to the maritime court.

After receiving a written objection submitted by the interested party, the maritime court shall

examine it and make an order within fifteen days. Where the objection is established, it shall order the application of the applicant to be rejected; if the objection is not established, it shall order to approve the applicant to constitute a limitation fund for maritime claims liability.

Where the parties are not satisfied with an order, they may file an appeal within seven days from the date of the receipt of the order. The people's court of second instance shall make an order within fifteen days from the date of the receipt of appeal petition.

Article 107 Where the interested parties do not raise any objections within the prescribed time period, the maritime court shall order to approve the applicant to constitute a limitation fund for maritime claims liability.

Article 108 After an order approving an applicant to constitute a limitation fund for maritime claims liability takes effect, the applicant shall constitute a limitation fund for maritime claims liability with the maritime court.

In constituting a limitation fund for maritime claims liability, the applicant may provide cash, or provide guaranty approved by the maritime court.

The quantity of a limitation fund for maritime claims shall be the sum of such an amount of the limitation of liability for maritime claims, together with the interests therefrom from the date of the occurrence of the accident until the date of the constitution of the fund. Where the fund is constituted in a form of guaranty, the quantity of the guaranty shall be the quantity of the fund together with the interests therefrom during the existence of the fund.

Where the fund is constituted in a form of cash, the date on which the fund reaches the account designated by the maritime court shall be the date of the constitution of the fund.

Where the fund is constituted in a form of guaranty, the date on which the guaranty is accepted by the maritime court shall be the date of the constitution of the fund.

Article 109 After the constitution of a limitation fund for maritime claims, for any maritime disputes, the parties shall bring an action in the maritime court constituting a limitation fund for maritime claims, except that the parties reach an agreement on litigation jurisdiction or arbitration.

Article 110 Where the application for constituting a limitation fund for maritime claims is wrong, the applicant shall indemnify the losses therefrom suffered by the interested parties.

Chapter X Procedures for Registering Creditors' Rights and Repayment of Debt

Article 111 After the publishing of a public announcement of the maritime court concerning the order relating to the compulsory auction of a ship, the creditors shall apply to register the creditors' rights relating to the ship that is to be auctioned within the period of the public announcement. Where no registration is conducted by the expiration of the period of the public announcement, the right to the repayment of debt from the proceeds of the auction of the ship shall be deemed as having been waived.

Article 112 After the publishing of a public announcement concerning the entertaining of an application by the maritime court for constituting a limitation fund for maritime claims, the creditors shall, within the period of the public announcement, apply to register the creditors' rights relating to the maritime accident occurred in specific circumstances. Where no

registration is conducted by the expiration of the period of the public announcement, the creditors' right shall be deemed as having been waived.

Article 113 When applying to register the creditors' rights with a maritime court, the creditors shall submit written applications, and shall provide evidence of creditors' rights.

Evidence of creditors' rights include written judgment, order in writing, conciliation statement, arbitration award and document evidencing creditors' rights, as well as other evidential materials certifying the existence of maritime claims.

Article 114 The maritime court shall examine the application of a creditor; where evidence of creditors' rights is provided, it shall order to approve the registration; where no evidence of creditors' rights is provided, it shall order to reject the application.

Article 115 With respect to the written judgment, order in writing, conciliation statement, arbitration award and document evidencing creditors' rights provided by the creditors to certify the creditors' rights, the maritime court shall, if ascertaining that the above-mentioned documents are true and lawful upon examination, make an order to have them affirmed.

Article 116 Where any other evidence for maritime claims is provided, the creditors shall, after registering the creditors' rights, bring an action for affirming rights in the maritime court entertaining the registration of creditors' rights. Where the parties conclude an arbitration agreement, that shall promptly apply for arbitration.

The judgment and order made by the maritime court on an action for affirming rights shall be legally effective, the parties shall not file an appeal.

Article 117 After trying and affirming the rights, the maritime court shall issue a notice of the creditors' meeting to the creditors, and organize to convene the creditors' meeting.

Article 118 The creditors' meeting may propose through consultation the proceeds of the ship or a plan for the distribution of the limitation fund for maritime claims, and conclude an agreement on the repayment of debt.

The agreement on the repayment of debt shall be legally effective upon the approval by an order of the maritime court.

Where the creditors' meeting fails to conclude an agreement, the maritime court shall, in accordance with the order of the repayment of debt as stipulated in the Maritime Code of the People's Republic of China and other relevant laws, make a written order to determine the proceeds of the ship or the plan for the distribution of the limitation fund for maritime claims.

Article 119 The proceeds of the auction of a ship and the interests therefrom, or the limitation fund for maritime claims and the interests therefrom, shall be distributed simultaneously.

When distributing the proceeds of a ship, the litigation costs ought to be borne by the persons liable, the expenses for preserving and auctioning the ship and distributing the proceeds of ship, and other expenses incurred for the common interests of the creditors, shall be deducted and paid first from the proceeds of the ship.

The remnant after repaying the debt shall be returned to the original shipowner or the person constituting the limitation fund for maritime claims.

Chapter XI Procedures for Publicizing Notice for Assertion of Maritime Liens

Article 120 When a ship is transferred, the transferee may apply to the maritime court for publicizing notice for assertion of maritime liens, so as to urge the persons enjoying maritime liens to promptly claim their rights and to extinguish the maritime liens attached to the ship.

Article 121 Where applying for publicizing notice for assertion of maritime liens, the transferee shall submit its application to the maritime court of the place where the transferred ship is delivered or the place where the transferee has its domicile.

Article 122 When applying for publicizing notice for assertion of maritime liens, an application, the ship transfer contract, the technical information of the ship and other documents shall be submitted to the maritime court. The application shall specify the name of the ship, the facts of and reasons for applying for publicizing notice for assertion of maritime liens.

Article 123 After receiving the application and relevant documents, the maritime court shall examine them and make an order approving or disapproving the application within seven days.

Where the transferee is not satisfied with the order, it may apply for reconsideration which could be granted only once.

Article 124 After the order approving the application takes effect, the maritime court shall publish a public announcement in newspapers or through other news media, so as to urge the persons enjoying maritime liens to promptly claim their rights within the period of publication of the notice.

The period of publication of a notice for maritime liens shall be sixty days.

Article 125 Where a person enjoying maritime liens claims his rights within the period of publication of a notice for maritime liens, he shall undergo registration procedures with the maritime court; where no rights are claimed, the maritime liens shall be deemed as having been waived.

Article 126 Where no one claims the maritime liens by the expiration of the period of publication of a notice for maritime liens, the maritime court shall, in accordance with the application of the parties, make a judgment to declare that no maritime liens are attached to the transferred ship. The contents of the judgment shall be publicly announced.

Chapter XII Supplementary Provisions

Article 127 This Law shall come into force as of July 1, 2000.

21. Resolution of the Standing Committee of the National People's Congress on Comprehensively Tightening Ecological and Environmental Protection and Lawfully Promoting Triumph in the Uphill Battle for Prevention and Control of Pollution

(Adopted at the 4th Session of the Standing Committee of the 13th National People's Congress of the People's Republic of China on July 10, 2018)

At its fourth session, the Standing Committee of the 13th National People's Congress heard and deliberated the report of the Law Enforcement Inspection Group of the Standing Committee of the National People's Congress on the implementation of the Air Pollution

Prevention and Control Law, made by Chairman Li Zhanshu. At the meeting, the work of the law enforcement inspection team was fully affirmed and highly commended, the law enforcement inspection report was unanimously endorsed, and the opinions and recommendations on the implementation of the Atmospheric Pollution Prevention and Control Law and securing a victory in the defense of blue sky were consented to.

It was held in the meeting that the building of ecological civilization was related to the perpetual development of the Chinese nation and the well-being of hundreds of millions of Chinese people. Since the 18th CPC National Congress, the CPC Central Committee with Comrade Xi Jinping as the core has taken the building of ecological civilization as an important part of overall advancement of the overall layout for "economic, political, cultural, social, and ecological progress" and coordinated advancement of the Four-Pronged Comprehensive Strategy, planned the launch of a series of fundamental, pioneering, and long-term work, and promoted the occurrence of historical, transitional, and overall changes in the building of ecological civilization and ecological and environmental protection in terms of practice and understanding. Nevertheless, the building of ecological civilization remains challenged by grim situation, in a critical period in which pressure is superposed and progress has to be made with burden carried, already in a period for a uphill battle to provide more quality ecological products to meet the people's ever-growing needs for a beautiful ecology and environment, and a window period in which there are resources and capabilities to resolve prominent ecological and environmental issues. At the 19th CPC National Congress, a grand blueprint for securing a victory in building a well-off society in an all-round way and securing the great victory for socialism with Chinese characteristics in the new era was formulated, and comprehensive arrangements for strengthening the building of ecological civilization and building a beautiful China were made. Fighting well the uphill battle for prevention and control of pollution is one of the three major battles to secure a victory in building a well-off society in an all-round way and is related to whether the building of a well-off society in an all-round way can be recognized by the people and can withstand historical tests. Our overall goal is to generally improve ecological and environmental quality and significantly reduce the total discharge of major pollutants by 2020. As state power agencies, the people's congresses at all levels and their standing committees shoulder the glorious mission of implementing the decisions and arrangements of the CPC Central Committee in relation to the building of ecological civilization and promoting the comprehensive and effective implementation of the legal system for ecological and environmental protection, and shall capitalize on the characteristics and advantages of the people's congress system, fulfill the duties conferred by the constitution and laws, control pollution by the weapon of law, protect ecology and environment by the power of the rule of law, and contribute to comprehensively strengthening ecological and environmental protection and promoting the tough fight for prevention and control of pollution according to the law. For the aforesaid reasons, a resolution is hereby made as follows:

I. Adhering to the guidance by Xi Jinping Thought on Socialism with Chinese Characteristics

in a New Era, especially Xi Jinping Thought on ecological civilization. Since the 18th CPC National Congress, the CPC Central Committee with Comrade Xi Jinping as the core has been far-sighted and unremittingly explored, profoundly answered the major theoretical and practical questions, such as why should ecological civilization be built, what kind of ecological civilization should be built, and how should ecological civilization be built, and systematically developed Xi Jinping Thought on Ecological Civilization. Xi Jinping Thought on Ecological Civilization is an integral part of Xi Jinping Thought on Socialism with Chinese Characteristics in a New Era and provides powerful guidance for the making of historical achievements and the occurrence of historical changes in the building of ecological civilization and ecological and environmental protection. Xi Jinping Thought on Ecological Civilization, with a focus on outstanding environmental issues which the people most directly experience and made most urgent requirements for, profoundly expounds a series of new ideas, concepts, and views, for example, good ecology represents the prosperity of civilization, humankind harmoniously co-exist with nature, lucid waters and lush mountains are invaluable assets, a good ecology and environment is the most inclusive people's livelihood and well-being, mountains, water, forest, lakes, and grassland are a common community of life, the ecology and environment shall be protected by the most stringent system and the strictest rule of law, the national action for building a beautiful China, and joint planning for the global building of ecological civilization, makes top-level design and comprehensive arrangements for the building of ecological civilization, and is a powerful ideological weapon for us to protect the ecology and environment, promote green development, and build a beautiful China. All state agencies and the whole society shall regard Xi Jinping Thought on Ecological Civilization as the guidance of direction and fundamental principle, consciously integrate economic and social development with the building of ecological civilization, resolutely dispense with the practice of sacrificing the ecology and environment in exchange for economic growth for the time being and in a region, resolutely and well fight the uphill battle for prevention and control of pollution, promote the formation of a new pattern of harmonious development of man and nature in the modernization, continuously meet the needs of the people's ever-growing needs for a beautiful ecology and environment, and accelerate the building of a beautiful China.

II. Adhering to party leadership over the building of ecological civilization. Party leadership is the fundamental political guarantee for strengthening ecological and environmental protection and well fight the tough battle for prevention and control of pollution. Since the 18th CPC National Congress, the CPC Central Committee with Comrade Xi Jinping as the core has accelerated the advancement of the building of the system of top-level design and regimes for ecological civilization, successively issued the Opinions on Accelerating the Advancement of the Building of Ecological Civilization and the Overall Proposal for the Reform of the Ecological Civilization System, developed and implemented more than 40 reform proposals involving the building of ecological civilization, profoundly implemented three major action plans for prevention and control of air, water and soil pollution, and

promoted the continuous improvement of China's ecological and environmental quality. According to the proposal of the CPC Central Committee for amending the Constitution, the 13th National People's Congress passed a constitutional amendment at its first session, to incorporate new development concepts, ecological civilization, and beautiful China, among others, into the fundamental law of the country. In May 2018, the CPC Central Committee convened the National Ecological and Environmental Protection Conference to make further arrangements for strengthening ecological and environmental protection and well fighting the uphill battle for prevention and control of pollution and put forward new requirements. In June, the CPC Central Committee and the State Council issued the Opinions on Comprehensively Strengthening Ecological and Environmental Protection and Resolutely and Well Fighting the Uphill Battle for Prevention and Control of Pollution. All state agencies and their staff shall firmly establish the consciousness of the need to maintain political integrity, think in big-picture terms, follow the leadership core, and keep in alignment, resolutely safeguard the authority and the centralized and unified leadership of the CPC Central Committee with Comrade Xi Jinping as the core, comprehensively implement the decisions and arrangements of the CPC Central Committee, and effectively shoulder the political responsibility for the building of ecological civilization and ecological and environmental protection. Under the centralized and unified leadership of the CPC Central Committee, the leadership of party committees, the dominance by the government, enterprises as main players, and public participation shall be adhered to, cooperation shall be close, forces shall be joined, the responsibility system for leaders in the building of ecological civilization shall be put into practice, the supervisory inspection mechanism for environmental protection shall be improved, both the symptoms and the root causes shall be resolved, policies shall be comprehensively executed, the establishment of an ecological civilization system shall be accelerated, green development shall be comprehensively launched, and the focus shall be on resolving prominent ecological and environmental problems, so as to resolutely and well fight the uphill battle for prevention and control of pollution.

III. Establishing and improving a most stringent and rigorous legal system for ecological and environmental protection. Ecological and environmental protection must rely on the system and the rule of law. The protection and remediation of mountains, water, forest, lakes, and grassland shall be coordinated, the advancement of legislation on ecological and environmental protection shall be accelerated, the system of laws, regulations and regimes on environmental protection shall be improved, and the transition and coordination in the legal system shall be heightened. The development of the Law on Prevention and Control of Soil Pollution shall be hastened, so as to provide legal guarantee for the prevention and control of soil pollution. The amendment of laws, including the law on prevention and control of solid waste pollution of the environment, shall be expedited, the legal system for prevention and control of air, water, and other pollution shall be further improved, laws and regulations covering water, air, noise, residue, light, and other various environmental

pollution factors shall be established and improved, a scientific, rigorous, systematic, and sound system of laws and regimes on prevention and control of pollution shall be developed, ecological and environmental risk in priority regions and valleys shall be closely prevented, and the most stringent legal system shall be used to protect the blue sky and increase green land, so as to resolutely secure a victory in the blue sky defense, focus on well defending the clean water defense, and solidly advance the clean land defense. Laws, regulations, judicial interpretations and regulatory documents on ecological and environmental protection shall be comprehensively reviewed without delay, and those contrary to, disconnected with, or unable to adapt to the law, the spirit of the CPC Central Committee, or the requirements of the era, repealed or amended in a timely manner. The State Council and other relevant parties shall promptly put forward bills relating to amending the law, speed up the formulation or amendment of administrative regulations and departmental regulations supporting laws on ecological and environmental protection, and introduce and continuously improve standards for ecological and environmental protection in a timely manner. Local people's congresses and their standing committees with legislative power shall speed up the formulation and amendment of local regulations on ecological and environmental protection, further clarify and detail the provisions of superordinate laws in light of local conditions, and vigorously explore legislation in the field of ecological and environmental protection prior to the state. The rigidity and authority of the law shall be firmly established, choices, flexibility, and discounts shall never be allowed, nor shall regional protectionism. Filing review shall be strengthened, regulations, rules, and judicial interpretations in violation of superordinate laws shall be corrected in a timely manner, so as to safeguard the unity of the socialist legal system.

IV. Vigorously boosting the comprehensive and effective implementation of the legal system for ecological and environmental protection. The life of the system lies in its implementation, and the authority of the law lies in its operation. The law enforcement inspection under the Atmospheric Pollution Prevention and Control Law has revealed the outstanding problems in the implementation of the law, and proposals for improving the work and perfecting the system have been put forward. Relevant parties shall attach great importance, seriously take corrective action, ensure that all the provisions of the Atmospheric Pollution Prevention and Control Law are effectively implemented, and successfully defend the blue sky by the strictest rule of law. All state agencies shall strictly implement the legal system for ecological and environmental protection and ensure that those having power are responsible, shoulder duties, and are held accountable for negligence of duties. The people's congresses at all levels and their standing committees shall regard the building of ecological civilization as a priority work field, by law enforcement inspection, hearing and deliberating work reports, thematic inquiries, questioning, and other supervisory means, urge relevant parties to seriously implement the laws on ecological and environmental protection, resolve ecological and environmental problems without delay, further increase investment, strengthen scientific and technological support, enhance the capacity building of ecological and environmental

protection teams, especially primary-level teams, and establish and improve a long-term mechanism for control of environmental pollution. It shall be taken as the bottom line that the ecological and environmental quality can "only get better, not deteriorate," governments at all levels and relevant authorities shall be urged to shoulder the political responsibilities for the building of ecological civilization and ecological and environmental protection, the target and responsibility system for environmental protection and the evaluation and assessment system shall be established, improved, and strictly implemented, and accountability shall be strictly enforced, so as to ensure that the responsibility is placed level by level. Enterprises shall be promoted in voluntarily shouldering and fully fulfilling the primary responsibility for protecting the environment and preventing and controlling pollution, the principle that polluters must bear responsibility according to the law shall be put into practice, environmental law enforcement regulation shall be tightened, the establishment and improvement of an administrative law enforcement and criminal justice linkage mechanism for ecological and environmental protection shall be accelerated, the functions and roles of supervisory agencies and judicial agencies shall be leveraged, the civil and administrative public interest litigation system in the field of ecological and environmental protection shall be bettered, and the illegal and criminal activities relating to the ecology and environment shall be severely and toughly punished as legally required. It shall be adhered to that the law must be observed, the law must be strictly enforced, and law-breakers must be held liable, and the law shall become a rigid constraint and an untouchable high-voltage line.

V. Widely mobilizing the people to actively participate in the ecological and environmental protection. Ecological civilization is a common cause jointly participated in, joint built, and shared by the people. Under the leadership of the party, all forces shall be extensively mobilized, policies and forces shall be contributed to by all the people, and prevention and control shall be conducted by the people, so as to fight a people's war for the prevention and control of pollution. Ecological and environmental protection shall be included in the national education system and the training system for party and government leaders, the publicity and dissemination of legal knowledge relating to ecological civilization and scientific knowledge shall be tightened, a simple, moderate, green, and low-carbon lifestyle shall be advocated, the whole society shall be guided in raising the awareness of the rule of law, ecology, environmental protection, and conservation, the statutory obligations of ecological and environmental protection shall be voluntarily fulfilled, ecological ethics and codes of conduct shall be developed, and green lifestyle shall be consciously practiced. The experience of the public shall be taken as an important basis for testing the effectiveness of work and the quality of the environment, the recognition by the public shall be real recognition, and the satisfaction of the public shall be the true satisfaction. The mandatory information disclosure system for ecological and environmental protection shall be bettered, environmental quality and environmental protection targets and responsibilities shall be disclosed to the public according to the law, and the people's right to know, participate and

supervise shall be guaranteed. The public opinion supervision role of various media shall be maximized, prominent ecological and environmental problems shall be revealed, and the progress in the correction shall be reported. Public supervision, reporting and feedback mechanisms and reward mechanisms shall be refined, the lawful rights and interests of informants shall be protected, and the public shall be encouraged to use legal weapons to protect the ecology and environment, so as to create a social atmosphere that advocates ecological civilization and protects the ecology and environment.

All state agencies and the whole society shall be closely united around the CPC Central Committee with Comrade Xi Jinping as the core, guided by Xi Jinping Thought on Socialism with Chinese Characteristics in a New Era, comprehensively strengthen ecological and environmental protection, well fight the uphill battle for prevention and control of pollution, and strive to build a well-off society in an all-round way and comprehensively build a great modern socialist country that is prosperous, powerful, democratic, culturally advanced, harmonious, and beautiful.

Chapter IV Full Texts of Regulations Relevant to Marine Pollution

By the State Council

1. Regulations of the People's Republic of China on Nature Reserves

(Issued by Order No. 167 of the State Council of the People's Republic of China on October 9, 1994; amended for the first time in accordance with the Decision of the State Council on Abolishing and Amending Some Administrative Regulations by the Order No. 588 of the State Council on January 8, 2011; and amended for the second time in accordance with the Decision of the State Council to Amend Certain Administrative Regulations by the Order No. 687 of the State Council on October 7, 2017)

Chapter I: General Provisions

Article 1 These Regulations are formulated with a view to strengthening the construction and management of nature reserves and protecting the natural environment and resources.

Article 2 The nature reserves as referred to in these Regulations mean the areas delimited according to relevant laws for special protection and administration in the areas where typical natural ecological systems, and precious, rare and vanishing wildlife species are naturally concentrated, or in the dry land, water area on the land and sea area where protected objects such as natural traces with special significance are situated.

Article 3 All establishment and management of nature reserves within the territory of the People's Republic of China or the other sea areas under the jurisdiction of the People's Republic of China must be conducted in conformity with these Regulations.

Article 4 The State shall incorporate the development plan of nature reserves into the national economic and social development plans by means of adopting economic and

technological policies and measures favorable to the development of nature reserves.

Article 5 The local economic construction, the production activities and everyday life of local residents shall be properly taken into consideration in the establishment and management of a nature reserve.

Article 6 Nature reserves administrative agencies and their competent administrative departments may accept grants from both domestic and foreign organizations and individuals for the establishment and management of nature reserves.

Article 7 The people's governments at or above the county level shall strengthen leadership in the work of nature reserves.

All units and individuals shall have the obligation to protect the natural environment and resources within nature reserves and have the right to inform against or lodge complaints with the units or individuals who damage or encroach the nature reserves.

Article 8 The State shall institute a system which combines integrated management with separate departmental management for the management of nature reserves.

The competent department of environment protection under the State Council is responsible for the integrated management of the nature reserves throughout the country.

The competent departments of forestry, agriculture, geology and mineral resources, water conservancy, and marine affairs and other departments concerned are respectively responsible for relevant nature reserves under their jurisdiction.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, according to the specific condition of the locality, decide on the establishment and the responsibilities of the administrative departments of nature reserves in the people's governments at or above the county level.

Article 9 The people's governments at various levels shall give awards to the units or the individuals who have made outstanding contributions to the establishment and management of nature reserves or the related scientific research.

Chapter II: Establishment of Nature Reserves

Article 10 In the areas which meet one of the following requirements, a nature reserve shall be established:

- (1) typical physiographic areas, typical natural ecosystem areas, and those areas where the natural ecosystems have been damaged , but can be restored to the same category of natural ecosystems by proper protection;
- (2) where precious, rare and vanishing wildlife species are naturally concentrated;
- (3) having marine and coastal areas, islands, wetland, inland water bodies, forests, grassland and deserts which are of special protection value;
- (4) natural remains which are of significant scientific or cultural value, such as geological structures, famous karst caves, fossil distribution areas, glaciers, volcanoes, and hot springs;
- (5) other natural areas need to be specially protected upon the approval of the State Council or the people's governments of provinces, autonomous regions or municipalities directly under the Central Government.

Article 11 The nature reserves consist of national and local nature reserves.

National nature reserves include those of typical significance in or out of the country, and those of significant international influence in science, or of special value in scientific research. Local nature reserves include those, other than the national ones, which are of typical significance or with special value in scientific research. Local nature reserves may be managed by local governments at different levels. The specific measures shall be formulated by the competent department of nature reserves under the State Council or by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government according to their specific conditions, and shall be submitted to the competent department of environment protection under the State Council for the record.

Article 12 The establishment of a national nature reserve requires an application from the people's government of the province, autonomous region or municipality directly under the Central Government where the proposed nature reserve is located or from the competent department of nature reserves under the State Council. After the appraisal by the national nature reserves appraisal committee, the competent department of environment protection under the State Council shall coordinate with relevant department to provide appraisal comments on the application and then submit it to the State Council for its approval.

The establishment of a local nature reserve requires an application from the people's government of the county, autonomous county, municipality or autonomous prefecture where the proposed nature reserve is located, or the competent department of nature reserves in the people's government of the relevant province, autonomous region or municipality directly under the Central Government. After the appraisal by local nature reserves appraisal committee, the competent department of environment protection administration in the people's government of the province, autonomous region or municipality directly under the Central Government shall coordinate with relevant departments to provide appraisal comments on the application and then submit it to the people's government of the province, autonomous region or the municipality directly under the Central Government for its approval, and meanwhile submit it to the competent department of environment protection under the State Council and the relevant competent department of nature reserves under the State Council for the record.

The establishment of a nature reserve involving more than two administrative regions, requires an application from the people's governments of relevant regions after their consultations. Then the application shall go through the same procedures as described in the preceding two paragraphs.

The establishment of a maritime nature reserve must be approved by the State Council.

Article 13 To apply for the establishment of nature reserves, an application form for a nature reserve establishment shall be filled out and submitted for approval according to the relevant provisions of the State.

Article 14 The ranges and boundaries of nature reserves shall be determined by the people's governments responsible for the approval of the establishment. The boundaries of nature

reserves shall be marked and announced.

Proper consideration shall be given to the integrity and suitability of the protected objects and to the needs of local economic construction, and production activities and the daily life of local residents while determining the ranges and boundaries of nature reserves.

Article 15 The cancellation of a nature reserve or any change or adjustment made in its nature, range or boundaries shall be subject to the approval of the people's government which approved the establishment of the nature reserve.

No units or individuals may be allowed to move the landmarks of nature reserves without authorization.

Article 16 Nature reserves shall be named in the following ways:

National nature reserves: the name of the location where the nature reserve is situated is added before the "National Nature Reserve".

Local nature reserves: the name of the location where the nature reserve is situated is added before the "Local Nature Reserve".

If a nature reserve has any special protected object, the name of the object may be added following the name of the location where the nature reserve is situated.

Article 17 The competent department of environment protection administration under the State Council shall, together with the competent administrative department of nature reserves under the State Council, draw up a plan for the development of national nature reserves based upon the investigation and evaluation of the natural environment and resources of the whole country. After the overall balance by the competent planning department under the State Council, the plan shall be submitted to the State Council for its approval and implementation.

The nature reserves administrative organ or competent administrative department of a particular nature reserve shall work out construction plans for nature reserves, which shall be included in the national, local or departmental investment plans according to stipulated procedures, and put the plan into effect.

Article 18 Nature reserves may be divided into three parts: the core zone, buffer zone and experimental zone.

The intact natural ecological systems and the areas where precious rare and vanishing wildlife species are concentrated within nature reserves shall be delimited as the core zone into which no units or individuals are allowed to enter. No scientific research activities are allowed in this zone except for those approved according to Article 27 of these Regulations. Certain amount of area surrounding the core zone may be designated as the buffer zone, where only scientific research and observation are allowed.

The area surrounding the buffer zone may be designated as the experimental zone, where activities such as scientific experiment, educational practice, visit, tourism and the domestication and breeding of precious, rare and vanishing wildlife species may be carried out.

A certain amount of area surrounding the nature reserve may be designated as the outer

protection area, when the people's government which approved the establishment of the nature reserve considers necessary.

Chapter III: Management of Nature Reserves

Article 19 The competent department of environment protection administration under the State Council shall organize the relevant administrative departments of nature reserves under the State Council to formulate the technical regulations and criteria for the management of nature reserves all over the country.

The relevant competent administrative departments of nature reserves under the State Council shall formulate the technical regulations for the management of various types of nature reserves according to their division of duties and submit them to the competent department of environment protection administration under the State Council for the record.

Article 20 The competent departments of environment protection administration in the people's governments at or above the county level shall have the right to conduct supervision and inspection on the management of all the nature reserves within their administrative areas. The relevant competent administrative departments of nature reserves in the people's government at or above the county level shall have the right to conduct supervision and inspection on the management of the nature reserves which are under their charge. The units subject to the inspection shall report the situation accurately to them and provide them with necessary information. The inspectors shall keep technological and professional secrets confidential for the units inspected.

Article 21 The competent administrative departments of the nature reserves of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government or the competent administrative department of the nature reserves under the State Council shall be responsible for the management of the national nature reserves. The competent administrative department of nature reserves in the people's governments at or above the county level shall be responsible for the management of the local nature reserves within their administrative areas.

The relevant competent administrative departments of nature reserves shall set up a special management institution in each nature reserve and provide specialized technical staff for the management of the nature reserves.

Article 22 The major functions of management institutions of nature reserves shall be as follows:

- (1) to implement relevant laws, regulations, guidelines and policies formulated by the State on nature conservation;
- (2) to formulate various management regulations so as to exert unified management of the nature reserves;
- (3) to investigate natural resources and place them on file, and organize environmental monitoring to protect the natural environment and resources in the nature reserves;
- (4) to organize or assist relevant departments to make scientific researches on the nature reserves;

(5) to conduct the publicity and education work on nature conservation;

(6) to organize activities such as visiting and sightseeing tour in the nature reserves on the presupposition that the natural environment and resources of the nature reserve are not affected by such activities.

Article 23 The expenses needed for the management of the nature reserves shall be handled by the people's governments at or above the county level where the nature reserves are located. The State shall subsidize the management of national nature reserves appropriately.

Article 24 The public security organ of the region where the nature reserves are located may set up its dispatched agency within the nature reserves to maintain public security if necessary.

Article 25 The units, residents in the nature reserves and the personnel allowed to enter into the nature reserves shall comply with various regulations of administration, and subject themselves to the management institutions of the nature reserves.

Article 26 In nature reserves, such activities as felling, grazing, hunting, fishing, gathering medicinal herbs, reclaiming, burning, mining, stone quarrying and sand dredging, shall be prohibited unless otherwise stipulated by relevant laws and regulations.

Article 27 No one is permitted to enter the core area of a nature reserve. Whoever, as needed for scientific research, must enter the core area to conduct scientific research observation and investigation activities shall submit an application and an activity plan to the management body of the nature reserve in advance to obtain an approval from it; and in the case of entry into the core area of a national nature reserve, the approval shall be obtained from the administrative department in charge of relevant nature reserves of the people's government of the province, autonomous region, or municipality directly under the Central Government.

If it is necessary for the residents living in the core zone of a nature reserve to move out, the local people's government shall make proper arrangement to have them settled down elsewhere.

Article 28 Tourism, production and commercial activities are prohibited in the buffer zone of nature reserves. In the buffer zone of nature reserves, if it is necessary to engage in the nondestructive activities such as scientific research, educational practice and specimen collection for the purpose of teaching or scientific research, an application and activity plan shall be submitted to the management institution of the nature reserves in advance for approval.

Units and individuals who engage in such activities described in the preceding paragraph shall submit a copy of the report of the activity result to the management institution of the nature reserves.

Article 29 For visits and tourist activities conducted in the experimental zone of a nature reserve, the management body of the nature reserve shall prepare a scheme, which shall be consistent with the objectives of management of the nature reserve.

Visits and tourist activities organized in a nature reserve shall be conducted in strict

accordance with the scheme as mentioned in the preceding paragraph, and the management of such activities shall be enhanced; and all entities and individuals entering a nature reserve for visits or tourist activities shall obey the management by the management body of the nature reserve.

The visiting and tourist projects that are not in conformity with the protection guidelines of nature reserves shall be prohibited.

Article 30 Where there is no division of zones within the nature reserves, they shall be managed in accordance with the provisions concerning the core zone or buffer zone in these Regulations.

Article 31 To enter a nature reserve, a foreign national shall submit an activity plan in advance to the management body of the nature reserve to obtain an approval from it; and in the case of entry into a national nature reserve, the approval shall be obtained from the environmental protection, oceanic, fishery, or any other administrative department in charge of relevant nature reserves of the province, autonomous region, or municipality directly under the Central Government according to their respective functions.

All foreign nationals entering a nature reserve shall abide by the laws, regulations, and rules on nature reserves, and shall not collect specimen and conduct other activities in the nature reserve without approval.

Article 32 No production facilities may be built in the core and buffer zones of nature reserves. In the experimental zone, no production facilities that cause environmental pollution or damage to the natural resources or landscape may be built. For other projects to be built in this zone the discharge of pollutants may not exceed the national or local discharge standards. For those facilities already built in the experimental zone of the nature reserves, if the discharge of pollutants exceeds the national or local discharge standards, rectification shall be made within a time limit. Remedial measures shall be adopted to those that the damage has been caused.

The projects constructed in the outer protection zone of nature reserves may not affect the environmental quality inside the nature reserves. If the damage has already been done, rectification shall be made within a time limit.

The decision to make a rectification within the specified time shall be made by the organs specified by relevant laws and regulations. Any enterprises or institutions required to do so shall complete it in time.

Article 33 If any accident or accidental event which causes or may cause pollution or damage in or to the nature reserves, for which the units or individuals who are responsible shall immediately take remedial measures, inform all units or residents that may be endangered and report to the management institutions of nature reserves, the competent departments of environment protection administration and the competent administrative departments of the nature reserves in the locality and wait for disposition. or the municipality directly under the Central Government for final approval.

Chapter IV: Legal Liability

Article 34 Any unit or individual, in violation of these Regulations in one of the following manners shall be ordered by the management institution of the nature reserves to make a correction and may be fined between 100 to 5, 000 yuan according to circumstances of the case:

- (1) moving or doing damage to the landmarks of nature reserves without authorization;
- (2) entering the nature reserves without approval, or failing to meet the requirements of the management institution while being in the nature reserves;
- (3) engaging in scientific research, educational practice and specimen collection in the buffer zone of nature reserves with the approval of the relevant department but failing to submit a copy of the report of their activity results to the management institution of the nature reserves.

Article 35 Any unit or individual who, in violation of these Regulations, is engaged in such activities as felling, grazing, hunting, fishing, gathering medicinal herbs, reclaiming , burning the grass, mining, stone-quarrying and sand dredging, shall be punished according to relevant laws, administrative regulations. Besides, the competent administrative department of nature reserves in the people's government at or above the county level or its authorized management institution of the nature reserves may confiscate the violators' illegal gains, order the violators to stop illegal actions, or to restore to the original state or take other remedial measures within a specified time. Anyone who does damage to the nature reserves, may be fined between 300 to 10, 000 yuan.

Article 36 The management institution of the nature reserves, in violation of these Regulations, refuse the supervision and inspection of the competent department of environment protection administration or the competent administrative department of the nature reserves, or resort to deception during the inspection, shall be fined between 300 to 3, 000 yuan by the competent department of environment protection administration or the competent administrative department of the nature reserves in the people's government at or above the county level.

Article 37 Where the management body of a nature reserve commits any of the following violations of this Regulation, the administrative department in charge of relevant nature reserves of the people's government at or above the county level shall order it to take corrective action during a specified period; and administrative disciplinary action shall be taken against the directly liable persons by the employer of them or by the superior authority:

- (1) It conducts visits or tourist activities without preparing a plan, or the prepared plan is inconsistent with the objectives of management of the nature reserve.
- (2) It offers any visit or tourist project inconsistent with the direction of protection of the nature reserve.
- (3) It conducts visits or tourist activities in nonconformity with the prepared plan.
- (4) It illegally approves any person's entry into the core area of the nature reserve, or illegally approves any foreign national's entry into the nature reserve.
- (5) It otherwise abuses power, neglects duty, practices favoritism, or makes falsification.

Article 38 Anyone who violates these Regulations thus causing losses to the nature reserves

shall be ordered to compensate the losses by the competent administrative department of the nature reserves in the people's government at or above the county level.

Article 39 Anyone who hinders the administrative staff of the nature reserves from performing their duties shall be punished by the public security organ in accordance with the Public Security Administration Punishments Law of the People's Republic of China. If the circumstances are serious enough to constitute a crime, he shall be prosecuted for criminal responsibility according to law.

Article 40 If the violation of these Regulations causes serious pollution or damage to the nature reserves, leading to heavy losses of public or private property or human injuries and deaths that constitutes a criminal offence, the person directly in charge and other persons who are directly responsible for the violation shall be prosecuted for criminal responsibility according to law.

Article 41 Administrative personnel of nature reserves who abuses his power, neglects his duty or engages in malpractices for personal gains to the extent that constitutes a criminal offence shall be prosecuted for criminal responsibility according to law, if the circumstances are not serious enough to constitute a criminal offence, he shall be subject to disciplinary sanctions by the department to which he belongs or the organ at the higher level.

Chapter V: Supplementary Provisions

Article 42 The competent administrative departments of nature reserves under the State Council may, in accordance with these Regulations, formulate the administrative rules for different types of nature reserves.

Article 43 People's governments of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with these Regulations, formulate measures for their implementation.

Article 44 These Regulations shall enter into force as of December 1, 1994.

2. Regulation on Environmental Impact Assessment of Planning

Chapter I General Provisions

Article 1 For purposes of strengthening the environmental impact assessment of planning, improving the scientificness of planning, preventing environmental pollution and ecological damage from the source and promoting the overall, harmonious and sustainable development of the economy, society and environment, this Regulation is formulated in accordance with the Law of the People's Republic of China on Environmental Impact Assessment.

Article 2 The relevant departments of the State Council, and local people's governments at and above the districted city level and the relevant departments thereof shall make an environmental impact assessment when it organizes the planning of land use, and construction, development and utilization of regions, basins and sea areas (hereinafter referred to comprehensive planning) and relevant special planning of industry, agriculture,

stockbreeding, forestry, energy, water resources, transport, urban construction, tourism and development of natural resources (hereinafter referred to as the special planning).

The concrete scope of planning subject to environmental impact assessment under paragraph 1 of this Article shall be formulated by the environmental protection administrative department jointly with the relevant departments of the State Council, and be executed upon approval of the State Council.

Article 3 The principle of objectiveness, openness and impartiality shall be followed in the environmental impact assessment of planning.

Article 4 The state shall establish an information sharing system for the environmental impact assessment of planning.

The people's governments at and above the county level and the relevant departments thereof shall share the information about the environmental impact assessment of planning.

Article 5 The expenses necessary for the environmental impact assessment of planning shall be integrated into the fiscal budget under the provisions on budget administration, be subject to strict management and accept audit and supervision.

Article 6 Any entity or individual has the right to report to the examination and approval organ of planning, planning preparation organ or environmental protection administrative department any violation of this Regulation or bad impact arising during the execution of planning. The relevant department shall investigate and deal with the case after receipt of the tip-off.

Chapter II Assessment

Article 7 The planning preparation organ shall organize an environmental impact assessment of the planning during the process of formulating the planning.

Article 8 An environmental impact assessment of planning shall include the analysis, forecast and assessment of the following items:

1. the possible overall impact on the ecological system of the relevant regions, basins and sea areas as a result of the execution of planning;
2. the possible long-term impact on the environment and human health as a result of the execution of planning; and
3. the relationship between the economic & social benefits and the environmental benefits, and the relationship between the present interests and the long-term interests from the execution of planning.

Article 9 The relevant criteria on environmental protection and the technical guide and norms on environmental impact assessment shall be observed in the environmental impact assessment of planning.

The technical guide on environmental impact assessment of planning shall be formulated by the environmental protection administrative department of the State Council together with other relevant departments of the State Council. The technical norms on the environmental impact assessment of planning shall be formulated by the relevant department of the State Council according to the technical guide on environmental impact assessment of planning

and a copy thereof shall be sent to the environmental protection administrative department of the State Council for archival purposes.

Article 10 When comprehensive planning is made, a chapter or introduction about the environmental impact shall be prepared according to the possible environmental impact as a result of the execution of planning.

When special planning is made, an environmental impact report shall be prepared before the draft of planning is submitted for examination and approval. A chapter or introduction about the environmental impact shall, in accordance with the provision of paragraph 1 of this Article, be prepared for the directive planning in the special planning.

The term “directive planning” as mentioned in paragraph 2 of this Article refers to a special planning focusing on the strategy of development.

Article 11 A chapter or introduction about the environmental impact shall include:

1. an analysis, forecast and assessment of possible impacts on the environment as a result of the execution of planning, mainly including an analysis of the bearing capacity of resources and environment, analysis and forecast of the bad environmental impact as well as analysis of the environmental coordination with relevant planning;
2. the countermeasures and measures for preventing or mitigating the bad environmental impact, mainly including the policies, administrative or technical measures for preventing or mitigating the bad environmental impact.

In addition to the aforesaid contents, an environmental impact report shall contain conclusions to the environmental impact assessment, mainly including the environmental reasonableness and feasibility of the draft of planning, reasonableness and feasibility of the countermeasures and measures for preventing or mitigating bad environmental impact, and advice on adjustments to the draft of planning.

Article 12 The planning preparation organ shall prepare the chapter or introduction about the environmental impact and the environmental impact report (hereinafter referred to as the environmental impact documents) or organize the technical institution for environmental impact assessment of planning to do so. The planning preparation organ shall be responsible for the quality of the environmental impact documents.

Article 13 As to the special planning which may have bad environmental impact and directly involve the environmental interests of the general public, the planning preparation organ shall, prior to submitting the draft of planning for examination and approval, openly solicit the opinions of the relevant entities, experts and the general public on the environmental impact report through questionnaire, symposia, discussion meetings, hearings, etc., unless it is required to keep it confidential according to law.

If there is any significant difference between the opinions of the relevant entities, experts and the general public and the conclusion to the environmental impact assessment, the planning preparation organ shall make further discussions through discussion meetings, hearings, etc.

The planning preparation organ shall attach to the environmental impact report, which it

submits for examination, a statement about the adoption and rejection of public opinions as well as the reasons therefor.

Article 14 To make significant adjustments or revisions to the execution scope, applicable time limit, scale, structure and layout of the planning already approved, the planning preparation organ shall make a new or supplemental environmental impact assessment under this Regulation.

Chapter III Examination

Article 15 When the planning preparation organ submits a draft of comprehensive planning or a draft of directive planning in the special planning for examination and approval, it shall submit to the examination and approval organ of planning a chapter or introduction about the environmental impact as an integral part of the draft of planning. If it fails to prepare a chapter or introduction about the environmental impact, the examination and approval organ of planning shall require it to prepare the chapter or introduction. If it fails to do so, the examination and approval organ of planning shall disapprove the said draft of comprehensive planning or draft of directive planning.

Article 16 At the time of submitting a draft of special planning for examination and approval, the planning preparation organ shall also submit the environmental impact report to the examination and approval organ of planning for examination. If it fails to prepare the environmental impact report, the examination and approval organ of planning shall require it to prepare it. If it fails to do so, the examination and approval organ of planning shall disapprove the said draft of special planning.

Article 17 As to a special planning subject to the examination and approval of the people's government at or above the districted city level, the environmental protection administrative department thereof shall, prior to the examination and approval, form a review team, which consists of representatives of relevant departments and experts, to examine the environmental impact report. The examination team shall submit written examination opinions.

The measures for the examination of the environmental impact report for a special planning subject to the examination and approval of the relevant department of the people's government at or above the provincial level shall be formulated by environmental protection administrative department of the State Council jointly with the relevant department of the State Council.

Article 18 The experts as members of the review team shall be randomly selected from the name list of experts of corresponding specialties in the database of experts. However, no expert who participates in preparing an environmental impact report shall be a member of the review team of the environmental impact report.

The number of members of experts in the review team shall not be less than 1/2 of the total number of members of the review team. If it is less than 1/2 of the total number of members of the review team, the examination opinions of the review team shall be invalid.

Article 19 The members of the review team shall put forward written examination opinions

on the environmental impact report objectively, impartially and independently. The examination and approval organ of planning, the planning preparation organ or the department which formed the review team shall not interfere with their work.

The examination opinions shall include the following:

1. the genuineness of the fundamental materials and data;
2. the appropriateness of the assessment approach;
3. the reliability of the analysis, forecast and assessment of the environmental impact;
4. the reasonableness and effectiveness of the countermeasures and measures for preventing or mitigating the bad environmental impact;
5. the reasonableness of the statement about the adoption and rejection of the public opinions and the reasons therefor; and
6. the scientificity of the conclusion to the environmental impact assessment.

The examination opinions shall be signed and consented to by 3/4 or more of the members of the review team. If any member of the review team has different opinions, his opinions shall be faithfully recorded and reflected.

Article 20 Under any of the following circumstances, the review team shall put forward opinions on revising and re-examining the environmental impact report:

1. The fundamental materials and data are untrue;
2. The assessment approach selected is improper;
3. The analysis, forecast and assessment of the bad environmental impact is inaccurate and superficial and it is necessary to make further demonstrations;
4. There are severe defects in the countermeasures and measures for preventing or mitigating the bad environmental impact;
5. The conclusion to the environmental impact is ambiguous, unreasonable or wrong;
6. No statement about the adoption and rejection of public opinions and the reasons therefor are attached, or it is obviously unreasonable not to adopt the public opinions; or
7. There are other severe defects or omissions.

Article 21 Under either of the following circumstances, the review team shall put forward an opinion on disapproving the environmental impact report:

1. On the basis of the existing knowledge and technical conditions, it is unable to make a scientific judgment about the extent or range of the bad environmental impact as a result of the execution of planning; or
2. The execution of planning may bring any major environment impact and it is impossible to put forward practical and feasible countermeasures and measures for preventing or mitigating it.

Article 22 The examination and approval organ of planning shall, at the time of examining a draft of special planning, take the conclusion to the environmental impact report and the examination opinions as an important basis for making a decision.

If the examination and approval organ of planning rejects the conclusion to the environmental impact report and the examination opinions, it shall make a written

explanation about the rejection to each item and archive the relevant materials for reference. The relevant entities and experts and the general public may apply for consulting them, excluding those which shall be kept confidential according to law.

Article 23 If a planning which has already been subject to an environmental impact assessment contains a concrete construction project, the conclusion to the environmental impact assessment shall be regarded as an important basis for the environmental impact assessment of the construction project. The contents of the environmental impact assessment of the construction project may be simplified according to the analysis of and discussions about the environmental impact assessment of the planning.

Chapter IV Follow-up Assessment

Article 24 After the execution of the planning with severe environmental impact, the planning preparation organ shall timely organize a follow-up assessment of the environmental impact of planning and report the assessment result to the examination and approval organ of planning and notify the environmental protection administrative department and other relevant departments.

Article 25 The follow-up assessment of the environmental impact of planning shall include:

1. comparative analysis and assessment of the actual environmental impact after the execution of planning and the possible environmental impact forecasted in the documents on environmental impact assessment;
2. analysis and evaluation of the effectiveness of the countermeasures and measures for preventing or mitigating the bad environmental impact which are taken during the execution of planning;
3. public opinions on the environmental impact as a result of the execution of planning; and
4. conclusion to the follow-up assessment.

Article 26 When the planning preparation organ makes a follow-up assessment of the environmental impact of planning, it shall solicit the opinions of the relevant entities, experts and the public through questionnaire, on-site visits, symposia, etc.

Article 27 If major bad environmental impact arises during the execution of planning, the planning preparation organ shall timely put forward improvement measures, report them to the examination and approval organ of planning and notify the environmental protection administrative department and other relevant departments.

Article 28 If the environmental protection administrative department finds that any severe environmental impact arises during the execution of planning, it shall timely make a verification. If the case is verified as true, it shall put forward suggestions to the examination and approval organ of planning on improving the measures or revising the planning.

Article 29 After the examination and approval organ of planning receives a report from the planning preparation organ or suggestions from the environmental protection administrative department, it shall timely organize discussions and take improvement measures or revise the planning according to the discussion result.

Article 30 If the total discharge volume of major pollutants in the area for the execution of

planning exceeds the state or local indicator for the control of total discharge volume, the planning preparation organ shall suspend examining and approving any environmental impact assessment document on a new construction project which will increase the total discharge volume of major pollutants in the aforesaid area for the execution of planning.

Chapter V Legal Liabilities

Article 31 If the planning preparation organ makes falsification or neglects its duties when organizing an environmental impact assessment and causes severe distortion thereof, the directly responsible person-in-charge and other directly liable persons shall be given a sanction according to law.

Article 32 Where an examination and approval organ of planning commits either of the following conducts, the directly responsible person-in-charge and other directly liable persons shall be given a sanction according to law:

1. It approves a draft of comprehensive planning or a draft of directive planning in the special planning without the chapter or introduction about the environmental impact thereof as required by law; or
2. It approves a draft of special planning without an attachment of environmental impact report as required by law, or a draft of special planning about which the environment impact report has not been examined by the review team.

Article 33 If the department, which formed a review team, makes falsification or abuses the powers when organizing the examination of the environmental impact report and causes severe distortion of the environmental impact assessment, the directly responsible person-in-charge and other directly liable persons shall be given a sanction according to law.

If any expert who is a member of the review team makes falsification or neglects his duties during the examination of an environmental impact report and causes severe distortion of the environmental impact assessment, the environmental protection administrative department, which established the database of experts, shall disqualify him from the database of experts and make an announcement. If any of the departments' representatives who act as members of the review team commits either of the aforesaid conducts, he shall be given a sanction according to law.

Article 34 If a technical institution for environmental impact assessment of planning makes falsification or neglects duties and causes severe distortion of the environmental impact assessment documents, the environmental protection administrative department of the State Council shall circulate a notice on criticism and give it a fine of 1 time up to 3 times the amount of fees charged. If any crime is constituted, it shall be subject to criminal liabilities.

Chapter VI Supplementary Provisions

Article 35 The people's government of a province, autonomous region or municipality directly under the Central Government may, in light of the local actualities, require the people's governments at the county level within its administrative area to make an environmental impact assessment of their planning. The concrete measures shall be formulated by the province, autonomous region or municipality directly under the Central Government by

reference to the Law of the People's Republic of China on Environmental Impact Assessment and this Regulation.

Article 36 This Regulation shall come into force as of October 1, 2009.

3. Regulations on the Administration of Construction Project Environmental Protection

(Issued via Order No. 253 of the State Council of the People's Republic of China on November 29, 1998; Revised in accordance with the Decision of the State Council on Amending the Regulation on the Administration of Construction Project Environmental Protection on July 16, 2017)

Chapter I General Provisions

Article 1 These Regulations are formulated with a view to preventing construction projects from generating new pollution and damaging the ecological environment.

Article 2 These Regulations shall be applicable to building of construction projects having impacts on the environment within the territory of the People's Republic of China and other territorial sea areas under the jurisdiction of the People's Republic of China.

Article 3 State standards and local standards for the discharge of pollutants must be complied with in building construction projects that generate pollution; requirements for aggregate control of discharge of major pollutants must be met in areas under aggregate control of discharge of major pollutants.

Article 4 Industrial construction projects should adopt clean production techniques with low energy consumption, low materials consumption and low pollutants generation, rationally exploit natural resources to prevent environmental pollution and ecological damage.

Article 5 Measures must be taken in reconstruction, expansion projects and technological transformation projects to treat original environmental pollution and ecological damage related to the said projects.

Chapter II Environmental Impact Evaluation

Article 6 The state practices the construction project environmental impact evaluation system.

Article 7 The state practices classified control over construction project environmental protection in accordance with the extent of environmental impact of construction projects in pursuance of the following provisions:

(1) a report on environmental impact should be compiled for a construction project that may cause major impact on the environment, giving comprehensive and detailed evaluation of the pollution generated and environmental impact caused by the construction project;

(2) a statement on environmental impact should be compiled for a construction project that may cause light impact on the environment, giving analysis or special-purpose evaluation of the pollution generated and environmental impact caused by the construction project; and

(3) a registration form should be filled out and submitted for a construction project that has slight impact on the environment and necessitates no environmental impact evaluation.

The catalogue for the categorized management of environmental impact assessment of

construction projects shall be developed and published by the environmental protection administrative department of the State Council on the basis of organizing experts to conduct demonstration and soliciting opinions of the relevant departments, industry associations, enterprises and public institutions and the public.

Article 8 The report on construction project environmental impact should contain the following contents:

- (1) an overview of the construction project;
- (2) current state of environment surrounding the construction project;
- (3) analysis and predictions of impacts which may be caused by the construction project on the environment;
- (4) measures for environmental protection and their financial and technical authentication;
- (5) environmental impact economic loss-benefit analysis;
- (6) proposals for environment monitoring of the construction project; and
- (7) conclusions of the environmental impact evaluation.

Contents and formats of the construction project environmental impact statement and environmental impact registration form shall be prescribed by the competent department of environmental protection under the State Council.

Article 9 As to a construction project, for which the environmental impact report or the environmental impact statement is required to be prepared in accordance with the law, the project owner shall, before the commencement of construction, submit the environmental impact report or the environmental impact statement to the environmental protection administrative department with the approval authority for approval. If the environmental impact assessment documents of the construction project have not been examined or approved upon examination by the approval authority in accordance with the law, the project owner shall not commence the construction.

When examining the environmental impact report or the environmental impact statement, the environmental protection administrative department shall focus on the examination of environmental feasibility of the construction project, the reliability of environmental impact analysis, forecast and assessment, the effectiveness of environmental protection measures and the scientificity of environmental impact assessment conclusions, and make the approval decision and notify the project owner of the decision in writing within 60 days of receipt of the environmental impact report or within 30 days of receipt of the environmental impact statement respectively.

The environmental protection administrative department may organize the relevant technical institution to conduct technical assessment of the construction project environmental impact report or the construction project environmental impact statement, and assume the relevant expenses. The technical institution shall be responsible for the technical assessment opinion offered by it, and shall not collect any fee from the project owner and the entity conducting environmental impact assessment.

As to a construction project, for which the environmental impact registration form shall be

completed and reported in accordance with the law, the project owner shall, according to the provisions of the environmental protection administrative department of the State Council, submit the environmental impact registration form to the environmental protection administrative department at the county level at the place where the construction project is located for recordation.

The environmental protection administrative department shall conduct the online approval and recordation of the environmental impact assessment documents and disclose the relevant information online.

Article 10 The competent department of environmental protection administration under the State Council shall be responsible for the examination and approval of the following construction project environmental impact reports, environmental impact statements:

- (1) special-nature construction projects such as nuclear facilities and top-secret projects;
- (2) construction projects transcending the administrative areas of the provinces, autonomous regions and municipalities directly under the Central Government; and
- (3) construction projects subject to the examination and approval of the State Council or the examination and approval of the departments concerned authorized by the State Council.

Limits of authority of examination and approval of the construction project environmental impact reports, environmental impact statements or environmental impact registration forms beside those provided for in the preceding paragraph shall be prescribed by people's governments of the provinces, autonomous regions and municipalities directly under the Central Government.

Where a construction project causes trans-administrative area environmental impact and a dispute arises between the competent departments concerned of environmental protection administration over the conclusions of environmental impact evaluation, the environmental impact report or environmental impact statement shall be submitted to the joint competent department of environmental protection administration at the next higher level for examination and approval.

Article 11 Where a construction project falls under any of the following circumstances, the environmental protection administrative department shall make a decision to disapprove the environmental impact report or the environmental impact statement:

- (1) The type, site selection, layout, or scale, among others, of the construction project fails to conform to any law or regulation on environmental protection or any relevant statutory plan.
- (2) The environmental quality in the region where the construction project is located fails to reach the national or local standard for environmental quality, and the measures to be taken for the construction project fail to meet the management requirements for improving the regional environmental quality.
- (3) The pollution prevention measure taken for the construction project cannot guarantee that pollutant emission reaches the national and local emission standard, or no necessary measures have been taken to prevent and control ecological damage.

(4) In the case of reconstruction, expansion or technological transformation of a project, no effective prevention measure has been put forward with respect to the existing environmental pollution and ecological damage of the project.

(5) The environmental impact report or the environmental impact statement of the construction project has evident misrepresentation of the basic data and significant defects and omissions in content, or the environmental impact assessment conclusion is unspecific and unreasonable.

Article 12 After the environmental impact report or the environmental impact statement of the construction project is approved, if there is any significant change in the project nature, scale and location, production technology adopted, or the measures taken to prevent pollution and ecological damage, the project owner shall submit the environmental impact report or the environmental impact statement of the construction project once again for approval.

Where the construction project commences five or more years after the date of approval of the environmental impact report or the environmental impact statement of the project, the said environmental impact report and environmental impact statement shall be submitted to the original approval authority for reexamination. The original approval authority shall notify in writing the project owner of its examination opinion within ten days of receipt of the environmental impact report or the environmental impact statement of the construction project. If the authority fails to do so within the prescribed time limit, it may be deemed that the aforesaid report and statement have been approved upon examination.

No fee shall be charged for the examination and approval of the environmental impact report and the environmental impact statement of the construction project as well as the recordation of the environmental impact registration form.

Article 13 Construction units may adopt the form of open tender to select the units engaging in the work of environmental impact evaluation for environmental impact evaluation of the construction projects.

No administrative organ shall appoint units engaging in the work of environmental impact evaluation for construction units for environmental impact evaluation.

Article 14 Construction units should, in compiling the environmental impact reports, solicit the views of the units and residents concerned of the locality wherein the construction project is located pursuant to relevant provisions of law.

Chapter III Construction of Environmental Protection Facilities

Article 15 Simultaneous design, simultaneous construction and simultaneous going into operation with the main body project must be realized for matching environmental protection facilities construction which is required for the construction project.

Article 16 The preliminary design of a construction project shall, according to the requirements of environmental protection design standards, contain a chapter on environmental protection, and implement the measures for the prevention and treatment of environmental pollution and ecological damage as well as budgetary estimate for investment

in environmental protection facilities.

The project owner shall include the construction of environmental protection facilities in the construction contract, guarantee the construction process of and funds for environmental protection facilities, and, in the course of project construction, organize the implementation of environmental protection countermeasures mentioned in the environmental impact report or the environmental impact statement and in the approval decision made by the approval authority at the same time.

Article 17 The project owner shall, after the completion of the construction project for which the environmental impact report or environmental impact statement is prepared, according to standards and procedures prescribed by the environmental protection administrative department of the State Council, conduct acceptance check of the constructed supporting environmental protection facilities and prepare the acceptance check report.

The project owner shall, in the course of acceptance check of environmental protection facilities, faithfully examine, monitor and record the construction and debugging of environmental protection facilities of the construction project, and shall not commit fraud.

Except for those that shall be kept confidential in accordance with the provisions of the state, the project owner shall release to the public the acceptance check report in accordance with the law.

Article 18 For construction projects that are built in phases, go into production or are delivered for use in phases, acceptance checks for their corresponding environmental protection facilities should be conducted in phases.

Article 19 The construction project for which the environmental impact report or environmental impact statement is prepared may not be put into production or use until the constructed supporting environmental protection facilities have passed the acceptance check. The facilities that have not undergone or fail to pass the acceptance check shall not be put into production or use.

After the construction project prescribed in the preceding paragraph is put into production or use, the environmental impact post-assessment shall be conducted according to the provisions of the environmental protection administrative department of the State Council.

Article 20 The environmental protection administrative department shall supervise and inspect the design, construction, acceptance check, and operation or use of environmental protection facilities of a construction project, as well as the implementation of other environmental protection measures determined in relevant environmental impact assessment documents.

The environmental protection administrative department shall record the information on violations of environmental laws involving the construction project in social integrity archives, and release to the public the list of violators in a timely manner.

Chapter IV Legal Liability

Article 21 Where a project owner commits any of the following conduct, it shall be punished in accordance with the provisions of the Law of the People's Republic of China on

Environmental Impact Assessment:

(1) The project owner commences the construction project without submitting the environmental impact report or the environmental impact statement for approval or reexamination in accordance with the law.

(2) The project owner commences the construction project when the environmental impact report or the environmental impact statement has not been approved or reexamined.

(3) The environmental impact registration form of the construction project has not been granted recordation in accordance with the law.

Article 22 Where a project owner, in violation of the provisions of this Regulation, fails to implement the measures for the prevention and treatment of environmental pollution and ecological damage as well as budgetary estimate for investment in environmental protection facilities when developing the preliminary design of the construction project, fails to include the construction of environmental protection facilities in the construction contract or fails to conduct the environmental impact post-assessment in accordance with the law, the environmental protection administrative department at or above the county level at the place where the construction project is located shall order the project owner to take corrective action within a prescribed time limit, and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan on it. If the project owner fails to do so, it shall be fined not less than 200,000 yuan but not more than one million yuan.

Where the project owner, in violation of the provisions of this Regulation, fails to organize the implementation of the countermeasures for environmental protection as mentioned in the environmental impact report or the environmental impact statement and in the approval decision made by the approval authority in the course of project construction, the environmental protection administrative department at or above the county level at the place where the construction project is located shall order the project owner to take corrective action within a prescribed time limit, and impose a fine of not less than 200,000 yuan but not more than one million yuan on it; and if the project owner fails to do so, shall order it to cease construction.

Article 23 Where a project owner, in violation of the provisions of this Regulation, puts the construction project into production or use when the supporting environmental protection facilities required to be constructed have not been completed or undergone acceptance check or fail to pass the acceptance check, or commits fraud in the acceptance check of the environmental protection facilities, the environmental protection administrative department at or above the county level shall order the project owner to take corrective action within a prescribed time limit, and impose a fine of not less than 200,000 yuan but not more than one million yuan on it. If the project owner fails to do so, it shall be fined not less than one million yuan but not more than two million yuan. The directly responsible person in charge and other liable persons shall be fined not less than 50,000 yuan but not more than 200,000 yuan. If any significant environmental pollution or ecological damage has been caused, the environmental protection administrative department shall order it to cease production or use,

or to shut down the construction project by reporting it to the people's government with approval authority for approval.

Where the project owner, in violation the provisions of this Regulation, fails to release to the public the report on the acceptance check of environmental protection facilities in accordance with the law, the environmental protection administrative department at or above the county level shall order the project owner to release the report to the public, impose a fine of not less than 50,000 yuan but not more than 200,000 yuan on it, and make an announcement.

Article 24 Where a technical institution charges fees from the project owner or the entity conducting environmental impact assessment in violation of the provisions of this Regulation, the environmental protection administrative department at or above the county level shall order the technical institution to refund the fee collected, and impose a fine of not less than one time but not more than three times the fee collected.

Article 25 Where any entity conducting the environmental impact assessment of a construction project commits fraud in the environmental impact assessment, the environmental protection administrative department at or above the county level shall impose a fine of not less than one time but not more than three times the fee collected by the entity.

Article 26 Any functionary of the competent department of environmental protection administration who indulges in malpractices for selfish gains, abuse of power, negligence of duty that constitute a crime shall be investigated of the criminal liability according to law; where a crime has not been constituted, administrative sanctions shall be imposed according to law.

Chapter V Supplementary Provisions

Article 27 Environmental impact evaluation should be done in compiling construction planning for such regional development as valley development, development zone construction, new urban district construction and old urban district reconstruction. Specific measures shall be worked out separately by the competent department of environmental protection administration under the State Council in conjunction with the competent departments concerned under the State Council.

Article 28 Environmental protection administration of offshore engineering construction projects shall abide by the provisions of the State Council concerning environmental protection administration of offshore engineering.

Article 29 Environmental protection administration of construction projects of military installations shall abide by the relevant provisions of the Central Military Commission.

Article 30 These Regulations come into force as of the date of promulgation.

4. Administrative Regulation on the Prevention and Treatment of the Pollution and Damage to the Marine Environment by Marine Engineering

(Promulgated by the Order No. 475 of the State Council on September 19, 2006; and

amended in accordance with the Decision of the State Council to Amend and Repeal Certain Administrative Regulations on March 1, 2017)

Chapter I General Provisions

Article 1 This Regulation is formulated according to the Marine Environment Protection Law of the People's Republic of China for the purpose of preventing, treating and reducing the pollution and damage to the marine environment by marine engineering construction projects (hereinafter referred to as marine projects), keeping marine ecological balance, and preserving marine resources.

Article 2 This Regulation shall be applicable to the prevention of pollution and damage to the marine environment by marine projects within the marine jurisdiction of the People's Republic of China.

Article 3 The “marine projects” as mentioned in this Regulation refers to the newly built, restructured or expanded projects that are constructed for the exploitation, utilization, protection and restoration of marine resources, and whose main parts are situated along the coastline to the side of the sea, and that specifically include:

- (1) Projects of enclosing or filling in the sea, and marine dike projects;
- (2) Projects of artificial islands, sea and seabed material storage facilities, cross-sea bridges, and seabed tunnels;
- (3) Projects of seabed pipes and seabed electric (optical) cables;
- (4) Projects of marine mineral resources exploration and exploitation, and ancillary works;
- (5) Projects of maritime tidal power stations, wave power stations, stations based on temperature difference, and other marine energy exploitation and utilization projects;
- (6) Projects of large seawater farms, and artificial fish-reefs;
- (7) Such seawater utilization projects as the desalination of salt pans and seawater;
- (8) Maritime entertainment, sports and landscape exploitation projects; and
- (9) Other marine projects as prescribed by the state marine administrative department together with the environmental protection administrative department of the State Council.

Article 4 The state marine administrative department shall be responsible for the supervision over and administration of the environmental protection work on the marine projects across the country, and accept the guidance, coordination and supervision of the environmental protection administrative department of the State Council. The marine administrative department of the people's government at or above the level of coastal county shall be responsible for the supervision over and administration of the environmental protection work on marine projects in the sea areas adjacent to its own administrative area.

Article 5 The site selection and construction of marine projects shall be conducted in line with the zoning of marine functions, planning for the marine environmental protection and national environmental protection standards, and shall not affect the environmental quality of marine functional zones or damage the functions of adjacent sea areas.

Article 6 The state marine administrative department shall distribute the pollutant discharge control volume for the marine projects in key sea areas in light of the total pollutant discharge

control indicator for the marine projects in national key sea areas.

Article 7 Any entity or individual shall be entitled to tip off the pollution to the marine environment or the damage to the marine ecology by marine projects to the marine administrative department.

The marine administrative department that has received the said tip-off shall carry out the investigation, and keep secrets for the tip-off.

Chapter II Environmental Impact Assessment

Article 8 The State implements the environmental impact assessment system to marine projects.

The environmental impact assessment of a marine project shall mainly include the comprehensive analysis, forecast and assessment of the effects of the project to the marine environment and marine resources, corresponding ecological protection measures, as well as the forecast, control or reduction of the effects and damage of the project to the marine environment and marine resources.

An environmental impact report on a marine project shall be formulated according to the technical standards for the environment impact assessment of marine projects and other relevant environmental protection standards. The survey and monitor materials as required by the state marine administrative department shall be used for the formulation of environment impact reports.

Article 9 An environmental impact report on a marine project shall include:

- (1) General information about the project;
- (2) Environmental situation of the sea area where the project is located, and the conditions about the exploitation and utilization of adjacent sea areas;
- (3) Analysis, forecast and assessment of possible impacts of the project to the marine environment and marine resources;
- (4) Analysis and forecast of the impacts of the project to the functions of adjacent sea areas and other exploitation and utilization activities;
- (5) Analysis of the economic profits and losses and environmental risks of the project to the marine environment;
- (6) Environmental protection measures to be adopted, and the economic and technical demonstration thereof;
- (7) Conditions on public participation; and
- (8) Environment impact assessment conclusion.

In case a marine project may damage the seashore ecological environment, the environment impact assessment report shall also include the analysis and assessment of the impacts of the project to the natural reserves alongshore and other land ecological systems.

Article 10 The construction entity for a newly-built, restructured or expanded marine project shall entrust an institution with corresponding environment impact assessment qualification to formulate an environment impact report, and shall report it to the marine administrative department that has the examination and approval power for approval.

The marine administrative department shall, before approving an environmental impact report on a marine project, solicit the opinions from the administrative departments of marine affairs and fishery, and the environmental protection department in the army; and may hold a hearing when necessary. For a project of enclosing or filling in the sea, a hearing shall be held.

Article 11 The environment impact reports on the following marine projects shall be subject to the examination and approval of the state marine administrative department:

- (1) Projects involving state marine rights and interests or national defense security, etc.
- (2) Projects of marine mineral resources exploration and exploitation, and ancillary works;
- (3) Projects of filling in the sea with an area of 50 or more hectares, and projects of enclosing the sea with an area of 100 or more hectares;
- (4) Projects of maritime tidal power stations, wave power stations, stations based on temperature difference, and other marine energy development and utilization projects; and
- (5) Marine projects as examined and approved by the State Council or the relevant departments of the State Council.

Other environment impact reports on marine projects than those as mentioned in the preceding Paragraph shall be subject to the examination and approval of the marine administrative department of the people's government at or above the level of coastal county in light of the limit of power as prescribed by the people's government of the province, autonomous region or municipality directly under the Central Government.

In case a marine project may affect the environment of two or more regions and the relevant marine administrative departments have dispute over the environment impact assessment conclusion, the environment impact report on the said project shall be subject to the examination and approval of their common marine administrative department at the next higher level.

Article 12 The marine administrative department shall, within 60 working days upon receipt of an environment impact report on a marine project, make a decision on whether or not to approve it, and notify the construction entity of the decision in written form.

Where the materials need to be supplemented, the marine administrative department shall notify the construction entity in a timely manner, and the term of approval shall be re-calculated as of the day when all the materials are supplemented.

Article 13 Where, after an environment impact report on a marine project is approved, any major change occurs to the nature, scale, site, production technique of the project or to the environmental protection measures to be adopted, the construction entity shall entrust an institution with corresponding environment impact assessment qualification to formulate a new environment impact report, and report it to the marine administrative department that has originally examined and approved the environment impact report on the said project for approval. Where the construction of a marine project is started after five years from the date when the environment impact report on the project has been examined and approved, the environment impact report on the said project shall, before the construction, be reported to

the marine administrative department that has originally examined and approved the environment impact report on the said project for a new approval.

Article 14 A construction entity may determine an environment impact assessment institution for a marine project by way of bid invitation. No entity or individual may designate any environment impact assessment institution for the marine project.

Article 15 Any institution and its technicians for environment impact assessment of marine projects shall obtain corresponding quality certificate and qualification certificates according to the relevant provisions of the environment protection administrative department of the State Council.

Before the environment protection administrative department of the State Council issues qualification certificates to the environment impact assessment institutions for marine projects, it shall solicit the opinions from the marine administrative department of the State Council.

Chapter III Prevention and Treatment of the Pollution Caused by Marine Projects

Article 16 The environmental protection facilities for a marine project shall be designed, constructed and put into use simultaneously with the main part of the marine project.

Article 17 In the preliminary design of a marine project, an environmental protection chapter shall be formulated, environmental protection measures shall be implemented and the investment for environmental protection shall be generally calculated according to the criteria for environmental protection design and the environment impact report as approved.

Article 18 A construction entity shall, within 30 working days before the marine project is put into operation, apply for the check and acceptance of environmental protection facilities to the marine administrative department that has originally approved the environment impact report on the said project; and in case a marine project is put into trial operation, the construction entity shall, within 60 working days before the marine project is put into trial operation, apply for the check and acceptance of environmental protection facilities to the marine administrative department that has originally approved the environment impact report on the said project.

In case a marine project is constructed and put into operation by stages, the corresponding environmental protection facilities shall be checked and accepted by stages.

Article 19 The marine administrative department shall, within 30 working days upon receipt of an application for the check and acceptance of environmental protection facilities, complete the check and acceptance; and if the facilities are found to be unqualified upon check and acceptance, the marine administrative department shall order the rectification within the prescribed time limit.

Where the supporting environmental protection facilities necessary for a marine project have not been checked and accepted by the marine administrative department or are found to be unqualified upon check and acceptance, the said project shall not be put into operation.

No construction entity may illegally dismantle or leave unused the environmental protection facilities for a marine project.

Article 20 Where a marine project became inconsistent with the environment impact report as approved during the course of construction or operation, the construction entity shall, within 20 working days after the said circumstance appears, organize a follow-up environment impact assessment, and take measures for improvement according to the follow-up assessment conclusion, and submit the follow-up assessment conclusion and the measures for improvement as adopted to the marine administrative department that has originally approved the environment impact report on the said project for archival filing; and the marine administrative department that has originally approved the environment impact report on the said project may also order the construction entity to conduct a follow-up assessment conclusion and take the measures for improvement.

Article 21 Any project of enclosing or filling in the sea shall be rigorously controlled. It is prohibited to enclose or fill in the sea at the natural spawning, breeding and feeding grounds of economic organism or bird habitats.

The fillings for a project of enclosing or filling in the sea shall conform to the relevant environmental protection standards.

Article 22 The construction of a marine project shall not cause the erosion, sludging or damage to the territorial sea base points and their surroundings, or endanger the stability of territorial sea base points.

In the case of the construction of a project of sea dam, cross-sea bridge, marine entertainment, sports and landscape development, effective measures shall be adopted to prevent the erosion or sludging of sea coast.

Article 23 The set-up of pollutant outlets for an offshore sewage disposal project shall conform to the division of marine functions and the plans for marine environmental protection, and shall not damage the functions of adjacent sea areas.

The offshore sewage discharge shall not exceed the discharge standards as prescribed by the Central or local government, and shall not exceed the total pollutant discharge control indicator in the case of a sea area for which the total pollutant discharge control is implemented.

Article 24 A culturist engaged in mariculture shall adopt scientific cultivation method to reduce the pollution to marine environment by baits. Where the marine area is polluted or the marine landscape is seriously damaged due to the mariculture, the culturist shall make restitution and put things in order.

Article 25 A construction entity shall, in the process of constructing or operating a marine solid mineral resources exploration and exploitation project, take effective measures to prevent pollutants from large-scale spread and destruction of marine environment.

Article 26 The marine oil and gas mineral resources exploration and exploitation shall be equipped with water separation facilities, oily wastewater treatment equipment, monitoring devices for oil emission, residual oil and used oil recycling facilities, and waste grinding equipment.

Fixed platforms, mobile platforms, floating oil storage devices, pipelines and other

supporting facilities used in the marine oil and gas mineral resources exploration and exploitation shall conform to the impermeable, leak-proof and anti-corrosion requirements. An operating entity shall conduct regular inspections so as to prevent oil spills.

The “fixed platforms” and “mobile platforms” as mentioned in the preceding Paragraph refers to the drilling vessels, drilling platforms, oil production platforms and other platforms used in the marine oil and gas mineral resources exploration and exploitation.

Article 27 An entity of marine oil and gas mineral resources exploration and exploitation shall purchase the relevant pollution and damage liability insurance.

Article 28 In case blasting operations at sea are necessary for the construction of a marine project, the construction entity shall report it to the marine administrative department before the blasting operations, and the marine administrative department shall timely report it to the administrative departments of marine affairs and fisheries.

Obvious signs and signals shall be set up and effective measures for marine resources protection shall be adopted for the blasting operations at sea. Blasting operations in major fishing waters or other operations that may cause damage to the fishery resources shall not be conducted within the spawning season of major economic fish and shrimps.

Article 29 In case a marine project needs to be demolished or used for other purposes, it shall be reported to the marine administrative department that has originally approved the environment impact report on the said project for approval. In case the demolition or change of uses may significantly affect the environment, an environmental impact assessment shall be carried out.

In case a marine project needs to be abandoned at sea, the part that may cause pollution and damage to the marine environment or affect the exploitation and utilization of marine resources shall be demolished according to the relevant provisions on marine dumping wastes.

When a marine project is demolished, the construction entity shall formulate an environmental protection scheme for demolition, adopt necessary measures, and prevent pollution and damage to the marine environment.

Chapter IV Pollutant Discharge Administration

Article 30 The disposal of pollutants occurred in the marine oil and gas mineral resources exploration and exploitation shall be governed by the following provisions:

(1) The oily sewage shall not be discharged into the sea directly or upon dilution, it shall be treated in line with the relevant state discharge standards and then be emitted; and

(2) Plastic products, residual oil, waste oil, oil-based mud, oily garbage and other toxic and harmful residues shall not be discharged directly into the sea or be thrown into the sea, they shall be collectively stored in special containers and be shipped to the land for disposal.

Article 31 It is strictly controlled to add oil into the water-based slurry. Where it is necessary to add oil, it shall be faithfully recorded down, and the types and quantity of the oil to be added shall be reported to the marine administrative department that has originally approved the environment impact report on the said project. It is prohibited to discharge water-based

mud or cuttings whose oil contents are in excess of the standards prescribed by the State.

Article 32 The construction entity shall, after the marine project is put into trial operation or is put into formal operation, accurately record down the conditions about the functioning of pollutant discharge facilities and processing equipment, as well as the discharge and treatment of pollutants, and regularly report them to the marine administrative department that has originally approved the environment impact report on the said project according to the provisions of the state marine administrative department.

Article 33 The marine administrative department of the people's government at or above the county level shall, according to its own power, verify the types and quantity of pollutants discharged by marine projects, and determine the amount of charges for disposing pollutants that should be paid by pollutant dischargers according to the charging rates as determined by the administrative departments of price and finance of the State Council.

A pollutant discharger shall pay the charges for disposing pollutants at a designated commercial bank.

Article 34 In the marine oil and gas mineral resources exploration and exploitation, the automatic pollutants flow monitoring equipment shall be installed to measure the discharge of production sewage, engine emissions and domestic sewage.

Article 35 It is prohibited to discharge oily, acid, lye or toxic sewage or middle or high-level radioactive sewage into the sea, and it is strictly restricted to discharge low-level radioactive sewage. Where the discharge is required, it shall be governed by the State standards for the prevention and treatment of radioactive pollution.

It is strictly restricted to emit the gases containing toxic substances into the atmosphere. Where the emission is required, the said gas should be emitted after purification within the emission standards prescribed by the Central or local government; and the emission of the gases containing toxic substances into the atmosphere shall be governed by the State standards for the prevention and treatment of radioactive pollution.

It is strictly restricted to discharge the sewage containing organics and heavy metals that are not easy to be degraded into the sea; and the discharge of other pollutants shall comply with national or local standards.

Article 36 The charges for disposing sewage paid by marine projects shall be fully incorporated into the budget of treasury, and shall be subject to the separate management of expenditures and incomes, and be all earmarked for the prevention and treatment of pollution to the marine environment. The specific measures therefor shall be formulated by the administrative department of finance together with the state marine administrative department.

Chapter V Prevention and Treatment of Pollution Accidents

Article 37 A construction entity shall, before a marine project is put into formal use, formulate an advanced emergency handling scheme on the prevention and treatment of pollution and damage caused by the marine project, and report it to the marine administrative department that has originally approved the environment impact report on the said project for archival

filing.

Article 38 An advanced emergency handling scheme on the prevention and treatment of pollution and damage caused by the marine project shall include:

- (1) Conditions about the project and the environment and resources of adjacent sea areas;
- (2) Analysis of pollution accident risks;
- (3) Emergency handling facilities; and
- (4) Scheme for dealing with pollution accidents.

Article 39 In case any accident or any other emergency occurred during the construction or operation of a marine project causes or may cause any pollution accident to the marine environment, the construction entity shall immediately report it to the marine administrative department of the people's government at or above the level of coastal county or any other competent administrative department, and take effective measures to reduce or eliminate the pollution, and simultaneously circulate a notice to the entities and individuals that may be endangered.

The marine administrative department of the people's government at or above the level of coastal county or any other competent administrative department shall, upon receipt of the report, timely report it to the people's government at or above the county level and the relevant competent department at the higher level according to the provisions on classification of pollution accidents. The people's government at or above the county level and the relevant competent department shall, in accordance with their respective responsibilities, immediately assign persons to rush to the scene, take effective measures to reduce or eliminate the pollution, and carry out investigation and treatment of pollution accidents.

Article 40 The construction of marine projects within marine natural reserves shall be governed by the State provisions on marine natural reserves.

Chapter VI Supervision and Check

Article 41 The marine administrative department of the people's government at or above the county level shall be responsible for supervision over and check of the prevention and treatment of pollution and damage to the marine environment caused by marine projects, investigate the acts in violation of the laws or regulations on prevention and treatment of marine pollution, and impose punishments.

The personnel for supervision and check of the marine administrative department of the people's government at or above the county level shall carry out supervision and check in strict accordance with the procedures and limit of power as prescribed in the laws or regulations.

Article 42 When the marine administrative department of the people's government at or above the county level checks a marine project on the spot, it shall have the power to adopt the following measures:

- (1) Requiring the entity or individual under check to provide documents, certificates, data and technical materials relating to the environmental protection for consultation or copying;

- (2) Requiring the person in-charge or any other relevant person of the entity under check to explain relevant issues;
- (3) Entering into the work site of the entity under check for monitoring, survey, sampling inspection, photography, and videoing;
- (4) Checking the installation and operation of all kinds of facilities, installations and equipment for environmental protection;
- (5) Ordering offenders to stop illegal activities and to accept investigation and punishments; and
- (6) Requiring offenders to adopt effective measures to prevent aggravation of pollution accidents.

Article 43 The personnel for supervision and check of the marine administrative department of the people's government at or above the county level shall show the law enforcement certificates as prescribed when carrying out law enforcement inspections on the spot. Official aircraft, ships and vehicles for cruise surveillance in the law enforcement inspections shall be clearly marked.

Article 44 Any entity or individual under check shall faithfully provide materials, and shall not refuse or hamper the personnel for supervision and check from legally implementing public duties.

Relevant entities or individuals shall give coordination to the supervision and check of the marine administrative department.

Article 45 The marine administrative department of the people's government at or above the county level shall make administrative punishment decisions on the acts in violation of the laws or regulations on the prevention and treatment of marine pollution; and in case the relevant marine administrative department fails to make administrative punishment decisions according to law, the marine administrative department at the higher level shall order it to make administrative punishment decisions or shall directly make administrative punishment decisions.

Chapter VII Legal Liabilities

Article 46 In case the construction entity of a marine project violates this Regulation by committing either of the following acts, the marine administrative department responsible for examination and approval of the environment impact report on the said project shall order it to stop the construction and operation and to make up formalities within the time limit, and shall impose a fine of 50,000 yuan up to 200,000 yuan on it:

- (1) Illegally constructing the marine project before the environment impact report is approved; or
- (2) Putting the environmental protection facilities for the marine project into use when no application for check and acceptance of such facilities has been filed or such facilities are found to be unqualified upon check and acceptance.

Article 47 In case the construction entity of a marine project violates this Regulation by committing any of the following acts, the marine administrative department responsible for

examination and approval of the environment impact report on the said project shall order it to stop the construction and operation and to make up formalities within the time limit, and shall impose a fine of 50,000 yuan up to 200,000 yuan on it:

(1) The construction entity fails to formulate a new environment impact report and submit it to the marine administrative department that has originally approved the environment impact report on the said project for approval where any major change occurs to the nature, scale, site, production technique of the project or to the environmental protection measures to be adopted;

(2) The construction entity fails to submit an environment impact report to the marine administrative department that has originally approved the environment impact report on the said project for a new approval where the construction of the project is started after five years from the date when the environment impact report has been examined and approved; or

(3) The construction entity fails to make a report to the marine administrative department that has originally approved the environment impact report on the said project for approval or carry out an environmental impact assessment as required where a marine project needs to be demolished or used for other purposes.

Article 48 In case the construction entity of a marine project violates this Regulation by committing either of the following acts, the marine administrative department that has originally approved the environment impact report on the said project shall order it to make correction within the time limit; if it fails to do so, it shall be ordered to stop the operation and be imposed on a fine of 10,000 yuan up to 100,000 yuan:

(1) Illegally demolishing or leaving unused the environmental protection facilities; or

(2) Failing to organize a follow-up environment impact assessment within the prescribed time limit, or failing to take correction measures as required.

Article 49 In case the construction entity of a marine project violates this Regulation by committing either of the following acts, the marine administrative department of the people's government at or above the county level shall order it to stop the construction and operation, and to make restitution; if the construction entity fails to make restitution within the time limit, the marine administrative department may designate an entity with corresponding qualification for restitution, the construction entity shall assume the fees incurred therefrom, as well as a fine of one up to two times of the fees for restitution:

(1) Causing the erosion, sludging or damage to the territorial sea base points and their surroundings; or

(2) Carrying out the construction of marine projects within marine natural reserves.

Article 50 In case a construction entity violates this Regulation by using the fillings for a project of enclosing or filling in the sea that do not conform to the relevant environmental protection standards, the marine administrative department of the people's government at or above the county level shall order it to make correction within the time limit; if it fails to do so, it shall be ordered to stop the construction and operation, and be imposed on a fine of

50,000 yuan up to 200,000 yuan; where a marine environment pollution accident is caused, and a crime is constituted, the person in-charge and others held directly responsible shall be subject to criminal liabilities.

Article 51 In case the construction entity of a marine project violates this Regulation by committing any of the following acts, the marine administrative department that has originally approved the environment impact report on the said project shall order it to make correction within the time limit; if it fails to do so, it shall be imposed on a fine of 10,000 yuan up to 50,000 yuan:

- (1) Failing to report the conditions about the functioning of pollutant discharge facilities and processing equipment or the discharge and treatment of pollutants as required;
- (2) Failing to report the types and quantity of the oil to be added into the water-based slurry as required;
- (3) Failing to report the advanced emergency handling scheme on the prevention and treatment of pollution and damage to the marine environment by the marine project as required;
- (4) Failing to make a report to the marine administrative department before carrying out blasting operations at sea; or
- (5) Failing to set up eye-catching marks and singles as required when carrying out blasting operations at sea.

Article 52 In case a construction entity violates this Regulation by failing to take effective measures to protect marine resources when carrying out blasting operations at sea, the marine administrative department of the people's government at or above the county level shall order it to make correction within the time limit; if it fails to do so, it shall be imposed on a fine of 10,000 yuan up to 100,000 yuan.

In case a construction entity violates this Regulation by carrying out blasting operations in major fishing waters or other operations that may cause damage to the fishery resources within the spawning season of major economic fish and shrimps, the marine administrative department of the people's government at or above the county level shall give it a warning and order it to stop the operation, and impose a fine of 50,000 yuan up to 200,000 yuan on it.

Article 53 In case an entity of marine oil and gas mineral resources exploration and exploitation violates this Regulation by discharging oily sewage into the sea or directly discharging or throwing plastic products, residual oil, waste oil, oil-based mud, oily garbage or other toxic and harmful residues into the sea, the state marine administrative department or its detached office shall order it to make restitution within the time limit, and impose a fine of 20,000 yuan up to 200,000 yuan on it; if the entity fails to do so within the time limit, the state marine administrative department or its detached office may designate an entity with corresponding qualification for restitution, and the entity of marine oil and gas mineral resources exploration and exploitation shall assume the fees incurred therefrom; and where a marine environment pollution accident is caused, and if a crime is constituted, the person

in-charge and others held directly responsible shall be subject to criminal liabilities.

Article 54 In case a culturist engaged in mariculture fails to adopt scientific cultivation methods and causes pollution to the marine environment or seriously damages the marine landscape, the marine administrative department of the people's government at or above the county level shall order it/him to make correction within the time limit; if the culturist fails to do so within the time limit, it/he shall be ordered to stop the cultivation, and be imposed on a fine of one up to two times of the fees for clearing the pollution or restoring the marine landscape.

Article 55 In case a construction entity fails to pay the charge for disposing pollutants according to this Regulation, the marine administrative department of the people's government at or above the county level shall order it to make payments within the time limit; if it fails to do so, it shall be imposed on a fine of two up to three times of the charge for disposing pollutants.

Article 56 In case anyone violates this Regulation by causing pollution and damage to the marine environment, the person liable shall remove the danger and compensate for losses. In case the pollution and damage to the marine environment is caused completely due to the intent or negligence of a third person, the third person shall remove the danger and compensate for losses.

In case any entity violates this Regulation and causes a pollution accident to the marine environment, and if a crime is constituted, the person in-charge and others held directly responsible shall be subject to criminal liabilities.

Article 57 In case any functionary of the marine administrative department violates this Regulation and is under any of the following circumstances, he shall be given an administrative sanction; and if a crime is constituted, he shall be subject to criminal liabilities:

- (1) Failing to examine the environment impact reports on marine projects as prescribed;
- (2) Failing to check and accept environmental protection facilities as required;
- (3) Failing to report, investigate or deal with marine environment pollution accidents as required;
- (4) Failing to collect the charge for disposing pollutants as required; or
- (5) Failing to carry out supervision and check.

Chapter VIII Supplementary Provisions

Article 58 The prevention and treatment of pollution by ships shall be governed by the laws or administrative regulations of the State.

Article 59 This Regulation shall come into force as of November 1, 2006.

5. Regulations of the People's Republic of China Concerning Environmental Protection in Offshore Oil Exploration and Exploitation

(Promulgated by the State Council of the People's Republic of China on December 29, 1983)

Article 1. These Regulations are formulated for the purpose of implementing the Marine Environmental Protection Law of the People's Republic of China so as to prevent pollution

damage to the marine environment by offshore oil exploration and exploitation.

Article 2. These Regulations shall apply to all enterprises, institutions, operators and individuals engaged in offshore oil exploration and exploitation in the sea areas under the jurisdiction of the People's Republic of China, as well as the fixed and mobile platforms and other related installations they use.

Article 3. The competent authority in charge of the environmental protection in offshore oil exploration and exploitation shall be the National Bureau of Oceanography of the People's Republic of China, including its agencies, which is hereinafter referred to as "the Competent Authority".

Article 4. While drawing up an overall development program for an oil (gas) field, an enterprise or operator shall draw up a Marine Environmental Impact Statement and submit it to the Ministry of Urban and Rural Construction and Environmental Protection of the People's Republic of China. The said Ministry shall, in conjunction with the National Bureau of Oceanography and the Ministry of Petroleum Industry, organize an examination of the Statement and take a decision on it in accordance with the provisions concerning environmental protection in state capital construction projects.

Article 5. A Marine Environmental Impact Statement shall consist of the following items:

- (1) The name, geographical location and size of the oil field;
- (2) The natural environment and condition of marine resources in the sea area where the oil field is located;
- (3) The types, composition, quantities and methods of disposal of the wastes that need to be discharged in the course of exploiting the oil field;
- (4) An assessment of marine environmental impacts: the possible effects of offshore oil exploitation on the natural environment and marine resources in the surrounding sea area; their possible effects on marine fisheries, shipping and other offshore activities; and the environmental protection measures proposed to be taken to avoid and mitigate various adverse effects;
- (5) The ultimately unavoidable effects and the extent and causes thereof; and
- (6) Measures to prevent major oil-pollution accidents, including, among others, the preventative organization, personnel, technical equipment, and communication and liaison.

Article 6. An enterprise, institution or operator shall have the ability to meet emergencies with regard to the prevention and control of oil pollution accidents, work out emergency plans, and be provided with oil-recovery facilities as well as oil enclosure and elimination equipment and materials commensurate with the scale of offshore oil exploration and exploitation in which it is engaged.

When chemical dispersant is provided, its trademark and composition shall be reported to Competent Authority for approval.

Article 7. The antipollution equipment for fixed and mobile platforms shall conform to the following requirements:

- (1) There shall be oil-water separators;

- (2) The production platforms shall have equipment for treatment of oily water, and the oil content of the discharged water after treatment through such equipment shall conform to the national discharge standards;
- (3) There shall be monitoring devices for oil discharge;
- (4) There shall be recovery facilities for residual and waste oils;
- (5) There shall be garbage-smashing equipment; and
- (6) The above-mentioned equipment & facilities shall be inspected by the vessels inspection agency of the People's Republic of China, proved to be up to standard, and then granted a certificate of their effectiveness.

Article 8. If the antipollution equipment of a fixed or mobile platform already employed in offshore oil exploration and exploitation in the sea areas under the jurisdiction of the People's Republic of China before March 1, 1983 fails to meet the prescribed requirements, effective measures shall be taken to prevent pollution and to ensure that such equipment meets the prescribed requirements within three years after the promulgation of these Regulations.

Article 9. Each enterprise, institution or operator shall carry insurance or other financial guaranties in respect of civil liabilities for pollution damage.

Article 10. A fixed or mobile platform shall have an Antipollution Record Book printed in a form approved by the Competent Authority.

Article 11. Oily water shall not be discharged, either directly or in diluted form, from any fixed or mobile platform. When the water is discharged after treatment, its oil content must comply with the state standards concerning oily water discharge.

Article 12. Requirements for the control of other wastes are as follows:

- (1) Residual oil, waste oil, oil-based mud, oily garbage, and other noxious liquid or residues shall be recovered and forbidden to be discharged or dumped into the sea;
- (2) The disposal of industrial garbage in large quantities shall be controlled according to provisions concerning marine dumping, and scattered industrial garbage may not be dumped into fishing areas and navigation channels; and
- (3) When it is necessary to dump domestic refuse within 12 nautical miles from the nearest land, it must be smashed into grains with diameters less than 25 mm.

Article 13. When offshore oil exploration and exploitation necessitates dynamite explosion or other operations harmful to fishery resources in important fishing grounds, effective measures shall be taken to keep away from the spawning, breeding and fishing seasons for those fishes and shrimps of major economic value. Such operations shall be reported in advance to the Competent Authority and distinct signs and signals shall be given while operations are carried out.

Upon receiving such a report, the Competent Authority shall promptly inform the relevant units of the location and time of the operations.

Article 14. Offshore oil-storage installations and oil pipelines shall meet the requirements against seepage, leakage and corrosion and be kept in good conditions through regular

inspection so as to prevent oil leakage accidents.

Article 15. In the event of offshore-well testing, the oil and gas shall be thoroughly burned through a burner. Effective measures shall be taken to dispose of the oils and oily mixtures fallen into the sea during the testing and a truthful record be made of such a disposal.

Article 16. In case pollution accidents such as oil spill or leakage occur during operations, the enterprise, institution or operator involved shall take prompt measures to enclose and recover the oil so as to control, mitigate, and eliminate the pollution.

Major oil-pollution accidents involving massive oil spill, oil leakage and/ or blowout shall immediately be reported to the Competent Authority while effective measures are taken to control and eliminate the oil pollution, and the accidents shall be subject to investigation and disposition by the Competent Authority.

Article 17. The use of chemical dispersant shall be controlled in such manners as follows:

(1) When an oil-pollution accident occurs, a small amount of chemical dispersant may be applied to a limited amount of oil which is indeed unrecoverable, provided that recovery measures have been taken;

(2) The amount of chemical dispersant (including its solvent) used once for all shall be separately prescribed by the Competent Authority in accordance with different sea areas and other conditions. The operator shall submit a report to the Competent Authority in pursuance of relevant provisions and may use the chemical dispersant only after permission is granted;

(3) In such an emergency in which the oil spills unlikely to be recovered may cause a fire or present serious threat to the safety of human life and properties whereas, by using chemical dispersant, pollution can be mitigated and the consequences of the accident prevented from expanding, the amount of such dispersant to be used and the relevant procedures for report may be exempt from the restrictions under paragraph (2) of this Article. However, the facts of such an accident and the use of chemical dispersant shall be reported in detail to the Competent Authority after the accident has been dealt with; and

(4) Only the chemical dispersant approved by the Competent Authority may be used.

Article 18. The operator shall make a truthful and detailed account of the following circumstances in the platform's Antipollution Record Book:

(1) The operation of the antipollution equipment and installations;

(2) The treatment and discharge of oily water;

(3) The disposal, discharge and dumping of other wastes;

(4) Oil-pollution accidents involving oil spill, oil leakage, blowout, etc. and their disposition;

(5) The conducting of explosive operations;

(6) The use of chemical dispersant; and

(7) Other matters as may be stipulated by the Competent Authority.

Article 19. Enterprises and operators shall, within the 15 days after each quarter of the calendar year, submit a comprehensive report to the Competent Authority on the antipollution situation and pollution accident of that quarter in a form approved by the latter.

The location of the fixed or mobile platforms shall be notified to the Competent Authority without delay.

Article 20. Functionaries of, and persons designated by, the Competent Authority have the right to board any fixed or mobile platform and any other relevant installation for the purposes of monitoring and inspection, including:

- (1) Collecting various kinds of samples;
- (2) Inspecting the provision, operation and use of the antipollution equipment, installations and materials;
- (3) Checking relevant documents and certificates;
- (4) Inspecting the Antipollution Record Book and relevant operation records and, when necessary, making duplications and extractions thereof and asking the person in charge of the platform to certify that these duplications and extractions are authenticated copies of the originals;
- (5) Inquiring of the concerned persons about pollution accidents; and
- (6) Handling other relevant matters.

Article 21. The public-duty ships of the Competent Authority shall be distinctly marked. In exercising their duties, the functionaries and designated persons shall be dressed in official uniforms and carry identity cards.

The inspected party shall furnish convenience to such public-duty ships, functionaries and designated persons, provide accurate information and state the facts.

Article 22. Entities and individuals claiming compensation on account of pollution damage resulting from offshore oil exploration and exploitation may, pursuant to the provisions of Article 32 of the Environmental Protection Law of the People's Republic of China and Article 42 of the Marine Environmental Protection Law of the People's Republic of China, apply to the Competent Authority to deal with the claim for compensation from the party causing the pollution damage. The injured party shall submit a statement claiming compensation for pollution damages, which shall consist of the following items:

- (1) The time, place and area of and objects affected by, the pollution damage caused by oil exploration and exploitation;
- (2) A list of losses attributable to the pollution damage, including articles, their quantities, unit prices, and the methods of calculation as well as information concerning aquicultural and natural conditions;
- (3) The document of appraisal by relevant scientific institutions or certification by a notary body with regard to the damage; and
- (4) The original document and evidence of the pollution damage, relevant photographs, and other documentary evidence and materials relative to the claim for compensation, which shall be provided as far as possible.

Article 23. When an entity or individual (except those with commercial contracts) considers it necessary to put up a claim for clean-up expenses incurred in the elimination of pollutants

resulting from offshore oil exploration and exploitation and applies to the Competent Authority to deal with the claim, it shall submit to the Authority a statement of claims for such clean-up expenses. The statement shall consist of the following items:

- (1) The time and place of, and objects involved in, each clean-up operation;
- (2) The manpower, machines, tools, vessels and materials used in each clean-up operation, and the quantities, unit prices and their methods of calculation;
- (3) The administrative expenses, transportation expenses, and other expenses involved in organizing such a clean-up operation;
- (4) The effects of, and related information about, the clean-up operation; and
- (5) Other relevant evidences and documents.

Article 24. When an enterprise, institution or operator involved in a pollution damage accident due to force majeure asks to be exempt from compensation liabilities, it shall submit a report to the Competent Authority. Such a report shall verify that the pollution damage has really resulted from one of the causes specified in Article 42 of the Marine Environmental Protection Law of the People's Republic of China and thus failed to be avoided in spite of the prompt and reasonable measures taken.

Article 25. When dealing with a dispute over the compensation liabilities or the sum to be paid for pollution damage from offshore oil exploration and exploitation, the Competent Authority may settle the case through conciliation on the basis of investigation.

In case a party rejects conciliation or contests the conciliation proposals by the Competent Authority, the matter may be dealt with in pursuance of Article 42 of the Marine Environmental Protection Law of the People's Republic of China.

Article 26. An enterprise, institution or operator who has violated the Marine Environmental Protection Law of the People's Republic of China and the present Regulations shall be ordered by the Competent Authority to remedy the pollution damage within a definite time, pay the clean-up expenses incurred in eliminating the pollution, and compensate for the losses sustained by the state, and those who have discharged pollutants in excess of the set standards may be ordered to pay discharge fees.

Article 27. The Competent Authority may, in light of circumstances, give a warning to or impose a fine on any enterprise, institution, operator or individual who have violated the Marine Environmental Protection Law of the People's Republic of China or the present Regulations.

Fines shall be divided into the following categories:

- (1) A fine of no more than Renminbi one-hundred thousand yuan imposed on an enterprise, institution or operator for causing marine environmental pollution.
- (2) A fine of no more than Renminbi five thousand yuan imposed on an enterprise, institution or operator for one of the following unlawful acts:
 - (a) failure to report to the Competent authority on a major oil pollution accident in accordance with relevant rules; and
 - (b) failure to observe the relevant rules in employing chemical dispersant.

(3) A fine of no more than Renminbi one-thousand yuan imposed on an enterprise, institution or operator for one of the following wrongful acts:

- (a) failure to provide an Antipollution Record Book as required;
- (b) making irregular or counterfeit entries in the Antipollution Record Book;
- (c) failure to report or provide information on relevant matters as required; and
- (d) obstructing the above-mentioned functionaries or designated persons in the exercise of their duties.

(4) An appropriate fine imposed on an individual directly liable according to the seriousness of his case.

Article 28. In case a party refuses to accept the sanction decided by the Competent Authority, the matter shall be dealt with in accordance with the provisions of Article 41 of the Marine Environmental Protection Law of the People's Republic of China.

Article 29. The Competent Authority shall commend and reward entities and individuals who, on their own initiative, have reported on, or accused the concealment of pollution damage accidents occurring in oil exploration and exploitation by an enterprise, institution or operator, or have provided evidence in that respect, or have taken measures to mitigate such pollution damage.

Article 30. For the purposes of these Regulations:

- (1) "Fixed and mobile platforms" refers to the drilling vessels, drilling platforms and production platforms, as well as other platforms mentioned in the Marine Environmental Protection Law of the People's Republic of China;
- (2) "Offshore oil exploration and exploitation" refers to such operations as offshore oil exploration, exploitation, production, storage and transportation through pipelines; and
- (3) "Operator" refers to an entity engaged in operations of offshore oil exploration and exploitation.

Article 31. These Regulations shall come into force from the day of promulgation.

6. Administrative Regulation on the Prevention and Control of Pollution Damages to the Marine Environment by Coastal Engineering Construction Projects of the People's Republic of China

(Promulgated by Order 62 of the State Council of the People's Republic of China on June 25, 1990; and amended for the first time according to the Decision of the State Council on Amending the Administrative Regulation on the Prevention and Control of Pollution Damages to the Marine Environment by Coastal Engineering Construction Projects of the People's Republic of China on September 25, 2007; and amended for the second time in accordance with the Decision of the State Council to Amend and Repeal Certain Administrative Regulations on March 1, 2017)

Article 1 To strengthen the environmental protection administration of coastal engineering construction projects, strictly control new pollutions, and protect and improve the marine environment, this Regulation has been made in accordance with the Marine Environment

Protection Law of the People's Republic of China.

Article 2 The coastal engineering construction projects as mentioned in this Regulation shall refer to the engineering construction projects of new construction, reconstruction or expansion, located at or adjacent to the coast, with the body engineering works on the side of the coastline toward the continent, having an impact on the marine environment, including:

1. Harbor, pier, navigation route and coastal airport engineering projects;
2. Shipyards (building or repairing ships);
3. Coastal thermal, nuclear and wind power plants;
4. Coastal material storage facility engineering projects;
5. Coastal mine, chemical, light industry, metallurgical and other industrial engineering projects;
6. Marine discharge engineering projects for handling and treating solid waste, sewage and other pollutants;
7. Large-scale coastal farms;
8. Coast protection engineering works, sand and gravel plants and water conservancy facilities at estuaries;
9. Coastal oil exploration and exploitation engineering projects; and
10. Other coastal engineering projects as set forth by the competent environmental protection authority of the State Council in conjunction with the competent oceanic authority of the state.

Article 3 This Regulation shall apply to all entities and individuals that construct the coastal engineering construction projects within the territory of the People's Republic of China.

The Administrative Regulation on the Prevention of Environmental Pollution by Ship Breaking shall apply to the environmental protection administration of ship breaking yard construction projects.

Article 4 The construction of a coastal engineering construction project shall be in conformity with the requirements of the regional environmental protection planning in the economic zone where it is located.

Article 5 The competent environmental protection authority of the State Council shall be in charge of the national work on the environmental protection of coastal engineering construction projects.

The competent environmental protection authority of a coastal local people's government at or above the county level shall be in charge of the work on the environmental protection of coastal engineering construction projects within its administrative region.

Article 6 A coastal engineering construction project of new construction, reconstruction or expansion shall comply with the provisions of the state on the environmental protection administration of construction projects.

Article 7 The construction employer in a coastal engineering construction project shall develop an environmental impact report (form) according to the law, and submit it to the environmental protection department for approval.

Before approving an environmental impact report (form) for a coastal engineering construction project, the environmental protection department shall consult with the oceanic, maritime, and fishery departments and the military authority for environmental protection. No reclamation of land from the sea shall be allowed at the areas of a natural harbor of a navigation value, the major breeding bases and farms, and the natural spawning, breeding and feeding grounds and major migrating channels of fishes, shrimps, crabs, shellfishes and algae on both sea surface and beach.

Article 8 Compiled according to the relevant provisions, the contents of an environment protection report on a coastal engineering construction project shall also include:

1. Environmental conditions of the locality and sea area nearby;
2. Possible impact on the marine environment during and after construction;
3. Demonstration conclusions of the marine environmental protection measures and technologies and economic feasibility; and
4. Conclusion of the marine environmental impact assessment of a construction project.

The environmental impact form of a coastal engineering construction project shall be filled out by analogy to the preceding paragraph.

Article 9 It shall be prohibited to construct a Chinese-foreign equity joint venture enterprise, Chinese-foreign contractual joint venture enterprise or foreign-funded enterprise that transfers pollution to the sea area or coast of the People's Republic of China; and corresponding measures for the prevention and control of pollution shall be in place for the technologies and equipment imported for a coastal engineering construction project, so as to prevent the transfer of pollution.

Article 10 No coastal engineering construction projects that pollute the environment or ruin the sights shall be constructed in a special marine protection area, marine natural reserve, coastal tourist attraction, salt field reserve, marine bathing beach, major fishery area and other areas that require special protection; and no coastal engineering construction projects that are constructed outside the above areas shall impair the environmental quality of the above areas, except as otherwise provided for by a law or administrative regulation.

Article 11 An entity that conducts the environmental impact assessment of a coastal engineering construction project shall legally acquire the Certificate of Qualification for Environmental Impact Assessment of Construction Project, and conduct the assessment within the extent set forth in this Certificate.

Article 12 When a coastal engineering construction project is completed for inspection and acceptance, the construction project may be formally put into production or service only after the environmental protection facility of the construction project has been inspected and qualified by the competent environment protection authority.

Article 13 According to the project administrative powers, the competent environmental protection authority of the people's government at or above the county level may conduct the on-site inspection of a coastal engineering construction project in conjunction with the relevant authorities, the inspected shall provide true information and materials, and the

inspector shall be responsible for keeping the technical know-how and trade secret of the inspected, except as otherwise provided for by a law or administrative regulation.

Article 14 Where a facility for the discharge of wastewater into a sea area is set up, the self-purification capacity of sea water shall be reasonably utilized, and the location of the outfall shall be properly selected. Where the discharge manner of blind drainage or conduit is adopted, the location of the outfall shall be under the low tide line.

Article 15 In the construction of a harbor or pier, the pollution prevention facilities that are appropriate for its handling capacity and goods types shall be set up.

A harbor, pier for oil or pier for hazardous chemicals shall have emergency response equipment and instruments for major pollution damage accidents.

Where an existing harbor or pier fails to satisfy the requirements in the preceding two paragraphs, the competent environmental protection authority in conjunction with the competent harbor and pier authorities shall order it to set up or have the same above within a time limit.

Article 16 In the construction of a coastal shipyard (building or repairing ships), the facilities for receiving and treating residual and waste oil that are appropriate for its nature and scale shall be set up, including facilities for receiving and treating oil wastewater, for screening, receiving and dissolving oil, for receiving and treating industrial wastewater, for receiving and treating industrial and ship waste, etc.

Article 17 The construction of a coastal nuclear power plant or any other nuclear facility shall be strictly in conformity with the relevant state provisions and standards for the nuclear environment protection and radioactive control.

Article 18 In the construction of a coastal oil depot, the facilities for receiving and treating oil wastewater, for collecting and treating wastewater from depot ground scrub and for accidental emergency response shall be set up; the oil pipeline and storage facilities shall be in conformity with the state provisions on anti-seepage and anti-erosion.

Article 19 In the construction of a coastal mine or in the process of exploitation, mineral separation, transportation, storage, smelting or disposal of tailings, the measures for preventing pollution damages to the marine environment shall be taken according to the relevant provisions.

Article 20 In the construction of a coastal refuse dump or industrial refuse landfill, the preventive dyke and bottom impermeable layer shall be built, and the systems of seepage collection, export and disposal and explosion-proof devices for flammable gas shall be set up.

Article 21 In the repair or construction of a coast protection engineering work or the construction of a water conservancy facility, navigation route or integrated control work at the estuary, the measures for preventing damages to the environment and aquatic product resources shall be taken.

Article 22 In the construction of a coastal engineering construction project, it shall be prohibited to change or ruin the living environment of key wild animals and plants under the

state and local protection. It shall be prohibited to construct a coastal engineering construction project that is likely to pollute or ruin the living environment of key wild animals and plants under protection; where the construction is really necessary, the consent of the competent administrative authority for wild animals and plants shall be acquired, and the construction entity shall be responsible for organize and take such measures as non-local breeding to ensure the continuity of species.

Where the construction of gates or dams at the migrating channels of fishes, shrimps, crabs and shellfishes has a serious effect on the fishery resources, the construction entity shall build fish passage facilities or take other remedial measures.

Article 23 Where a collective-owned entity or individual constructs a breeding project, which is not a basic construction project, within a public-owned water area or sea beach, the construction shall be made within the area as planed by the local people's government at or above the county level.

The occasional sand and gravel extraction by a collective-owned entity or individual for profits shall be made within the area as specified by the local people's government at or above the county level.

Article 24 In an area where mangroves or coral reefs grow, it shall be prohibited to construct a coastal engineering construction project that ruins the ecosystem of mangroves or coral reefs.

Article 25 In the construction of a coastal engineering construction project, the abnormal erosion of coast shall be prevented.

It shall be prohibited to engage in the explosion, sand and gravel extraction, taking of soil or any other activity that endangers the safety of a coast protection facility within the protective bounds of the coast protection facility as provided for by the administrative authority for coast protection facilities. Without the approval of the relevant competent authority empowered by the State Council, it shall be prohibited to occupy or dismantle a coast protection facility.

Article 26 Where a coastal engineering construction project is constructed without an examined and approved environmental impact report (form), a penalty shall be imposed according to Article 79 of the Marine Environment Protection Law of the People's Republic of China.

Article 27 Where the on-site inspection by the competent environmental protection authority is refused or obstructed, or any falsehood is made at the time of inspection, the competent environmental protection authority of the people's government at or above the county level shall impose a penalty according to Article 75 of the Marine Environment Protection Law of the People's Republic of China.

Article 28 Where a coastal engineering construction project is put into production or service when its environmental protection facility is still under construction or fails to satisfy the prescribed requirements, a penalty shall be imposed according to Article 80 of the Marine Environment Protection Law of the People's Republic of China.

Article 29 Where any working staff member of the competent environmental protection

authority abuses powers, commits dereliction of duty or practices favoritism for personal gains, the employing authority or competent superior authority shall impose an administrative discipline on such a member; where a crime is constituted, such a member shall be pursued for criminal liability.

Article 30 This Regulation shall be effective as of August 1, 1990.

7. Regulations of the People's Republic of China on the Dumping of Wastes at Sea

(Promulgated by the State Council of the People's Republic of China on March 6, 1985, and revised for the first time in accordance with the Decision of the State Council on Abolishing and Amending Some Administration Regulations on January 8, 2011, and revised for the second time in accordance with the Decision of the State Council to Amend and Repeal Certain Administrative Regulations on March 1, 2017)

Article 1 These Regulations are formulated for the purpose of implementing the Marine Environmental Protection Law of the People's Republic of China and strictly controlling the dumping of wastes at sea so as to prevent pollution damage to the marine environment, maintain ecological balance, preserve marine resources and promote the marine cause.

Article 2 For the purposes of these Regulations, "dumping" means the disposal of wastes or other matter from vessels, aircraft, platforms or other vehicles at sea; the disposal of vessels, aircraft, platforms or other man-made structures at sea; the disposal at sea of wastes or other matter arising from, or related to the exploration and exploitation of sea-bed mineral resources and offshore processing related thereto.

"Dumping" does not include the discharge of wastes arising from the normal operation of vessels, aircraft, or other vehicles and facilities.

Article 3 The present Regulations shall apply to:

- (1) The dumping of wastes or other matter into the internal sea and the territorial sea, onto the continental shelf and into other sea areas under the jurisdiction of the People's Republic of China;
- (2) The wastes of loading or other matter on land or in the harbours of the People's Republic of China for the purpose of dumping;
- (3) The shipping of wastes or other matter in the internal sea, territorial sea and other sea areas under the jurisdiction of the People's Republic of China for the purpose of dumping;
- (4) The incineration & disposal of wastes or other matter in the sea areas under the jurisdiction of the People's Republic of China.

In case of wastes arising from the offshore oil exploration and exploitation, the Regulations of the People's Republic of China Concerning Environmental Protection in Offshore Oil Exploration and Exploitation shall apply.

Article 4 The competent authority in charge of the dumping of wastes at sea shall be the State Oceanic Administration of the People's Republic of China and its agencies (hereinafter referred to as the Competent Authority).

Article 5 The dumping areas at sea shall be designated by the Competent Authority, in

consultation with the departments concerned on basis of scientific, rational, safety and economical principles, subject to approval by the State Council.

Article 6 An entity which intends to dump wastes at sea shall make an application to the Competent Authority by filling in an application form for dumping wastes as required and submitting this with a test paper on the characteristics and composition of the wastes.

The Competent Authority shall examine and act on the application within two months of the receipt of the application. Permits for the dumping of wastes shall be issued to those whose applications have been approved.

No entities, ships, aircraft, platforms or other vehicles shall be allowed to dump wastes at sea without the approval of the Competent Authority in accordance with law.

Article 7 No wastes of foreign countries shall be allowed to be shipped to the sea areas under the jurisdiction of the People's Republic of China for the purpose of dumping, including the disposal of vessels, aircraft, platforms or other man-made structures at sea. The violators shall be ordered by the Competent Authority to remedy the pollution damage within a definite time, pay clean-up expenses incurred in eliminating the pollution, compensate for the losses and be liable to a fine.

The dumping of wastes which is carried out beyond the sea areas under the jurisdiction of the People's Republic of China, but which has resulted in pollution damage to the sea areas under the jurisdiction of the People's Republic of China, shall be dealt with pursuant to the provisions of Article 17 of the present Regulations.

Article 8 Any vessels or other vehicles which ship wastes through the sea areas under the jurisdiction of the People's Republic of China for the purpose of dumping shall notify the Competent Authority fifteen days before their entry into the sea areas under the jurisdiction of the People's Republic of China and at the same time report the time of their entry and their routes, as well as the names, quantities and composition of the wastes.

Article 9 Vessels and platforms of foreign nationality which intend to dump wastes or other matter arising from, or related to the exploration, exploitation and associated offshore processing of seabed mineral resources shall report to the Competent Authority for approval in accordance with the stipulated procedure.

Article 10 The permit for dumping shall clearly indicate the waste-dumping entity, term of validity, quantities and categories of the wastes, and method of dumping.

The issuance of permits shall be strictly controlled in accordance with the relevant provisions of the present Regulations. The Competent Authority may change or revoke a permit in view of the variation of the marine ecological environment and the development of science and technology.

Article 11 Wastes shall fall into three categories in accordance with factors such as toxicity, harmful substance content, impact upon the marine environment, etc. The criteria governing the classification of wastes shall be established by the Competent Authority. The Annexes to these Regulations may be amended by the Competent Authority in the light of the variation of the marine ecological environment, the development of science and technology and the

need for the preservation of marine environment.

(1) The dumping of wastes or other matter listed in Annex I shall be prohibited (See Annex I). In emergencies when their disposal on land may pose serious danger to human health, such wastes may be dumped in the designated area in a specified way after the dumping is approved by the State Oceanic Administration and an emergency permit is granted.

(2) The dumping of the wastes listed in Annex II requires a prior special permit (See Annex I).

(3) The dumping of the low-toxic and non-toxic wastes not included in Annex I and II requires a prior general permit.

Article 12 The entities which have been permitted to dump wastes at sea shall notify the Competent Authority for verification at the time of loading such wastes.

Verification shall be carried out in accordance with the items recorded in the permit. If the Competent Authority finds the wastes actually loaded do not accord with the items specified in the permit, it shall order the shipping to be stopped. In serious cases, the permit shall be suspended or withdrawn.

Article 13 The Competent Authority shall monitor and supervise the dumping of wastes at sea and, when necessary, send officials to go with the vessel. The dumping entity shall provide facilities for such officials.

Article 14 The entities which have been permitted to dump wastes at sea shall conduct the dumping in a designated area within the time limit and according to the requirements as specified in the permit, fill in the form for recording details of the dumping in good faith and then submit it to the Competent Authority in accordance with the requirement specified in the permit. Waste-dumping vessels, aircraft, platforms or other vehicles shall have distinctive marks and signals, and the details of dumping shall be recorded in the Log Book.

Article 15 Waste-dumping vessels, aircraft, platforms and other vehicles may be exempt from compensation liabilities under the circumstances specified in Article 89 and 91 of the Marine Environmental Protection Law of the People's Republic of China.

If the dumping is not carried out in the area and under the conditions specified by the permit due to urgent need to avert hazards or to save life, the dumping entity shall do its best to avoid or reduce the pollution damage arising from the dumping and report to the Competent Authority after the event as soon as possible. The dumping entity and those who benefit from the emergency aversion of hazards or life salvage shall make compensation for the pollution damage arising therefrom.

As for the pollution damage arising from the wrongful act by a third party, the dumping entity shall present conclusive evidence to the Competent Authority, which, having affirmed the evidence, shall order the third party to be liable for damages.

When the vessels, aircraft, platforms or other vehicles which sail and operate at sea have to be abandoned due to force majeure, the owners shall report to the Competent Authority and the nearby harbour superintendency administration, and shall conduct the salvage and clean-up work as soon as possible.

Article 16 The Competent Authority shall monitor the ocean dumping areas regularly, strengthen management and avoid harmful impacts upon fishery resources and other activities at sea. When a dumping area is found to be no longer suitable for further dumping, the Competent Authority may decide to have it closed.

Article 17 Those who have violated the present Regulations and thus caused pollution damage to the marine environment shall be ordered by the Competent Authority to remedy the pollution damage within a definite time, pay clean-up expenses incurred in eliminating the pollution and compensate the injured party for the losses arising therefrom, and shall be given a warning or be subject to a fine of no more than one hundred thousand yuan (RMB) in light of the seriousness of the case and the degree of the pollution damage arising therefrom.

Article 18 Any entity or individual claiming damages shall submit to the Competent Authority a statement of claims for pollution damages. The statement shall include: the time, place and area of pollution damage, and objects affected, a detailed list of losses, technical appraisal and certification by a notary public, as well as relevant original documents and photos, etc.

Article 19 Upon the completion of the operation, the entity entrusted with the task of cleaning up pollutants shall submit to the Competent Authority as soon as possible a statement of claims for clean-up expenses. The statement shall include: the time and place of the clean-up operation and the manpower, machines, tools, vessels committed, the quantities and unit prices of the materials used in the clean-up operation, the calculation methods employed, the administrative, transportation and other expenses involved in organizing such a clean-up operation, and the effects of and related information about the clean-up operation, as well as other relevant evidences and documents.

Article 20 The criteria of punishment for offences are as follows:

(1) Those who commit one of the following offences shall be given a warning or liable to a fine of no more than two thousand yuan (RMB);

a) Forgery of the waste-testing certificate;

b) Failure to fill in the form for recording the wastes dumping as specified in Article 14 of the present Regulations;

c) Failure to report in time to the Competent Authority and the harbour superintendency administration under the circumstances provided for in Article 15 of the present Regulations.

(2) Where there are obvious discrepancies between the wastes actually loaded and the items indicated in the permit, the violator in serious cases may be levied a fine of no less than two thousand yuan (RMB) and no more than five thousand yuan (RMB) in addition to the suspension and withdrawal of the permit;

(3) Those who dump wastes without notifying the Competent Authority and the harbour superintendency administration for verification in accordance with the provisions of Article 12 of the present Regulations shall be liable to a fine of no less than five thousand yuan (RMB) and no more than twenty thousand yuan (RMB);

(4) Those who commit one of the following offences shall be liable to a fine of no less than twenty thousand yuan (RMB) and no more than one hundred thousand yuan (RMB):

(a) The dumping of wastes without approval;

(b) The dumping of wastes not in accordance with the requirements and in the area as stipulated in the approval, the circumstances specified in Article 15 of the present Regulations being excepted.

Article 21 The persons directly responsible for the pollution damage or possible pollution damage to the marine environment in violation of the present Regulations shall be given a warning or liable to a fine, or both.

The persons directly responsible for heavy losses of property or causing casualties as a result of the pollution damage to the marine environment in violation of the present Regulations shall be prosecuted for their criminal responsibility by judicial organs according to law.

Article 22 In case the party concerned objects to the penalty imposed by the Competent Authority, it may initiate proceedings in the People's Court within fifteen days of the receipt of the penalty notice. If the party does not take the above action before the term expires, nor does it carry out the penalty decision, the Competent Authority shall ask the People's Court to take enforcement measures.

Article 23 Any individual who, on his own initiative, has reported on, or exposed acts in violation of the present Regulations resulting in the pollution damage to the marine environment, or actively provided evidences for such happenings, or has taken effective measures to reduce the pollution damage shall be commended or rewarded.

Article 24 These Regulations shall come into force on April 1, 1985.

ANNEX I:

SUBSTANCES THE DUMPING OF WHICH IS PROHIBITED

1. Wastes containing or ganohalogen compounds, mercury and mercury compounds, cadmium and cadmium compounds, except those which contain a mere trace of the matter listed above and can be rapidly rendered harmless in sea water;
2. High-level radioactive wastes or other high-level radioactive matter;
3. Crude oil and its wastes, refined petroleum products, petroleum distillage residues or any mixtures containing such matter;
4. Netting, ropes, plastics or other artificial synthetic materials, which may float or may remain in suspension in the sea so as to interfere seriously with navigation, fishing and other activities or endanger marine organisms;
5. Sewage sludges and dredged spoils containing matters referred to in paragraphs 1 and 2 of the present Annex.

ANNEX II:

SUBSTANCES WHICH REQUIRE A SPECIAL PERMIT FOR DUMPING

1. Wastes containing significant amounts of matters listed below:
 - (1) Arsenic and its compounds;

- (2) Lead and its compounds;
- (3) Copper and its compounds;
- (4) Zinc and its compounds;
- (5) Organosilicon compounds;
- (6) Cyanides;
- (7) Fluorides;
- (8) Beryllium, chromium, nickel, vanadium and their compounds;
- (9) Pesticides and their by-products not covered in Annex I.

with harmless substance or substances that may be rapidly rendered harmless in sea water being excepted.

2. Wastes containing low-level radioactive matter.

3. Containers, scrap metal or other bulky wastes which are likely to sink to the sea bottom and may present serious obstacles to fishing or navigation.

4. Sewage sludges and dredged spoils containing matters referred to in paragraphs 1 and 2 of the present Annex.

8. Regulation on the Prevention and Control of Vessel-induced Pollution to the Marine Environment

(Promulgated by the Order No. 561 of the State Council of the People's Republic of China on September 9, 2009; revised for the first time as per the Decision of the State Council on Appealing and Amending Some Administrative Regulations on July 18, 2013; revised for the second time as per the Decision of the State Council on Amending Some Administrative Regulations on December 7, 2013; revised for the third time as per the Decision of the State Council on Amending Some Administrative Regulations on July 29, 2014; and revised for the fourth time as per the Decision of the State Council on Amending Some Administrative Regulations on February 6, 2016; amended for the fifth time in accordance with Decision of the State Council to Amend and Repeal Certain Administrative Regulations on March 1, 2017.)

Chapter I General Provisions

Article 1 This Regulation is formulated in accordance with the Marine Environmental Protection Law of the People's Republic of China for the purpose of preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment.

Article 2 This Regulation shall apply to the prevention and control of pollution caused by vessels and the relevant operations to the sea areas of the People's Republic of China.

Article 3 The prevention and control of the pollution caused by vessels and the relevant operations to the marine environment shall observe the principle of giving priority to prevention and combining prevention with control.

Article 4 The transport administrative department under the State Council shall take charge of the prevention and control of the pollution to the marine environment caused by non-

military vessels inside the harbor waters under its jurisdiction and by non-fishing vessels and non-military vessels outside the harbor waters under its jurisdiction.

The maritime administrative institutions shall, in accordance with this Regulation, be responsible for the specific supervision and administration of the prevention and control of the pollution caused by vessels and the relevant operations to the marine environment.

Article 5 The transport administrative department under the State Council shall, under the requirements for prevention and control of the pollution caused by vessels and the relevant operations to the marine environment, organize the preparation of the planning for the construction of the emergency response capacity of preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment, which shall be promulgated and implemented upon approval by the State Council.

The coastal local people's governments at and above the level of cities divided into districts shall, according to the planning for the construction of the emergency response capacity of preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment which is approved by the State Council and in light of the local actualities, organize the preparation of the corresponding planning for the construction of the emergency response capacity of preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment.

Article 6 The transport administrative department under the State Council and the coastal local people's governments at and above the level of cities divided into districts shall establish and improve emergency response mechanisms for preventing and controlling the pollution caused to the marine environment by vessels and relevant operations, and formulate contingency plans for preventing and controlling the pollution caused to the marine environment by vessels and relevant operations.

Article 7 The maritime administrative institutions shall, jointly with the oceanic administrative departments, establish and improve the monitoring and surveillance mechanisms for the pollution caused to the marine environment by vessels and relevant operations according to the requirements for preventing and controlling the pollution caused by vessels and relevant operations to the marine environment so as to strengthen the monitoring and surveillance on the aforesaid pollution.

Article 8 The transport administrative department under the State Council and the coastal local people's governments at and above the level of cities divided into districts shall, in accordance with the planning for the construction of the emergency response capacity of preventing and controlling the pollution caused to the marine environment by vessels and relevant operations, set up professional emergency response contingents and emergency equipment bases, which shall be equipped with special facilities, equipment and instruments.

Article 9 Any entity or individual who finds that any vessel or relevant operations thereof have caused or are likely to cause pollution to the marine environment shall make a prompt report to the closest maritime administrative institution.

Chapter II General Provisions on the Prevention and Control of the Pollution Caused

by Vessels and the Relevant Operations to the Marine Environment

Article 10 The structure, equipment and instruments of a vessel shall conform to the relevant technical requirements of the state for preventing and controlling the vessel-induced pollution to the marine environment and the requirements of the international treaties concluded or acceded to by the People's Republic of China.

The vessels shall, in accordance with the laws, administrative regulations, provisions of the transport administrative department under the State Council and the requirements of the international treaties concluded or acceded to by the People's Republic of China, obtain and carry on board corresponding certificates and documents relating to the prevention and control of vessel-induced pollution to the marine environment.

Article 11 The owners, operators or managers of the vessels of Chinese registry shall, in accordance with the requirements of the transport administrative department under the State Council, establish and improve their management systems for safe operation and for the prevention and control of vessel-induced pollution.

The maritime administrative institutions shall examine the management systems for safe operation and for the prevention and control of vessel-induced pollution, and issue a certificate of compliance and a corresponding vessel safety management certificates to the vessels which have passed the examination.

Article 12 The ports, docks, loading and unloading stations and the entities engaged in building or repair of vessels shall be equipped with the pollution monitoring facilities and pollutant receiving facilities commensurate with the categories of the cargos loaded or unloaded by them, their throughput capacities or their abilities of building or repairing vessels, and shall keep these facilities in good conditions.

Article 13 The ports, docks, loading and unloading stations, and the entities engaged in the building, repair, salvaging, dismantling and other operations of vessels shall formulate management systems for safe operation and pollution prevention and control, and shall, in accordance with the relevant specifications and standards of the state for preventing and controlling the pollution caused to the marine environment by vessels and the relevant operations, be equipped with corresponding equipment and instruments for pollution prevention and control.

The ports, docks, loading and unloading stations, and the entities engaged in the building, repair, salvaging, dismantling and other operations of vessels shall, on a regular basis, check and maintain the equipment and instruments equipped for pollution prevention and control so as to ensure that the equipment and instruments for pollution prevention and control meet the requirements for the prevention and control of the pollution caused to the marine environment by vessels and the relevant operations.

Article 14 The owners, operators or managers of vessels shall formulate contingency plans for preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment, and report them to the maritime administrative institutions for

approval.

The operators of ports, docks and loading and unloading stations, and the relevant operation entities shall make contingency plans for preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment, and report them to the maritime safety administrations and the environmental protection administrative departments for recordation.

The vessels, ports, docks, loading and unloading stations and other relevant operation entities shall, in accordance with the contingency plans, organize drillings on a regular basis and make corresponding records.

Chapter III Discharge and Reception of Vessel Pollutants

Article 15 The vessel garbage, sewage, oily waste water, waste water containing toxic and hazardous substances, waste gas and other pollutants and ballast water discharged by vessels to the ocean within the sea areas of the People's Republic of China shall meet the requirements of the laws, administrative regulations, the international treaties concluded or acceded to by the People's Republic of China, and other relevant standards.

The pollutants which fail to meet the requirements for discharge as prescribed in the preceding paragraph shall be discharged by vessels into the receiving facilities in the ports or be received by the receiving entities of vessel pollutants.

No vessel may discharge vessel pollutants to the marine natural reserves, seashore scenic spots and historic sites, important fishing waters which are delimited pursuant to law and other sea areas which need special protection.

Article 16 The vessels shall make truthful records of the disposal of pollutants in corresponding record books.

The vessels shall keep on board the record books of vessel garbage which have been used up for two years; and shall keep on board for three years the record books of the oily waste water and waste water containing toxic and hazardous substances which have been used up.

Article 17 The receiving entities of vessel pollutants that receive vessel garbage, residual oil, oily waste water, and waste water containing toxic and hazardous substances shall develop operational plans, comply with the relevant operating rules and procedures, and take necessary anti-pollution measures. The receiving entities of vessel pollutants shall report the reception of vessel pollutants to the maritime safety administration as required.

Article 18 When receiving vessel pollutants, the receiving entities of vessel pollutants shall issue pollutant reception certificates to the vessels, which shall be signed by the both parties for confirmation and be kept for at least two years. A pollutant reception certificate shall indicate the names of both operating parties, the starting and ending time and place of operation, and the type and quantity of the pollutants, among others. The pollutant reception certificates shall be kept by the vessels in the corresponding record books.

Article 19 The receiving entities of vessel pollutants shall dispose of the received vessel pollutants in accordance with the relevant provisions of the state on the disposal of pollutants,

and file the information on reception and disposal of vessel pollutants with the maritime administrative institutions monthly for archival purposes.

Chapter IV Prevention and Control of the Pollution Caused by Vessels and the Relevant Operations

Article 20 Those engaged in the clearing and washing of vessel cabins, oil supply and acceptance, loading and unloading, barging, building and repair, salvage, dismantling, packing or filling of cargos with hazardous pollutants, pollution clean-up operations, above-water and underwater construction by using vessels and other operations shall comply with the relevant operating rules, and take necessary measures for safety and pollution prevention and control.

The personnel engaged in the operations as prescribed in the preceding paragraph shall possess relevant professional knowledge and skills of safety and pollution prevention and control.

Article 21 If a vessel fail to meet the requirements for worthiness of cargos with hazardous pollutants, it shall not carry any cargo with hazardous pollutants, and the ports and loading and unloading stations shall not carry out loading operations for the said vessel.

The directory of the cargos with hazardous pollutants shall be announced by the maritime administrative institution of the state.

Article 22 For any vessel carrying cargo with a pollution hazard to enter or exit a port, the carrier, owner of the cargo, or agent thereof shall file an application with the maritime safety administration, and the vessel may enter or exit the port or make a transit stop only after the application is approved.

Article 23 The vessels carrying cargos with hazardous pollutants shall conduct loading and unloading operations at the docks or loading and unloading stations which possess corresponding capabilities of safe loading and unloading and pollutant disposal as announced by the maritime administrative institutions.

Article 24 When delivering any cargo with hazardous pollutants to vessels for carriage, the owner of the cargo or the agent thereof shall ensure that the packaging, signs, etc. of the cargo conform to the relevant provisions on safety and pollution prevention and control, and shall accurately indicate the technical names, serial numbers, categories (nature) and quantities of the cargo, precautions, emergency response measures, etc. in the transport documents.

The cargo with hazardous pollutants of uncertain nature to be delivered by the owner or the agent thereof to vessel for carriage shall, before being delivered to vessel, be subject to hazardous assessment by the entrust the relevant technical institutions, which shall specify the nature of hazard of the cargo and the relevant requirements for safety and pollution prevention and control.

Article 25 Where any maritime administrative institution deems that any cargo with hazardous pollutants delivered to a vessel for carriage has not been declared while they should be, or what is declared is inconsistent with the actual situation, it may, in accordance

with the provisions of the transport administrative department under the State Council, open the container and inspect the cargo, etc.

When the maritime administrative institution inspects any cargo with hazardous pollutants, the owner of the cargo or the agent thereof shall be present and be responsible for moving the cargo, and removing and resealing the package of the cargo. Where the maritime administrative institution deems it necessary, it may directly inspect, re-inspect or extract samples of the cargo, and the relevant entities and individuals shall be cooperative.

Article 26 For any vessel barging bulk liquid cargo with hazardous pollutants, the carrier, the owner of the cargo or the agent thereof shall make an application to the maritime administrative institution, notify the site of operation, and submit the barging operation plan, operation procedures, measures for pollution prevention and control and other materials.

The maritime administrative institution shall, within two workdays upon acceptance of the application, make a decision on approval or disapproval. If it fails to make a decision within two workdays, the time limit may be extended for five more workdays upon approval of the person in charge of the maritime administrative institution.

Article 27 The entities that have legally obtained the qualifications for conducting vessel oil supply and acceptance operations shall file with the maritime administrative institutions. The maritime administrative institutions shall conduct supervision and inspection on the vessel oil supply and acceptance operations, and shall stop the operations of the entities which are found to fail the requirements for safety and pollution prevention and control.

Article 28 The vessel fuel supply entities shall truthfully fill in the fuel supply and acceptance documents, and provide the vessel fuel supply and acceptance documents and samples of fuel to the vessels.

The vessels and the vessel fuel supply entities shall keep the fuel supply and acceptance documents for three years and properly keep the samples of fuel for one year.

Article 29 The sites for vessel building or repair or dismantling of vessels on water shall comply with the environmental functional zoning and marine functional zoning.

Article 30 The entities engaged in dismantling vessels shall, before dismantling a vessel, dispose of the residues and wastes on the vessels, barge out the oil in the oil holds (tanks) and then clear and wash the vessel cabins, conduct an explosion test, etc.

The entities engaged in dismantling vessels shall timely clean up the sites of vessel dismantling and dispose of the pollutants generated from vessel dismantling in accordance with relevant provisions of the state.

It shall be prohibited from dismantling vessels on the beach.

Article 31 Vessels shall be prohibited from transferring hazardous wastes through the internal waters or territorial sea of the People's Republic of China.

If a vessel transfers hazardous wastes through other sea areas of the People's Republic of China, it shall obtain a written approval from the environmental protection administrative department under the State Council beforehand, navigate according to the route designated by the maritime administrative institution, and report the location of the vessel on a regular

basis.

Article 32 If a vessel dumps wastes into the sea, it shall make truthful records of the dumping, and shall, after returning to the port, submit a written report to the maritime administrative institution of the place where the port of departure is located.

Article 33 For the vessels carrying bulk liquid cargoes with hazardous pollutants and other vessels with a gross tonnage of 10,000 tons or more, the operators thereof shall, before conducting operations or entering or exiting ports, conclude an agreement on pollution clean-up operations with the entities having obtained the qualifications for pollution clean-up operations, which shall specify the rights and obligations of pollution clean-up of both parties in case of any vessel-induced pollution accident occurs.

The entities engaged in pollution clean-up operations which have concluded an agreement on pollution clean-up operations with the vessel operators shall, after occurrence of a vessel-induced pollution accident, timely conduct pollution clean-up operations under the agreement on pollution clean-up operations.

Chapter V Emergency Response of Vessel-Induced Pollution Accidents

Article 34 The term “vessel-induced pollution accidents” as mentioned in this Regulation shall refer to the pollution accidents to the marine environment caused by vessels and the relevant operations due to the leakage of oil, oily mixtures, and other toxic and hazardous substances.

Article 35 The vessel-induced pollution accidents shall be classified into the following levels:

1. extraordinarily serious vessel-induced pollution accidents, which shall refer to the vessel pollution accidents wherein the oil spilled is 1,000 tons or more, or the direct economic loss is 200 million yuan or more;
2. serious vessel-induced pollution accidents, which shall refer to the vessel pollution accidents wherein the oil spilled is more than 500 tons but less than 1,000 tons, or the direct economic loss is more than 100 million yuan but less than 200 million yuan;
3. relatively serious vessel-induced pollution accidents, which shall refer to the vessel pollution accidents wherein the oil spilled is more than 100 tons but less than 500 tons, or the direct economic loss is more than 50 million yuan but less than 100 million yuan; and
4. general vessel-induced pollution accidents, which shall refer to the vessel pollution accidents wherein the oil spilled is less than 100 tons, or the direct economic loss is less than 50 million yuan.

Article 36 Where any vessel-induced pollution accident occurs within the sea area under the jurisdiction of the People's Republic of China, or any vessel-induced pollution accident which occurs outside the sea areas of the People's Republic of China has caused or may cause pollution to the sea areas of the People's Republic of China, the vessel shall immediately start the corresponding contingency plan, take measures to control and eliminate the pollution, and report to the nearby maritime administrative institution.

Where a vessel or the relevant operation thereof is found to be likely to cause pollution to the marine environment, the vessel, dock or loading and unloading station shall immediately

take corresponding emergency response measures and report to the relevant maritime administrative institution nearby.

The maritime administrative institution that receives a report shall immediately verify the relevant circumstances, and report to the maritime administrative institution at the next higher level or the transport administrative department under the State Council, and report to the relevant coastal local people's government at and above the level of cities divided into districts at the same time.

Article 37 A report of vessel-induced pollution accident shall include the following:

1. the name, nationality, call sign or serial number of the vessel;
2. the name and address of the owner, operator or manager of the vessel;
3. the time and place of the accident and the relevant meteorological and hydrological conditions;
4. the causes of the accident or the preliminary judgment of the causes of the accident;
5. the type, quantity, loading position and other general situation of the pollutants on the vessel;
6. the degree of pollution;
7. the measures which have been taken or are to be taken for controlling and eliminating the pollution, the information on the control of the pollution and the demand for rescue; and
8. other issues that should be reported as prescribed by the transport administrative department under the State Council.

If any new circumstance occurs after the reporting of a vessel-induced pollution accident, the vessel and relevant entity shall make a supplementary report in a timely manner.

Article 38 In case any extraordinarily serious vessel-induced pollution accident occurs, the State Council shall set up or authorize the transport administrative department under the State Council to set up an accident emergency command institution.

In case any serious vessel-induced pollution accident occurs, the people's government of the relevant province, autonomous region or municipality directly under the Central Government shall, jointly with the maritime administrative institution, set up an accident emergency command institution.

In case any relatively serious vessel-induced pollution accident or general vessel pollution accident, the relevant people's government at the level of city divided into districts shall, jointly with the maritime administrative institution, set up an accident emergency command institution.

The relevant departments and entities shall, under the unified organization and command of the accident emergency command institution, conduct corresponding emergency response work in accordance with the division of work as set down in the contingency plan.

Article 39 Where a vessel is in danger of sinking due to an accident, the crew shall, before leaving the vessel, try their best to close all piping valves of the cargo holds (containers) and oil holds (tanks), and plug the vent holes of the cargo holds (containers) and oil holds (tanks). If a vessel has sunk, the owner, operator or manager of the vessel shall timely report to the

maritime administrative institution the nature, quantity, type, loading position and other information of the vessel fuel, cargos with hazardous pollutants and other pollutants, and timely take measures to eliminate the pollution.

Article 40 In the case of any vessel-induced pollution accident or the sinking of a vessel which is likely to cause pollution to the sea areas of the People's Republic of China, the coastal local people's government at or above the level of a city divided into districts and the maritime administrative institution may, in accordance with the needs of emergency response, expropriate the vessel and facilities, equipment and instruments for pollution prevention and control and other materials of the relevant entities or individuals who shall provide assistance.

The expropriated vessels and facilities, equipment and instruments for pollution prevention and control and other materials shall be returned in a timely manner after use or after the emergency response work is finished. If the vessels and facilities, equipment and instruments for pollution prevention and control and other materials are expropriated or damaged or lost in expropriation, compensation shall be made.

Article 41 In the case of any vessel-induced pollution accident, the maritime administrative institution may take necessary measures, such as clean-up, salvage, towage, pilotage and barging to reduce the pollution damage. The relevant expenses shall be paid by the vessel in question and the relevant operation entities which have caused the pollution to the marine environment.

The vessel which shall pay the expenses as prescribed in the preceding paragraph shall pay off the relevant expenses or provide corresponding financial guarantee before departure.

Article 42 The oil dispersants used for disposing vessel-induced pollution accidents shall conform to the relevant standards of the state.

Chapter VI Investigation and Handling of Vessel-Induced Pollution Accidents

Article 43 The investigation and handling of vessel-induced pollution accidents shall be conducted according to the following provisions:

1. The State Council shall organize or authorize the transport administrative department under the State Council or other departments to organize the investigation and handling of extraordinarily serious vessel-induced pollution accidents;
2. The maritime administrative institution of the state shall organize the investigation and handling of serious vessel-induced pollution accidents; and
3. The maritime administrative institutions of the places where the accidents occur shall organize the investigation and handling of relatively serious vessel-induced pollution accidents and general vessel-induced pollution accidents.

If a vessel-induced pollution accident causes any damage to the fishery, the fishery administrative departments shall participate in the investigation and handling of the accident; and if any damage is caused to the military port waters, the relevant administrative departments of the armed forces shall participate in the investigation and handling of the accidents.

Article 44 In the case of any vessel-induced pollution accident, the department organizing the investigation and handling of the accident or the maritime administrative institution shall timely, objectively and impartially conduct an investigation of the accident, inspect the scene of the accident, examine the vessel in question, inquire the relevant persons, collect evidences, and find out the causes of the accident.

Article 45 The department organizing the investigation and handling of accidents or the maritime administrative institutions may, in accordance with the needs of investigation and handling of accidents, temporarily withhold the corresponding certificates, documents and materials; and where necessary, it may prohibit the vessel from leaving the port or order the vessel to suspend navigation, reroute or stop operations, or even temporarily withhold the vessel in question.

Article 46 When a department organizing the investigation and handling of an accident or a maritime administrative institution makes investigation of an accident, the parties involved in the vessel-induced pollution accident and other relevant personnel shall truthfully report the circumstances and provide relevant materials, and shall not forge, conceal or destroy evidences or hinder the investigation and evidence collection by other means.

Article 47 A department organizing the investigation and handling of an accident or the maritime administrative institution shall, within 20 workdays from the day on which the investigation is completed, produce a Letter of Accident Determination and serve it on the parties concerned.

The Letter of Accident Determination shall bear the basic information of the accident, the cause of the accident, and the responsibilities for the accident.

Chapter VII Compensation for Damages Caused by Vessel-Induced Pollution Accidents

Article 48 The liable persons who cause pollution damage to the marine environment shall eliminate the hazard and compensate for the losses. In case the pollution damage to the marine environment is caused completely by the intentional act or negligence of a third party, the third party shall eliminate the hazard and compensate for the losses.

Article 49 Where pollution damage to the marine environment which is entirely attributable to any of the following circumstances can not be avoided despite prompt adoption of reasonable measures, the relevant parties shall be exempt from liability:

1. war;
2. irresistible natural disaster; or
3. the negligence or other wrongful act of the competent department responsible for the beacons or other navigation aids in performing their duties.

Article 50 The compensation limit for a vessel-induced pollution accident shall be governed by the provisions on the limitation of liability for maritime claims in the Maritime Code of the People's Republic of China. However, if the persistent oil substances in bulk carried by a vessel cause pollution to the sea areas of the People's Republic of China, the compensation limit shall be governed by the provisions of the relevant international treaties concluded or

acceded to by the People's Republic of China.

The term "persistent oil substances" as mentioned in the preceding paragraph shall refer to all persistent hydrocarbon mineral oil.

Article 51 The owner of a vessel navigating within the sea areas of the People's Republic of China shall, in accordance with the provisions of the transport administrative department under the State Council, buy civil liability insurance for vessel-induced oil pollution damages or obtain corresponding financial guarantee, unless it is one carrying non-oil substances with a gross tonnage of less than 1,000 tons.

The amount of civil liability insurance for the vessel-induced oil pollution damages bought or the amount of the financial guarantee obtained by the owner of a vessel shall not be less than the limit of compensation for oil pollution as prescribed in the Maritime Code of the People's Republic of China and the relevant international treaties concluded or acceded to by the People's Republic of China.

Article 52 For any vessel of Chinese registry which has bought civil liability insurance for vessel-induced oil pollution damages or has obtained financial guarantee in accordance with Article 53 of this Regulation, its owner shall apply to the maritime administrative institution of the place where the port of registry is located for a certificate of civil liability insurance for vessel-induced oil pollution damages or a certificate of financial guarantee upon strength of the certificate of registry of the vessel, the insurance contract on civil liability for vessel-induced oil pollution damages or the financial guarantee testimonials.

Article 53 In the case of a vessel-induced oil pollution accident, the necessary expenses incurred in the emergency response or pollution clean-up conducted by the relevant entities under the organization by the state shall first be compensated from the compensation for vessel-induced oil pollution damages.

Article 54 The cargo owner who receives the cargo of seaborne persistent oil substances within the waters of the People's Republic of China or the agent thereof shall pay compensation funds for vessel-induced oil pollution damages.

The specific measures for the collection, use and management of compensation funds for vessel-induced oil pollution damages shall be formulated by the financial department under the State Council jointly with the transport administrative department under the State Council. The state shall set up a management committee of the compensation funds for vessel-induced oil pollution damages to be responsible for handling compensation from the compensation funds for vessel-induced oil pollution damages and other matters. The management committee of the compensation funds for vessel-induced oil pollution damages shall be composed of the relevant administrative organs and the major owners of cargos who pay the compensation funds for vessel-induced oil pollution damages.

Article 55 For the disputes over compensation for vessel-induced pollution accidents, the parties concerned may request the maritime administrative institutions to make mediation, or apply to the arbitration institutions for arbitration, or bring a civil action to the people's court.

Chapter VIII Legal Liabilities

Article 56 Where any vessel or the relevant operation entity violates the provisions of this Regulation, the maritime administrative institution shall order it to make rectifications; if it refuses to make rectifications, the maritime administrative institution may order it to stop operations or compel it to unload the cargos, prohibit the vessel from entering or exiting the port, berthing or making a transit stop, or order the vessel to suspend navigation, reroute, leave the country, or navigate to the designated place.

Article 57 Where, in violation of this Regulation, the structure of a vessel fails to meet the relevant technical requirements of the state for prevention and control of vessel-induced pollution to the marine environment or the requirements of the relevant international treaties, the maritime administrative institution shall impose a fine of 100,000 yuan up to 300,000 yuan upon it.

Article 58 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose punishment upon the violator in accordance with the relevant provisions of the Marine Environmental Protection Law of the People's Republic of China:

1. the vessel fails to obtain or fails to carry on board the certificates or documents of prevention and control of vessel-induced pollution to the marine environment;
2. the vessel, port, dock, or loading or unloading station fails to be equipped with the equipment and instruments for pollution prevention and control;
3. the vessel discharges to the sea areas any pollutant prohibited from being discharged by this Regulation;
4. the vessel fails to truthfully record the information on the disposal of pollutants;
5. the vessel discharges pollutants to the sea areas beyond the standards; or
6. the dismantling of vessels on water causes pollution damage to the marine environment.

Article 59 Where, in violation of this Regulation, any vessel fails to keep on board the records of disposal of vessel pollutants as required or the records of disposal of vessel pollutants are inconsistent with the quantity of the pollutants generated in the process of operating the vessel, the maritime administrative institution shall impose a fine of 20,000 yuan up to 100,000 yuan upon it.

Article 60 Where, in violation of this Regulation, a receiving entity of vessel pollutants that receives vessel garbage, residual oil, oily waste water, and waste water containing toxic and hazardous substances fails to prepare operational plans, comply with the relevant operating rules and procedures, or take necessary anti-pollution measures, it shall be fined not less than 10,000 yuan nor more than 50,000 yuan by the maritime safety administration; or shall be fined not less than 50,000 yuan nor more than 250,000 yuan if marine environmental pollution has been caused.

Article 61 Where, in violation of this Regulation, a receiving entity of vessel pollutants fails to report the reception of vessel pollutants to the maritime safety administration as required, fails to issue the pollutant reception certificate to the vessel as required, or fails to report the

reception and handling of vessel pollutants to the maritime safety administration for recordation as required, it shall be fined not more than 20,000 yuan by the maritime safety administration.

Article 62 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose a fine of 2,000 yuan up to 10,000 yuan upon the violator:

1. The vessel fails to keep pollutant reception certificates as required;
2. the vessel fuel supply entity fails to truthfully fill out the documents of fuel supply and acceptance;
3. the vessel fuel supply entity fails to provide the documents of fuel supply and acceptance and the samples of fuel to the vessels as required; or
4. the vessel or the vessel fuel supply entity fails to keep the documents of fuel supply and acceptance and the samples of fuel as required.

Article 63 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose a fine of 20,000 yuan up to 100,000 yuan upon the violator:

1. the vessel carrying any cargo with hazardous pollutants fails to meet the requirements for worthiness of cargo with hazardous pollutants;
2. the vessel carrying any cargo with hazardous pollutants fails to conduct loading and unloading operations at the docks or loading and unloading stations which possess the corresponding capabilities of safe loading and unloading and disposal of pollutants; or
3. the owner of cargo or the agent thereof fails to conduct hazard assessment on the cargo with uncertain hazardous pollutants as required.

Article 64 Where, in violation of this Regulation, any vessel, without approval of the maritime administrative institution, carries any cargo with hazardous pollutants to enter or exit any port, makes a transit stop, or conducts barging operations, the maritime administrative institution shall impose a fine of 10,000 yuan up to 50,000 yuan upon it.

Article 65 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose a fine of 20,000 yuan up to 100,000 yuan upon the violator:

1. in case a vessel sinks due to an accident, the owner or operator of the vessel fails to timely report the nature, quantity, type, loading position and other information of the vessel fuel, the cargos with hazardous pollutants and other pollutants to the maritime administrative institution; or
2. in case a vessel sinks due to an accident, the owner or operator of the vessel fails to timely take measures to clean up the vessel fuel, the cargos with hazardous pollutants and other pollutants.

Article 66 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose a fine of 10,000 yuan up to 50,000 yuan upon the violator:

1. the operator of a vessel carrying any bulk liquid cargo with hazardous pollutants or any other vessel with a gross tonnage of 10,000 tons or more fails to conclude an agreement on pollution clean-up operations as required; or
2. A pollution clean-up operator engages in pollution clean-up in non-compliance with the relevant technical specifications of the state.

Article 67 Where, in the case of any vessel-induced pollution accident which occurs as in violation of this Regulation, the vessel or the relevant operation entity fails to immediately start a contingency plan, the maritime administrative institution shall impose a fine of 20,000 yuan up to 100,000 yuan upon it and a fine of 10,000 yuan up to 20,000 yuan on the directly liable person in charge and other directly liable persons. If the directly liable person in charge or other directly liable persons is a member of the crew, a punishment of temporarily withholding the certificate of competency or other relevant certificates for one month to three months shall be imposed upon him concurrently.

Article 68 Where, in the case of any vessel-induced pollution accident which occurs as in violation of this Regulation, the vessel or the relevant operation entity delays or fails to report the accident, the maritime administrative institution shall impose a fine of 50,000 yuan up to 250,000 yuan upon it and a fine of 10,000 yuan up to 50,000 yuan on the directly liable person in charge and other directly liable persons. If the directly liable person in charge or other directly liable persons is a member of the crew, a punishment of temporarily withholding the certificate of competency or other relevant certificates for three months to six months shall be imposed upon him concurrently. If the vessel or the relevant operation entity conceals any truth in its report or makes a false report, the maritime administrative institution shall impose a fine of 250,000 yuan up to 500,000 yuan upon it and a fine of 50,000 yuan up to 100,000 yuan on the directly liable person in charge and other directly liable persons. If the directly liable person in charge or other directly liable persons is a member of the crew, a punishment of revoking the certificate of competency or other relevant certificates shall be imposed upon him concurrently.

Article 69 Where, in violation of this Regulation, any vessel or entity uses any oil dispersant not up to the standards required by the state, the maritime administrative institution shall impose a fine of 10,000 yuan up to 50,000 yuan upon the vessel or the entity that uses the dispersant.

Article 70 Where, in violation of this Regulation, any party to a vessel-induced pollution accident or any other relevant person fails to truthfully report the situation and provide materials to the department organizing the investigation and handling of the accident or the maritime administrative institution, or forges, conceals or destroys evidences or stands in the way of the investigation and evidence collection by any other means, the maritime administrative institution shall impose a fine of 10,000 yuan up to 50,000 yuan upon him or it.

Article 71 Where, in violation of this Regulation, the owner of a vessel falls under any of the following circumstances, the maritime administrative institution shall order the owner to

make rectifications, and may impose a fine of not more than 50,000 yuan; if the owner refuses to make rectifications, the maritime administrative institution shall impose a fine of 50,000 yuan up to 250,000 yuan:

1. the owner of the vessel navigating within the sea areas of the People's Republic of China fails to buy civil liability insurance for vessel-induced oil pollution damages or fails to obtain corresponding financial guarantee as required; or
2. the amount of civil liability insurance for the vessel-induced oil pollution damages bought or the amount of financial guarantee obtained by the owner of the vessel is less than the compensation limit for oil pollution as prescribed in the Maritime Code of the People's Republic of China and the relevant international treaties concluded or acceded to by the People's Republic of China.

Article 72 Where, as in violation of this Regulation, the cargo owner who receives the cargo of seaborne persistent oil substances within the waters of the People's Republic of China or the agent thereof fails to pay compensation funds for the vessel-induced oil pollution damages as required, the maritime administrative institution shall order it to make rectifications; if it refuses to make rectifications, the maritime administrative institution may stop the loading, unloading or barging operations of the cargo of persistent oil substances it receives within the waters of the People's Republic of China.

If the cargo owner or the agent thereof fails to pay compensation funds for vessel-induced oil pollution damages within the prescribed time limit, it shall pay a late fee of 0.05% of the outstanding amount each day from the due date of payment.

Chapter IX Supplementary Provisions

Article 73 If the international treaties concluded or acceded to by the People's Republic of China have provided for the prevention and control of the pollution caused by vessels and the relevant operations to the marine environment, such provisions shall prevail, except the provisions on which the People's Republic of China has made reservation.

Article 74 The fishery administrative departments of the people's governments at and above the county level shall be responsible for the supervision and administration of the pollution to the marine environment caused by non-military vessels inside the fishing port waters and by the fishing vessels outside the fishing port waters, be responsible for the protection of the ecological environment in the fishing waters, and be responsible for the investigation and handling of the fishery pollution accidents as prescribed in Paragraph 4 of Article 5 of the Marine Environmental Protection Law of the People's Republic of China.

Article 75 The environmental protection departments of the armed forces shall be responsible for the supervision and administration of the pollution caused by military vessels to the marine environment and the investigation and handling of the pollution accidents caused by military vessels.

Article 76 This Regulation shall come into force on March 1, 2010. The Regulation of the People's Republic of China on the Administration of Prevention of Vessel-induced Pollution to the Sea Areas promulgated by the State Council on December 29, 1983 shall be abolished

simultaneously.

9. Regulations on the prevention of environmental pollution by ship recycling

(Omitted, Chinese only)

10. Regulations of the People's Republic of China Governing Survey of Ships and Offshore Installations

(Promulgated by Decree No. 109 of the State Council on February 14, 1993)

Chapter I: General Provisions

Article 1 These Regulations are formulated to ensure that ships, offshore installations and sea-borne cargo containers shall meet the technical requirements for safe navigation and operation, to safeguard the safety of human life and property and to prevent the pollution of marine environment.

Article 2 These Regulations shall apply to:

- (1) ships registered or to be registered in the People's Republic of China (hereinafter referred to as "Chinese flag ships");
- (2) foreign flag ships applying for survey according to these regulations or other relevant provisions issued by the State;
- (3) offshore installations located or to be located in coastal waters of the People's Republic of China (hereinafter referred to as "offshore installations"); and
- (4) sea - borne cargo containers owned by an enterprise as legal person registered in the Peoples Republic of China (hereinafter referred to as "containers").

Article 3 The Register of Shipping of the People's Republic of China (hereinafter referred to as "the Register of Shipping") is the competent authority to carry out surveys of various kinds in accordance with these Regulations.

With the approval of the department in-charge of communications under the State Council, the Register of Shipping may establish ship-survey organizations in major ports and industrial areas.

With the approval of the department in-charge of communications under the State Council and of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government, the departments in-charge of communications under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish local ship-survey organizations in ports in their respective jurisdictions.

Article 4 China Classification Society is a public organization which undertakes classification surveys, certification surveys and surveys related to notary matters of domestic and foreign ships, offshore installations and containers. The Society may conduct statutory surveys on behalf of the Register of Shipping subject to the latter's authorization.

Article 5 In conducting all surveys set forth in these Regulations the principle of safety first and quality first shall be implemented and the development and application of the latest technology shall be encouraged.

Chapter II: Survey of Ships

Article 6 Surveys of ships shall be carried out by the following organizations respectively:

- (1) ship - survey organizations established by the Register of Shipping;
 - (2) local ship- survey organizations established by the departments in charge of communications under the People's governments of provinces, autonomous regions and municipalities directly under the Central Government;
 - (3) ship-survey organizations entrusted, designated, or approved by the Register of Shipping.
- The above - mentioned organizations are hereinafter generally referred to as ship - survey organizations.

Article 7 Owners or operators of Chinese flag ships must apply to a ship - survey organization for:

- (1) construction survey for their ships that are under construction or conversion;
- (2) periodical survey for their ships that are in service;
- (3) initial survey for their foreign flag ships being transferred into Chinese nationality.

Article 8 Important equipment, parts and materials used by Chinese flag ships for safety of navigation at sea and for the prevention of pollution of marine environment shall be subject to surveys by the ship - survey organizations in accordance with the relevant provisions.

Article 9 Chinese flag ships shall be subject to tonnage measurement including gross tonnage and net tonnage measurements, as well as verification and approval of loadlines and passenger quotas by the ship - survey organizations.

Article 10 Owners or operators of foreign mobile drilling units and mobile offshore platforms engaged in offshore drilling and exploration activities in the coastal waters of China must apply to the ship - survey organizations established or designated by the Register of Shipping for:

- (1) survey prior to operation;
- (2) periodical survey during operation.

Article 11 Owners or operators of mobile offshore platforms, floating docks and other giant floating units taken in tow in the coastal waters of China must apply to the ship - survey organizations established or designated by the Register of Shipping for towage survey prior to operation.

Article 12 Owners or operators of Chinese flag ships must apply to the ship-survey organizations for casual survey under one of the following circumstances:

- (1) the seaworthiness of the ship is affected as a result of an accident;
- (2) the purpose of navigational areas of the ship has been changed from those as defined in the certificate;
- (3) the certificate issued by the ship - survey organization is no longer valid;
- (4) The survey is conducted due to the order of the department in charge of maritime safety

or environmental protection.

Owners or operators of foreign flag ships in ports of China must apply to the ship - survey organizations established or designated by the Register of Shipping for temporary survey under sub - paragraph (1) or (4) above.

Article 13 The following Chinese flag ships must apply to China Classification Society for classification survey:

- (1) international shipping service ships;
- (2) sea- going passenger vessels accommodating 100 passengers or more;
- (3) tankers over 1000 deadweight tons;
- (4) ro - ro ships, liquefied gas carriers and bulk chemical carriers;
- (5) other ships which owners or operators apply for the classification thereof.

Article 14 The Ship Survey Organization shall, according to the relevant provisions, issue a corresponding certificate to the ship which has been surveyed up to the standard.

Chapter III: Survey of Offshore Installations

Article 15 With the exception of the provisions of Article 31 of these Regulations, owners or operators of offshore installations must apply to the Ship Survey Organization established or designated by the Register of Shipping for corresponding surveys as follows:

- (1) construction survey for those when under construction or conversion;
- (2) periodical survey for those which are in service;
- (3) Temporary surveys of those whose safety functions are affected by an accident;
- (4) Temporary surveys of those which are required by the department in charge of maritime safety or environmental protection.

Article 16 The ship - survey organization shall, as stipulated, issue a certificate with respect to the offshore installation which has been surveyed up to the standard.

Chapter IV: Survey of Containers

Article 17 Owners or operators of containers must apply to the ship - survey organizations established or designated by the Register of Shipping for respective surveys as follows:

- (1) construction survey for those which are under construction;
- (2) periodical survey for those which are in service.

Article 18 The ship - survey organization shall, as stipulated, issue a certificate to the container which has been surveyed up to the standard.

Chapter V: Survey Administration

Article 19 With the exception of the provisions of Article 31 of these Regulations, the survey system and technical standards of ships, offshore installations and containers shall be formulated by the Register of Shipping, and promulgated for implementation upon the approval of the department in charge of communications under the State Council.

Article 20 Surveyors of the Ship Survey Organization shall be equipped with professional knowledge and survey skills, and shall pass the examination for the same.

Article 21 Necessary and proper facilities shall be made available to surveyors of the organizations concerned by the relevant units when surveys are carried out or technical

investigations and analyses are made by such surveyors with respect to an accident.

Article 22 The Ship Survey Organization shall levy survey fees according to the relevant provisions. The measures for levying the fees shall be formulated by the department in charge of communications under the State Council in conjunction with the department in charge of finance and the department in charge of commodity price under the State Council.

Article 23 Any party concerned who disagrees with the conclusion of the Ship Survey Organization, may appeal to a higher survey body for a resurvey of the case, and may appeal to the Register of Shipping for a further resurvey of the case, where the conclusion of the first review is still unacceptable. The final conclusion shall be made by a group of technical experts organized by the Register of Shipping after undertaking special investigations and assessments of the case.

Article 24 No unit or individual may alter or forge the certificate of survey or arbitrarily alter loadlines determined and marked by the ship - survey organization.

Article 25 The administrative measures concerning the resident representative offices to be established and surveyors assigned by foreign ship - survey organizations to work within the territory of China shall be formulated by the department in charge of communications under the State Council.

Chapter VI: Penalty Provisions

Article 26 The Register of Shipping or its entrusted survey organizations are authorized to withdraw those signed and issued certificates of survey that are altered, found with an arbitrary alteration of the loadlines or obtained through fraudulent acts. The holders of the above-mentioned certificates shall be instructed to take corrective actions and to go through all necessary procedures concerned.

Article 27 Those who forge the certificates of ship survey or arbitrarily alter the loadlines shall be subject to the penalty of criticism by the competent administrative authority through circulars or shall be imposed fines of up to five times the survey fees. If any of the acts constitutes a crime, criminal liabilities shall be investigated according to law by the judicial departments.

Article 28 Any surveyor of the Ship Survey Organization shall be given administrative disciplinary sanctions or revoked the qualification as a surveyor by his/her work unit or higher-level authority when the surveyor is found to have abused his/her power, practiced graft and embezzlement or neglected his/her duties. In serious cases where the acts constitute a crime, criminal liabilities shall be investigated according to law by the judicial department.

Chapter VII: Supplementary Provisions

Article 29 For the purposes of these Regulations:

- (1) "ship" means any displacement or non-displacement ships and craft, hydroplanes, submersibles and diving systems, and mobile drilling units;
- (2) "offshore installations" means any fixed or mobile structures and devices of various kinds above or under water, and fixed platforms;

(3) "coastal waters" means any coastal ports, internal waters, territorial waters and other waters under the jurisdiction of the People's Republic of China.

Article 30 Surveys of auxiliary fishing vessels sailing in international waters shall be conducted according to these Regulations, while survey regulations for all other fishing vessels shall be formulated separately by the department in charge of fishery under the State Council.

Article 31 Provisions on survey of petroleum and natural gas production facilities related to the offshore installations shall be formulated separately by the department in charge of petroleum in conjunction with the department in charge of communications under the State Council.

Article 32 These Regulations shall not be applicable for the following ships:

- (1) ships used for military, public security and sports purposes;
- (2) ships which are not necessary to be registered according to the Registration Regulations.

Article 33 The Ministry of Communications shall be responsible for the interpretation of these Regulations.

Article 34 These Regulations shall become effective as of the date of promulgation.

11. Regulations on the prevention and control of marine pollution caused by land-based sources

(Omitted, Chinese only)

12. Regulation on the Safety Management of Radioactive Waste

Chapter I General Provisions

Article 1 This Regulation is formulated in accordance with the Law of the People's Republic of China on the Prevention and Control of Radioactive Pollution for purposes of strengthening the safety management of radioactive waste, protecting the environment and safeguarding human health.

Article 2 The term "radioactive waste" as mentioned in this Regulation means waste containing radionuclide or contaminated with radionuclide, with the density or specific activity of radionuclide higher than the clearance level determined by the state, and is expected to be no longer used.

Article 3 This Regulation shall apply to activities such as the processing, storage and disposal of radioactive waste and the supervision and management thereof.

The term "processing" as mentioned in this Regulation means activities which change the properties, shape and volume of radioactive waste through means such as purification, concentration, solidification, compression and packaging to transport, store and dispose of radioactive waste in a safe and economical manner.

The term "storage" as mentioned in this Regulation means activities which temporarily place sources of radioactive waste and other solid radioactive waste in facilities specially

built for their maintenance.

The term “disposal” as mentioned in this Regulation means activities which ultimately place sources of radioactive waste and other solid radioactive waste in specially built facilities for no further taking back.

Article 4 The safety management of radioactive waste shall adhere to the principle of reduction, harmlessness, appropriate disposal and permanent safety.

Article 5 The environmental protection administrative department under the State Council shall be uniformly responsible for the safety supervision and administration of radioactive waste throughout the country.

The competent department of nuclear industry and other relevant departments under the State Council shall, in accordance with this Regulation and their respective duties, be responsible for the relevant administration of radioactive waste.

The environmental protection administrative departments and other relevant departments of the local people's governments at the county level and above shall, in accordance with this Regulation and their respective duties, be responsible for the relevant administration of radioactive waste within their respective administrative regions.

Article 6 The state shall subject radioactive waste to classification management.

The radioactive waste shall be divided into high-level radioactive waste, medium-level radioactive waste and low-level radioactive waste based on their characteristics and the extent of potential harm to human health and the environment.

Article 7 The processing, storage and disposal of radioactive waste shall comply with the relevant national standards for the prevention and control of radioactive contamination and the provisions of the environmental protection administrative department under the State Council.

Article 8 The environmental protection administrative department under the State Council shall, jointly with the competent department of nuclear industry and other relevant departments under the State Council, establish a national radioactive waste management information system to realize the sharing of information.

The state shall encourage and support scientific research on and the development and utilization of technology for the safety management of radioactive waste, and promote advanced radioactive waste safety management technology.

Article 9 Any entity or individual shall have the right to report violations of this Regulation to the environmental protection administrative department or any other relevant department of the people's government at the county level or above. A department receiving a report shall investigate and handle the issue in a timely manner and keep confidential the name of the informant. If the violation reported is verified to be true through investigation, the informant shall be rewarded.

Chapter II Processing and Storage of Radioactive Waste

Article 10 An entity operating nuclear facilities shall send the sources of radioactive waste which it has generated and which can not be recycled and can not be returned to the original

production entity or the exporter (hereinafter referred to as the “sources of radioactive waste”) to an entity which has obtained the corresponding license to store solid radioactive waste for centralized storage, or directly send them to an entity which has obtained the corresponding license to dispose of solid radioactive waste for disposal.

An entity operating nuclear facilities shall process the solid radioactive waste it has generated, other than the sources of radioactive waste, and the liquid radioactive waste which can not be discharged through purification, and after turning the two kinds of waste into stable and standardized solid waste, store the said waste by itself, and send it in a timely manner to an entity which has obtained the corresponding license to dispose of solid radioactive waste for disposal.

Article 11 An entity utilizing nuclear technology shall process the liquid radioactive waste it has generated and which can not be discharged through purification, and turn it into solid radioactive waste.

An entity utilizing nuclear technology shall send in a timely manner the sources of radioactive waste and other solid radioactive waste it has generated to an entity which has obtained the corresponding license to store solid radioactive waste for centralized storage, or directly send them to an entity which has obtained the corresponding license to dispose of solid radioactive waste for disposal.

Article 12 An entity specializing in the storage of solid radioactive waste shall meet the following conditions and apply for a license for the storage of solid radioactive waste in accordance with this Regulation:

- (1) have a corporate status;
- (2) have an organization that can guarantee the safe operation of the storage facilities and more than three professional technical personnel for radioactive waste management, radioprotection and environmental monitoring, and among them, there shall be at least one registered nuclear safety engineer;
- (3) have facilities and places to receive and store solid radioactive waste which meet the relevant national standards for the prevention and control of radioactive contamination and the provisions of the environmental protection administrative department under the State Council, and have equipment for the radiation detection, radiation protection and environmental monitoring; and
- (4) have a sound management system and quality assurance system that meets the requirements of nuclear safety supervision and administration, including a quality assurance program, monitoring plans for the running of storage facilities, plans for radiation environmental monitoring, contingency plans, and so forth.

Where an entity operating nuclear facilities uses the storage facilities constructed to support nuclear facilities to store the solid radioactive waste it has generated, it is not required to apply for a storage license. In the case of storing solid radioactive waste generated by another entity, it shall apply for a storage license in accordance with this Regulation.

Article 13 To apply for a license for the storage of solid radioactive waste, an entity shall file

a written application with the environmental protection administrative department under the State Council, and submit certification materials meeting the conditions as prescribed by Article 12 of this Regulation.

The environmental protection administrative department under the State Council shall, within 20 workdays upon acceptance of an application, complete examination, and issue a license and make an announcement if the applicant meets the conditions; and if the applicant fails to meet the conditions, notify the applicant in writing and give reasons.

During the process of examination, the environmental protection administrative department under the State Council shall organize experts to conduct technical appraisal, and solicit the opinions of other relevant departments under the State Council. The time needed for technical appraisal shall be communicated to the applicant in writing.

Article 14 A license for the storage of solid radioactive waste shall include the following:

- (1) the name, address and legal representative of the entity;
- (2) permitted types, scope and scale of activities;
- (3) validity period; and
- (4) the issuing authority, issuance date and serial number of the license.

Article 15 Where an entity storing solid radioactive waste modifies its name, address or legal representative, it shall, within 20 days from the date of registration of the modification, apply to the environmental protection administrative department under the State Council for handling the formalities for the modification of the license.

Where an entity storing solid radioactive waste needs to modify the types, scope and scale of activities as stipulated in the license, it shall, according to the original application procedures, apply to the environmental protection administrative department under the State Council for a new license.

Article 16 A license for the storage of solid radioactive waste shall be valid for 10 years.

Upon the expiration of the validity period of the license, where an entity storing solid radioactive waste needs to continue engaging in storage activities, it shall, 90 days before the expiration of the validity period of the license, apply to the environmental protection administrative department under the State Council for renewal.

The environmental protection administrative department under the State Council shall, before the expiration of the validity period of the license, complete examination, approve renewal if the applicant meets the conditions; and if the applicant fails to meet the conditions, notify the applicant in writing and give reasons.

Article 17 An entity storing solid radioactive waste shall, in accordance with the relevant national standards for the prevention and control of radioactive contamination and the provisions of the environmental protection administrative department under the State Council, store and clear up the sources of radioactive waste and other solid radioactive waste it receives in categories, clear them in a timely manner or send them to an entity which has obtained the corresponding license to dispose of solid radioactive waste for disposal.

An entity storing solid radioactive waste shall establish files on the storage of solid

radioactive waste to truthfully and completely record the issues relevant to storage activities, including the sources, quantity, characteristics, storage location, clearance, and delivery for disposal of the solid radioactive waste the entity stores.

An entity storing solid radioactive waste shall, according to the natural environment of storage facilities and the characteristics of the solid radioactive waste, take necessary protective measures to ensure the integrity of storage facilities and containers and the security of solid radioactive waste during the prescribed storage period, and ensure that the solid radioactive waste can be taken back safely.

Article 18 An entity storing solid radioactive waste shall, according to the monitoring plan for the running of storage facilities and the plan for radiation environmental monitoring, conduct safety inspection of storage facilities, and conduct radiation monitoring of the groundwater, surface water, soil and air surrounding the storage facilities.

An entity storing solid radioactive waste shall truthfully record the monitoring data, and if it discovers any hidden safety danger or that the radionuclide in the surrounding environment exceeds the national standards, it shall immediately identify the reasons, take appropriate preventive measures, and report to the environmental protection administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government of the place where it is located. If a radiation accident is constituted, the entity shall immediately start its emergency plan, make a report and carry out the relevant emergency response according to the Law of the People's Republic of China on the Prevention and Control of Radioactive Pollution and the Regulation on the Safety and Protection of Radioisotopes and Radiation Devices.

Article 19 When sending sources of radioactive waste and other solid radioactive waste to an entity storing or disposing of solid radioactive waste for storage or disposal, the sender shall provide the types, quantity, activity and other information on the solid radioactive waste as well as the original files of sources of radioactive waste, and bear the expenses for storage or disposal according to the relevant provisions.

Chapter III Disposal of Radioactive Waste

Article 20 The competent department of nuclear industry under the State Council shall, jointly with the environmental protection administrative department under the State Council, compile a plan for selection of disposal sites of solid radioactive waste according to the geological, environmental and socioeconomic conditions and the needs for the disposal of solid radioactive waste and on the basis of soliciting the opinions of the relevant departments under the State Council and carrying out environmental impact assessment, and implement the plan after it is approved by the State Council.

The relevant local people's governments shall, according to the plan for selection of disposal sites of solid radioactive waste, provide construction land for the disposal sites of solid radioactive waste and take effective measures to support the disposal of solid radioactive waste.

Article 21 The disposal facilities of solid radioactive waste to be constructed shall keep a

strict security protective distance from residential areas, water source protection areas, arterial roads, factories, enterprises and other places in accordance with the requirements of technical guidelines and standards for the selection of disposal sites of solid radioactive waste, and full research and demonstration shall be conducted on the natural condition of the sites such as geological structure and hydrogeology, and socioeconomic conditions.

Article 22 The construction of the disposal facilities for solid radioactive waste shall meet the plan for selection of disposal sites of solid radioactive waste, and the approval formalities for site selection and a construction permit shall be handled in accordance with law. If the plan for site selection or the technical guidelines or standards for site selection are not met, the site selection or the construction shall not be approved.

The engineering and safety technology research, underground experiments, site selection and construction of deep geological disposal facilities for high-level solid radioactive waste and α solid radioactive waste shall be organized by the competent department of nuclear industry under the State Council.

Article 23 An entity specializing in the disposal of solid radioactive waste shall meet the following conditions and shall apply for a license for the disposal of solid radioactive waste in accordance with this Regulation:

- (1) have a state-owned or state-holding corporate status;
- (2) have the organization and professional and technical personnel that can ensure the safe operation of disposal facilities. An entity disposing of low- and medium-level solid radioactive waste shall have more than 10 professional and technical personnel in terms of radioactive waste management, radiation protection and environmental monitoring, among them, there shall be at least three registered nuclear safety engineers. An entity disposing of high-level solid radioactive waste and α solid radioactive waste shall have more than 20 professional and technical personnel in terms of radioactive waste management, radiation protection and environmental monitoring, among them, there shall be at least 5 registered nuclear safety engineers;
- (3) have facilities and places for receiving and disposing of solid radioactive waste and equipment for radiation detection, radiation protection and environmental monitoring which meet the relevant national standards for the prevention and control of radioactive contamination and the provisions of the environmental protection administrative department under the State Council. The disposal facilities of low- and medium-level solid radioactive waste shall meet the requirements of safety isolation for more than 300 years after closure, and the deep geological disposal facilities of high-level solid radioactive waste and α solid radioactive waste shall meet the requirements of safety isolation for more than 10,000 years after closure;
- (4) have corresponding amount of registered capital. The registered capital of an entity disposing of low- and medium-level solid radioactive waste shall be not less than 30 million yuan, and the registered capital of an entity disposing of high-level solid radioactive waste and α solid radioactive waste shall be not less than 100 million yuan;

(5) have a financial guarantee ensuring that disposal activities can proceed continuously until the expiration of the safety monitoring period; and

(6) have a sound management system and a quality assurance system meeting the requirements of nuclear safety supervision and administration, including a quality assurance program, monitoring plans for the running of disposal facilities, plans for radiation environmental monitoring, contingency plans, and so forth.

Article 24 The examination and approval authority and procedures for the application, modification and renewal of the license for the disposal of solid radioactive waste and the contents and validity period of the license shall be governed by Article 13 to Article 16 of this Regulation.

Article 25 An entity disposing of solid radioactive waste shall, according to the relevant national standards for the prevention and control of radioactive contamination and the provisions of the environmental protection administrative department under the State Council, dispose of the solid radioactive waste it receives.

An entity disposing of solid radioactive waste shall establish files on disposal of solid radioactive waste to truthfully record the issues relevant to the disposal activities such as the sources, quantity, characteristics, and location of storage of solid radioactive waste it has disposed of. The files on disposal of solid radioactive waste shall be kept permanently.

Article 26 An entity disposing of solid radioactive waste shall, according to the monitoring plan for the running of disposal facilities and the plan for radiation environmental monitoring, conduct safety inspection of disposal facilities, and conduct radiation monitoring on the groundwater, surface water, soil and air surrounding the disposal facilities.

An entity disposing of solid radioactive waste shall truthfully record the monitoring data, and if it discovers any hidden safety danger or that the radionuclide in the surrounding environment exceeds the national standards, it shall immediately identify the reasons, take appropriate preventive measures, and report to the environmental protection administrative department and the competent department of nuclear industry under the State Council. If a radiation accident is constituted, it shall immediately start its contingency plan, and make a report and carry out the relevant emergency response according to the Law of the People's Republic of China on the Prevention and Control of Radioactive Pollution and the Regulation on the Safety and Protection of Radioisotopes and Radiation Devices.

Article 27 Where the designated service period of the disposal facilities of solid radioactive waste has expired, or the disposed solid radioactive waste has reached the designated capacity of the facilities, or the geological structures or hydrogeological conditions of the area where the facilities are located have changed significantly, rendering the disposal facilities not suitable for continuous disposal of solid radioactive waste, the closure formalities shall be handled in accordance with law, and permanent markers shall be set up in the designated area.

To close the disposal facilities of solid radioactive waste, the disposal entity shall formulate a safety monitoring plan for disposal facilities and report it to the environmental protection

administrative department under the State Council for approval.

After the disposal facilities of solid radioactive waste are closed according to law, the disposal entity shall, under the approved safety monitoring plan, conduct safety monitoring on the closed disposal facilities. Where an entity disposing of solid radioactive waste is terminated due to bankruptcy, revocation of license or any other reason, the expenses needed for the closure and safety monitoring of disposal facilities shall be borne by the entity providing financial guarantee.

Chapter IV Supervision and Administration

Article 28 The environmental protection administrative departments and other relevant departments under the people's governments at the county level and above shall, in accordance with the Law of the People's Republic of China on the Prevention and Control of Radioactive Pollution and this Regulation, conduct supervision and inspection on the safety of the activities such as the processing, storage and disposal of radioactive waste.

Article 29 When carrying out supervision and inspection, the environmental protection administrative departments and other relevant departments under the people's governments at the county level and above shall have the authority to take the following measures:

- (1) inquire of the legal representative and other relevant persons of the entity under inspection about the relevant information;
- (2) enter the entity under inspection to conduct on-site monitoring, inspection or check;
- (3) consult or make copies of relevant documents, records and other relevant information; and
- (4) require the entity under inspection to submit a relevant explanation of the situation or a follow-up handling report.

The entity under inspection shall provide cooperation, truthfully report the situation, provide necessary information and shall not refuse or obstruct inspection.

The supervision and inspection personnel of the environmental protection administrative departments and other relevant departments of the people's governments at the county level and above shall produce their certificates when carrying out supervision and inspection, and keep confidential the technical and business secrets of the entities under inspection.

Article 30 Entities operating nuclear facilities or utilizing nuclear technology and entities storing or disposing of solid radioactive waste shall, according to the extent of harm of radioactive waste, establish and improve the corresponding level of security protection systems, take appropriate technical preventive measures and personnel preventive measures, and carry out emergency drills for radioactive waste pollution accidents at the appropriate times.

Article 31 Entities operating nuclear facilities or utilizing nuclear technology and entities storing or disposing of solid radioactive waste shall provide training on nuclear and radiation safety knowledge and professional operating techniques to staff members who are directly engaged in the processing, storage or disposal of radioactive waste, and conduct assessment. Only those who pass the assessment may engage in the aforesaid work.

Article 32 Entities operating nuclear facilities or utilizing nuclear technology and entities storing solid radioactive waste shall, in accordance with the requirements of the environmental protection administrative department under the State Council, truthfully report the information including the generation, discharge, processing, storage, clearance and delivery for the disposal of radioactive waste on a regular basis.

An entity disposing of solid radioactive waste shall, prior to March 31 of each year, truthfully report the information including the receipt and disposal of solid radioactive waste and the operation of facilities in the last year to the environmental protection administrative department and the competent department of nuclear industry under the State Council.

Article 33 Sources of radioactive waste and other solid radioactive waste shall be prohibited from being sent to an entity without the corresponding license for storage or disposal or from being disposed of without authorization.

It is prohibited to engage in the storage or disposal of solid radioactive waste without a license or not in accordance with the types, scope, scale and term of activities as stipulated in the license.

Article 34 The import of radioactive waste and radiation-contaminated goods into the territory of the People's Republic of China or the transfer of them through the territory of the People's Republic of China shall be prohibited. The specific measures shall be formulated by the environmental protection administrative department under the State Council jointly with the competent commerce department under the State Council, the General Administration of Customs, and the competent department of entry-exit inspection and quarantine of the state.

Chapter V Legal Liability

Article 35 Where any department bearing the duties of radioactive waste safety supervision and administration and its staff members, in violation of this Regulation, commit any of the following acts, the directly responsible persons in charge and other directly liable persons shall be subject to disciplinary action. The directly responsible persons in charge and other directly liable persons shall be subject to criminal liability according to law if they commit a crime:

- (1) issuing a license for the storage or disposal of solid radioactive waste in violation of this Regulation;
- (2) approving the selection of a site or the construction of disposal facilities which do not meet the site selection plan or the technical guidelines or standards for site selection in violation of this Regulation;
- (3) failing to investigate and punish the violations of this Regulation that they discover;
- (4) asking for or accepting the property of others or seeking other benefits during the process of handling the license for the storage or disposal of solid radioactive waste and carrying out supervision and inspection; or
- (5) any other act of conducting malfeasance for personal gain, abusing power or neglecting duties.

Article 36 Where any entity operating nuclear facilities or utilizing nuclear technology, in

violation of this Regulation, commits any of the following acts, the environmental protection administrative department that examined and approved the project environmental impact assessment document of this entity shall order it to cease the illegal act and make rectifications within a prescribed time limit; and if it fails to make rectifications within the prescribed time limit, designate an entity that has obtained the corresponding license to store or dispose of the radioactive waste on its behalf, and the necessary expenses shall be borne by the entity operating nuclear facilities or utilizing nuclear technology, and a fine of not more than 200,000 yuan may be imposed upon it. If a crime is constituted, the criminal liability shall be pursued according to law:

(1) the entity operating nuclear facilities fails to send the sources of radioactive waste it has generated for storage or disposal or fails to send other solid radioactive waste it has generated for disposal according to the relevant provisions; or

(2) the entity utilizing nuclear technology fails to send the sources of radioactive waste or other solid radioactive waste it has generated for storage or disposal according to the relevant provisions.

Article 37 Where any entity, in violation of this Regulation, commits any of the following acts, the environmental protection administrative department of the people's government at the county level or above shall order it to cease the illegal act and make rectifications within a prescribed time limit, and impose a fine of not less than 100,000 yuan but not more than 200,000 yuan; and if any environmental pollution is caused, order it to take control measures to eliminate the pollution within a prescribed time limit, and if it does not take control measures within the prescribed time limit and still fails to do so after being urged, the environmental protection administrative department may designate an entity with the ability to control pollution to take control measures on its behalf, and the necessary expenses shall be borne by the entity in violation. If any crime is constituted, the criminal liability shall be pursued according to law:

(1) an entity operating nuclear facilities sends sources of radioactive waste to an entity without corresponding license for storage or disposal, or sends other solid radioactive waste to an entity without a corresponding license for disposal, or disposes of them without authorization;

(2) an entity utilizing nuclear technology sends sources of radioactive waste or other solid radioactive waste to an entity without a corresponding license for storage or disposal or disposes of them without authorization; or

(3) an entity storing solid radioactive waste sends sources of radioactive waste or other solid radioactive waste to an entity without a corresponding license for disposal, or disposes of them without authorization.

Article 38 Where any entity, in violation of this Regulation, commits any of the following acts, the environmental protection administrative department of the people's government at the provincial level or above shall order it to suspend production and business or revoke its license, and if there is any illegal income, confiscate the illegal income, and if the illegal

income is more than 100,000 yuan, impose a fine of not less than one time but not more than five times the illegal income, and if there is no illegal income or the illegal income is less than 100,000 yuan, impose a fine of not less than 50,000 yuan but not more than 100,000 yuan. If environmental pollution is caused, the environmental protection administrative department shall order it to take control measures to eliminate the pollution within a prescribed time limit, and if it does not take control measures within the prescribed time limit and still fails to do so after being urged, the department may designate an entity with the ability to control pollution to take control measures on its behalf, and the necessary expenses shall be borne by the entity in violation. If any crime is constituted, the criminal liability shall be pursued according to law:

- (1) engaging in the storage or disposal of sources of radioactive waste or other solid radioactive waste without permission;
- (2) an entity storing or disposing of solid radioactive waste fails to carry out the storage or disposal of sources of radioactive waste or other solid radioactive waste in accordance with the types, scope, scale or term of activities as stipulated in the license; or
- (3) an entity storing or disposing of solid radioactive waste fails to store or dispose of sources of radioactive waste or other solid radioactive waste in accordance with the relevant national standards for the prevention and control of radioactive pollution and contamination and the provisions of the environmental protection administrative department under the State Council.

Article 39 Where an entity storing or disposing of solid radioactive waste fails to establish files for recording the relevant situation in accordance with the relevant provisions or fails to truthfully record the relevant situation in accordance with the relevant provisions, the environmental protection administrative department of the people's government at the provincial level or above shall order it to make rectifications within a prescribed time limit, and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; and if it fails to make rectifications within the prescribed time limit, impose a fine of not less than 50,000 yuan but not more than 100,000 yuan.

Article 40 Where an entity operating nuclear facilities or utilizing nuclear technology or an entity storing or disposing of solid radioactive waste fails to truthfully report relevant situations in accordance with Article 32 of this Regulation, the environmental protection administrative department of the people's government at the county level or above shall order it to make rectifications within a prescribed time limit, and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; and if it fails to make rectifications within the prescribed time limit, impose a fine of not less than 50,000 yuan but not more than 100,000 yuan.

Article 41 Where any entity, in violation of this Regulation, refuses or obstructs the supervision and inspection conducted by the environmental protection administrative department or any other relevant department, or practices frauds when undergoing supervision and inspection, the supervision and inspection department shall order it to make

rectifications and impose a fine of not more than 20,000 yuan. If any violation of public security administration is constituted, the public security organ shall impose a public security administration punishment in accordance with law; and if a crime is constituted, the criminal liability shall be pursued.

Article 42 Where an entity operating nuclear facilities or utilizing nuclear technology or an entity storing or disposing of solid radioactive waste fails to give technical training and assessment to relevant staff members in accordance with relevant provisions, the environmental protection administrative department of the people's government at the county level or above shall order it to make rectifications within a prescribed time limit, and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; and if it fails to make rectifications within the prescribed time limit, impose a fine of not less than 50,000 yuan but not more than 100,000 yuan.

Article 43 Where any entity, in violation of this Regulation, imports radioactive waste or radiation-contaminated goods into the territory of the People's Republic of China or transfers them through the territory of the People's Republic of China, the customs office shall order it to return the radioactive waste or radiation-contaminated goods, and impose a fine of not less than 500,000 yuan but not more than 1 million yuan. If a crime is constituted, the criminal liability shall be pursued according to law.

Chapter VI Supplementary Provisions

Article 44 Safety management of radioactive waste generated by military facilities and equipment shall be governed by Article 60 of the Law of the People's Republic of China on the Prevention and Control of Radioactive Pollution.

Article 45 Safety management of the transportation of radioactive waste, emergency handling of pollution accidents caused by radioactive waste and the prevention and treatment of occupational diseases contracted by employees due to their exposure to radioactive waste in occupational activities shall be governed by the relevant laws and administrative regulations.

Article 46 This Regulation shall come into force on March 1, 2012.

13. Regulations of the People's Republic of China on the Protection of Aquatic Wild Animals

(Approved by the State Council on September 17, 1993 and issued by Order No. 1 of the Ministry of Agriculture on October 5, 1993; revised for the first time in accordance with the Decision of the State Council on Abolishing and Amending Some Administrative Regulations on January 8, 2011; amended for the second time in accordance with the Decision of the State Council on Amending Some Administrative Regulations on December 7, 2013)

Chapter I General Provisions

Article 1 In accordance with the provisions of the Law of the People's Republic of China on the Protection of Wild Animals (hereinafter referred to as the "Law on the Protection of Wild Animals"), these Regulations are developed.

Article 2 For the purpose of these Regulations, aquatic wild animals are rare and endangered aquatic wild animals; and products of aquatic wild animals are any part of aquatic wild animals and their derivatives.

Article 3 Fishery administrative departments under the State Council shall take charge of the administration of national aquatic wild animals.

A fishery administrative department of a local people's government at or above the county level shall take charge of the administration of aquatic wild animals within its administrative region.

The administrative penalty powers of fishery administrative departments as specified in the Law on the Protection of Wild Animals and these Regulations may be exercised by their subordinate fishery supervision and administration institutions.

Article 4 People's governments at or above the county level and their competent departments shall encourage and support scientific research entities and teaching entities to carry out scientific research in aquatic wild animals.

Article 5 Fishery administrative departments and their subordinate fishery supervision and administration institutions shall be entitled to supervise the implementation of the Law on the Protection of Wild Animals and these Regulations, and the inspected entities and individuals shall cooperate therewith.

Chapter II Protection of Aquatic Wild Animals

Article 6 Fishery administrative departments under the State Council and fishery administrative departments under people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government shall regularly organize investigation of aquatic wild animal resources and create files of resources, to provide basis for the development of development plans for aquatic wild animal resources, and development of and adjustment to the directories of aquatic wild animals under State and local priority protection.

Article 7 Fishery administrative departments shall organize various social forces, take effective measures, maintain and improve the living environment of aquatic wild animals, and protect and propagate aquatic wild animal resources.

No entity or individual shall be allowed to damage the waters, places, and living conditions where aquatic wild animals under State priority protection and local priority protection live and breed.

Article 8 All entities and individuals shall be entitled to inform the local fishery administrative departments or their subordinate fishery supervision and administration institutions of or file charges against seizure or damage of aquatic wild animal resources.

Article 9 Any entity or individual that finds any aquatic wild animal that is wounded, gets stranded, or accidentally enters the harbor or the branch of a river and thus land itself in difficulty, shall report the local fishery administrative department or their subordinate fishery supervision and administration institution in a timely manner, and the said department or institution shall take emergency rescue measures; and may require a nearby entity which is

capable of rendering rescue to take emergency rescue measures and report to the fishery administrative department. Aquatic wild animals that have died shall be appropriately handled by fishery administrative departments.

Aquatic wild animals accidentally captured shall be released immediately and unconditionally.

Article 10 Those who suffer losses resulting from protection of aquatic wild animals under State priority protection and local priority protection may require fishery administrative departments of local people's governments to make compensation. Those who have been verified to need compensation through investigation shall be compensated by local people's governments according to relevant provisions of the people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government.

Article 11 Fishery administrative departments under the State Council and people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government shall prescribe natural reserves of aquatic wild animals in regions or waters where aquatic wild animals under State priority protection and local priority protection live and breed, and strengthen the protection administration of aquatic wild animals under State and local priority protection and their living environment. Specific measures shall be otherwise prescribed by the State Council.

Chapter III Administration of Aquatic Wild Animals

Article 12 It is prohibited to capture or murder any aquatic wild animal under State priority protection.

Under any of the following circumstances, anyone who indeed needs to capture aquatic wild animals under State priority protection shall apply for a special permit to capture:

- (1) Where an aquatic wild animal has to be captured for the purpose of scientific exploration and survey of resources.
- (2) Where the origin of an aquatic wild animal has to be obtained from natural waters or places for the purpose of domestication and breeding of an aquatic wild animal under State priority protection.
- (3) Where an aquatic wild animal under State priority protection has to be obtained from natural waters or places for the purpose of undertaking scientific research projects above the provincial level or tasks of medicine production of the State.
- (4) Where an aquatic wild animal under State priority protection has to be obtained from natural waters or places for the purpose of popularization of knowledge about aquatic wild animals or for the purpose of education or exhibition.
- (5) Where an aquatic wild animal has to be captured under other special circumstances.

Article 13 Procedures for applying for a special permit to capture:

- (1) Where the capture of an aquatic wild animal under first class State protection is necessary, the application shall be made to the fishery administrative department under the State Council for a special permit to capture, and attached with the opinions of the fishery administrative department under the people's government of the province, autonomous

region or municipality directly under the Central Government where the applicant's place of residence is located and where the capture is to be carried out.

(2) Where the capture of an aquatic wild animal under second class State protection needs to be carried out in the applicant's own province, autonomous region or municipality directly under the Central Government, the applicant shall apply to the fishery administrative department under the people's government of the province, autonomous region or municipality directly under the Central Government for a special permit to capture, and attached with the opinions of the fishery administrative department under the people's government at the county level where the applicant's residence is located.

(3) Where the capture of an aquatic wild animal under second class State protection needs to be carried out across the borders of different provinces, autonomous regions or municipalities directly under the Central Government, the applicant shall apply to the fishery administrative department under the people's government of the province, autonomous region or municipality directly under the Central Government where the capture has to be carried out for a special permit to capture, attached with the opinions of the fishery administrative department under the people's government of the province, autonomous region or municipality directly under the Central Government where the applicant's residence is located.

Any zoo applying for the capture of an aquatic wild animal under first class State protection shall have the application examined and approved by the construction administrative department under the State Council before it is submitted to the fishery administrative department under the State Council for a special permit to capture. Where the capture of an aquatic wild animal under second class State protection is to be carried out, the application shall be examined and approved by the construction administrative department under the government at the same level before it is submitted to the fishery administrative department under the people's government of the relevant province, autonomous region or municipality directly under the Central Government where the applicant's residence is located for a special permit to capture.

The department responsible for issuing the special permit to capture shall decide to approve or disapprove the application within three months of the receipt of the application.

Article 14 No special permit to capture shall be issued under any of the following circumstances:

(1) Where there are legal non-capture methods available to the applicant to obtain the species of aquatic wild animals under State priority protection or the products thereof or to fulfill the applicant's purpose.

(2) The application for capture made is not in conformity with the relevant provisions of the State, or the applicant's capture gear or capture method is inappropriate, or the season or location for capture is not suitable.

(3) The capture is not appropriate taking into consideration the situation of aquatic wild animal resources.

Article 15 An entity or individual that has obtained a special permit to capture shall observe the stipulations contained therein with respect to the species, quantity, area, time limit, gear and method of capture, in order to prevent aquatic wild animals from accidental injury and their living environment from accidental damage. After capture is completed, the entity or individual shall apply to the fishery administrative department under the people's government at the county level or its subordinate fishery supervision and administration institution for inspection in a timely manner.

The fishery administrative department under the people's government at the county level or its subordinate fishery supervision and administration institution shall conduct supervision and inspection of the capture of aquatic wild animals under State priority protection in the administrative region, and report the supervision and inspection results in a timely manner to the department that approves the capture.

Article 16 Any foreigner conducting scientific investigation, specimen collection, shooting of films, videorecording and other activities related to aquatic wild animals within the territory of China must obtain the approval of the fishery administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government of the place where the aquatic wild animals under special protection by the state are located.

Article 17 Any entity or individual who domesticates and breeds aquatic wild animals under first class State protection shall have a domestication and breeding license issued by the fishery administrative department under the State Council; and any entity or individual who domesticates and breeds aquatic wild animals under second class State protection shall have a domestication and breeding license issued by the fishery administrative department under the people's government of all provinces, autonomous regions, and municipalities directly under the Central Government.

The fishery administrative department may authorize the construction administrative department at the same level to issue a domestication and breeding license if any zoo intends to domesticate and breed aquatic wild animals under State priority protection.

Article 18 It is prohibited to sell or acquire any aquatic wild animals under State priority protection or their products. Any entity or individual that needs to sell, purchase, or utilize aquatic wild animals under first class State protection or their products for the purpose of scientific research, domestication and breeding, exhibition, and other special circumstances shall submit an application to the fishery administrative department under the people's government of the province, autonomous region, and municipality directly under the Central Government, and after the aforesaid department signs its opinions, submit the application to the fishery administrative department under the State Council for approval; and any entity or individual that needs to sell, purchase, or utilize aquatic wild animals under second class State protection or their products shall submit an application to the fishery administrative department of the people's government of the province, autonomous region, and municipality directly under the Central Government, and be subject to the approval thereof.

Article 19 The fishery administrative departments and the administrative departments for industry and commerce under the people's governments at or above the county level shall establish a system of supervision and inspection for the business operation and utilization of aquatic wild animals or their products, and strengthen the supervision and administration of the business operation and utilization of aquatic wild animals or their products.

Transactions of aquatic wild animals or their products in fair markets shall be supervised and administered by the administration departments for industry and commerce and the fishery administrative departments shall offer assistance; while those deal with aquatic wild animals or their products outside fair markets shall be supervised and administered by the fishery administrative departments, the administration departments for industry and commerce, or entities authorized thereby.

Article 20 Any entity or individual that takes aquatic wild animals under State priority protection or their products outside the border of a county shall hold a special permit to capture or a domestication and breeding license, submit an application to the fishery administrative department under the people's government at the county level, and submit the application to the fishery administrative department under the people's government of the province, autonomous region, and municipality directly under the Central Government or an entity authorized thereby for approval. Any zoo that needs to transport aquatic wild animals under State priority protection for the purpose of breeding of animals shall be approved by a construction administrative department at the same level authorized by the fishery administrative department under the people's government of the province, autonomous region, and municipality directly under the Central Government for approval.

Article 21 Transport, railway, civil aviation and postal enterprises shall notify relevant competent departments of handling the aquatic wild animals or their products without legal certification of carriage, and shall not accept them for carriage, receive or send them.

Article 22 Any entity or individual that imports aquatic wild animals shall submit an application to the fishery administrative department under the people's government of the province, autonomous region, and municipality directly under the Central Government, and submit it to the fishery administrative department under the State Council for approval after scientific verification is conducted by a scientific research institution designated by a fishery administrative department under the people's government above the provincial level.

Article 23 Any import or export entity or individual exports aquatic wild animals under State priority protection or their products and imports or exports aquatic wild animals or their products whose import or export is restricted by the international conventions in which China participates shall be subject to the approval of the fishery administrative department under the people's government of the province, autonomous region, and municipality directly under the Central Government where the import or export entity or individual is located, and submit an application to the fishery administrative department under the State Council for approval. Where the import or export is made for trade purpose, the aforesaid procedures shall be undertaken by the entity which has the right to import or export goods.

Any zoo that intends to import or export aquatic wild animals described in the preceding paragraph for the purpose of mutual exchanges shall be subject to the approval and consent of the construction administrative departments under the State Council, before the application has been approved by the fishery administrative department under the State Council.

Article 24 The economic benefits derived from the exhibition of aquatic wild animals or their products and other activities shall be mainly used for the protection of aquatic wild animals.

Chapter IV Awards and Penalties

Article 25 Any entity or individual that has any of the following deeds shall be awarded by the people's government at or above the county level or by fishery administrative department thereunder:

- (1) Where outstanding contribution has been made in the survey, administration of protection, publicity and education, development and utilization of aquatic wild animal resources.
- (2) Where outstanding achievements have been made in the implementation of laws and regulations on the protection of wild animals.
- (3) Where outstanding achievements have been made in the rescue, protection, domestication and breeding of aquatic wild animals.
- (4) Where any act of violation of laws and regulations on the protection of aquatic wild animals has been stopped in a timely manner or has been honored for the prosecution thereof.
- (5) Where outstanding contribution has been made in the investigation and handling of cases of damage to aquatic wild animal resources.
- (6) Where great achievements have been made in the scientific research of aquatic wild animals or remarkable benefits have been obtained in the application and promotion of the results of scientific research.
- (7) Where any entity has been worked in grass-roots entities on the protection and maintenance of aquatic wild animals for five years or more and outstanding achievements have been made.
- (8) Where other special contribution has been made in the administration of the protection of aquatic wild animals.

Article 26 Illegal capture or killing of aquatic wild animals under State priority protection shall be subject to criminal liability in accordance with the relevant provisions of the Criminal Law; if the case is obviously not serious and the damage is minor or the circumstances of the offence are so slight that the offenders do not need to be punished, the fishery administrative department shall confiscate the capture quarries, capture gears and the illegal income obtained therefrom, and revoke the special permit to capture, besides a fine of less than ten times the value of the capture quarries or a fine of less than 10,000 yuan shall be imposed in the case of no capture quarry.

Article 27 Anyone, in violation of the provisions of the laws and regulations on the protection of aquatic wild animals, destroying the main areas where aquatic wild animals under State

priority protection or local priority protection live and breed in nature reserves, shall be imposed a fine in accordance with the provisions of Article 34 of the Law on the Protection of Wild Animals, and the fine shall be less than three times the cost for the restoration thereof.

Article 28 Where anyone in violation of the provisions of the laws and regulations on the protection of aquatic wild animals, sells, purchases, transports or carries aquatic wild animals under State priority protection or local priority protection or their products, such aquatic wild animals and products and his unlawful income obtained therefrom shall be confiscated by the administrative departments for industry and commerce or by the fishery administrative departments authorized thereby, and a fine of less than ten times the value thereof shall be imposed.

Article 29 Anyone forging, selling or transferring a domestication and breeding license shall be imposed a fine of less than 5,000 yuan in accordance with the provisions of Article 37 of the Law on the Protection of Wild Animals. Anyone forging, selling or transferring a special permit to capture or an import or export permit shall be imposed a fine of less than 50,000 yuan in accordance with the provisions of Article 37 of the Law on the Protection of Wild Animals.

Article 30 Where anyone, in violation of the provisions of the laws and regulations on the protection of aquatic wild animals, domesticates or breeds aquatic wild animals under State priority protection without domestication or breeding license or domesticates or breeds the aquatic wild animals under State priority protection beyond those specified in the domestication or breeding license, his unlawful income shall be confiscated by the fishery administrative department, and a fine of less than 3,000 yuan shall be imposed; besides, the species of aquatic wild animals may be concurrently confiscated and the domestication and breeding license may be revoked.

Article 31 Where any foreigner makes scientific investigation, collects specimens or makes films or videos of aquatic wild animals under State priority protection within the territory of China without approval, the data of survey and shooting and the specimens collected by him shall be confiscated by the fishery administrative department, and he may concurrently be imposed a fine of less than 50,000 yuan.

Article 32 Anyone who has committed any of the following acts that do not constitute a crime shall, in accordance with the provisions of the Law of the People's Republic of China on Administrative Penalties for Public Security, be punished:

(1) Refusing or impeding the fishery administration inspectors to fulfill their duty according to the law; or

(2) Stealing, robbing or intentionally damaging instruments, devices or facilities for the protection of aquatic wild animals.

Article 33 The aquatic wild animals or the products thereof confiscated in accordance with the provisions of the laws and regulations on the protection of aquatic wild animals shall be handled according to the provisions of the fishery administrative departments under the State Council.

Chapter V Supplementary Provisions

Article 34 The power to interpret these Regulations shall remain with the fishery administrative departments under the State Council.

Article 35 These Regulations shall come into force on the date of issuance.

14. Detailed Rules for the Implementation of Fisheries Law of the People's Republic of China

(Omitted, Chinese only)

15. Regulation on the Implementation of the Environmental Protection Tax Law of the People's Republic of China

Chapter I General Provisions

Article 1 This Regulation is developed in accordance with the Environmental Protection Tax Law of the People's Republic of China (hereinafter referred to as the “Environmental Protection Tax Law”).

Article 2 The specific scope of “other solid waste” as referred to in the Table of Taxable Items and Amount of Environmental Protection Tax attached to the Environmental Protection Tax Law shall be determined according to the procedures as specified in paragraph 2 of Article 6 of the Environmental Protection Tax Law.

Article 3 “Urban and rural centralized sewage treatment places” as referred to in paragraph 1 of Article 5, and item (3) of paragraph 1 of Article 12 of the Environmental Protection Tax Law means the places that provide the public with domestic sewage treatment services, excluding the places that provide sewage treatment services for enterprises, public institutions and other producers and distributors within industrial parks, development zones and other industry cluster regions, and the sewage treatment places built by enterprises, public institutions and other producers and distributors for their own use.

Article 4 The livestock and poultry farms that reach the scale standards determined by the provincial people's governments and have pollutant discharge outlets shall pay environmental protection tax according to the law. The comprehensive utilization and harmless treatment of livestock and poultry waste conducted according to the law do not fall within the scope of directly discharging pollutants to the environment, and thus shall not be subject to environmental protection tax.

Chapter II Taxation Basis

Article 5 The taxation basis for taxable solid waste shall be determined on the basis of the discharges of solid waste. The discharges of solid waste shall be the balance after deducting the storage quantity, disposal quantity, and comprehensive utilization quantity of taxable solid waste in the current period from the output of taxable solid waste in the current period.

“Storage quantity and disposal quantity of solid waste” as referred to in the preceding paragraph means the quantity of solid waste stored or disposed of at the facilities or places

that meet the national and local environmental protection standards; and the “quantity of comprehensive utilization of solid waste” means the quantity of solid waste utilized in a comprehensive manner in accordance with the requirements for the comprehensive utilization of resources of the development and reform administrative department and the industry and information technology administrative department of the State Council and the national and local environmental protection standards.

Article 6 Where a taxpayer falls under any of the following circumstances, the output of its taxable solid waste in the current period shall be taken as the discharges of solid waste:

- (1) Illegally dumping taxable solid waste.
- (2) Filing false tax returns.

Article 7 The taxable basis for taxable air pollutants and water pollutants shall be determined on the basis of the pollution equivalent converted from pollutant discharges.

Where a taxpayer falls under any of the following circumstances, the output of its taxable air pollutants and water pollutants in the current period shall be taken as the discharges of pollutants:

- (1) Failing to legally install and use automatic monitoring equipment for pollutants, or failing to interconnect automatic monitoring equipment for pollutants with the monitoring equipment of the environmental protection administrative department.
- (2) Destroying or moving or changing without authorization the automatic monitoring equipment for pollutants.
- (3) Tampering with or forging pollutant monitoring data.
- (4) Illegally discharging taxable pollutants through underground pipelines, seepage wells, seepage pits, pouring, or discharging after dilution, or by improperly operating pollution prevention and control facilities or other means.
- (5) Filing false tax returns.

Article 8 Where taxable pollutants are discharged from two or more discharge outlets, the environmental protection tax on the taxable pollutants discharged from each discharge outlet shall be calculated and collected respectively. Where a taxpayer holds a pollutant discharge license, its pollutant discharge outlets shall be determined according to those specified in the pollutant discharge license.

Article 9 Where the monitoring data obtained by a taxpayer that falls under the circumstance as specified in item (2) of Article 10 of the Environmental Protection Tax Law from monitoring pollutants on its own initiative complies with the relevant provisions and monitoring specifications of the state, such data shall be deemed as the monitoring data issued by the monitoring institution as specified in item (2) of Article 10 of the Environmental Protection Tax Law.

Chapter III Tax Reduction and Exemption

Article 10 “Concentration of the taxable air pollutants or water pollutants” as referred to in Article 13 of the Environmental Protection Tax Law means the average of the hourly average concentration of the taxable air pollutants or the average of the daily average

concentration of the taxable water pollutants automatically monitored by the automatic monitoring equipment for pollutants installed and used by a taxpayer in the current month, or the average concentration of taxable air pollutants or taxable water pollutants monitored by the monitoring institution in the current month.

Where environmental protection tax is collected at a reduced rate in accordance with the provisions of Article 13 of the Environmental Protection Tax Law, neither the hourly average concentration of the taxable air pollutants or the daily average concentration of the taxable water pollutants as specified in the preceding paragraph, nor the concentration of the taxable air pollutants or taxable water pollutants monitored each time by the monitoring institution in the current month shall exceed the pollutant discharge standard as prescribed by the state or the local area.

Article 11 Where environmental protection tax is collected at a reduced rate in accordance with the provisions of Article 13 of the Environmental Protection Tax Law, the relevant environmental protection taxes on different taxable pollutants discharged from each discharge outlet shall be calculated respectively.

Chapter IV Tax Collection Administration

Article 12 Tax authorities shall perform the duties of accepting the filing of environmental protection tax returns, comparing tax-related information and organizing the payment of relevant taxes to the state treasury, among others.

Environmental protection administrative departments shall take charge of the monitoring and administration of taxable pollutants according to the law, and develop and improve pollutant monitoring specifications.

Article 13 Local people's governments at or above the county level shall strengthen the leadership of the administration of collection of environmental protection tax, and coordinate and solve major issues arising during the administration of collection of environmental protection tax in a timely manner.

Article 14 The taxation and environmental protection administrative departments of the State Council shall develop the technical standards for tax-related information sharing platforms and the specifications for data collection, storage, transmission, inquiry and use.

Article 15 Environmental protection administrative departments shall, through tax-related information sharing platforms, submit to tax authorities the following information obtained during the supervision and administration of environmental protection:

- (1) Names and unified social credit codes of pollutant discharging entities, pollutant discharge outlets, varieties of pollutants discharged and other basic information.
- (2) Pollutant discharge data of pollutant discharging entities (including pollutant discharges, the concentrations of air pollutants and water pollutants and other data).
- (3) Violations of environmental laws by pollutant discharging entities and administrative penalties thereon.
- (4) Review opinions on the abnormal data materials on the filing of tax returns by any taxpayer or on taxpayers' failure to file tax returns within a prescribed time limit of which the

tax authorities request review.

(5) Other information that shall be submitted as decided through consultation with tax authorities.

Article 16 Tax authorities shall, through the tax-related information sharing platforms, submit the following tax-related information on environmental protection to the environmental protection administrative departments:

(1) Basic information on taxpayers.

(2) Information on filing of tax returns.

(3) Information on payment of taxes into the state treasury, amount of tax relief, taxes in arrears, and doubtful risk points, among others.

(4) Taxpayers' violations of tax laws and the imposition of administrative penalties thereon.

(5) Information on the abnormal data materials on the filing of tax returns by any taxpayer or taxpayers' failure to file tax returns within a prescribed time limit.

(6) Other information that shall be submitted as decided through consultation with environmental protection administrative departments.

Article 17 "Places of discharge of taxable pollutants" as referred to in Article 17 of the Environmental Protection Tax Law means:

(1) the places where the discharge outlets of taxable air pollutants and taxable water pollutants are located;

(2) the place where taxable solid waste is generated; and

(3) the place where taxable noise is produced.

Article 18 Where taxpayers discharge taxable pollutants across regions and tax authorities have disputes over the jurisdiction of tax collection, all parties to the disputes shall settle such disputes through consultation under the principle of being conducive to tax collection administration; and if consensus cannot be reached through consultation, relevant matters shall be reported to their common superior tax authorities for decision-making.

Article 19 Tax authorities shall identify taxpayers based on the information on the pollutant discharging entities submitted by the environmental protection administrative departments according to the law.

Where the corresponding information of a taxpayer is not included in the information on pollutant discharging entities submitted by the environmental protection administrative department, the tax authority shall identify the taxpayer when the taxpayer files environmental protection tax returns for the first time, and submit the relevant information to the environmental protection administrative department.

Article 20 Where an environmental protection administrative department finds the taxable pollutant discharge information declared by a taxpayer or the applicable pollution discharging coefficient and materials balance method is wrong, it shall be notified to the tax authority for handling.

Article 21 Where the pollutant discharge data declared by a taxpayer is inconsistent with the relevant data submitted by the environmental protection administrative department, the

taxation basis for taxable pollutants shall be determined on the basis of the data submitted by the environmental protection administrative department.

Article 22 “The data materials on the filing of tax returns by any taxpayer are abnormal” as referred to in paragraph 2 of Article 20 of the Environmental Protection Tax Law shall include but not be limited to the following circumstances:

(1) The taxable pollutant discharges declared by the taxpayer in the current period are obviously lower than those in the same period of the previous year, without a good reason

(2) The pollutant discharges of a unit product of the taxpayer are obviously lower than those of a taxpayer of the same kind, without a good reason.

Article 23 Tax authorities and environmental protection administrative departments shall provide taxpayers with guidance, training and consultation services related to the payment of environmental protection tax free of charge.

Article 24 Tax authorities shall conduct the tax inspection of environmental protection tax according to the law, and environmental protection administrative departments shall give support thereto.

Article 25 Taxpayers shall, in accordance with the relevant provisions on tax collection administration, properly keep relevant materials on the monitoring and administration of taxable pollutants.

Chapter V Supplementary Provisions

Article 26 This Regulation shall come into force on January 1, 2018. The Regulation on the Administration of Collection and Use of the Funds for Discharge of Pollutants issued by the State Council on January 2, 2003, shall be repealed concurrently.

By the Local People's Congress

16. Regulations on Marine Environmental Protection of Jiangsu Province

(Omitted, Chinese only)

17. Regulations on Administration of Sea Areas of Jiangsu Province

(Omitted, Chinese only)

18. Regulations on Marine Environmental Protection of Shandong Province

(Omitted, Chinese only)

19. Regulations on Environmental Protection of Dalian Municipality

(Omitted, Chinese only)

20. Regulations on Administration of Sea Ranches of Lianyungang Municipality

(Omitted, Chinese only)

21. Regulations on Protection of Coastal Zones of Weihai Municipality

(Omitted, Chinese only)

Chapter V Full Texts of Measures Relevant to Marine Pollution

By the administrative departments of the State Council

1. Measures for the Implementation of the Regulation of the People's Republic of China on the Administration of Environmental Protection for Offshore Oil Exploration and Exploitation

(Issued by Order No. 1 of the State Oceanic Administration on September 20, 1990, and amended in accordance with the Decision of the Ministry of Land and Resources on Amending and Repealing Some Rules (Order No. 64, Ministry of Land and Resources) issued at the first executive meeting of the Ministry of Land and Resources on January 5, 2016)

Article 1 In accordance with the provisions of Article 47 of the Marine Environment Protection Law of the People's Republic of China, these Measures are developed for the purpose of implementing the Regulation of the People's Republic of China on the Administration of Environmental Protection for Offshore Oil Exploration and Exploitation (hereinafter referred to as the “Regulation”).

Article 2 These Measures shall apply to all legal persons, natural persons and other economic entities engaging in oil exploration and exploitation in inland seas, territorial seas and other sea areas under the jurisdiction of the People's Republic of China.

Article 3 The State Oceanic Administration and its local offices are the competent departments for the implementation of these Measures. Local offices include: branches and their subordinate maritime administrations (hereinafter referred to as “competent departments of sea areas”). Marine monitoring stations shall conduct administration according to the authorization of maritime administrations.

The marine administrative organs of coastal provinces, autonomous regions and municipalities directly under the Central Government are the local administrative organs which are authorized by the competent departments to implement these Measures.

Article 4 Those engaging in offshore oil exploration and exploitation in sea areas under the jurisdiction of China shall report the positions and scope of offshore oil exploration and exploitation to the competent departments of sea areas before the operations, and,

according to the content and requirements of the Report Form for Environmental Protection for Offshore Oil Exploration and Exploitation, report the relevant information to the competent departments of sea areas.

Article 5 When offshore oil earthquake exploration operations need to be conducted by using explosive sources or other methods which may damage fishery resources, the plans and operating sea areas shall be reported to the competent departments of sea areas half a month before the operations start, and effective technological measures shall be taken to minimize the damage to or impacts on resources.

Article 6 Offshore oil exploiters shall, while preparing the overall exploitation plans for oil (gas) fields, prepare and report the marine environmental impact statements according to the content as prescribed in Article 5 of the Regulation, and submit the approved marine environmental impact statements to the competent departments of sea areas where they are located.

The operators of the oil (gas) fields under production (including trial production) shall, according to the changes in mining scale and the environmental quality conditions, supplement and improve at appropriate time the environmental impact statements, and submit them to the competent departments for examination.

Article 7 The entities that undertake environmental impact assessment must have the capabilities of engaging in marine environmental impact assessment, and hold Class-A environmental impact assessment certificates.

Article 8 The anti-pollution equipment of fixed and mobile platforms operated in the sea areas under the jurisdiction of China must meet the requirements of Article 7 of the Regulation, and may not be operated until the certificates thereof are verified by the competent departments.

Article 9 In order to prevent and control spilled oil pollution, and reduce pollution damage, the operators engaging in offshore oil exploration and exploitation shall, according to the oil field exploitation scale, and natural environment and resource status of operation waters, develop oil spill emergency plans, and submit them to the competent departments of sea areas for recordation.

Article 10 Oil spill emergency plans shall include:

1. platform operation conditions and the environment and resource status of sea areas;
2. oil spill risk analysis; and
3. oil spill emergency response capacity.

Article 11 Operators shall, according to the exploitation scale and risk analysis of oil fields, among others, be equipped with various appropriate emergency equipment, so as to enable them to be capable of dealing with the oil spill accidents commensurate with the oil field exploitation scale.

Article 12 The discharge of oily wastewater from fixed and mobile platforms and other offshore installations must comply with the relevant national standards issued by the People's Republic of China.

1. The discharge of oily wastewater from cabins, engine rooms and decks shall comply with the Standards for the Discharge of Pollutants from Vessels (GB 3552—83)
2. The discharge of oil extraction industrial wastewater shall comply with the Standards for the Discharge of Oily Wastewater of the Offshore Oil Exploitation Industry (GB 4914—85).
3. Oily wastewater shall not be diluted, or pretreated with oil dispersant injected before being discharged.
4. When the oil extraction industrial wastewater is discharged, sample testing shall be conducted in accordance with the requirements of the Methods for the Analysis of the Oily Wastewater of the Offshore Oil Exploitation Industry, and the testing results shall be recorded in the “Anti-Pollution Record Book.”

Testing and analysis instruments shall be the formal products that have passed the inspection.

Article 13 Before the oil testing in drilling operation, operators shall notify the competent departments of sea areas. During the oil testing, operators shall take effective measures to prevent oil pollution.

Article 14 When water-base mud is used, the injection of oils into water-base mud shall be avoided or reduced as far as possible. If it is necessary to inject oils, the type and quantity of oil shall be recorded in the “Anti-Pollution Record Book.” Before the discharge of oily water-base mud, the competent department of the sea area shall be notified, and the sample of oily water-base mud shall be submitted. The water-base mud whose oil content is more than 10% (in weight) is forbidden to be discharged to the sea. If it is truly difficult to recycle the water-base mud whose oil content is less than 10% (in weight), it may be discharged to the sea with the approval of the competent department of the sea area, but pollution discharge fees shall be paid.

Oily water-base mud is not allowed to be treated with oil dispersant injected before being discharged.

When oil-base mud needs to be used, low-toxicity oil-base mud shall be used; effective technical measures shall be taken to fully separate drilling cuttings from mud; oil-base mud must be recycled and may not be discharged to the sea; the drilling cuttings whose oil content exceeds 15% (in weight) are prohibited from being discharged to the sea. If it is truly difficult to recycle the drilling cuttings whose oil content is less than 15% (in weight), they may be discharged to the sea with the approval of the competent department of the sea area, but pollution discharge fees shall be paid.

The competent departments of sea areas may require operators to provide the samples of drilling mud and drilling cuttings.

Operators shall record the oil content of drilling mud and drilling cuttings, discharge time, discharge volume and other information in the “Anti-Pollution Record Book.”

Article 15 All plastic products (including but not limited to synthetic ropes, synthetic fishing nets and plastic bags) and other wastes (including residual oil, waste oil, oily wastes and their residual liquid and residues, among others) are forbidden to be discharged or discarded

to the sea), and shall be stored in special containers in a centralized manner, and shipped back to the land for disposal.

It is not allowed to incinerate toxic chemical products on platforms and other offshore facilities. The incineration of paper products, cotton-ramie fabrics or wood packaging materials on platforms shall not cause pollution to marine environment.

The particle size of the food wastes jettisoned within 12 sea miles from the nearest land shall be less than 25 mm; and feces discharged within this sea area shall be disinfected and smashed or otherwise treated.

Article 16 Operators shall take effective measures in the links of important production and oil transportation, and strictly abide by operating procedures, so as to avoid oil spill accidents. Various oil storage facilities and oil pipelines shall comply with the seepage-proof, leakage-proof and corrosion prevention requirements.

Article 17 When oil spill accidents occur, operators shall take measures as soon as possible, and cut off spill sources, so as to prevent or control the expansion of spilled oil.

Article 18 Operators shall report all oil spill accidents that occur to the competent departments of sea areas. A report shall mainly include: the time, place and cause of an accident that occurs; the nature, status and quantity of the spilled oil; responsible persons; the sea conditions at the time; measure taken; and handling results. At the same time, such content shall be recorded in the “Anti-Pollution Record Book,” and the quarterly statement C “Report Form for Offshore Oil Pollution Accidents” shall be used and submitted to the competent department of the sea area on a quarterly basis.

Article 19 When any of the following two kinds of oil spill accidents occurs, an operator shall report to the competent department of the sea area within 24 hours.

1. The platform is less than 20 sea miles away from coast, and the oil spill quantity is more than one ton.
2. The platform is more than 20 sea miles away from coast, and the oil spill quantity is more than ten tons.

When any of the following two kinds of oil spill accidents occurs, an operator shall report to the competent department of the sea area within 48 hours.

1. The platform is less than 20 sea miles away from coast, and the oil spill quantity is not more than one ton.
2. The platform is more than 20 sea miles away from coast, and the oil spill quantity is not more than ten tons.

Article 20 The spilled oil at sea surface shall be first recycled by machinery. The use of oil dispersant shall be strictly controlled, and comply with the Provisions on the Use of Chemical Oil Dispersant in Offshore Oil Exploration and Exploitation.

Article 21 After the operations of exploration and oil extraction production are completed, platform drilling rigs, derricks, well piles and other facilities shall not be discarded at will. For the platforms, derricks, well piles and other facilities related to platforms that need to be discarded to the sea, the provisions on offshore waste dumping administration shall apply.

Article 22 All platforms and facilities for operations of offshore oil exploration and exploitation and production shall be provided with “Anti-Pollution Record Book” and “Quarterly Anti-Pollution Statement,” which shall be completed as required and be reported to the competent departments of sea areas on schedule.

Where the platform operating time is less than one quarter, and no operation is to be conducted in this quarter, the operator shall report to the competent department of the sea area within 15 days after the conclusion of the platform operation.

Article 23 Where an operator discharges pollutants to the sea beyond standards, the competent department of the sea area may order it to pay pollution discharge fees. Where the discharge fails to reach the standards for a long time for equipment or technology reasons, the operator shall conduct treatment within a prescribed time limit, and be charged the fees for discharge beyond standards during the period of treatment.

Article 24 For any violation of the Marine Environment Protection Law of the People's Republic of China, the Regulation and these Measures, in accordance with the provisions of Articles 27 and 28 of the Regulation, the competent department of the sea area shall have the right to warn or fine the violator in light of the seriousness of the circumstance and the degree of the harmful impact on the marine environment.

1. Whoever fails to prepare and report a marine environment impact statement in accordance with the provisions of Article 4 of the Regulation and causes marine environmental pollution damage shall be fined 10,000 yuan up to 100,000 yuan.

2. Where an operator conducts any of the following illegal acts, it shall be fined 5,000 yuan up to 10,000 yuan.

(a) It fails to undergo the formalities for recordation of oil spill emergency plans as required.

(b) It fails to be equipped with anti-pollution facilities in accordance with the provisions of Article 7 of this Regulation or the facilities are unqualified.

(c) It fails to dispose of the wastes and oily wastewater in accordance with the provisions of Articles 12, 14 and 15 of these Measures.

3. Where an operator conducts any of the following illegal acts, it shall be fined 1,000 yuan up to 5,000 yuan.

(a) It fails to report an oil spill accident to the competent department of the sea area in accordance with the provisions of Articles 18 and 19 of these Measures.

(b) It fails to use chemical oil dispersant as required.

4. Where an operator conducts any of the following illegal acts, it shall be fined less than 1,000 yuan:

(a) It fails to be equipped with the “Anti-Pollution Record Book” as required.

(b) It alters or forges the “Anti-Pollution Record Book” or makes records in an informal manner.

(c) It fails to report or notify the relevant information as required.

(d) It fails to submit the quarterly anti-pollution statement as required or forges the quarterly anti-pollution statement.

(e) It fails to submit samples to the competent department of the sea area in accordance with the provisions of Article 14 of these Measures.

(f) It refuses to provide the “Anti-Pollution Record Book” to the public functionary implementing the inspection task or to truthfully state the relevant information.

(g) It obstructs or hinders public functionaries' performance of their duties.

Article 25 Where a party refuses to accept a punishment decision, it may apply to the authority at the next higher level over the authority that makes the punishment decision for reconsideration within 15 days from the date of receipt of the punishment notice; and if it refuses to accept the reconsideration decision, it may file a lawsuit in the people's court within 15 days from the date of receipt of the reconsideration decision. A party may also, within 15 days from the date of receipt of a punishment notice, directly file a lawsuit in a people's court. If a party neither applies for reconsideration, nor files a lawsuit in a people's court within the time limit, nor performs the punishment decision, the authority that made the punishment decision may apply to a people's court for enforcement.

Article 26 Where any violation of the Regulation and these Measures causes any heavy loss to the public or private property or any casualty, the directly liable persons shall be investigated by the judicial authority for criminal liability in accordance with the law.

Article 27 Compensation liabilities include:

1. Expenses paid by the victims for depollution and pollution treatment due to the damage to sea water quality or biological resources, among others, resulting from the marine environmental pollution damage caused by operators' behavior.

2. Amount of losses to the economic income of the victims arising from the marine environmental pollution damage caused by operators' behavior, the costs of repair and renewal of the destructed production tools, and the expenses paid by the victims for taking appropriate prevention measures for preventing pollution damage.

3. Costs of investigations conducted to handle the pollution damage accidents triggered by offshore oil exploration and exploitation.

Article 28 The entities and individuals that claim for compensation for suffering offshore oil exploration and exploitation pollution damage may, in accordance with the provisions of Article 22 of the Regulation, submit to the competent departments of sea areas the statements of claims for pollution damage. The entities and individuals participating in depollution operations may, in accordance with the provisions of Article 23 of the Regulation, submit to the competent departments of sea areas the statements of claims for depollution expenses.

The competent departments of sea areas may, at the request of the parties, mediate and settle the disputes over the compensation liabilities and the compensation amount. A party who refuses to accept the mediation and settlement may file a lawsuit in a people's court. A party may also directly file a lawsuit in a people's court. A foreign-related case may also be resolved under the arbitration procedures.

Article 29 The limitation of action for a claim for compensation shall be three years, counted

from the day the victim knows or should have known that it has suffered oil pollution damage. After the conclusion of the settlement of a dispute, the victim may not file a claim for compensation again over the same pollution accident.

Article 30 Where, due to the act of war or irresistible natural disaster, or entirely for the intentional act or fault of a third party, any marine environment pollution damage cannot be avoided even if reasonable measures have been taken in a timely manner, the operator which has an accident may be exempt from the relevant liabilities.

Where a third party is held liable for any pollution damage, the third party shall assume the compensation liabilities.

When an operator files a request for being exempt from compensation liabilities, it shall submit a report to the competent department in accordance with the provisions of Article 24 of the Regulation. After the competent department of the sea area verifies that the operator is eligible for exemption from liabilities, it may make a decision of exempting the operator from compensation liabilities.

Article 31 All entities and individuals that prevent marine pollution during offshore oil exploration and exploitation and have made achievements in protecting marine environment shall be commended and rewarded by the competent departments of sea areas.

Article 32 The following terms in these Measures shall have the following meanings:

1. "Oils" means all kinds of oil and the refined products thereof.
2. "Inland seas" means all the sea areas to the inner side of the territorial sea baseline, including: (1) bays, straits, harbors and firths; (2) the sea areas between the territorial sea baseline and the coast; (3) and the sea areas surrounded by land or in connection with the ocean through a narrow waterway.
3. "Emergency response capability" means the technical equipment and communications capabilities for oil spill emergency response, emergency organizations and their duties, implementation plans, measures for eliminating spilled oil on the sea surface, and personnel training, among others.
4. "Oil spill accidents" means the leakage of crude oil and its refined products under abnormal operating conditions. Oil spill accidents shall be classified by oil spillage into three categories, namely, large, medium and small oil spill accidents. An accident with oil spillage of less than ten tons is a small oil spill accident; an accident with the oil spillage of ten up to 100 tons is a medium oil spill accident; and an accident with the oil spillage of more than 100 tons is a large oil spill accident.

Article 33 The power to interpret these Measures shall remain with the State Oceanic Administration.

Article 34 These Measures shall come into force on the date of issuance.

Note: Before the issuance of the Methods for the Analysis of the Oily Wastewater of the Offshore Oil Exploitation Industry as prescribed in Article 12 of these Measures, the Methods for the Monitoring and Analysis of the Quality of the Wastewater of the Oil Industry shall apply temporarily.

The Provisions on the Use of Chemical Oil Dispersant in Offshore Oil Exploration and Exploitation shall be developed separately by the competent departments.

2. Interim Provisions on Administration over the Abandonment and Disposal of Offshore Oil and Gas Production Facilities

(Omitted, Chinese only)

3. Measures for the Implementation of the Regulations of the People's Republic of China on the Dumping of Wastes at Sea

(Issued through Order No. 2 of the State Oceanic Administration on September 25, 1990; and amended for the first time in accordance with the Decision of the Ministry of Land and Resources on Amending and Repealing Some Rules and Regulations at the 1st executive meeting of the Ministry of Land and Resources on January 5, 2016; and amended for the second time in accordance with the Decision of the Ministry of Land and Resources on Amending and Repealing Some Rules on December 27, 2017)

Article 1 These Measures are formulated in accordance with the provisions of Article 47 of the Marine Environment Protection Law of the People's Republic of China, for the purpose of implementing the Regulations of the People's Republic of China on the Dumping of Wastes at Sea (hereinafter referred to as the Regulations) and strengthening the administration of dumping of wastes at sea..

Article 2 These Measures shall apply to the dumping of wastes and other substances at internal sea, territorial sea, continental shelf, and all other sea areas of the People's Republic of China by legal persons, natural persons, or other economic entities.

These Measures shall also apply to the acts as prescribed in paragraphs 2, 3, and 4 of Article 3 of these Regulations and the acts of abandoning vessels, aircrafts, platforms and other means of transport for irresistible reasons.

Article 3 The State Oceanic Administration and its local offices (hereinafter referred to as “competent departments of the oceanic jurisdictions”) are the competent departments for the implementation of these Measures.

Article 4 To prevent or mitigate the pollution and damage to the marine environment by dumping of wastes at sea, the wastes and other substances dumped at sea shall be subject to necessary pretreatment in light of their poisonousness.

Article 5 Wastes may be classified to Type I, II, and III according to their nature.

Type I wastes refer to the substances listed in Annex I of these Regulations, which shall be prohibited from being dumped at sea, except when land disposal of them will seriously endanger human health, and dumping at sea is the only way to prevent the threat.

Type II wastes refer to the substances listed in Annex II of these Regulations and substances that belong to “trace amount of contamination” or are able to be “rendered harmless promptly” as listed in paragraphs 1 and 3 of Annex I.

Type III wastes refer to the substances with low toxicity and harmless substances as listed in Annexes 1 and 2 of these Regulations and substances with content of less than “significant quantity” as listed in paragraph 1 of Annex II.

Article 6 Substances not listed in Annexes 1 and 2 of these Regulations shall be subject to evaluation in advance, to confirm their types, before dumping of them at sea is confirmed to be harmless.

Article 7 Sea dumping sites are divided into type I, II, and III dumping sites, test dumping sites, and temporary dumping sites.

Type I, II, and III dumping sites are accordingly determined for the disposal of type I, II, and III wastes. Type I dumping sites are determined for emergency disposal of type I wastes.

Test dumping sites are determined for dumping tests (the using period shall not exceed 2 years).

Temporary dumping sites are one-time special dumping sites designated for project needs and other special reasons.

Article 8 The selection and demarcation of type I and II dumping sites are organized by the State Oceanic Administration.

The selection and demarcation of type III dumping sites, test dumping sites, and temporary dumping sites are organized by the competent departments of the oceanic jurisdictions.

Article 9 Type I, II, and III dumping sites shall, upon consultations with the relevant departments, be submitted by the State Oceanic Administration to the State Council for approval and be announced by the State Oceanic Administration.

Test dumping sites shall, upon consultations with the relevant entities in the oceanic jurisdictions by the competent departments of the oceanic jurisdictions (branch office level), be submitted to the State Oceanic Administration for examination and determination, and be submitted to the State Council for recordation.

Test dumping sites tested to be feasible shall, upon consultations with the relevant departments, be submitted to the State Council for approval as official dumping sites.

Temporary dumping sites shall, upon examination and approval of the competent departments of the oceanic jurisdictions (branch office level), be submitted to the State Oceanic Administration for recordation. Upon expiry of the using period, they shall be immediately closed.

Article 10 A licensing system shall be adopted for dumping of wastes at sea.

A dumping license shall specify the dumping entity, the period of validity, and the quantity, type, and dumping method of wastes, among others.

Dumping licenses may be divided into emergency license, special license, and common license.

Article 11 Wastes owners and dredging project entities that dump wastes at sea shall file applications for dumping with the competent departments in advance and handle dumping licenses.

Where a waste owner or dredging project entity has concluded a contract with the entity

carrying out the dumping operation, the entity carrying out the dumping operation may also apply to the competent authority for handling dumping license as required by the contract.

Article 12 An applicant for a dumping license shall fill out an application form for dumping wastes.

Article 13 A competent authority shall, within 2 months after receipt of an application, make a reply. Upon examination and approval, a dumping license shall be issued.

Emergency licenses shall be issued by the State Oceanic Administration or by the competent departments of the oceanic jurisdictions with approval of the State Oceanic Administration.

Special licenses and common licenses shall be issued by the competent departments of the oceanic jurisdictions.

Article 14 An emergency license shall be a single-use license.

The period of validity of a special license shall not exceed 6 months.

The period of validity of a common license shall not exceed 1 year.

A license holder that still needs to continue with dumping upon expiry of the period of validity shall handle the license replacement formalities with the competent license-issuing authority 2 months before the expiry of the period of validity.

A dumping license shall not be transferred; and a dumping license shall be returned to the license-issuing authority within 15 days after the expiry of the using period.

Article 15 An applicant for a dumping license and replacement of a dumping license shall pay fees. Specific charge items and charging standards shall be otherwise prescribed by the State Price Control Bureau and the State Oceanic Administration.

Article 16 The inspection shall be conducted by the inspection institutions authorized by the competent departments of oceanic jurisdictions according to the relevant evaluation rules.

Article 17 Type I wastes shall be prohibited from being dumped at sea. However, anyone or any entity that satisfies the conditions as prescribed in paragraph 2, Article 5 of these Measures may apply for an emergency license and dump them at designated type I dumping sites.

Article 18 Type II wastes shall be dumped at type II dumping sites upon filing an application for and obtaining a special license.

Article 19 Type III wastes shall be dumped at type III dumping sites upon filing an application for and obtaining a common license.

Article 20 Dumping of dredging materials including the substances listed in Annexes I and II of these Regulations shall be subject to management under the “Dredging Materials Classification Standards and Evaluation Procedures.”

Article 21 Disposal of vessels, aircrafts, platforms and other offshore man-made structures at sea shall be conducted with a special license issued by the competent departments of the oceanic jurisdictions and shall be handled under the provisions of license.

Article 22 After oily water and trash recycling vessels handle oily water and wastes recycled, anyone or any entity that needs to dump them at sea shall file an application with the competent authority of the oceanic jurisdiction and dump them at the designated sites after

obtaining a license.

Article 23 For dumping of military wastes at sea, the relevant departments of the army shall apply to the competent departments of the oceanic jurisdictions under the provisions of these Measures and dump military wastes as required by their licenses.

Article 24 An entity that needs to dump substances at sea for scientific research shall apply to the competent department of the oceanic jurisdiction according to the procedures under these Measures and attach the dumping test plans and the oceanic environmental impact assessment report, and the competent department of the oceanic jurisdiction shall conduct examination and approval, and issue corresponding category of licenses.

Article 25 All vessels, aircrafts, and other means of transport that carry out dumping operation shall have dumping licenses (or duplicates of licenses), and vessels, aircrafts, or other means of transport without licenses shall not conduct dumping.

Article 26 Vessels, aircrafts, and other means of transport that conducts dumping operation shall, at the time of loading wastes, notify the competent license-issuing department of verification.

Those who use vessels to carry wastes shall, before departure, notify the nearby harbor superintendency administration of verification.

Those who load and transport wastes at military harbors shall notify relevant military departments of verification.

If the actual loading is inconsistent with the contents indicated in the dumping license, substances loaded shall not be released, and the competent license-issuing department shall be promptly notified of handling.

Article 27 The information on the operation of vessels, aircrafts, and other means of transport that conduct dumping operation shall be truthfully filled out in the dumping record chart and the log book in detail, and the form for recording shall be submitted to the license-issuing department within 15 days of the return to the port.

Article 28 Vessels, aircrafts, and vehicles of “China Marine Surveillance Force” shall be responsible for the monitoring, examination, supervision and management of dumping at sea. If necessary, the oceanic inspectors may also board vessels or follow the dumping vessels or other means of transport for supervision and inspection. Vessels carrying out dumping operation (or other means of transport) shall provide convenience to inspectors for their performance of duties.

Article 29 The competent departments shall monitor sea dumping sites, close dumping sites identified to be inappropriate to be continuously used, and report them to the State Council for recordation.

The competent departments shall issue announcements to dumping entities 2 months before the dumping sites are closed, and the dumping entities shall terminate dumping at the dumping sites from the days when the dumping sites are closed.

Article 30 A dumping entity that is unable to apply for dumping according to the procedures under these Measures or is unable to carry out dumping as required by the license due to

urgent need to avert hazards or to save life shall submit a written report to the competent department of the oceanic jurisdiction within 10 days after dumping. A report shall include: the time and location of dumping, the characteristics and quantity of the substances dumped, the sea state and weather conditions at the time of dumping, the detailed process of dumping, the measures taken after dumping, and other items, among others.

For an aircraft, a written report shall be submitted to the competent department of an oceanic jurisdiction within 10 days after urgent fuel dumping, and a report shall include the nationality, the owner, device number, fuel dumping time, place, quantity, height, and the specific reasons for fuel dumping, among others, of the aircraft.

Article 31 For vessels, aircrafts, platforms and other means of transport abandoned due to force majeure, the valves and ventholes of all tanks (cabinets) shall be closed as far as possible, to prevent oil spilling. After abandoning, their owners shall, within 10 days, report to the competent departments of the oceanic jurisdictions and the nearby harbor superintendency administration, and handle them as required.

Article 32 Before abandoning vessels, aircrafts, platforms and other offshore man-made structures at sea, all oils and other harmful substances shall be discharged.

Article 33 Any entity that needs to set up offshore incineration facilities shall apply to the competent department of the oceanic jurisdiction in advance, attach the detailed technical materials of the facilities to the application, and set up the facilities with the approval of the competent department of the oceanic jurisdiction. Facilities shall, upon establishment, be subject to the inspection and examination of the competent department of the oceanic jurisdiction.

An entity that carries out the incineration operation shall apply to the competent department of the oceanic jurisdiction for a license for incineration at sea under the procedures as prescribed in these Measures.

Article 34 Any violator of these Regulations and the Measures for the Implementation that causes or may cause pollution or damage to the marine environment may be punished by the competent department of the oceanic jurisdiction under the provisions of Articles 17, 20, and 21 of these Regulations.

Anyone or any entity that does not obtain a dumping license issued by the competent department, dumps substances without authorization, and fails to conduct dumping under the conditions approved or at the sites approved shall be punished under the relevant provisions of Article 20 of these Regulations.

Article 35 Anyone or any entity that is not satisfied with the punishment may, within 15 days upon receipt of the decision on administrative punishment, apply for reconsideration to the authority at the next higher level over the authority that rendered the decision on punishment. A party that is not satisfied with the reconsideration results may, within 15 days upon receipt of the decision on reconsideration, file a lawsuit with a people's court; and a party may also directly file a lawsuit with a people's court within 15 days of the receipt of the decision on punishment.

Where a party within the time limit has neither applied for reconsideration nor filed a lawsuit with a people's court, nor complied with the decision on punishment, the authority rendered the decision on punishment may apply to the people's court for compulsory execution.

Article 36 Any violator of these Regulations and the Measures for the Implementation that causes pollution or damage to the marine environment, or losses to public and private property shall be liable for compensation.

Article 37 The liabilities for damage include:

1. The fees paid by the injured party for the removal or treatment of pollution, and the fees paid for the preventive measures taken for the pollution or damage.
2. The economic losses caused by pollution to public or private properties, and damage to sea water quality, and biological resources, among others.
3. The fees of the survey conducted for the handling of the pollution or damage incidents caused by dumping of wastes at sea.

Article 38 For disputes of compensation liabilities and compensation amount, a party may, under the civil procedure, file a lawsuit with a people's court; and may also request the competent department of the oceanic jurisdiction to conduct mediation. A party that refuses to accept the mediation may also file a lawsuit with a people's court; and a foreign-related case may be resolved under the arbitration procedure.

Article 39 The limitation period for prosecution with respect to compensation for damage to environmental pollution shall be 3 years, counted from the time when the party is aware of or should be aware of the pollution or damage.

After a compensation dispute is handled, the injured party shall not claim for damages as result of the same pollution accident.

Article 40 Where due to acts of war, irresistible natural disasters or third-party negligence, pollution or damage to the marine environment is still unable to be avoided, despite of the reasonable measures taken in a timely manner, the dumping entity may be exempted from compensation liability.

Where pollution or damage is caused due to the liability of a third party, the third party shall assume the compensation liability.

For vessels, aircrafts, platforms and other means of transport abandoned due to force majeure that cause pollution or damage due to their failure to be handled under the provisions of Article 31 of these Measures, the compensation liability shall be assumed.

After the competent department of the oceanic jurisdiction verifies that the exemption or mitigation conditions are satisfied, it may make a decision of exemption from compensation liability.

Article 41 Definitions of the following terms in these Measures are as follows:

1. "Internal sea" means all the sea areas (including the bays, straits, harbors and firths) to the inner side of the sea baseline, the sea areas between the territorial sea baseline and the coast, and the sea areas surrounded by land or in connection with the ocean through a narrow waterway.

2. "Dumping dredging materials" means any intentional abandoning and disposal of dredging materials at sea in various ways through or utilizing vessels or other means of transport. "Dredging materials" means the soil, gravels, and other substances generated by any dredging, deep digging of harbor basins, navigation projects and construction, digging of ports, docks, submarine or shore projects.
3. "Incineration at sea" means the intentional act of burning hazardous wastes by offshore incineration facilities aiming at destruction by heat, excluding such acts that occur accidentally during normal operation of vessels or other man-made structures.
4. "Offshore incineration facilities" means vessels, platforms, or other man-made structures for the purpose of incineration at sea.
5. "Wastes and other substances" means any form and type of substances and materials dumped at sea or planned to be dumped at sea for the purpose of abandoning.
6. "Rendered harmless promptly" means that some substances listed in Annex I of these Regulations are rendered harmless through physical, chemical and biological processes at sea, which does not make edible marine life revert or endanger human health and the normal growth of livestock and poultry.
7. "Trace amount of contamination," namely "mere trace" in Annex 1 of these Regulations, means that dumping of some substances as listed in Annex 1 of these Regulations at sea will not generate harmful effect, especially will not cause acute or chronic effect to marine life or human health, no matter whether such toxic effects are caused as these substances gather in marine life, especially edible marine life.
8. "Significant quantity" is "large quantity" in Annex II of these Regulations. Where the dumping of some substances as listed in Annex II of these Regulations is proved upon biological assessment to have chronic toxic effects to marine life, the content of these substances shall be considered as significant quantity.
9. "Special management measures" means some administrative or technical management measures to be taken for dumping of dredging materials that are not "trace amount of contamination" or unable to be "rendered harmless promptly." These measures are taken to reduce the impact of the substances as listed in Annex I and Annex II contained in the dredging materials on the environment and to make them do not harm human health or biological resources.

Article 42 The power to interpret these Measures shall remain with the State Oceanic Administration.

Article 43 These Measures shall come into force on the day of issuance.

4. Administrative Provisions of the People's Republic of China on the Prevention and Control of Marine Environmental Pollution by Vessels and Their Operations

(Issued by the Ministry of Transport on November 16, 2010 and amended for the first time according to the Decision on Amending the Administrative Provisions of the People's Republic of China on the Prevention and Control of Marine Environmental Pollution by

Vessels and Their Operations, Order No. 12 [2013] of the Ministry of Transport on August 31, 2013; and amended for the second time according to the Decision on Amending the Administrative Provisions of the People's Republic of China on the Prevention and Control of Marine Environmental Pollution by Vessels and Their Operations, Order No. 17 [2013] of the Ministry of Transport on December 24, 2013)

Chapter I Guiding Principles

Article 1 For the purpose of preventing and controlling marine environmental pollution caused by vessels and their operations, these Provisions are developed in accordance with the Marine Environmental Protection Law of the People's Republic of China, the Atmospheric Pollution Prevention and Control Law of the People's Republic of China, the Regulation of the People's Republic of China on the Administration of Prevention and Control of Vessel-induced Pollution to the Marine Environment, and the international treaties concluded or acceded to by the People's Republic of China.

Article 2 These Provisions shall apply to the prevention and control of pollution caused by vessels and their relevant operations to the sea areas of the People's Republic of China. The term “operations” as mentioned in these Provisions refers to vessel loading and unloading, barging, clearing and washing of vessel cabins, oil supply and receiving, repair and building, salvage, dismantlement, packing or filling of cargos with hazardous pollutants, pollution clean-up operations and other above-water and underwater construction operations relating to vessels.

Article 3 The transport administrative department of the State Council shall administer the prevention and control of marine environmental pollution caused by vessels and their operations throughout the country.

The maritime safety administration of the state shall be responsible for the supervision and administration of marine environmental pollution caused by vessels and their relevant operations throughout the country.

The maritime safety administrations at all levels shall, under their respective functions, be responsible for the supervision and administration of marine environmental pollution caused by vessels and their relevant operations throughout the country.

Chapter II General Provisions

Article 4 The structure, facilities and equipment of a vessel shall conform to the relevant vessel inspection rules of the state on the prevention and control of vessel-induced pollution to the marine environment and meet the requirements of the international treaties concluded or acceded to by the People's Republic of China, and for which corresponding certificates shall be obtained under relevant provisions of the state.

Article 5 A vessel shall, in accordance with the laws, administrative regulations, provisions of the transport administrative department under the State Council and the requirements of the international treaties concluded or acceded to by the People's Republic of China, obtain and carry on board the corresponding certificates and documents relating to the prevention and control of vessel-induced pollution to the marine environment.

The maritime safety administration shall announce to the general public a list of certificates and documents as mentioned in paragraph 1 of this Article, and timely update it.

Article 6 The certificates and documents relating to the prevention and control of vessel-induced pollution to the marine environment which are held by a Chinese vessel shall be issued by the maritime safety administration of the state or by an institution recognized by it. The certificates and documents relating to the prevention and control of vessel-induced pollution to the marine environment which are held by a foreign vessel shall meet the requirements of the international treaties concluded or acceded to by the People's Republic of China.

Article 7 A seaman shall have corresponding professional knowledge and skills on the prevention and control of vessel-induced pollution to the marine environment, take part in the corresponding training, examination and assessment as required by relevant laws, administrative regulations, and rules, and have a valid competency certificate of post and corresponding compliance certificate of training.

An entity conducting relevant operations shall organize its own operators to receive professional trainings on operating skills, use of equipment, operating procedures, safety protection, emergency responses, etc. so as to ensure that the operators have corresponding professional knowledge and skill on the prevention and control of vessel-induced pollution to the marine environment.

Article 8 Ports, docks, loading and unloading stations, and entities conducting the building and repair of vessels shall have corresponding pollution monitoring facilities and pollutant receiving facilities under relevant criterions of the state.

Ports, docks, loading and unloading stations, and the entities conducting the building, repair, salvaging, dismantlement and other operations of vessels shall be equipped with corresponding facilities and equipment for the prevention and control of pollution under relevant criterions of the state.

Article 9 To carry out any of the following operations, a vessel shall comply with the relevant laws, regulations and standards and the relevant operating procedures, take safety and pollution prevention and control measures, and report to the maritime safety administration the operating type, operating time, operating location, operating entity and vessel name and other information before operations; and where operation information changes, it shall make a supplementary report in a timely manner:

- (1) Conducting gunwale rust-eradicating or painting operation or using incinerators in a coastal port.
- (2) Washing tanks, cleaning cabins, discharging gas, or discharging garbage, domestic sewage, residual oil, oily waste water, waste water containing toxic or hazardous substances or other pollutants or ballast water at a harbor water area.
- (3) Washing the deck stained with pollutants or toxic or hazardous substances.
- (4) Conducting above-water dismantlement, salvage, building and repair of vessels, or any other above-water or underwater vessel construction operation.

(5) Conducting a vessel oil supply operation.

Article 10 An operator engaging in clearing the cargo hold of an oil tanker with load-carrying capacity of 30,000 tons or more, lightering bulk liquid cargo with hazardous pollution, salvaging sunken vessels or dismantling oil tankers, or any other operation with large pollution risk shall conduct a feasibility study on the operation scheme, and accept the inspection by the maritime safety administration during the operation.

Article 11 Where an entity or individual finds that a vessel and its operations have caused or may cause marine environmental pollution, it or he shall promptly report to the nearby maritime safety administration.

Chapter III Discharge and Receiving of Vessel-induced Pollutants

Article 12 A vessel which is navigating, berthing or operating within the sea areas of the People's Republic of China shall comply with the laws, administrative regulations, relevant criterions, as well as the international treaties concluded or acceded to by the People's Republic of China if it is to discharge garbage, living sewage, sewage with oil, sewage with toxic and hazardous substances, waste gas and other pollutants as well as ballasting water. A vessel navigating, berthing or operating within a vessel discharge control area shall also comply with the requirements for the prevention and control of atmospheric pollution within the vessel discharge control area. A vessel shall meet the control requirements for a vessel's atmospheric emissions by using low-sulfur fuel or taking an alternative measure, such as shore electricity, clean energy, or tail gas after-treatment devices, among others.

Article 13 No vessel shall discharge pollutants to marine nature reserves, marine special reserves, seashore scenic spots and historic sites, important fishing waters which are delimited pursuant to law and other sea areas which need special protection.

To establish a sea area which needs special protection as prescribed in paragraph 1 of this Article, supporting vessel pollutant receiving facilities and emergency facilities and equipment shall be prepared at a proper location.

Article 14 A vessel shall discharge those pollutants, which do not meet the discharge requirements of Article 12 and which are banned from discharge to sea areas according to law, to the receiving facilities of a port with the corresponding receiving capacity or have the aforesaid pollutants received by its authorized vessel pollutant receiving entity with the corresponding receiving capacity.

If a vessel authorizes a vessel pollutant receiving entity to receive pollutants, the vessel operator shall, prior to the operation of receiving pollutants, expressly designate the authorized vessel pollutant receiving entity.

Article 15 To receive vessel garbage, residual oil, oily waste water, waste water containing toxic and hazardous substances and other pollutants, a vessel pollutant receiving entity shall report the operating time, operating location, operating entity and vessel, the types and quantities of pollutants, methods to be adopted for disposing of and the whereabouts of such pollutants and other information to the maritime safety administration prior to the operation. Where the information on the receipt and treatment of pollutants changes, a supplementary

report shall be made in a timely manner.

Where a port has established the duplicate form system for the receipt, transfer and disposal of vessel pollutants, the vessel and the vessel pollutant receiving entity shall, in accordance with the requirements of the duplicate form system, report to the competent department the information on the receipt, transfer and disposal of vessel pollutants.

Article 16 A vessel pollutant receiving operating entity shall comply with the administrative rules on safety and pollution prevention. When it receives pollutants, it shall prepare the operation scheme, and comply with the relevant standards and operating procedures of the state, and take effective pollution prevention measures so as to prevent pollutants from spilling and leaking.

Article 17 After having finished receiving pollutants, a vessel pollutant receiving entity shall issue to the vessel the pollutant receiving documents, which shall be signed by both parties for confirmation and retained for at least two years. The pollutant receiving documents shall be indicated with the names of the operating entities, names of both operating vessels, time of start and end of operation, place of operation, and types and quantities of pollutants, among others.

The vessel shall keep the vessel pollutant receiving documents in the corresponding record book.

Article 18 To conduct operations involving disposal of pollutants, a vessel shall normatively fill out the corresponding record book, faithfully recording and genuinely reflecting the quantities of pollutants generated during the voyage of the vessel, process of disposal of pollutants, and whereabouts of the pollutants. If no record book is required under any law, administrative regulation, provisions of the transport administrative department of the State Council, or international treaty concluded or acceded to by the People's Republic of China, the vessel shall faithfully record the relevant information in the logbook or engine logbook on the same day of operation.

A vessel shall preserve a vessel garbage record book, which is totally used up, on board for at least 2 years. It shall preserve a record book of sewage with oil and sewage with toxic and hazardous substances, which is totally used up, on board for at least 3 years.

Article 19 A vessel pollutant receiving entity shall deliver the received pollutants to the pollutant disposal entity with the eligibility prescribed by the state and shall, every month, report to the maritime safety administration for records the information about the vessel-induced pollutants received and disposed of.

Article 20 The receiving and disposal of vessel-induced pollutants with toxic and hazardous substances or other dangerous elements shall conform to the administrative provisions of the state on dangerous wastes. Pollutants generated by vessels from epidemic regions shall not be received or treated until they have undergone the quarantine disposal by the relevant quarantine department.

Article 21 A vessel shall prepare garbage storage containers which have covers and are seep-and leakage-proof, or pack garbage in bags.

A vessel shall collect and store garbage in a categorized manner and shall separately store the garbage with toxic and hazardous substances or other dangerous elements.

When a vessel is to discharge any garbage with toxic and hazardous substances or other dangerous elements to the receiving facilities of a port or is to have the garbage received by its authorized vessel pollutant receiving entity, it shall inform the other party about the name, nature, quantity and other information about the substances in such garbage.

Article 22 A vessel shall, under the relevant provisions of the state, as well as the requirements of the international treaties concluded or acceded to by the People's Republic of China, prepare disposal devices or storage containers commensurate with the quantity of living sewage it produces.

Chapter IV Carrying Cargos with Hazardous Pollutants and Other Relevant Operations through Vessels

Article 23 The term “cargos with hazardous pollutants” refers to the cargos which directly or indirectly enter into the water body, may impair the quality of the water body and quality of the environment, and thus impair the biological resources and do harm to the human health.

The maritime safety administration of the state shall announce to the general public a list of cargos with hazardous pollutants, and timely update it where necessary.

Article 24 Where a vessel carrying cargos with hazardous pollutants is to enter or leave a port, the carrier or agent shall, 24 hours prior to its entering or leaving the port (or at the time of its leaving the prior port in the case of a voyage of less than 24 hours), make a seaworthiness declaration to the maritime safety administration. The cargo owner or agent shall, prior to making a declaration of seaworthiness of vessel, make a declaration of cargo worthiness to the maritime safety administration.

No vessel shall enter or leave the port, or stay for transit until the declaration of cargo worthiness and the declaration of seaworthiness of vessel have been examined and approved by the maritime safety administration.

Article 25 The special characteristics and package of the consigned cargos with hazardous pollutants as well as the risk prevention and emergency measures taken against the said cargos shall conform to the relevant criterions and provisions of the state, and the requirements of the international treaties concluded or acceded to by the People's Republic of China. If the shipping of the said cargos is subject to the approval of the relevant administrative department of the state, an approval of the relevant administrative department shall be obtained.

The seaworthiness conditions shall be governed by the seaworthiness conditions for vessels carrying dangerous cargos as prescribed in the Provisions of the People's Republic of China on the Conditions for Maritime Administrative Licensing.

Article 26 To make a declaration of cargo worthiness, the cargo owner or agent shall submit the following materials to the maritime safety administration:

1. a form of declaration of cargo worthiness, including the relevant information about the

cargo owner or agent, as well as the name, category, special characteristics and other basic information of the cargos;

2. valid power of attorney issued by the cargo owner, if the agent is to make a declaration of cargo worthiness;

3. material safety data sheets of the corresponding cargos with hazardous pollutants, and relevant materials about safe precautions for safe operations, prevention and emergency measures, etc.;

4. valid document of approval, if the shipping of cargos with hazardous pollutants shall be subject to the approval of the relevant administrative department of the state; and

5. The cargo owner or agent shall also submit the following materials when delivering the following to-be-shipped cargos with hazardous pollutants:

(1) packing and medium bulk container inspection compliance certificate or pressure container inspection compliance certificate, if it is to ship packed cargos with hazardous pollutants;

(2) tank or container inspection compliance certificate, if it is to use movable tanks or containers to load cargos with hazardous pollutants;

(3) certificate of radiation dosage, if it is to ship cargos with hazardous pollutants of radioactivity;

(4) name and quantity, temperature and valid term of the suppressant or stabilizer, and the measures to be taken after the expiration of the valid term of the suppressant or stabilizer, if the cargos contain suppressant or stabilizer;

(5) certificate of dangerous cargos under quantity restrictions, if it is to ship dangerous cargos under quantity restrictions; and

(6) report of assessment of hazardous pollutants as prescribed in Article 31, if it is to ship cargos with unknown hazardous pollutants.

Article 27 To make a declaration of seaworthiness of vessel, the carrier or agent shall submit the following materials to the maritime safety administration:

1. a form of declaration of shipping cargos with hazardous pollutants, including the relevant information of the carrier or agent, as well as the name, category, special characteristics and other basic information of the cargos;

2. cargo worthiness certificate approved by the maritime safety administration;

3. valid authorization certificate issued by the carrier, if the agent makes a declaration of seaworthiness of vessel;

4. certificate on prevention of oil pollution, certificate of seaworthiness of vessel, civil liability insurance for vessel-induced oil pollution damage or other financial guarantee certificate;

5. brief descriptions about the cause for the accident, control measures already taken, present situation and other relevant information which shall be included in the form of declaration of shipping cargos with hazardous pollutants; and a detailed report, which shall be submitted after the vessel arrives at the port, if the vessel carrying the cargos with hazardous pollutants has ever had any accident during the voyage;

6. checklist, manifest or cargo plan which clearly indicate the actually loaded cargos; and
7. port, dock or loading and unloading station for the planned operation of loading and unloading.

A regular vessel, a vessel of regular navigation route or a vessel carrying regular type of goods may go through the formalities for a declaration of regular seaworthiness of vessel with a maximum time period of 1 month. Apart from the materials as prescribed in paragraph 1 of this Article, the relevant materials which can certify that the regular vessel transports regular cargos with hazardous pollutants on the regular navigation route shall be submitted for going through the formalities for declaration of regular seaworthiness of vessel.

Article 28 After receiving a declaration of cargo worthiness or declaration of seaworthiness of vessel, the maritime safety administration shall, under the requirements as prescribed in Article 26, make a decision of approval or disapproval within 24 hours. For a declaration of regular seaworthiness of vessel, it shall make a decision of approval or disapproval within 7 days.

Article 29 To deliver the to-be-shipped cargos with hazardous pollutants, the cargo owner or agent shall take effective measure for prevention and control of pollution, ensure that the packages of cargos as well as the specifications, scale, color, endurance, etc. of the signs of the cargos meet the relevant requirements of the state for safety and prevention and control of pollution, and faithfully state in the shipping documents the technical name, quantity, category and nature of the cargos, and prevention and emergency measures.

Article 30 The cargos with unknown hazardous pollutants to be delivered by the cargo owner or agent for shipping shall, prior to being delivered for shipping, be subject to assessment by the technical institution with corresponding qualifications as entrusted in terms of the hazardous pollutants of the cargos and the technical conditions of vessel carriage.

Article 31 Empty containers and transport components which have ever been used to load cargos with hazardous pollutants shall be thoroughly washed and be harmless. They shall not be delivered as ordinary cargos for shipping unless a clean certificate issued by an inspection agency with the eligibility prescribed by the state has been obtained. They shall be transported under the requirements for the formerly loaded cargos prior to thorough washing and elimination of harm.

Article 32 If the maritime safety administration considers that the cargos delivered for shipping should have been declared as cargos with hazardous pollutants or that the declaration does not conform to the actual information, it may, upon approval of its person-in-charge, conduct an inspection by opening the boxes.

When the maritime safety administration conducts an inspection by opening the boxes, the cargo owner or agent shall be present and be responsible for moving the cargos, opening and resealing the packages of the cargos. If the maritime safety administration deems it necessary, it may directly inspect or re-inspect the cargos or take samples of cargos. The relevant entities and individuals shall be cooperative.

Article 33 If a vessel does not meet the worthiness requirements for cargos with hazardous

pollutants, it shall not carry cargos with hazardous pollutants. No loading and unloading station shall conduct the operation of loading and unloading for it.

If it is found that a vessel and its relevant operations may cause pollution to the marine environment, the dock, loading and unloading station and vessel shall promptly take corresponding emergency measures and report to the maritime safety administration.

Article 34 A dock or loading and unloading station engaged in loading and unloading cargos with hazardous pollutants shall meet the relevant criterions for safe loading and unloading and disposal of pollutants and submit to the maritime safety administration relevant materials about its safe loading and unloading and pollutant disposal capacities. The maritime safety administration shall announce to the general public those docks and loading and unloading stations with the corresponding safe loading and loading and pollutant disposal capacities. A vessel carrying cargos with hazardous pollutants shall conduct the operation of loading and unloading at a dock or loading and unloading station with the corresponding safe loading and unloading and pollutant disposal capacities as announced by the maritime safety administration.

Article 35 If a vessel is to conduct the operation of barging bulk liquid cargo with hazardous pollutants, it shall conform to the administrative provisions and technical norms of the state regarding the marine traffic safety and the prevention and control of vessel-induced pollution to marine environment, choose water areas with slow flow of water, easy to be sheltered from wind, and with suitable water depth and bottom characteristics, etc., and try to be far from populated areas, crowded navigable areas, navigation routes, important civil targets or facilities, and military water areas. It shall also formulate safety measures and pollution-prevention measures and the emergency plan and ensure the effective implementation thereof.

Article 36 If a vessel is to conduct an operation of barging bulk liquid cargo with hazardous pollutants, the carrier, cargo owner or agent thereof shall submit the following application materials to the maritime safety administration:

1. an application for vessel operation, including the materials of the operating vessel, contact person, contact information, time and place of operation, category and quantity of bulk liquid cargo to be barged and other basic information;
2. plan on vessel operation, as well as the measures for monitoring, prevention and control of pollution;
3. emergency plan on vessel operations,
4. analytical report about the navigation safety and pollution risks in the water areas where the vessel operation is to be conducted; and
5. pollution elimination operation agreement concluded with a pollution elimination operation entity with corresponding capacities.

The maritime safety administration shall, within 2 days as of the date of acceptance of an application, make a decision of approval or disapproval under the requirements as prescribed in Article 36. If it is unable to make a decision within 2 days, a 5-day extension

may be made upon approval of its person-in-charge.

Article 37 An entity engaged in oil supply and receiving operations through vessels shall register itself with the maritime safety administration and shall submit the following materials for records:

1. its industrial and commercial business license;
2. documents on the system of safety and prevention and control of pollution, emergency plan, checklist of emergency equipment and materials, hose pressure proof test certificate, and information about training of operators;
3. relevant certificates of the vessels, emergency plan on oil pollution on board, voucher of insurance of liability for operating-vessel-induced oil pollution damage, and seaman competency certificates, if the oil supply and receiving operations are conducted through vessels; and
4. fuel quality guarantee; and a certificate of wholesale or retail of refined oil approved by the relevant department according to law shall be submitted simultaneously if the entity is engaged in refined oil supply and receiving operations.

Article 38 To conduct oil supply and receiving operations through vessels, both operating parties shall take measures for management of oil supply and receiving which can satisfy the requirements for safety and prevention and control of pollution and simultaneously abide by the following provisions:

1. Prior to the operations, they shall
 - (1) check the pipeline and valves, make good preparations, plug the drain hole on the deck and close the relevant hull valve;
 - (2) check the relevant equipment for oil operations and make it in good condition;
 - (3) prepare oil collection containers at places of possible spilling or leakage;
 - (4) the oil receiving party shall determine the communication signals upon discussion with the oil supply party, but both parties shall earnestly execute the said signals.
2. During the operations, there shall be sufficient people to be on duty, and those who are on duty shall keep to their posts, strictly observe the operating procedures and control the progress so as to avoid the leakage of oil.
3. When stopping the operations, they shall effectively close the relevant valves.
4. When the hose is taken back, it shall, in advance, be effectively closed off by a blind plate, or other effective measures shall be taken so as to prevent the oil residue in the hose from flowing backward into the sea.

The maritime safety administration shall supervise and inspect the oil supply and receiving operations through vessels. It shall stop those operations which do not meet the requirements for safety and prevention and control of pollution.

Article 39 A vessel oil supply entity shall faithfully fill out the fuel supply and receiving document and provide a fuel supply and receiving document and a fuel sample to the vessel. The fuel supply and receiving document shall include the name of the vessel receiving the fuel, identity number of the vessel or serial number given by the International Maritime

Organization, time and place of operation, name, address and contact information of the oil supply entity, as well as the type, quantity, density and sulphur content of the fuel. The vessel and the oil supply entity shall preserve the fuel supply and receiving document for 3 years and properly preserve the fuel sample for 1 year.

The oil supply entity shall ensure that the quality of the fuel, which it supplies, conforms to the relevant criteria and requirements, and shall send the fuel, which it supplies, to the fuel testing entity with the eligibilities required by the state for testing. The testing report on the quality of fuel shall be kept on the operating vessel for check.

Article 40 A vessel shall, before leaving the port, report as required the type and quantity of fuel consumed in the previous voyage, the main engine, auxiliary engine and boiler powers, and the operating conditions and time and other information to the maritime safety administration.

Where a vessel meets the control requirements for a vessel's atmospheric emissions by converting its fuel to low-sulfur fuel or taking any alternative measure such as shore electricity, clean energy, or tail gas after-treatment devices, among others, in accordance with the requirements of the vessel discharge control area, it shall be truthfully recorded as required.

Article 41 When a vessel performs any of the following operations with a workload of more than 300 tons, such pollution prevention measures as establishment of oil fences shall be taken, and the barging operator shall take charge of the barging operation thereof:

- (1) Loading and unloading or barging of persistent oils in bulk, excluding vessel fuel supply.
- (2) Loading and unloading or barging of toxic liquid substances in bulk whose specific gravity is less than 1 (as compared with water) and solubility is less than 0.1%.
- (3) Other operations that may result in severe pollution to any water area.

If it is not appropriate to establish oil fences due to the restrictions of natural conditions or for any other reason, effective alternative measures shall be taken.

Article 42 Where a vessel carrying cargoes with hazardous pollutants enters or leaves a port or passes a bridge area, area under traffic control, crowded navigable area or any area subject to navigation restrictions, or where a vessel carrying virulent, explosive or radioactive cargoes enters or leaves a port, it shall abide by the special provisions of the maritime safety administration and take necessary measures for ensuring the safety and prevention and control of pollution.

Article 43 To carry cargoes which emit poisonous and harmful gas or emanate dust substances, a vessel shall take closing or other protection measures. For cargoes with hazardous pollutants for which closing operation is required, it shall take measures to recover the toxic and harmful gas during the courses of transport and operation.

Chapter V Dismantlement, Salvage, Repair and Building of Vessels and Other Above-water and Underwater Construction Operations Relating to Vessels

Article 44 It is forbidden to conduct vessel dismantling operation by way of beaching.

Article 45 The relevant operating procedures shall be abided by and necessary measures

for safety and prevention and control of pollution shall be taken when such operations as dismantlement, salvage, repair and building of vessels and other above-water and underwater construction operations relating to vessels are conducted.

Article 46 Prior to the operation of dismantlement of a vessel or repair of the oil tank of a vessel, the operating entity shall effectively dispose of the residues and wastes on the vessel, barge out the remaining oil in the fuel tank and cargo oil tank, and then clear and wash the vessel cabins and tanks, conduct an explosion test, etc., and shall, under relevant provisions, obtain a vessel pollutant receiving documents and a valid certificate of explosion test.

If it is necessary to deliver for storage the remaining oil in the fuel tank and cargo oil tank of the vessel by means of lightering, the requirements of these Provisions on the operation of lightering bulk liquid cargo with hazardous pollution shall be abided by.

A vessel repair and building factory shall establish the administration system for the prevention and control of vessel-induced pollution to the marine environment, and take necessary prevention measures, so as to prevent the marine environment pollution caused during the period of vessel repair and building.

Article 47 To repair or build vessels in a dock, the vessel repair and building factory shall thoroughly clean the pollutants in the dock. It shall not launch floating dock or open the door of the dock until it confirms that no pollution shall be caused to the water area.

Article 48 After the completion of such operations as dismantlement, salvage, repair and building of vessels and other above-water and underwater construction operations relating to vessels, the operating entity shall timely clean up the pollutants and report to the maritime safety administration the information about the elimination and disposal of pollutants generated during the whole operation process. The maritime safety administration may conduct an on-site verification, if necessary.

Chapter VI Legal Liabilities

Article 49 If the maritime safety administration finds that any vessel or a relevant operating entity violates these Provisions, it shall order it to make a correction. If it refuses to make a correction, the maritime safety administration may order it to suspend the operation, compel it to unload the cargos, prohibit the vessel from entering or leaving the port, berthing or staying for transit, or order the vessel to suspend navigation, reroute, leave China or head for the designated place.

Article 50 Where, in violation of these Provisions, the structure of a vessel does not meet the relevant technical requirements of the state for prevention and control of vessel-induced pollution to the marine environment or the requirements of the relevant international treaties, the maritime safety administration shall impose a fine of more than 100,000 yuan and less than 300,000 yuan upon it.

Article 51 Where, in violation of these Provisions, a vessel, port, dock or loading and unloading station fails to equip itself with pollution prevention and control facilities, equipment and instruments under either of the following circumstances, the maritime safety administration shall give a warning to the violator or impose on it a fine of more than 20, 000

yuan and less than 100, 000 yuan:

1. The quantity of its pollution prevention and control facilities, equipment and instruments do not accord with the laws, administrative regulations, rules, relevant criteria, as well as the requirements of the international treaties concluded or acceded to by China; or
2. The technical performances of its pollution prevention and control facilities, equipment and instruments do not accord with the law, administrative regulations, rules, relevant criteria, as well as the requirements of the international treaties concluded or acceded to by China.

Article 52 Where, in violation of the provisions of Article 9 or 40 of these Provisions, a vessel fails to report as required the relevant information to the maritime safety administration, the maritime safety administration shall give it a warning; and where the circumstances are serious, it shall be fined less than 20,000 yuan.

Article 53 Where, in violation of these Provisions, a vessel does not hold certificates and documents relating to the prevention and control of vessel-induced pollution to the marine environment, the maritime safety administration shall give it a warning or fine it not more than 20, 000 yuan.

Article 54 Where, in violation of these Provisions, a vessel discharges to the sea area any pollutants banned from being discharged by these Provisions, the maritime safety administration shall impose on it a fine of more than 30, 000 yuan and less than 200, 000 yuan.

Article 55 Where, in violation of these Provisions, a vessel discharges or disposes of pollutants under any of the following circumstances, the maritime safety administration shall impose on it a fine of more than 20, 000 yuan and less than 100, 000 yuan:

1. discharging pollutants to the sea areas beyond the criteria;
 2. failing to keep on board the records of discharge or disposal of vessel-induced pollutants;
- or
3. providing records of disposal of vessel-induced pollutants which are inconsistent with the quantity of the pollutants generated in the process of operation of the vessel.

Article 56 Where any vessel pollutant receiving entity receives any garbage, residual oil, oily waste water, waste water containing toxic and hazardous substances or any other pollutant in violation of these Provisions, or fails to prepare the operation scheme, comply with the relevant operating procedures or take necessary pollution prevention measures, the maritime safety administration shall impose a fine of not less than 10,000 yuan nor more than 50,000 yuan on it; and if it causes pollution to the marine environment, the maritime safety administration shall impose a fine of not less than 50,000 yuan nor more than 250,000 yuan on it.

Article 57 Where, in violation of these Provisions, a vessel or vessel pollutant receiving entity receives and disposes of pollutants under the circumstance as described in subparagraph 1, the maritime safety administration shall give it a warning or fine it not more than 20, 000 yuan; if it is under either of the circumstances as described in subparagraphs 2 and 3, the

maritime safety administration shall fine it not more than 20, 000 yuan:

1. The vessel fails to faithfully record the information about disposal of pollutants;
2. The vessel pollutant receiving entity fails to report as required to the maritime safety administration the information on the receipt of vessel-induced pollutants, or fails to issue pollutant receiving documents to the vessel as required.
3. The vessel pollutant receiving entity fails to report to the maritime safety administration for records the information about the vessel-induced pollutants received and disposed of.

Article 58 Where, in violation of these Provisions, a vessel carrying cargos with hazards pollutants enters or leaves a port, or stays for transit without approval of the maritime safety administration, the maritime safety administration shall impose a fine of more than 10, 000 yuan and less than 50, 000 yuan on the carrier, cargo owner or agent thereof. If a vessel conducts operation of barging bulk liquid cargos with hazardous pollutants without approval of the maritime safety administration, the maritime safety administration shall impose a fine of more than 10, 000 yuan and less than 50, 000 yuan on the vessel.

Article 59 Where a violator of these Provisions is under the circumstance as described in subparagraph 1 of this Article, the maritime safety administration shall give it a warning or fine it more than 20, 000 yuan and less than 100, 000 yuan; if it is under any of the circumstances as described in subparagraphs 2, 3 and 4, the maritime safety administration shall fine it more than 20, 000 yuan and less than 100, 000 yuan:

1. The cargos with hazardous pollutants carried by a vessel do not meet the cargo worthiness conditions;
2. A vessel carrying the cargos with hazardous pollutants does not meet the seaworthiness conditions for vessels carrying cargos with hazardous pollutants;
3. A vessel carrying cargos with hazardous pollutants fails to conduct the loading and unloading operation at a dock or loading and unloading station with the corresponding safe loading and unloading and pollutant disposal capacities; or
4. The cargo owner or the agent thereof fails to make a hazardous pollutant assessment of the cargos with unknown hazardous pollutants under relevant provisions.

Article 60 Where a violator of these Provisions is under any of the following circumstances, the maritime safety administration shall fine it more than 2, 000 yuan and less than 10, 000 yuan:

1. A vessel fails to preserve the pollutant receiving documents;
2. A vessel oil supply or receiving entity fails to faithfully fill out the fuel supply and receiving document;
3. A vessel oil supply or receiving entity fails to provide a fuel supply and receiving document and a fuel sample to a vessel; or
4. A vessel or a vessel oil supply or receiving entity fails to preserve a fuel supply and receiving document or fuel sample as required.

Where a vessel fuel supplier fails to engage in oil supply operation in accordance with the requirements of the standards for safety and pollution prevention and control, or the vessel

fuel supplied exceeds the standards, the maritime safety administration shall require it to make rectification, and notify the relevant competent department.

Article 61 Where a violator of these Provisions conducts dismantlement of vessels above water, renovation of old vessels, salvage, and other above-water or underwater construction operations relating to vessels and leads to pollution and damages to the marine environment, the maritime safety administration shall give it a warning or fine it more than 50, 000 yuan and less than 200, 000 yuan.

Chapter VII Supplementary Provisions

Article 62 These Provisions do not apply to the prevention and control of marine environmental pollution by military vessels, and the fishing vessels beyond the water areas administered by the transport administrative department of the State Council.

Article 63 These Provisions shall come into force as of February 1, 2011.

5. Provisions on Safety Production and Environmental Protection for Ship Recycling

(Omitted, Chinese only)

6. Rules on Supervision and Administration of Ship Recycling

(Omitted, Chinese only)

7. Measures for the Implementation by Competent Environmental Protection Departments of Consecutive Daily Penalties

(Omitted, Chinese only)

8. Measures for Pollutant Discharge Permitting Administration

The Measures for Pollutant Discharge Permitting Administration (For Trial Implementation), as deliberated and adopted at the executive meeting of the Ministry of Environmental Protection on November 6, 2017, are hereby issued, and shall come into force upon issuance.

Li Ganjie Minister of Environmental Protection January 10, 2018

Chapter I General Provisions

Article 1 For the purposes of regulating the pollution discharge permitting administration, these Measures are developed under the Environmental Protection Law of the People's Republic of China, the Water Pollution Prevention and Control Law of the People's Republic of China, the Atmospheric Pollution Prevention and Control Law of the People's Republic of China, and the Implementation Plan for the Permit System for Controlling Pollutants

Emission as issued by the General Office of the State Council.

Article 2 These Measures shall apply to the application for and the issuance and enforcement of pollution discharge permits and the regulation, punishment and other conduct relating to pollutant discharge permitting.

Article 3 The Ministry of Environmental Protection shall develop and issue according to law a classification administration list of pollutant discharge permitting for fixed pollution sources and specify the scope under pollutant discharge permitting administration and the application time limit.

The enterprises, public institutions and other producers and businesses (hereinafter referred to as the "pollutant discharging entities") on the list shall apply for and obtain a pollutant discharge permit according to the prescribed application time limit; and those not on the list are required to do so for the time being.

Article 4 A pollutant discharging entity shall hold a pollutant discharge permit as legally required and discharge the pollutant as provided in the pollutant discharge permit.

Without a required pollutant discharge permit, no pollutant may be discharged.

Article 5 Pollution discharging entities generating or discharging high-volume pollutants or highly detrimental to the environment shall be placed under priority pollutant discharge permitting administration, and the others shall be placed under summary pollutant discharge permitting administration.

The specific scope of pollutant discharging entities under priority pollutant discharge permitting administration or those under summary pollutant discharge permitting administration shall be governed by the classification administration list of pollutant discharge permitting for fixed pollution sources. The content and requirements of the application of priority administration and summary administration shall be governed by the relevant technical specifications and guidelines relating to pollutant discharge permitting as described in Article 11 of these Measures.

The local environmental protection authorities at and above the level of city divided into districts shall determine the pollutant discharging entities subject to priority pollutant discharge permitting administration as priority pollutant discharging entities.

Article 6 The Ministry of Environmental Protection shall be responsible for the implementation and supervision of the national pollutant discharge permitting rules. Each provincial environmental protection authority shall be responsible for the organization of the implementation and supervision of the local pollutant discharge permitting rules.

The environmental protection authorities at the level of city divided into districts in the places of production and business of pollutant discharging entities shall be responsible for issuing pollutant discharge permits, unless otherwise provided by local rules.

Article 7 An pollutant discharging entity under a same corporate entity or any other organization, having more than one place of production and business, shall, in the name of the corporate entity or other organization, apply for a pollutant discharge permit with the environmental protection authority having the issuing power (hereinafter referred to as the

"issuing environmental protection authority") in each of the production and business venues. Where the place of production and business and the outlet are in different administrative regions, the issuing environmental protection authority in the place of production and business shall be responsible for issuing the pollutant discharge permit provided that, before doing so, it shall solicit the opinions of the environmental protection authority at the same level in the place of the outlet.

Article 8 As required by the relevant laws, the environmental protection authorities shall subject the discharge of water pollutants, air pollutants, and other various pollutants by pollutant discharging entities to comprehensive permitting administration.

For pollutant discharging entities that have obtained construction project environmental impact assessment approval opinions on or after January 1, 2015, the main content regarding pollutant discharge in the environmental impact assessment documents and approval opinions shall be included in the pollutant discharge permits.

Article 9 The Ministry of Environmental Protection shall place pollutant discharging entities subject to pollutant discharge permitting administration and their production facilities, production prevention and control facilities and outlets under unified coding administration.

Article 10 The Ministry of Environmental Protection shall be responsible for building, operating, maintaining and managing the National Pollution Discharge Permits Administration Information Platform.

The application for and its acceptance, review, issuance, modification, renewal, deregistration, revocation, and re-issuance as a result of loss of a pollutant discharge permit shall be conducted on the National Pollution Discharge Permits Administration Information Platform. The self-monitoring and enforcement reports of the pollutant discharging entities and the information on the regulation and law enforcement from the environmental protection authorities shall be entered in and made public according to these Measures through the National Pollution Discharge Permits Administration Information Platform.

The electronic information relating to pollutant discharge permits recorded in the National Pollution Discharge Permits Administration Information Platform shall have the same effect as the original and duplicate of pollutant discharge permits according to law.

Article 11 The Ministry of Environmental Protection shall develop technical specifications of application and issuance of pollutant discharge permits, technical specifications of environmental management ledgers and pollutant discharge permits enforcement reports, technical guidelines on the self-monitoring by pollutant discharging entities, guidelines on feasible pollution prevention and control technologies, and other pollutant discharging permitting policies, standards and specifications.

Chapter II Content of Pollution Discharge Permits

Article 12 A pollutant discharge permit consists of an original and a duplicate copy, and while the original specifies the basic information, the duplicate contains the basic information, registration items, permitting items, undertaking, etc.

The local environmental protection authorities at and above the level of city divided into

districts may add more contents that need to be included in the pollutant discharge permit under local environmental protection rules.

Article 13 The following basic information shall be included in both the original and the duplicate of a pollutant discharge permit:

(1) Name, registered address, legal representative or principal person in charge, persons in charge of technology, address of the place of production and business, industry category, unified social credit code, and other basic information of the pollutant discharging entity.

(2) The validity period, issuing authority, issuing date, serial number, QR code, and other basic information of the pollutant discharge permit.

Article 14 The following registration items shall be declared by pollutant discharging entities and specified in the duplicate of the pollutant discharge permits:

(1) Main production facilities, main products and capacity, and main and accessory raw materials, etc.;

(2) Pollutant generating and discharging links and pollution prevention and control facilities, etc.;

(3) Environmental impact assessment approval opinions, the total quantity control indicators of the discharge of priority pollutants broken down and assigned to the entities in accordance with the law, and the records of onerous use of and trading in the right of pollutant discharge, etc.

Article 15 The following permitting items shall be applied for by pollutant discharging entities and, upon the review of the issuing environmental protection authorities, specified in the duplicate of a pollutant discharge permit:

(1) The locations and number of outlets, the manners and destination, among others, of pollutant discharge, and the locations and number of fugitive emission sources of air pollutants.

(2) The types of pollutants from outlets and fugitive emissions, permitted pollutant concentrations, and permitted quantity of pollutants discharged.

(3) Environmental management requirements which shall be complied with after the pollution discharge permit is obtained.

(4) Other permitting items as prescribed by laws and regulations.

Article 16 The issuing environmental protection authorities shall determine the permitted concentrations of pollutants from the outlets or fugitive emissions of pollutant discharging entities according to the local and national pollutant discharging standards.

Any more stringent pollutant concentrations a pollutant discharging entity undertakes to comply with shall be specified in the duplicate of its pollution discharge permit.

Article 17 The issuing environmental protection authorities shall determine the permitted quantity of pollutant discharged by pollutant discharging entities according to the methodology to calculate the permitted quantity of industry priority pollutant discharged as described in the technical specifications of application and issuance of pollutant discharge permits and the requirements for environmental quality improvement.

With respect to a pollutant discharging entity to which the total quantity control indicators of priority pollutants has been broken down and assigned in accordance with the law before the implementation of these Measures, the issuing environmental protection authorities shall determine the permitted quantity of pollutant discharged according to the methodology to calculate the permitted quantity of industry priority pollutant discharged, the requirements for environmental quality improvement, and total quantity control indicators of the discharge of priority pollutants.

For a pollutant discharging entity that obtained environmental impact assessment approval opinions on or after January 1, 2015, if the quantity of pollutant discharged determined in the environmental impact assessment documents and approval opinions is more stringent than that as determined under paragraphs 1 and 2 of this Article, the issuing environmental protection authorities shall determine the quantity according to the environmental impact assessment documents and approval opinions.

If any plan for environmental quality coming up to standard within a specified period, or the heavy air pollution response measures, developed by the local people's governments according to the law, require pollutant discharging entities to comply with more stringent total quantity control indicators of the discharge of priority pollutants, the requirements shall be specified in the duplicate of a pollutant discharge permit.

The environmental protection authorities shall, upon implementation of these Measures, determine the total quantity control indicators of the discharge of priority pollutants for environmental protection authorities according to the permitted quantity of pollutants discharged as specified in the pollutant discharge permits.

Article 18 The following environmental management requirements shall be specified in the duplicate of a pollutant discharge permit by the issuing environmental protection authorities according to the application materials of pollutant discharging entities, the relevant technical specifications, and regulatory needs:

- (1) The requirements for the operation and maintenance of pollution prevention and control facilities and for the control of fugitive emissions, etc.
- (2) Self-monitoring requirements, ledger keeping requirements, content and frequency of enforcement reporting, and other requirements.
- (3) Requirements for disclosing the information of pollutant discharging entities to the public.
- (4) Other items as required by laws and regulations.

Article 19 A pollutant discharging entity shall, when applying for a pollutant discharge permit, prepare a self-monitoring plan according to the self-monitoring technical guidelines.

The self-monitoring plan shall include the following:

- (1) Location and sketch of monitoring stations, monitoring indicators, and monitoring frequency.
- (2) Adopted monitoring and analysis methodology and sampling methodology.
- (3) Monitoring quality assurance and quality control requirements.
- (4) Requirements for recording, reorganization and archiving of the monitoring data.

Article 20 A pollutant discharging entity shall, when filling in an application for pollutant discharge permit, undertake that the application materials for the pollutant discharge permit is complete, authentic and lawful; and undertake to discharge pollutants according to the pollutant discharge permit and implement the environmental management requirements contained in the pollutant discharge permit, signed or sealed by the legal representative or the principal person in charge.

Article 21 A pollutant discharge permit shall take effect on the date when the permitting decision is made. The validity period of an emission permit issued for the first time shall be three years, and the validity period of a renewed emission permit shall be five years.

For any outdated technological equipment, or outdated products, which the industry policy list issued by the comprehensive and macro economic regulation department of the State Council in conjunction with the other relevant departments of the State Council purports to eliminate, the validity period of the pollutant discharge permit shall not exceed the purported time limit for the elimination.

Article 22 The environmental protection authorities shall not collect any fees for issuing pollutant discharge permits or conducting supervisory inspection of the enforcement of pollutant discharge permits.

Chapter III Application and Issuance

Article 23 The provincial environmental protection authorities shall, under Article 6 of these Measures and the classification administration list of pollution discharge licensing for fixed pollution sources, determine and announce the issuing environmental protection authorities responsible for accepting the applications for pollutant discharge permits in their respective administrative regions, application procedures, and other relevant matters.

If a region decides to subject part industries to pollutant discharge permitting administration in advance as required for the improvement of environmental quality, the provincial environmental protection authority in the region shall do so after filing with the Ministry of Environmental Protection and make an announcement.

Article 24 A pollutant discharging entity that has already been established and discharged pollutants before the time limit as provided in the classification administration list of pollution discharge licensing for fixed pollution sources shall apply for a pollutant discharge permit within the time limit; and a pollutant discharging entity established after the time limit shall do so before launching the production facilities or discharging pollutants.

Article 25 A pollutant discharging entity under priority administration shall disclose its undertaking, basic information, and permitted items under the purported application to the public before submitting the application materials for pollutant discharge permitting. The disclosure shall be made through the National Pollution Discharge Permits Administration Information Platform or in any other manner easily accessible to the public, and the disclosure shall not last less than five working days.

Article 26 A pollutant discharging entity shall complete and submit its application for a pollutant discharge permit on the National Pollution Discharge Permits Administration

Information Platform and submit the written application package generated through the National Pollution Discharge Permits Administration Information Platform to the issuing environmental protection authority.

The application package shall include the following:

(1) The application form for a pollutant discharge permit, mainly containing: the basic information of the pollutant discharging entity; main production facilities, main products and capacity, and main and accessory raw materials; exhaust gas, waste water, and other pollutant generating and discharging links and pollution prevention and control facilities; locations and number of the outlets under the application, discharging manner, and discharging destination; the types of pollutants discharged under the application by outlets, production facilities or workshops, pollutant concentrations, and quantity of pollutant discharged; and governing discharging standards.

(2) The self-monitoring plan.

(3) The undertaking signed or sealed by the legal representative or principal person in charge of the pollutant discharging entity.

(4) Statements regarding the standardization of outlets made by the pollutant discharging entity.

(5) The approval document number for the construction project environmental impact assessment document, or the supporting documents relating to the disposition, rectification or regulation conducted by the local people's government according to the relevant provisions to the extent of meeting the requirements.

(6) The form of statements of the information disclosure before the application for a pollutant discharge permit.

(7) An operating and managing entity of centralized sewage treatment facilities shall also provide the scope of sewage received, the list of sewage receiving or discharging entities, pipe networks, final destination of discharge, and other materials.

(8) If, for a construction, reconstruction or expansion project of a pollutant discharging entity, upon the implementation of these Measures the total quantity control indicators of the discharge of priority pollutants is obtained through substitution or reduction by maintaining or cutting the quantity of pollutants discharged, and the pollutant discharging entity alienating the total quantity control indicators of the discharge of priority pollutants has already obtained a pollutant discharge permit, providing the materials relating to the completion of the modification of the pollutant discharge permit by the pollutant discharging entity alienating the total quantity control indicators of the discharge of priority pollutants.

(9) Other materials as required by any law, regulation or rules.

The pollutant discharging entity shall indicate main production facilities, main products and capacity, or any other registration items involving a trade secret.

Article 27 The issuing environmental protection authority shall, upon receipt of the application package submitted by a pollutant discharging entity, review the integrity and standard compliance of the materials and process it according to the following

circumstances:

(1) if no pollutant discharge permit is required under these Measures, notify the pollutant discharging entity forthwith or within five working days that no permit is required.

(2) if the application is outside its remit, decide not to grant acceptance and notify the pollutant discharging entity to apply to the authority having the issuing power, forthwith or within five working days.

(3) if the application package is incomplete or does not conform to the provisions, issue a notice forthwith or within five working days to inform the pollutant discharging entity of all the supplements and corrections, and if correction may be made forthwith, allow the pollutant discharging entity to do so.

(4) accept the application if the application is within its remit, the application materials are complete and conform to the provisions, or the pollutant discharging entity has submitted all the supplements and corrections as required.

The issuing environmental protection authority shall decide whether or not to accept the application on the National Pollution Discharge Permits Administration Information Platform and issue a notice of acceptance or rejection sealed and dated to the pollutant discharging entity.

The issuing environmental protection authority shall notify the pollutant discharging entity of the necessary supplements and corrections. If it fails to do that, it shall be deemed to have granted acceptance upon receipt of the written application materials.

Article 28 Under any of the following circumstances, the issuing environmental protection authority shall not issue a pollutant discharge permit:

(1) A region where construction is banned by any law or regulation.

(2) Any outdated technological equipment, or outdated products, of which the industry policy list issued by the comprehensive and macro economic regulation department of the State Council in conjunction with the other relevant departments of the State Council expressly order elimination or immediate elimination.

(3) Other circumstances under which the application shall be disapproved as provided by any law or regulation.

Article 29 The issuing environmental protection authorities shall review the application materials of the pollutant discharging entities and issue pollutant discharge permits to those that meet the following conditions:

(1) Obtaining as legally required the approval opinions on the construction project environmental impact assessment document, or the supporting documents relating to the disposition, rectification or regulation conducted by the local people's government according to the relevant provisions to the extent of meeting the requirements.

(2) Using or taking pollution prevention and control facilities or measures capable of meeting the concentration requirements for permitted discharge.

(3) The discharge concentrations conform to Article 16 of these Measures and the discharge quantity conforms to Article 17 of the same.

(4) The self-monitoring plan conforms to the relevant technical specifications.

(5) If, for a construction, reconstruction or expansion project of a pollutant discharging entity, and upon the implementation of these Measures the total quantity control indicators of the discharge of priority pollutants has been obtained through substitution or reduction by maintaining or cutting the quantity of pollutants discharged, the pollutant discharging entity alienating the total quantity control indicators of the discharge of priority pollutants has already completed the modification of the pollutant discharge permit.

Article 30 Where corresponding feasible pollution prevention and control technology is applied, or a pollutant discharging entity of a construction, reconstruction or expansion project applies the pollution prevention and control technology as required by the environmental impact assessment approval opinions, the issuing environmental protection authority may consider the pollution prevention and control facilities or measures used or taken by the pollutant discharging entity to be capable of meeting the concentration requirements for permitted discharge.

In a case not mentioned in the preceding paragraph, a pollutant discharging entity may provide monitoring data as proof. The monitoring data shall be obtained through monitoring equipment in conformity with the relevant monitoring and measurement certification provisions and technical specifications issued by the state; and for pollution treatment technology first applied in China, project experimental data shall be provided as proof.

The Ministry of Environmental Protection shall revise the guidelines on feasible pollution prevention and control technology in good time according to the execution of pollutant discharge across the country.

Article 31 The issuing environmental protection authority shall decide whether to grant a permit within 20 working days of accepting an application. The issuing environmental protection authority shall issue a pollutant discharge permit sealed by it to the pollutant discharging entity within ten working days after it is decided to grant the permit.

If the issuing environmental protection authority fails to make a decision within 20 working days, it may, with the approval of the person in charge of it, have an extension of ten working days and notify the pollutant discharging entity of the reasons of the extension.

If a hearing, inspection, testing, or expert assessment is required in accordance with the law, the time required shall not be included in any period as mentioned in this Article. The issuing environmental protection authority shall notify the pollutant discharging entity of the required time in writing.

Article 32 Where the issuing environmental protection authority decides to grant a permit, it must submit the approval results to the National Pollution Discharge Permits Administration Information Platform and obtain a nationally unified serial number for the pollutant discharge permit.

In the same case, it shall announce the basic information, permitting items, and its undertaking in the original and duplicate of the pollutant discharge permit in the National Pollution Discharge Permits Administration Information Platform.

If the issuing environmental protection authority decides to disprove the application, it shall prepare a written decision of disapproval, notify the pollutant discharging entity of the reasons for the disapproval in writing and its right to apply for administrative reconsideration, or bring an administrative action, in accordance with the law, and make an announcement in the National Pollution Discharge Permits Administration Information Platform.

Chapter IV Implementation and Supervision

Article 33 Tampering with pollutant discharge permits shall be prohibited. The illegal alienation of pollutant discharge permits by lease, lending, sale or any other means shall be prohibited. A pollutant discharging entity shall place its pollutant discharge permit in the place of its production and business convenient for public supervision.

Article 34 A pollutant discharging entity shall, according to the provisions in its pollutant discharge permit, install or use monitoring equipment in conformity with the relevant monitoring and measurement certification provisions and the technical specifications issued by the state, maintain the monitoring facilities as required, conduct self-monitoring, and keep original monitoring records.

A pollutant discharging entity subject to priority pollutant discharge permitting administration shall, according to the provisions in the pollutant discharge permit, install automatic monitoring equipment connected to the monitoring equipment of the environmental protection authorities.

If no feasible pollution prevention and control technology is applied, self-monitoring shall be heightened, and the feasibility that the pollution prevention and control technology reaches standard shall be assessed.

Article 35 A pollutant discharging entity shall keep records according to the requirements relating to ledger keeping in the pollutant discharge permit, based on the characteristics of its production and pollutant discharge, by outlets or fugitive emissions. The records shall mainly include the following:

- (1) The information on the operation of main production facilities relating to pollutant discharge; if an abnormal situation takes place, the reasons and the measures taken shall be recorded.
- (2) The information on the operation and management of pollution prevention and control facilities; if an abnormal situation takes place, the reasons and the measures taken shall be recorded.
- (3) The actual concentrations and quantity of pollutant discharged; if a pollutant is discharged by exceeding standards, the reasons and the measures taken shall be recorded.
- (4) Other information required to be recorded according to the relevant technical specifications.

The ledger shall be retained for at least three years.

Article 36 The actual quantity of pollutant discharged shall be calculated by the outlets of exhaust gas or sewage, production facilities or workshops, respectively, as specified in the pollutant discharge permit, according to the following methodology, in the following order:

(1) If automatic pollutant monitoring equipment in conformity with the provisions and monitoring specifications issued by the state has been installed and has been in use in accordance with the law, the calculation shall be made according to the automatic pollutant monitoring data.

(2) If the law does not require the installation of automatic pollutant monitoring equipment, the calculation shall be made according to the manual pollutant monitoring data in conformity with national provisions and monitoring specifications.

(3) If the methods as described in (1) and (2) herein do not apply, or automatic pollutant monitoring equipment has not been installed as legally required, or the automatic pollutant monitoring equipment does not conform to provisions, calculation shall be made according to the pollutant generating and discharging coefficients and material balance methodologies as provided for by the Ministry of Environmental Protection.

Article 37 A pollutant discharging entity shall prepare a pollutant discharge permit enforcement report according to the content and frequency of enforcement reporting as specified in the pollutant discharge permit.

Such a report may be made on a monthly, quarterly or annual basis.

A pollutant discharging entity shall complete, submit, and disclose to the public an annual pollutant discharge permit enforcement report on the National Pollution Discharge Permits Administration Information Platform and submit a hard-copy enforcement report generated through the National Pollution Discharge Permits Administration Information Platform to the issuing environmental protection authority. The hard-copy enforcement report shall be signed or sealed by the legal representative or principal person in charge.

A monthly or quarterly enforcement report shall at least include the following:

(1) Stating the actual concentrations and quantity of pollutant discharged and the standard compliance analysis according to the self-monitoring results.

(2) Stating the information that the pollutant discharging entity discharged pollutants by exceeding the standards, or on the abnormality of pollution prevention and control facilities.

An annual enforcement report may be substituted for the enforcement report for the current month or quarter, with the following added:

(1) The basic information of the pollutant discharging entity.

(2) The operational information of the pollution prevention and control facilities.

(3) The information of implementation of self-monitoring.

(4) The information of the keeping of the environmental management ledger.

(5) Information disclosure.

(6) The information of development and operation of the environmental management system of the pollutant discharging entity.

(7) The information on the enforcement of other provisions in the pollutant discharge permit.

The main content of a construction project completion environmental protection acceptance check report relating to pollutant discharge shall be contained by the pollutant discharging entity in the annual pollutant discharge permit enforcement report for the year when the

acceptance check of the project is completed.

When a pollution accident takes place, the pollutant discharging entity shall make a timely report according to the relevant laws, regulations and rules.

Article 38 A pollutant discharging entity shall be responsible for the authenticity and integrity of the submitted ledgers, monitoring data and enforcement reports and accept the supervisory inspection by the environmental protection authorities in accordance with the law.

Article 39 The environmental protection authority shall make a law enforcement plan and determine regulatory priorities and inspection frequency in law enforcement, taking into account the environmental credit records of a pollutant discharging entity.

In the supervisory inspection of a pollutant discharging entity, the environmental protection authority shall inspect the implementation of the permitting items as specified in the pollutant discharge permits in priority, by law enforcement monitoring, examination of ledgers and self-monitoring data, and other monitoring means, verify the authenticity of pollutant discharge data and enforcement reports, decide the compliance with the permitted concentrations and quantity of pollutants discharged, and inspect the implementation of environmental management requirements.

The environmental protection authorities shall enter the time, content and results of on-site inspections and punishment decisions on the National Pollution Discharge Permits Administration Information Platform and release the monitoring law enforcement information and the lists of pollutant discharging entities without pollutant discharge permits, or violating the provisions in the pollutant discharge permits, in the same according to the law.

Article 40 The environmental protection authority may, by means of government procurement of services, organize or commission a technical institution to provide technical support for pollutant discharge permitting administration.

The technical institution shall be responsible for the technical reports it submits, without charging a pollutant discharging entity any fees.

Article 41 The superior environmental protection authority may conduct supervisory inspection and guidance of the issuance of pollutant discharge permits by its subordinate environmental protection authorities and, if discovering any violation as described in Article 49 of these Measures, revoke it according to law.

Article 42 The public and the press are encouraged to supervise the pollutant discharge by pollutant discharging entities. A pollutant discharging entity shall disclose the relevant pollutant discharging information to the public in a timely manner and voluntarily accept public supervision.

A citizen, legal person, or any other organization that discovers any violation of these Measures by a pollutant discharging entity shall have the right report it to the environmental protection authority.

The environmental protection authority receiving the report shall process it in accordance with the law, provide feedback on the investigation results according to the relevant

provisions, and keep the informant confidential.

Chapter V Modification, Renewal and Revocation

Article 43 Where any of the following items relating to a pollutant discharging entity changes within the validity period of its pollutant discharge permit, it shall apply to the issuing environmental protection authority within the given period for modification of its pollutant discharge permit:

- (1) Within 30 working days from the date when the name, address, legal representative or principal person in charge, or any other basic information of the pollutant discharging entity contained in the original changes.
- (2) Within 30 working days from the date when the permitted items change by reason of the pollutant discharging entity.
- (3) If the pollutant discharging entity is required to conduct an environmental impact assessment for its construction, reconstruction, or expansion project on its existing site, within 30 working days between the obtainment of the environmental impact assessment approval opinions and the change of the pollutant discharge.
- (4) Within 30 working days pending the implementation of newly set or revised local or national pollutant discharge standards.
- (5) Within 30 working days from the change of the total quantity control indicators of the discharge of priority pollutants broken down and implemented in accordance with the law.
- (6) Within 30 working days pending the implementation of a plan for standard compliance within given periods as laid down by the local people's government according to the law.
- (7) Within 30 working days following the implementation of a contingency plan for heavily polluted air developed by the local people's government according to law.
- (8) Modification otherwise required by any law or regulation.

In a case as described in paragraph 1(3) of this Article, if the total quantity control indicators of the discharge of priority pollutants are obtained through substitution or reduction by maintaining or cutting the quantity of pollutants discharged, the pollutant discharging entity alienating the total quantity control indicators of the discharge of priority pollutants shall have already completed the modification of the pollutant discharge permit before the pollutant discharging entity applies for modification of its pollutant discharge permit.

Article 44 For the modification of a pollutant discharge permit, the following application materials shall be submitted:

- (1) An application for modification of the pollutant discharge permit.
- (2) The undertaking signed or sealed by the legal representative or principal person in charge of the pollutant discharging entity.
- (3) A photocopy of the original of the pollutant discharge permit.
- (4) Other materials relevant to the modification of pollutant discharge permitting items.

Article 45 The issuing environmental protection authority shall review the application materials of modification, and, if it decides to approve the modification, it shall specify and seal the content of the modification in the duplicate of the pollutant discharge permit and

make an announcement on the National Pollution Discharge Permits Administration Information Platform; and, in a case as mentioned in paragraph 1(1), Article 43 of these Measures, also issue a new original of the pollutant discharge permit.

In a case as set forth in paragraph 1, Article 43 of these Measures, the validity period of the pollutant discharge permit shall still begin to run from the date of issuing the former one; and in a case as specified in paragraph 2, Article 43 of these Measures, the validity period of the modified pollutant discharge permit shall begin to run from the date of modification.

In a case as mentioned in paragraph 1(1) of Article 43 of these Measures, the issuing environmental protection authority shall decide whether to approve modification within 10 working days of accepting the application; and in other cases as specified in paragraph 1 of Article 43 of these Measures, a decision as to whether to approve the modification shall be made within 20 working days from the date when the application was accepted.

Article 46 Where a pollutant discharging entity needs to renew its pollutant discharge permit it has lawfully obtained, it shall apply to the original issuing environmental protection authority 30 working days before the expiry of the pollutant discharge permit.

Article 47 An applicant for the renewal of its pollutant discharge permit shall submit the following materials:

- (1) An application for renewal of the pollutant discharge permit.
- (2) The undertaking signed or sealed by the legal representative or principal person in charge of the pollutant discharging entity.
- (3) A photocopy of the original of the pollutant discharge permit.
- (4) Other materials relevant to the renewal of pollutant discharge permitting items.

Article 48 The issuing environmental protection authority shall review the application materials for renewal under Article 29 of these Measures and decide whether to renew the permit within 20 working days of accepting the application.

If it decides to renew the permit, it shall issue a pollutant discharge permit sealed by it to the pollutant discharging entity, take back the original of the former one, and make an announcement in the National Pollution Discharge Permits Administration Information Platform.

Article 49 Under any of the following circumstances, the issuing environmental protection authority or its superior administrative agency may revoke the pollutant discharge permit and make an announcement on the National Pollution Discharge Permits Administration Information Platform:

- (1) Issuing a pollutant discharge permit beyond the statutory power.
- (2) Issuing a pollutant discharge permit in violation of statutory procedure.
- (3) An employee of the issuing environmental protection authority issuing a pollutant discharge permit by abusing power or neglecting his/her duties.
- (4) Granting administrative licensing to an applicant disqualified for application, or not meeting the statutory conditions.
- (5) Other circumstances in which a pollutant discharge permit may otherwise be revoked in

accordance with the law.

Article 50 Under any of the following circumstances, the issuing environmental protection authority shall undergo the formalities for the deregistration of the pollutant discharge permit and make an announcement on the National Pollution Discharge Permits Administration Information Platform:

- (1) An administrative license expires and has not been renewed.
- (2) The pollutant discharging entity terminates according to the law.
- (3) Deregistration is otherwise required.

Article 51 Where a pollutant discharge permit is missing or damaged, the pollutant discharging entity shall apply to the issuing environmental protection authority for another pollutant discharge permit within 30 working days; in the former case, it shall release a declaration of loss on the National Pollution Discharge Permits Administration Information Platform before the application; and in the latter case, it shall return the damaged pollutant discharge permit at the application.

The issuing environmental protection authority shall issue a new pollutant discharge permit within ten working days of receiving the application and make an announcement on the National Pollution Discharge Permits Administration Information Platform.

Chapter VI Legal Liability

Article 52 Where the environmental protection authority commits any of the following conducts during acceptance, issuance and regulation and law enforcement of pollutant discharge permits, its superior administrative agency or the supervisory authority shall order it to take corrective actions and take an administrative action against the person in charge directly liable or any other directly liable person according to law; if it is criminally punishable, the offender shall be held criminally liable in accordance with the law:

- (1) Failing to accept an application that meets the acceptance requirements in accordance with the law.
- (2) Failing to issue a pollutant discharge permit in accordance with the law, or failing to make a decision to issue a pollutant discharge permit within the statutory period, to one that meets the permitting conditions.
- (3) Issuing a pollutant discharge permit to one that does not meet the permitting conditions, or issuing a pollutant discharge permit beyond the statutory power.
- (4) Collecting fees without authorization when implementing pollutant discharge permit administration.
- (5) Failing to disclose the information regarding pollutant discharge permitting in accordance with the law.
- (6) Failing to discharge supervisory duties in accordance with the law, or conducting ineffective supervision, causing serious consequences.
- (7) Other circumstances in which liabilities should be investigated.

Article 53 Where a pollutant discharging entity conceals relevant information or provides false documents in applying for an administrative license, the issuing environmental

protection authority shall reject or disapprove the application and issue a warning to it.

Article 54 Anyone who, as in violation of Article 43 of these Measures, fails to apply for modification of its pollutant discharge permit in a timely manner, or anyone who, as in violation of Article 51 of these Measures, fails to apply for a new pollutant discharge permit in a timely manner, shall be ordered by the issuing environmental protection authority to take corrective actions.

Article 55 Where a priority pollutant discharging entity fails to disclose according to law or fails to faithfully disclose the relevant environmental information to the public, the environmental protection authority at or above the county level shall order it to disclose, impose a fine on it as legally required, and make an announcement.

Article 56 Where any of the following conduct is committed as in violation of Article 34 of these Measures, the environmental protection authority at or above the county level shall, under the Atmospheric Pollution Prevention and Control Law of the People's Republic of China and the Water Pollution Prevention and Control Law of the People's Republic of China, order the violator to take corrective actions and fine it 20,000 yuan up to 200,000 yuan; and, if it refuses to do so, order it to suspend business for rectification in accordance with the law:

- (1) Failing to monitor as required the industrial exhaust gas, or toxic and injurious air pollutants or water pollutants discharged, or failing to retain the original monitoring records.
- (2) Failing to install automatic air or water pollutant monitoring equipment as required, or failing to connect it to the monitoring equipment of the environmental protection authority as required, or failing to ensure the normal operation of the monitoring equipment.

Article 57 Where a pollutant discharging entity discharges any pollutant without a pollutant discharge permit under the following circumstances, the environmental protection authority at or above the county level shall, under the Atmospheric Pollution Prevention and Control Law of the People's Republic of China and the Water Pollution Prevention and Control Law of the People's Republic of China, order it to take corrective actions, carry out production in a limited manner, or suspend production for rectifications and fine it 100,000 yuan up to one million yuan; if the circumstances are serious, with the approval of the competent people's government, order it to shut down:

- (1) Failing to apply for a pollutant discharge permit as legally required, or discharging any pollutants pending an application for a pollutant discharge permit.
- (2) Failing to apply for the renewal of a pollutant discharge permit before its expiry, or discharging any pollutants notwithstanding the disapproval of the application for renewal by the issuing environmental protection authority.
- (3) Discharging any pollutants upon lawful revocation of its pollutant discharge permit.
- (4) Other circumstances as provided for by any law or administrative regulation.

Article 58 Where a pollutant commits any of the following violations of its pollutant discharge permit, the environmental protection authority at or above the county level shall, under the Environmental Protection Law of the People's Republic of China, the Atmospheric Pollution Prevention and Control Law of the People's Republic of China, and the Water Pollution

Prevention and Control Law of the People's Republic of China, order it to take corrective actions, carry out production in a limited manner, or suspend production for rectifications and fine it 100,000 yuan up to one million yuan; if the circumstances are serious, with the approval of the competent people's government, order it to shut down:

(1) Discharging any water or air pollutants in excess of the discharge standard or the total quantity control indicators of the discharge of priority air or water pollutants.

(2) Discharging any air pollutants furtively, or by tampering with or forging monitoring data, suspending production for the purpose of evading on-site inspection, opening emergency discharge channels under non-emergent conditions, operating air pollution prevention and control facilities in an abnormal manner, or any other means of evading regulation.

(3) Discharging any water pollutants through drainage wells, drainage pits, ditches, or karst caves, or by laying any concealed pipeline without authorization, tempering with or forging monitoring data, operating water pollution prevention and control facilities in an abnormal manner, or any other means of evading regulation.

(4) Other circumstances of discharging pollutants in violation of the pollutant discharge permit.

Article 59 Where a pollutant discharging entity has been fined and ordered to take corrective actions due to illegally discharging any air or water pollutants, and the administrative agency making the punishment decision organizes a re-inspection and discovers that it continues to illegally discharge the air or water pollutants or refuses or obstructs the re-inspection, the administrative agency making the punishment decision may impose on it a fine in the amount of the former fine per diem consecutively from the day after ordering it to take corrective actions.

Article 60 Where a pollutant discharging entity undergoes any abnormal conditions as specified in paragraph 1(2) and (3) of Article 35, or paragraph 4(2) of Article 37, of these Measures, reports them to the issuing environmental protection authority in a timely manner, and takes voluntary measures to eliminate or mitigate the harmful consequences as a result of the violations, the environmental protection authority at or above the county level shall give it a mitigated penalty under the Administrative Punishment Law of the People's Republic Of China.

The pollutant discharging entity shall state the circumstances, as mentioned in paragraph 1, in the corresponding quarterly or monthly enforcement report.

Chapter VII Supplemental Provisions

Article 61 When pollutant discharge permits are to be issued for the first time, if a pollutant discharging entity that has been in production and operation before the implementation of these Measures falls under any of the following conditions, undertakes to take corrective actions, and prepares a correction plan, the environmental protection authority may issue it a pollutant discharge permit and, specify in the permit its problem, the content of the corrective action it has undertaken to take, and the period of the corrective action.

(1) A construction, reconstruction, or expansion project before the implementation of these

Measures does not meet the condition as described in Article 29(1) of these Measures.

(2) Failing to meet the condition as described in Article 29(2) of these Measures.

In the former case, the issuing environmental protection authority shall, under Article 23 of the Regulation on the Administration of Construction Project Environmental Protection, order the pollutant discharging entity to take corrective actions within a specific period and impose a fine on it.

In the latter case, the issuing environmental protection authority shall, under Article 99 of the Atmospheric Pollution Prevention and Control Law of the People's Republic of China, or Article 83 of the Water Pollution Prevention and Control Law, order the pollutant discharging entity to take corrective actions, carry out production in a limited manner, or suspend business for rectifications, and impose a fine on it.

The content of the corrective action, or that of production in a limited manner or suspension of business for rectifications, which the issuing environmental protection authority orders, as mentioned in paragraphs 2 and 3 of this Article shall be the same as the content of the corrective action contained in the pollutant discharge permit as set forth in paragraph 1 of this Article; and the period of the corrective action, or that of production in a limited manner or suspension of business for rectifications, which the issuing environmental protection authority orders, as mentioned in paragraphs 2 and 3 of this Article shall be the same as the period of the corrective action contained in the pollutant discharge permit as set forth in paragraph 1 of this Article.

The period of corrective action contained in the pollutant discharge permit as set forth in paragraph 1 of this Article shall be three to six months and may not extend beyond one year. During the period of corrective action, production in a limited manner, or suspension of business for rectifications, the pollutant discharging entity shall discharge the pollutants according to the permit and implement the self-monitoring, ledger keeping and enforcement report rules, and the issuing environmental protection authority shall tighten supervisory inspection according to the provisions in the permit.

Article 62 Where a pollutant discharging entity accomplishes its task for the corrective actions at, or has done so before, the expiry of the period of the corrective actions contained in the pollutant discharge permit as set forth in paragraph 1, Article 61 of these Measures, it may apply to the issuing environmental protection authority for modification of its pollutant discharge permit, which the issuing environmental protection authority shall approve under Chapter V of these Measures.

If the pollutant discharging entity still does not meet the permitting conditions at the expiry of the period of the corrective action contained in the pollutant discharge permit as set forth in paragraph 1, Article 61 of these Measures, the issuing environmental protection authority shall, under Article 99 of the Atmospheric Pollution Prevention and Control Law of the People's Republic of China, or Article 83 of the Water Pollution Prevention and Control Law, or Article 23 of the Regulation on the Administration of Construction Project Environmental Protection, make a proposal, request the people's government having the approval power

to order its shutdown, and deregister its pollutant discharge permit according to Article 50 of these Measures.

Article 63 Where a pollutant discharge permit issued under local rules before the implementation of these Measures remains effective, the environmental protection authority issuing it shall enter its data on the National Pollution Discharge Permits Administration Information Platform and obtain a serial number for it; and if it has expired, the pollutant discharging entity shall apply for a pollutant discharge permit subject to these Measures.

Article 64 The format of the pollutant discharge permits in Article 12 of these Measures, the standard text of the undertaking in Article 20, and the format of the application form for a pollutant discharge permit in Article 26 of these Measures shall be developed by the Ministry of Environmental Protection.

Article 65 For the purpose of these Measures, "pollutant discharge permitting" means the environmental administration rules by which the environmental protection authorities, on the application and undertaking by pollutant discharging entities, in the form of issuing the legal documents of pollutant discharge permits, regulate and restrict pollutant discharge in accordance with the laws and regulations, specify the requirements for environmental administration, and subject pollutant discharging entities to regulatory law enforcement according to pollutant discharge permits.

Article 66 For the purpose of these Measures, "principal person in charge" means the person in charge who exercises the power on behalf of the unincorporated entity according to the laws and administrative regulations.

Article 67 For a pollutant discharging entity involving any national secret, the application for and its acceptance, review, issuance, modification, renewal, deregistration, revocation, and re-issuance as a result of loss of pollutant discharge permits shall be governed by the confidentiality provisions.

Article 68 These Measures shall come into force upon issuance.

9. Directory of National Hazardous Wastes

Article 1 This Directory is developed under the relevant provisions of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes.

Article 2 The solid wastes (including liquid wastes) under one of the following circumstances shall be included in this Directory:

(1) They have such one or more hazardous characteristics as corrosivity, toxicity, ignitability, reactivity, and infectivity, among others.

(2) They have possible hazardous characteristics, are likely to cause adverse effect on the environment or personal health, and shall be subject to the administration as hazardous wastes.

Article 3 Medical wastes are hazardous wastes. Medical wastes shall be classified according to the Medical Wastes Classification Directory.

Article 4 Chemicals included in the Hazardous Chemicals Directory are hazardous wastes after they are abandoned.

Article 5 The hazardous wastes included in the List of Hazardous Wastes under Exemption Administration, an Annex to this Directory, may be subject to exemption administration according to the provisions of the exempted contents, at the exemption links listed and when the corresponding exemption conditions are met.

Article 6 The nature of the mixture of hazardous wastes and other fixed wastes, and wastes after the disposal of hazardous wastes shall be determined according to the identification standards for hazardous wastes as prescribed by the state.

Article 7 The relevant terms in this Directory shall have the following meanings:

(1) “Waste type” means the classification conducted for hazardous wastes in light of the actual situation of China on the basis of the categories classified under the Basel Convention on the Control of Trans-Boundary Movements of Hazardous Waste and Their Disposal.

(2) “Industry source” means the industry from which hazardous wastes are generated.

(3) “Waste code” means the sole code of the hazardous waste, with 8 digits, of which the first to the third digits are the code of the industry from which hazardous wastes are generated (determined according to the National Industries Classification, GB/T 4754-2011), the fourth to the six digits are the sequence code of the hazardous wastes, and the seventh to the eighth digits are the code for the classification of the hazardous wastes.

(4) “Hazardous characteristics” means corrosivity (C), toxicity (T), ignitability (I), reactivity (R), and infectivity (In).

Article 8 Where whether solid wastes have hazardous characteristics is uncertain, the identification standards and methods for hazardous wastes as prescribed by the state shall be adopted for identification.

Wastes identified to have hazardous characteristics are hazardous wastes. Their categories shall be determined according to their main injurious ingredients and hazardous characteristics and these wastes shall be subject to classification administration according to the code “900-000- ××” (×× is the category code of hazardous waste).

Wastes identified to have no hazardous characteristics are not hazardous wastes.

Article 9 This Directory shall come into force on August 1, 2016. The Directory of National Hazardous Wastes (Order No. 1 of the Ministry of Environmental Protection and the National Development and Reform Commission) issued by the Ministry of Environmental Protection and the National Development and Reform Commission on June 6, 2008 shall be concurrently repealed.

Annex: Directory of National Hazardous Wastes (Omitted, Chinese only)

By the local governments

10. Measures on Protection of Fishery Resources of Shandong Province

(Omitted, Chinese only)

11. Measures on Marine Environmental Protection of Liaoning Province

(Omitted, Chinese only)

12. Provisions of Marine Environmental Protection of Qingdao Municipality

(Omitted, Chinese only)

Chapter VI Full Texts of Judicial Interpretations Relevant to Marine Pollution

1. Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Cases of Disputes over Compensation for Vessel-induced Oil Pollution Damage

(Interpretation No.14 [2011] of the Supreme People's Court)

To correctly try cases of disputes over compensation for vessel-induced oil pollution damage, and in light of the judicial practices, these Provisions are formulated pursuant to the General Principles of the Civil Law of the People's Republic of China, the Tort Law of the People's Republic of China, the Marine Environment Protection Law of the People's Republic of China, the Maritime Law of the People's Republic of China, the Civil Procedure Law of the People's Republic of China, the Special Maritime Procedure Law of the People's Republic of China, other relevant laws and regulations, and the international treaties which the People's Republic of China has concluded or acceded to.

Article 1 These Provisions shall apply when the people's courts try cases of disputes over compensation for vessel-induced oil pollution damage as involved in oil pollution incidents of vessels that cause oil pollution damage or pose dangers of oil pollution damage in the territory or any other territorial sea of the People's Republic of China.

Article 2 Where a party concerned brings a lawsuit for the oil pollution damage caused by an oil tanker carrying persistent oil or applies for establishing a fund for limitation of liability for oil pollution damage, the maritime court at the place where the vessel-induced oil pollution incident occurs shall have jurisdiction over it.

Where, after a vessel-induced oil pollution incident caused by an oil tanker carrying persistent oil occurs without the territory or any other territorial sea of the People's Republic of China but causes actual oil pollution damage or poses dangers of oil pollution damage to the territory or any other territorial sea of the People's Republic of China, and a party concerned brings a lawsuit for damage caused by the vessel-induced oil pollution incident or applies for establishing a fund for limitation of liability for oil pollution damage, the maritime court at the place where the oil pollution damage is done or oil pollution preventive measures are taken shall have jurisdiction over it.

Article 3 When oil has escaped from two or more vessels, and pollution damage results therefrom, if the party who suffers the damage requests that the owners of all vessels

involved undertake the liability for compensation, the owners of all vessels involved shall undertake their respective liability for compensation if the damage is reasonably separable according to the quantity of oil leaked, the harm caused by their oil and other relevant factors; if the damage is not reasonably separable, the owners of all vessels involved shall be jointly and severally liable, unless exonerated by law.

Where the owners of all vessels involved are jointly and severally liable for the damage, they shall determine the amount of compensation of each one of them according to their respective liability. If it is difficult to determine who undertakes a bigger liability, they shall undertake the liability for compensation evenly. Where any owner pays more than the payable amount, it has the right of recourse against the owners of other vessels involved.

Article 4 If oil pollution damage is caused by oil which has escaped as a result of a collision between vessels in contributory negligence, the party who suffers the damage may request that the owner(s) of the vessel(s) from which the oil has escaped undertake all the liabilities for compensation.

Article 5 If oil pollution damage is done due to the persistent oil carried by oil tankers, the limits of liability shall be determined according to the Regulation on the Prevention and Control of Vessel-induced Pollution to the Marine Environment and the International Convention on Civil Liability for Oil Pollution Damage (1992).

If oil pollution damage is caused by non-persistent fuel oil carried by oil tankers or by fuel oil carried by vessels other than oil tankers, the limits of liability shall be determined according to the provisions of the Maritime Law on the limits of liability for maritime claims.

Article 6 If it is proved that the oil pollution damage is resulted from an act or omission done by the vessel owner with intent to cause damage or with knowledge that such damage would probably occur, the owner's claim for limiting its liability shall not be upheld by the people's court.

Article 7 If the oil pollution damage is caused by the vessel owner with intent, the claim of the party, who suffers the damage, for compensation against the insurer of the liability for oil pollution damage or the party providing financial security shall not be upheld by the people's court.

Article 8 Where the party who suffers the damage directly brings a lawsuit against the insurer of the liability for oil pollution damage or the party providing financial security, the insurer or the party providing financial security may defend on the claim of the party who suffers the damage against the vessel owner.

Unless the oil pollution damage is caused by the vessel owner with intent, the defense of the insurer or the party providing financial security on the claim of the party who suffers the damage against the vessel owner shall not be upheld by the people's court.

Article 9 The compensation for vessel-induced oil pollution damage shall cover:

1. Costs of preventive measures to prevent or minimize vessel-induced oil pollution damage, and further loss or damage caused by preventive measures;
2. Property damage caused outside the vessel carrying oil by the vessel-induced oil pollution

incident, and loss of earnings caused therefrom;

3. Loss of earnings caused by environmental damage resulting from oil pollution; and

4. Costs of reasonable measures which have been taken or are about to be taken to restore the contaminated environment.

Article 10 The people's courts shall reasonably determine the costs of preventive measures and the further loss or damage caused by preventive measures according to the polluted area, degree of pollution, quantity of oil that has escaped, reasonability of preventive measures, number of persons assigned to clean out oil, costs of equipment put into use, etc.

Article 11 Expenses incurred for taking measures to prevent pollution from a vessel in distress shall be treated as costs of preventive measures if the major purpose of such operations is merely to prevent or minimize oil pollution damage.

If the said operations are for the dual purposes of salvaging the vessel in distress and salvaging other property and preventing or minimizing oil pollution damage, the costs of preventing measures and the costs of salvaging measures shall be reasonably separated according to the proportion between the major purpose and the minor purpose. Where there is no reasonable basis to decide which purpose is major, the expenses shall be evenly distributed. Expenses incurred after the danger of pollution is eliminated shall not be treated as costs of preventive measures.

Article 12 If the oil that has escaped from a vessel contaminates other vessels, fishing gears, breeding devices or other property, and the party who suffers the damage claims for reasonable expenses on cleaning and restoring contaminated properties against the party liable for pollution damage, the people's court shall uphold it.

If it is unable to clean or restore the contaminated properties or the cleaning or restoring costs are more than the value thereof, the claim of the party, who suffers the damage, against the party liable for pollution damage for reasonable expenses on replacing the properties shall be upheld by the people's court, but the compensation shall be reasonably reduced according to the actual service life in proportion to the expected service life of the contaminated properties.

Article 13 If the normal production and operating activities of the party who suffers the damage are disrupted due to property losses resulting from vessel-induced oil pollution, its loss of earnings shall be calculated according to the reasonable period for cleaning, restoring or replacing such property.

Article 14 Where any entity or individual engaged in marine fishery, costal tourism or other operations on the sea claims for loss of earnings suffered from environmental pollution, and the claimant meets all of the following conditions and hence proves a direct causality between the loss of earnings and environment pollution, the people's court shall uphold the claim:

1. The claimant's production and operating activities are located in or near the contaminated area;

2. The claimant's production and operating activities mostly depend on the contaminated

resources or coastlines;

3. It is difficult for the claimant to find alternative resources or business opportunities; and

4. The claimant's production and operating activities are in a relatively stable sector in the local area.

Article 15 If the party who suffers the damage claims for loss of earnings from the maritime aquatic breeding or maritime fishery business operated without the approval of the competent administrative department, the people's court shall not uphold it, but its claim for reasonable costs on cleaning, repairing or replacing the breeding or fishery devices shall be upheld.

Article 16 If the party who suffers the damage claims for loss of earnings resulting from pollution of its property or environment pollution, the earnings shall be its average net income during the same period over the last three years minus its actual net income during the period of loss, in reasonable consideration of other factors affecting its income.

If it is impossible to determine the loss of earnings under the preceding paragraph, the statistics or data of the governmental departments can be used as a reference, or the average income of business operators of the same category in the same area during the same period can be considered to reasonably determine it.

If the party who suffers the damage claims for costs of reasonable measures taken to avoid loss of earnings, the claim shall be upheld by the people's court only to the extent of not exceeding the amount of avoided loss of earnings.

Article 17 If a vessel-induced oil pollution incident causes environmental damage, the compensation for environmental damage shall be limited to expenses on reasonable measures which have been taken or are about to be taken to restore the environment. Such expenses include reasonable expenses on monitoring, assessment and research.

Article 18 If the party who suffers the damage claims for maritime lien against a vessel with civil liability insurance for vessel-induced oil pollution damage or other financial security in force, the people's court shall not uphold it.

Article 19 Claims for compensation for oil pollution damage caused by non-persistent fuel oil carried by oil tankers or fuel oil carried by vessels other than oil tankers shall be governed by the provisions of the Maritime Law of the People's Republic of China on the limitation of liability for maritime claims.

Where a same maritime incident causes oil pollution damage mentioned in the preceding paragraph and other damage for which the liability can be limited under Article 207 of the Maritime Law of the People's Republic of China, the vessel owner's claim for limiting its liability for compensation within a same limit under Chapter XI of the Maritime Law of the People's Republic of China shall be upheld by the people's court.

Article 20 If the vessel owner has taken measures such as floating, clearing off or eliminating the harm of the vessel which is sunken, grounded or in distress for the purpose of preventing pollution damage caused by non-persistent fuel oil carried by oil tankers or fuel oil carried by vessels other oil tankers, the owner's claim for limiting its liability for the costs thereof

under Chapter XI of the Maritime Law of the People's Republic of China shall not be upheld by the people's court.

Article 21 For oil pollution damage caused by persistent oil carried by oil tankers, if the vessel owner, insurer of liability for vessel-induced oil pollution damage or party providing financial security claims for limiting its liability, a fund for limitation of liability for oil pollution damage shall be constituted.

If the fund is constituted with cash, the amount of fund shall be the limit for compensation as prescribed in the Regulation on the Prevention and Control of Vessel-induced Pollution to the Marine Environment and the International Convention on Civil Liability for Oil Pollution Damage (1992). If the fund is constituted in the form of security, the amount of security shall be the amount of fund plus the interest incurred during the constitution of the fund.

Article 22 If the vessel owner, insurer of liability for vessel-induced oil pollution damage or party providing financial security applies for constituting a fund for limitation of liability for oil pollution damage, but an interested party raises a demur against the vessel owner's claim for limiting its liability, such a demur shall be raised in writing within the time limit specified under Paragraph 1, Article 106 of the Special Maritime Procedure Law of the People's Republic of China, but it does not affect the constitution of the fund.

Article 23 For oil pollution damage caused by persistent oil carried by oil tankers, if no interested party raises any demur against the vessel owner's claim for limiting its liability within the prescribed time, after the fund for limitation of liability for oil pollution damage is constituted, the maritime court shall lift the preservation measures taken against the vessel owner's property or return the security provided for lifting the preservation measures.

Article 24 For oil pollution damage caused by persistent oil carried by oil tankers, if an interested party raises a demur against the vessel owner's claim for limiting its liability within the prescribed time, the people's court shall, if deciding that the vessel owner is entitled to limit its liability for compensation, lift the preservation measures taken against the vessel owner's property or return the security provided for lifting the preservation measures after the decision comes into force.

Article 25 For oil pollution damage caused by persistent oil carried by oil tankers, if the party who suffers the damage claims in its lawsuit that the vessel owner has no right to limit its liability for compensation, the maritime court may firstly try the case about dispute over whether the vessel owner is entitled to limit its liability and make a judgment thereon.

Article 26 For oil pollution damage caused by persistent oil carried by oil tankers, if the party who suffers the damage fails to apply for the registration of the creditor's right within the prescribed time, it shall be construed that the party has abandoned the right to receive compensation from the fund for limitation of liability for oil pollution damage.

Article 27 If the fund for limitation of liability for oil pollution damage is insufficient to pay off the compensation for oil pollution damage, the fund shall be distributed among the claimants in proportion to the amounts of their established claims.

Article 28 For oil pollution damage caused by persistent oil carried by oil tankers, if the vessel

owner, the insurer of the liability for oil pollution damage or the party providing financial security shall apply for constituting a fund for limitation of liability for oil pollution damage, or the party who suffers the damage applies for registration of creditor's rights and compensation, the Special Maritime Procedure Law of the People's Republic of China and the relevant judicial interpretations shall apply in the absence of governing provisions in these Provisions.

Article 29 Where the vessel owner, the insurer of the liability for oil pollution damage or the party providing financial security has paid the compensation before the fund for limitation of liability for oil pollution damage is distributed, it may apply for subrogation against the fund in writing up to the amount that the compensated person is entitled to.

The maritime court shall, after accepting the subrogation application, notify all interested parties claiming against the fund for limitation of liability for oil pollution damage in writing. Any interested party shall raise a demur, if any, against the subrogation applicant within 15 days after being notified.

If, upon examination, the maritime court decides to establish the applicant's right of subrogation, it shall make a ruling thereon; if the application lacks factual or legal basis, the maritime court shall rule to reject it. If the applicant refuses to accept the ruling, it may make an appeal within 10 days after receiving the written ruling.

Article 30 Claims in respect of expenses reasonably paid or sacrifices reasonably made by the owner of a vessel voluntarily to prevent or minimize pollution damage against the fund for limitation of liability for oil pollution damage shall be upheld by the people's courts and be handled analogically under Paragraph 2 or 3, Article 29 of these Provisions.

Article 31 For the purpose of these Provisions:

1. "Vessels" means any sea-going ship and any seaborne craft of any type whatsoever not used for military purposes or official duties of the government, including oil tankers and vessels other than oil tankers of international and domestic voyages. In particular, oil tankers refer to ships built or rebuilt to convey persistent oil in bulk and other ships actually carrying oil in bulk as cargo.
2. "Oil" means any hydrocarbon mineral oil and the residuum thereof, limited to persistent oil carried on board a vessel as cargo and persistent or non-persistent fuel oil carried in the bunkers of such a vessel, not including non-persistent oil carried on board a vessel as cargo.
3. "Vessel-induced oil pollution incident" means any occurrence or a series of occurrences causing oil pollution damage resulting from the escape of oil from the vessel or, if there is no escape of oil, posing serious and urgent dangers of oil pollution damage. A series of occurrences having the same origin shall be treated as a same incident.
4. "Insurer of the liability for oil pollution damage or party providing financial security" means the party providing insurance or financial security for a vessel from which oil has escaped or which directly poses dangers of oil pollution damage in a maritime incident.
5. "Fund for limitation of liability for oil pollution damage" refers to a liability limitation fund constituted by the owner of a vessel, the insurer of the liability for oil pollution damage or the

party providing financial security for oil pollution damage caused by oil tankers carrying persistent oil upon the application thereof.

Article 32 For any discrepancy between any judicial interpretation issued by the Supreme People's Court before these Provisions come into force and these Provisions, the latter shall prevail.

Where a final judgment has been made for a case before these Provisions come into force, the people's court shall not apply these Provisions in the retrial of the case.

2. Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Marine Natural Resources and Ecological and Environmental Damage Compensation Disputes

(Omitted, Chinese only)

3. Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Disputes over Liability for Environmental Torts

(Adopted at the 1644th Session of the Judicial Committee of the Supreme People's Court on February 9, 2015, Interpretation No. 12 [2015], SPC)

For the purpose of correctly trying the disputes over liability for environmental torts, this Interpretation is developed in accordance with the provisions of the Tort Law of the People's Republic of China, the Environmental Protection Law of the People's Republic of China, the Civil Procedure Law of the People's Republic of China, and other laws, and in light of the judicial practice.

Article 1 For damage caused by environmental pollution, a polluter shall bear tort liabilities regardless of fault. If the polluter claims no liability on the ground that the discharge of pollutants complies with national or local pollutant discharge standards, the people's court shall not support such a claim.

The circumstances under which a polluter's liability may be exempted or mitigated shall be governed by the provisions of the marine environment protection law, water pollution prevention and control law, air pollution prevention and control law, and other separate laws on environmental protection; if there are no provisions in the relevant separate environmental protection laws, the tort law shall apply.

Article 2 Where two or more polluters jointly commit pollution and damages are caused, and the aggrieved party requests the polluters' assumption of joint and several liability in accordance with Article 8 of the Tort Law, the people's court shall support such a request.

Article 3 Where two or more polluters commit separate pollutions, which result in a same damage, and the pollution of each polluter is sufficient to cause the entire damage, if the aggrieved party requests that the polluters assume joint and several liabilities in accordance with Article 11 of the Tort Law, the people's court shall support such a request.

Where two or more polluters commit separate pollution, which results in a same damage,

and the pollution of each polluter is insufficient to cause the entire damage, if the aggrieved party requests the polluters' assumption of liability in accordance with Article 12 of the Tort Law, the people's court shall support such a request.

Where two or more polluters commit separate pollutions, which result in a damage, and the pollution of certain polluter is sufficient to cause the entire damage, and the pollution of certain polluter only causes partial damage, if the aggrieved party requests that the polluter whose pollution is sufficient to cause the entire damage to assume joint and several liability for the damage caused jointly with other polluters and be responsible for the entire damage in accordance with Article 11 of the Tort Law, the people's court shall support such a request.

Article 4 Where two or more polluters cause pollution to the environment, the people's court shall determine the liability of each polluter based on the type, emissions and hazard of pollutants, and whether the polluters have any pollutant discharge license, have exceeded the pollutant discharge standards, or exceeded the indicators for the control of total emissions of major pollutants, etc.

Article 5 Where the aggrieved party files a lawsuit against a polluter and a third party separately or jointly in accordance with Article 68 of the Tort Law, the people's court shall accept the lawsuit.

Where the aggrieved party requests that the third party be responsible for compensation, the people's court shall determine the corresponding compensation that shall be assumed by the third party based on its extent of fault.

Where a polluter claims non-assumption or mitigation of liability on the ground that the third party's fault causes environmental pollution and damage, the claim shall not be supported by the people's court.

Article 6 Where the aggrieved party claims compensation in accordance with Article 65 of the Tort Law, the aggrieved party shall provide evidentiary materials proving the following facts:

- (1) The polluter discharged the pollutants.
- (2) Damage has been caused to the aggrieved party.
- (3) The pollutants discharged by the polluter or their secondary pollutants are relevant to the damage.

Article 7 Where the polluter provides evidence to prove any of the following circumstances, the people's court shall determine that the polluter's pollution has no causal relationship with the damage.

- (1) The discharged pollutants could not possibly have caused the damage.
- (2) The discharged pollutants that may cause the claimed damage have not reached the place where the damage occurred.
- (3) The damage has occurred before the discharge of the claimed pollutants.
- (4) Any other circumstance under which it can be proven that there is no causal relationship between the pollution and the claimed damage.

Article 8 For the special issues on the ascertainment of facts in environmental pollution

cases, a forensic identification institution with the relevant qualification may be authorized to issue identification opinions or an institution recommended by the environmental protection department of the State Council may issue an inspection report, testing report, assessment report or monitoring data.

Article 9 Where a party applies for notifying one to two persons with expertise to appear in court to review the identification opinion, or professional issues such as the determination of pollutants, the damages, and the casual relationship, etc., it shall be approved by the people's court. If the applicant does not file such an application and the people's court deems it necessary, it may make an interpretation.

The opinions offered by a person with expertise in court that have been cross-examined by the parties may be taken as the basis for determining case facts.

Article 10 An environmental pollution incident investigation report, inspection report, testing report, assessment report or monitoring data issued by the department with environmental protection supervision and administration functions or the institution authorized by it may be taken as the basis for determining case facts after being cross-examined by the parties concerned.

Article 11 For an environmental pollution incident which occurs in a sudden or lasts for a relatively short period, if evidence is likely to be lost or will be hard to be obtained later, and a party or an interested party applies for evidence preservation in accordance with Article 81 of the Civil Procedure Law, it shall be approved by the people's court.

Article 12 Where the respondent falls under any of the circumstances as set forth in Article 63 of the Environmental Protection Law, and a party or an interested party applies for preservation in accordance with Article 100 or 101 of the Civil Procedure Law, the people's court may render a ruling to order the respondent to immediately stop pollution or take pollution prevention and control measures.

Article 13 The people's court may, based on the claim of the aggrieved party and the specific case circumstances, rationally render a judgment to order the polluter to assume civil liabilities, including but not limited to the stopping the tortious act, removal of obstruction, elimination of danger, restoration to the original state, making an apology, and making compensation for losses.

Article 14 Where the aggrieved party requests restoration to the original state, the people's court may, in accordance with the law, render a judgment that the polluter shall assume the liability for restoring the environment, and at the same time, determine the expenses for restoring the environment that shall be borne by the defendant when it fails to perform the obligation of restoring the environment.

Where the polluter fails to perform the obligation of restoring the environment within the time limit determined in the valid judgment, the people's court may authorize someone else to restore the environment, and the required expenses shall be borne by the polluter.

Article 15 Where the aggrieved party files a lawsuit to request the polluter to make compensation for the property loss and personal damage caused by the pollution and

reasonable costs occurred for taking necessary measures to prevent the expansion of pollution and eliminate pollution, it shall be supported by the people's court.

Article 16 Any of the following circumstances shall be determined as a fraud prescribed in Article 65 of the Environmental Protection Law:

(1) The environmental impact assessment institution issues assessment documents that seriously deviate from facts although it is fully aware of the fact that the materials provided by the principal are false.

(2) The environmental monitoring institution or the institution engaging in the maintenance and operation of environmental monitoring equipment intentionally conceals the principal's discharging pollutants in excess of the discharge standards or indicators for the control of total major pollutant emissions.

(3) The institution engaged in the maintenance or operation of pollution prevention and control facilities intentionally fails to operate or operate in an irregular manner environmental monitoring equipment or pollution prevention and control facilities.

(4) The relevant institution commits any other fraudulent conduct in environmental service activities.

Article 17 Where the aggrieved party files a lawsuit to request the pollutant to stop pollution, remove obstruction or eliminate danger, it shall not be subject to the restriction of the limitation period as prescribed in Article 66 of the Environmental Protection Law.

Article 18 This Interpretation shall apply to the trial of civil cases on damage caused by environmental pollution and ecological destruction with the exception of environmental civil public interest lawsuits about which there are different provisions in any law or judicial interpretation.

This Interpretation shall not apply to the disputes over adjacent pollution infringements and disputes arising from pollution damage caused to laborers in work.

Article 19 After this Interpretation comes into force, its provisions shall apply to the cases of first and second instances not yet closed by the people's courts. The provisions of this Interpretation shall not apply to any case in which an effective judgment was rendered before this Interpretation comes into force and which is retried in accordance with the law after this Interpretation comes into force.

In the case of any discrepancy between this Interpretation and the judicial interpretations and regulatory documents issued previously by the Supreme People's Court, the latter shall no longer apply.

4. Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in the Conduct of Environmental Civil Public Interest Litigations

(Adopted at the 1,631st session of the Judicial Committee of the Supreme People's Court on December 8, 2014 and came into force on January 7, 2015; Interpretation No. 1 [2015] of the Supreme People's Court)

To correctly conduct environmental civil public interest litigations, this Interpretation is

developed in accordance with the provisions of the Civil Procedure Law of the People's Republic of China, the Tort Law of the People's Republic of China, the Environmental Protection Law of the People's Republic of China, and other relevant laws, and in light of the judicial practice.

Article 1 Where an authority or relevant organization as prescribed by law files a lawsuit against any conduct that pollutes the environment and damages the ecology, which has damaged the public interest or has the major risk of damaging the public interest, in accordance with the provisions of Article 55 of the Civil Procedure Law, Article 58 of the Environmental Protection Law, and other laws, if the provisions of item (2), (3) or (4) of Article 119 of the Civil Procedure Law are complied with, the people's court shall accept the lawsuit.

Article 2 A social organization, private non-enterprise entity, or foundation, among others, registered in the civil affairs administrative department of the people's government at or above the level of a districted city in accordance with laws and regulations may be determined as a social organization prescribed in Article 58 of the Environmental Protection Law.

Article 3 The civil affairs administrative department of the people's government at or above the level of a districted city, autonomous prefecture, league or region, prefecture-level city not divided into districts or a district of municipality directly under the Central Government may be determined as the “civil affairs administrative department of the people's government at or above the level of a districted city” prescribed in Article 58 of the Environmental Protection Law.

Article 4 Where a social organization's tenets and main business scope specified in its articles of association are to maintain the public interest and it engages in public environmental protection activities, it may be determined as “specially engages in public environmental protection activities” prescribed in Article 58 of the Environmental Protection Law.

The public interest involved in the lawsuit filed by a social organization shall be related to its tenets and business scope.

Article 5 Where no administrative or criminal punishment is imposed on a social organization due to any violation of law or regulation in its business activities within five years before filing a lawsuit, it may be determined as “has no record of violations of laws” prescribed in Article 58 of the Environmental Protection Law.

Article 6 An environmental civil public interest litigation shall be under the jurisdiction of the people's court at or above the intermediate level at the place where the conduct that pollutes the environment and damages the ecology takes place, the place where the damage occurs or the place of domicile of the defendant as the court of first instance.

Where the intermediate people's court deems it necessary, it may, after reporting to the higher people's court for approval, render a ruling to hand the environmental civil public interest litigation over which it has jurisdiction as the court of first instance to the basic people's court for trial.

Where the same plaintiff or different plaintiffs file an environmental civil public interest litigation against the same conduct that pollutes the environment and damages the ecology in two or more people's courts having jurisdiction respectively, the people's court that first docketes the case shall have jurisdiction; and when necessary, their mutual superior people's court shall designate jurisdiction.

Article 7 With the approval of the Supreme People's Court, a higher people's court may, according to the actual conditions of environmental and ecological protection within its jurisdiction, determine some intermediate people's courts within its jurisdiction to accept environmental civil public interest litigations as the court of first instance.

The higher people's court shall determine the areas where an intermediate people's court has jurisdiction over environmental civil public interest litigations.

Article 8 The following materials shall be submitted for filing of an environmental civil public interest litigation:

- (1) A written complaint in compliance with Article 121 of the Civil Procedure Law and its copies according to the number of defendants.
- (2) Preliminary certification materials that the defendant's conduct has damaged the public interest or has the major risk of damaging the public interest.
- (3) Where a social organization files a lawsuit, it shall submit its registration certificate, articles of association, annual work reports or annual inspection reports in the five consecutive years before filing the lawsuit, and its statement on no record of violations of laws and regulations to which its legal representative or person in charge affixes his or her signature and the official seal is affixed.

Article 9 Where the people's court deems that the claim filed by the plaintiff is insufficient to protect the public interest, it may explain to the plaintiff to modify its claim or increase such claims as ceasing the tortious act and restoring to the original state.

Article 10 The people's court shall, after accepting an environmental civil public interest litigation, serve the copies of the written complaint upon the defendant within five days as of the date of docketing the case, and announce the information on the acceptance of the case. Where any other authority or social organization that has the right to file a lawsuit applies for participating in the proceedings within 30 days after the announcement is made, and it meets the statutory conditions upon examination, the people's court shall list it as the co-plaintiff; and shall not grant the application if it is filed beyond the time limit.

Where a citizen, legal person or any other organization applies for participating in the proceedings on the ground of its or his personal or property damage, it or he shall be informed to file a separate lawsuit.

Article 11 A procuratorial organ, the department assuming environmental protection supervision and administration functions or any other authority, social organization, or enterprise or public institution may, in accordance with the provisions of Article 15 of the Civil Procedure Law, support a social organization in legally filing an environmental civil public interest litigation by such means as providing legal consulting, submitting written opinions

and assisting investigation and gathering of evidence.

Article 12 The people's court shall, within ten days after accepting an environmental civil public interest litigation, inform the department assuming environmental protection supervision and administration functions responsible for the defendant's conduct.

Article 13 Where the plaintiff requests the defendant to provide environmental information such as the names of its major pollutants, the discharge methods, the concentration and total volume of pollutants discharged, any discharge beyond the approved quota, and the construction and operation of pollution prevention and control installations, which shall be held by the defendant as provided for in any law, regulation or rule or is held as proved by evidence, but the defendant refuses to provide such information, if the plaintiff claims that the relevant facts are unfavorable to the defendant, the people's court may presume that the claim is supported.

Article 14 The people's court shall, when it deems necessary, conduct investigation and collect the evidence required for the conduct of an environmental civil public interest litigation. For a specialized issue that the plaintiff bears the burden of proof and is necessary for maintaining the public interest, the people's court may entrust a qualified identification expert to conduct identification.

Article 15 Where a party applies for notifying a person with expertise to appear in court to offer an opinion regarding an identification opinion issued by an identification expert or regarding a specialized issue such as the casual relationship, the methods of restoring the ecological environment, the expenses for restoring the ecological environment, and the loss of service functions from the period when the ecological environment is damaged to the restoration thereof, the people's court may grant such an application.

The cross-examined expert opinions as prescribed in the preceding paragraph may be taken as the basis for determining facts.

Article 16 The people's court shall not admit the evidence acknowledged and recognized by the plaintiff in litigation that are unfavorable for the plaintiff, if it is of the opinion that the evidence damages the public interest.

Article 17 In the conduct of an environmental civil public interest litigation, if the defendant raises a claim in the form of counterclaim, the people's court shall not accept such a claim.

Article 18 For any conduct that pollutes the environment and damages the ecology, which has damaged the public interest or has the major risk of damaging the public interest, the plaintiff may request the defendant to assume the civil liabilities including but not limited to the cessation of the tortious act, removal of the obstruction, elimination of the danger, restoration to the original state, compensation for losses, and apology.

Article 19 Where, for the purpose of preventing the occurrence and enlargement of damage to the ecological environment, the plaintiff requests the defendant to cease the tortious act, remove the obstruction, and eliminate the danger, the people's court may support such a request in accordance with law.

Where the plaintiff requests the defendant to assume the expenses incurred for taking

reasonable prevention and disposal measures so as to cease the tortious act, remove the obstruction and eliminate the danger, the people's court may support such a request in accordance with law.

Article 20 Where the plaintiff requests the restoration to the original state, the people's court may render a judgment in accordance with law that the defendant shall restore the ecological environment to the state and functions before the damage occurs. If complete restoration is impossible, the people's court may permit the adoption of alternative restoration methods.

The people's court may, when rendering a judgment that the defendant shall restore the ecological environment, determine the expenses for restoring the ecological environment that shall be borne by the defendant when it fails to perform the restoration obligation; or may directly render a judgment that the defendant shall assume the expenses for restoring the ecological environment.

The expenses for restoring the ecological environment include the expenses for preparing and implementing the restoration plan, monitoring, and supervision, among others.

Article 21 Where the plaintiff requests the defendant to pay expenses for the loss of service functions from the period when the ecological environment is damaged to the restoration thereof, the people's court may support such a request in accordance with law.

Article 22 Where the plaintiff requests the defendant to assume the inspection and identification expenses, reasonable attorney fee and other reasonable expenses for litigation, the people's court may support such a request in accordance with law.

Article 23 Where the expenses for restoring the ecological environment can hardly be determined or the identification expenses for determining the specific amount is evidently too high, the people's court may reasonably determine the aforesaid expenses in light of the extent and degree of environmental pollution and ecological destruction, the scarcity of the ecological environment, the difficulty to restore the ecological environment, the operating cost of pollution prevention and control equipment, the benefits obtained by the defendant out of the tortious act, the extent of fault, and other factors, and may refer to the opinions of the department assuming environmental protection supervision and administration functions, and expert opinions, among others.

Article 24 The expenses for restoring the ecological environment, the loss of service functions from the period when the ecological environment is damaged to the restoration thereof and other expenses that shall be assumed by the defendant according to the judgment rendered by the people's court shall be used to restore the damaged ecological environment.

The necessary expenses for investigation, taking evidence, expert consultation, inspection, and identification, among others, required in litigation by the plaintiff that loses any other environmental civil public interest litigation may be deducted from the aforesaid expenses in consideration of the actual circumstances.

Article 25 Where the parties to an environmental civil public interest litigation reach a mediation agreement or a settlement agreement by themselves, the people's court shall

announce the content of the agreement for no less than 30 days.

After the expiration of the announcement period, if the people's court deems upon examination that the content of the mediation agreement or settlement agreement does not damage the public interest, it shall issue a mediation paper. If the parties apply for withdrawing the case on the ground of reaching a settlement agreement, the people's court shall not grant such an application.

The mediation paper shall state the claim, basic case facts and the content of the agreement, and shall be disclosed.

Article 26 Where the plaintiff applies for withdrawing the case since all the claims thereof have been realized for the lawful performance of functions by the department assuming environmental protection supervision and administration functions, the people's court shall grant such an application.

Article 27 Where the plaintiff applies for withdrawing a lawsuit after the end of court debate, the people's court shall not grant the application, unless as prescribed in Article 26 of this Interpretation.

Article 28 Where, after the judgment of an environmental civil public interest litigation comes into force, any other authority or social organization that has the right to file a lawsuit concerning the same conduct that pollutes the environment and damages the ecology institutes a separate action, under any of the following circumstances, the people's court shall accept the case:

- (1) A ruling is rendered to dismiss the lawsuit filed by the plaintiff in the former case.
- (2) A ruling is rendered to grant the application filed by the plaintiff in the former case for withdrawing the case, unless as prescribed in Article 26 of this Interpretation.

Where, after the judgment on an environmental civil public interest litigation comes into force, there is any evidence proving any undiscovered damage when the former case is tried, and an authority or social organization that has the right to file a lawsuit institutes a separate action, the people's court shall accept the case.

Article 29 The filing of an environmental civil public interest litigation by any authority or social organization prescribed by law shall not affect the filing of an action by any citizen, legal person or any other organization that suffers from personal injury or property damage due to the same conduct that pollutes the environment and damages the ecology in accordance with the provisions of Article 119 of the Civil Procedure Law.

Article 30 Both the plaintiff that files a lawsuit concerning the same conduct that pollutes the environment and damages the ecology in accordance with the provisions of Article 119 of the Civil Procedure Law and the defendant are not required to offer evidence to prove the facts determined in a valid judgment of an environmental civil public interest litigation, unless the plaintiff has any objection to the facts and has any evidence to the contrary which suffices to overturn the judgment.

Where the plaintiff that files a lawsuit concerning the same conduct that pollutes the environment and damages the ecology in accordance with the provisions of Article 119 of

the Civil Procedure Law claims the application of the facts determined in a valid judgment of an environmental civil public interest litigation concerning whether the defendant falls under any circumstance where it should not be liable or its liability could be mitigated as provided for by any law or whether there is a casual relationship between its conduct and the damage, and the liability that shall be assumed by the defendant, among others, the people's court shall support such a claim, unless the defendant has any evidence to the contrary which suffices to overturn the judgment. If the defendant claims the direct application of determined facts favorable for it, the people's court shall not support such a claim, and the defendant shall still offer evidence to prove the claim.

Article 31 Where the defendant shall assume liabilities in an environmental civil public interest litigation and other civil litigations due to environmental pollution and ecology damage, if the defendant's property is insufficient to carry out all obligations, the defendant shall first carry out the obligations determined in the valid judgments of other civil litigations, unless otherwise prescribed by any law.

Article 32 Where compulsory enforcement is required according to a legally effective judgment of an environmental civil public interest litigation, the case shall be transferred for enforcement.

Article 33 Where it is indeed difficult for the plaintiff to pay any litigation expenses, and the party applies to the people's court for payment postponement in accordance with law, the people's court shall grant such an application.

Where the plaintiff that loses or partly loses the case applies for the reduction or exemption from payment of litigation costs, the people's court shall decide whether to grant the application or not in accordance with the provisions of the Measures for the Payment of Litigation Costs, and in light of the plaintiff's economic status and the trial of the case.

Article 34 Where a social organization illegally receives property or otherwise seeks economic benefits by filing a lawsuit, the people's court may, in light of the seriousness of the circumstances, confiscate its illegal income and impose a fine on it in accordance with law; and if the organization is suspected of any crime, it shall be transferred to the relevant authority for punishment in accordance with law.

Where a social organization seeks economic benefits by filing a lawsuit, the people's court shall send judicial suggestions to the registration administrative authority or the relevant authority, which shall handle in accordance with law.

Article 35 In the case of any discrepancy between this Interpretation and the judicial interpretations and regulatory documents issued by the Supreme People's Court before this Interpretation comes into force, this Interpretation shall prevail.

5.Provisions of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues concerning the Application of Law in the Handling of Criminal Cases of Environmental Pollution

(Adopted at the 1698th meeting of the Judicial Committee of the Supreme People's Court

on November 7, 2016 and at the 58th meeting of the Twelfth Procuratorial Committee of the Supreme People's Procuratorate on December 8, 2016, and to be in force on January 1, 2017. No. 29 [2016] of the Supreme People's Court)

In order to punish crimes related to environmental pollution according to the law and protect cultural relics, in accordance with the relevant provisions of the Criminal Law of the People's Republic of China, and the Criminal Procedure Law of the People's Republic of China, several issues concerning the application of law in the handling of this type of criminal cases are hereby interpreted as follows:

Article 1 Under any of the following circumstances, whoever commits any of the conducts as provided in Article 338 of the Criminal Law shall be determined to “have caused serious environmental pollution” :

(1) Discharging, dumping or disposing of wastes containing radioactive substances or infectious disease pathogens, or toxic substances in the Grade I reserves of drinking water source and the core area of nature reserves.

(2) Illegally discharging, dumping or disposing of three tons or more of hazardous wastes.

(3) Discharging, dumping or disposing any pollutant containing lead, mercury, cadmium, chrome, arsenic, thallium or antimony, exceeding more than three times the standards for pollutant discharge issued by the state or the local governments.

(4) Discharging, dumping or disposing any pollutant containing nickel, copper, zinc, silver, vanadium, manganese or cobalt, exceeding more than ten times the standards for pollutant discharge issued by the state or the local governments.

(5) Discharging, dumping or disposing of radioactive wastes, wastes containing infectious disease pathogens, or toxic substances through underground pipelines, seepage wells, seepage pits, crevices, karst caves, pouring and other means to evade supervision.

(6) Receiving two or more administrative penalties due to discharging, dumping or disposing of radioactive wastes, wastes containing infectious disease pathogens or toxic substances within two years in violation of the state provisions, but carrying out the aforesaid conduct again.

(7) A key pollutant discharge entity tampers with or forges automatic monitoring data or disrupts any automatic monitoring facility, or discharges chemical oxygen demand, ammonia nitrogen, sulfur dioxide, nitric oxide, or any other pollutant.

(8) Illegally reducing expenditure on the operation of any pollution prevention and control facility by more than one million yuan.

(9) Illegal income or resulting in the loss of public or private property of more than 300,000 yuan.

(10) Inflicting serious damage on eco-environment.

(11) Resulting in more than 12 hours of interruption of centralized water drawing from the drinking water source at or above the township level.

(12) Resulting in the loss of fundamental functions of or permanent destructions to five mu or more of basic farmland, protection forestland or special-purpose forestland, or ten mu or

more of other farmlands, or 20 mu or more of other lands.

(13) Resulting in the death of 50 cubic meters or more of forests or other woods, or 2,500 saplings or more.

(14) Resulting in the evacuation or transfer of 5,000 people or more.

(15) Resulting in 30 persons or more being poisoned.

(16) Causing any minor injury, light disability or general dysfunction due to the damage of organ or tissue to three persons or more.

(17) Causing any serious injury, moderate disability or serious dysfunction due to the damage of organ or tissue to one person or more.

(18) Other circumstances that cause serious environmental pollution.

Article 2 Where the commission of any of the acts as provided in Articles 339 and 408 of the Criminal Law results in the loss of public or private property of more than 300,000 yuan, or falls under any of the circumstances as set forth in Items (10) through (17) of Article 1 of this Interpretation, the commission shall be determined to “cause any heavy losses to public or private property or any serious harm to human health” or “cause any heavy losses to public or private property or any serious consequences of human casualties.”

Article 3 Where the commission of any of the acts as provided in Articles 338 and 339 of the Criminal Law falls under any of the following circumstances, the commission shall be determined to “have particularly serious consequences:”

(1) Causing more than 12 hours of interruption of centralized water drawing from the drinking water source in urban areas at or above the county level.

(2) Illegally discharging, dumping or disposing of 100 tons or more of hazardous wastes.

(3) Causing the loss of fundamental functions of or permanent destructions to 15 mu or more of basic farmland, protection forestland or special-purpose forestland, or 30 mu or more of other farmlands, or 60 mu or more of other lands.

(4) Resulting in the death of 150 cubic meters or more of forests or other woods, or 7500 saplings or more.

(5) Resulting in the loss of public or private property of more than one million yuan.

(6) Incurring particularly serious damage to eco-environment.

(7) Resulting in the evacuation or transfer of 15,000 people or more.

(8) Resulting in 100 persons or more being poisoned.

(9) Causing any minor injury, light disability or general dysfunction due to the damage of organ or tissue to ten persons or more.

(10) Causing any serious injury, moderate disability or serious dysfunction due to the damage of organ or tissue to three persons or more.

(11) Causing any serious injury, moderate disability or serious dysfunction due to the damage of organ or tissue to one person or more, and concurrently causing any minor injury, light disability or general dysfunction due to the damage of organ or tissue to five persons or more.

(12) Resulting in the death or severe disability of one person or more.

(13) Other circumstances with any particularly serious consequences.

Article 4 Where the commission of any of the criminal acts as provided in Articles 338 and 339 of the Criminal Law falls under any of the following circumstances, the offender shall be subject to a heavier punishment:

(1) Obstructing environmental supervision and inspection or investigation into environmental emergencies, but not punishable as the crime of disrupting public service, among others.

(2) Discharging, dumping or disposing of wastes containing radioactive substances, wastes containing infectious disease pathogens, toxic substances or other hazardous substances in violation of state provisions at or near densely inhabited areas such as hospitals, schools, residential areas.

(3) Discharging, dumping or disposing of radioactive wastes, wastes containing infectious disease pathogens, toxic substances or other hazardous substances in violation of state provisions during the period of heavy pollution weather warning, environmental emergency, or being ordered to take corrective action within a prescribed time limit.

(4) An enterprise with a Hazardous Waste Permit discharging, dumping or disposing of radioactive wastes, wastes containing infectious disease pathogens, toxic substances or other hazardous substances in violation of state provisions.

Article 5 Where the commission of any of the criminal acts as provided in Articles 338 and 339 of the Criminal Law reaches the standard of criminal liability only, but the offender adopts timely measures to prevent the loss from expanding or eliminate pollution, makes compensation for all damage, vigorously repairs eco-environment, commits the act for the first time, and indeed repents of his offense, he shall be determined to fall under minor circumstances and be exempt from charges or criminal punishment; and if it is indeed necessary to impose punishment on him, he shall be subject to lenient punishment.

Article 6 Where the conduct of business activities such as collecting, storing, utilizing and disposing of hazardous waste without a Hazardous Waste Permit seriously pollutes environment, the offender shall be convicted and punished by analogy to the crime of environmental pollution; and if it is concurrently punishable as the crime of illegal business operation, the offender shall be convicted and punished according to the provisions on heavier punishment.

If the commission of any of the acts as set out in the preceding paragraph doesn't fall under the circumstances of illegally causing environmental pollution, such as discharging any pollutant exceeding standard and illegally dumping any pollutant, the commission may be determined to be under an illegal business circumstance conspicuously minor or little detrimental and not a crime; and if it is punishable as any other crime such as production and sale of counterfeit products, the offender shall be subject to punishment for such other crime.

Article 7 Where a person, notwithstanding his full awareness that any other person has no Hazardous Waste Permit, provides hazardous waste to such other person or authorizes such other person to collect, store, utilize or dispose of hazardous wastes, causing serious

environmental pollution, he shall be subject to punishment as an accomplice.

Article 8 Where any pollutant containing toxic or radioactive substances or infectious disease pathogens is discharged, dumped or disposed of in violation of the state provisions, and concurrently punishable as a crime of environmental pollution, crime of illegally disposing of imported solid waste, crime of placing hazardous substances or any other crime, the offender shall be convicted and punished according to the provisions on heavier punishment.

Article 9 Where an environmental impact assessment institution or any of its staff members intentionally provides any false environmental impact assessment document and falls under serious circumstances, or is seriously irresponsible insofar as the issued environmental impact assessment document has major inconsistency with the facts, causing serious consequences, the offender shall, under Article 229 and Article 231 of the Criminal Law, be convicted of and punished for the crime of issuing false certification document or issuing certification document significantly inconsistent with the facts.

Article 10 One that, in violation of the state provisions, carries out any of the following acts against the environment quality monitoring system, or forcibly orders, instructs or instigates any other person to carry out any of the following acts shall, under Article 286 of the Criminal Law, be convicted of and punished for the crime of damaging computer information systems:

- (1) Amending parameters or monitoring data.
- (2) Disrupting sampling, causing serious inconsistency between monitoring data and authenticity.
- (3) Any other act damaging the environment quality monitoring system.

Where a key pollutant discharge entity tampers with or forges automatic monitoring data or disrupts any automatic monitoring facility, or discharges chemical oxygen demand, ammonia nitrogen, sulfur dioxide, nitric oxide, or any other pollutant, which is concurrently punishable as the crime of environmental pollution and the crime of damaging computer information systems, it shall be convicted and punished according to the provision on heavier punishment.

Where a person who maintains and operates an environment monitoring facility carries out or participates in carrying out any act such as tampering with or forging automatic monitoring data, disrupting automatic monitoring facility, and damaging the environment quality monitoring system, he shall be subject to heavier punishment.

Article 11 Where an entity commits any crime as specified in this Interpretation, persons who are directly in charge and other directly responsible persons of the entity shall be convicted and punished according to the conviction and sentencing standard as prescribed in this Interpretation and a fine shall be imposed on the entity.

Article 12 The monitoring data which an environmental protection department or any monitoring institution affiliated thereto collected in the process of administrative law enforcement may, in criminal proceedings, be used as evidence.

The data which is obtained by testing any pollutant sample which was collected by a public security department separately or jointly with an environmental protection department may,

in criminal proceedings, be used as evidence.

Article 13 The waste listed in the Directory of National Hazardous Waste may be determined based on the source and manufacturing process of the substance involved in the case, defendant confession, witness testimony, approved or filed environmental impact assessment document, and other evidence, and the written opinions offered by the environmental protection department or the public security department, among others.

The quantity of hazardous waste may be determined in comprehensive consideration of the defendant confession, the manufacturing technique, material consumption and energy consumption of the enterprise involved in the case, approved or filed environmental impact assessment document, and other evidence.

Article 14 Any specialized environmental pollution problem involved in a case which is difficult to determine shall be determined according to the expert opinions issued by a forensic identification institution, or the report issued by an institution designated by the environmental protection department of the State Council or the public security department, and based on other evidence.

Article 15 The following substances shall be determined to be "toxic substances" as set out in Article 338 of the Criminal Law:

(1) "Hazardous waste" means the waste of hazardous character listed in the Directory of National Hazardous Waste, or determined according to the identification standards and methods for hazardous waste as prescribed by the state.

(2) Substances listed in the annexes to the Stockholm Convention on Persistent Organic Pollutants.

(3) Pollutants containing heavy metal.

(4) Other toxic substances which are likely to pollute the environment.

Article 16 An act which is committed without a Hazardous Waste Permit, for profits, in order to extract substances as raw material or fuel from hazardous waste, and falls under circumstances of illegally causing environmental pollution, such as discharging any pollutant exceeding standard and illegally dumping any pollutant shall be determined as "illegal disposition of hazardous waste."

Article 17 For the purpose of this Interpretation, "within two years" shall be calculated and determined based on the interval between the date of the commencement of the punishment imposed for the first illegal act and the date of commission of a second corresponding act.

For the purpose of this Interpretation, "a key pollutant discharge entity" means a key enterprise or any other entity under monitoring which, as determined by the environmental protection department of the people's government at or above the level of cities divided into districts in accordance with the law, ought to install or use pollutant discharge automatic monitoring equipment.

For the purpose of this Interpretation, "illegal income" means all the illegal income obtain and which can be obtained by carrying out any of the acts as set forth in Articles 338 and 339 of the Criminal Law.

For the purpose of this Interpretation, “loss of public or private property” shall include the actual value of the damage or loss of property directly resulting from any of the acts as set forth in Articles 338 and 339 of the Criminal Law, and the expenses incurred due to necessary and rational measures adopted to prevent the expansion of pollution or eliminate pollution and expenses for emergency response and monitoring in the disposition of environment emergency.

For the purpose of this Interpretation, "damage to eco-environment" shall include expenses for the repair of eco-environment, loss of service functions during the repair of eco-environment, loss occasioned by permanent damage to the functions of eco-environment, and other necessary and reasonable expenses.

For the purpose of this Interpretation, "without a Hazardous Waste Permit" means failure to obtain a Hazardous Waste Permit, or beyond the business scope of the Hazardous Waste Permit.

Article 18 This Interpretation shall come into force on January 1, 2017. The Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues concerning the Application of Law in the Handling of Criminal Cases of Environmental Pollution (No. 15 [2013] of the Supreme People's Court) shall, upon entry of this Interpretation into force, be repealed concurrently; and for any discrepancies between this Interpretation and the judicial interpretations and regulatory documents previously issued, this Interpretation shall prevail

Chapter VII Full Texts of Important National Policies Relevant to Marine Pollution

1.The CPC Central Committee's Decision on Some Major Issues of Comprehensive Reform

(Omitted, Chinese only)

2. Opinions of the CPC Central Committee and the State Council on Accelerating the Ecological Civilization Construction

(Omitted, Chinese only)

3. Integrated Reform Plan for Promoting Ecological Progress

(CPC Central Committee, the State Council September 21, 2015)

This plan has been formulated for putting systematic and complete systems for improving the ecosystem in place more quickly; achieving faster ecological progress; and making the reform for promoting ecological progress more systemic, more holistic, and better coordinated.

I. A General Description

1. The thinking behind the reform

It is crucial to fully implement the guiding principles from the 18th National Congress of the Communist Party of China (CPC) and the second, third, and fourth plenary sessions of the 18th CPC Central Committee; follow the guidance of Deng Xiaoping Theory, the Theory of the Three Represents, and the Scientific Outlook on Development; thoroughly put into practice the guiding principles from the major speeches of General Secretary Xi Jinping; act in accordance with the decisions and plans of the CPC Central Committee and the State Council; adhere to the fundamental state policy of conserving resources and protecting the environment; and give high priority to resource conservation, environmental protection, and the restoration of nature. Based on the fundamental context of China being in the primary stage of socialism and in the particular characteristics new to China in the present phase, and in order to build a beautiful China, handle correctly the relationship between humankind and nature, and solve serious ecological and environmental problems, it is essential to safeguard China's ecological security, improve the environment, ensure that resources are used more efficiently, and step up efforts to promote the formation of a new pattern of modernization in which humankind develops in harmony with nature.

2. The ideas

The idea is to: Respect, protect, and stay in tune with nature. Ecological conservation is vital not only to sustained, healthy economic development, but also to political and social progress, and must therefore be given a position of prominence and incorporated into every aspect and the whole process of economic, political, cultural, and social development.

Integrate development and conservation. It is necessary to remain committed to the strategy of treating development as being of the utmost importance to China. Development is good only when it is green, circular, and low-carbon. There should be the right balance between development and conservation. The intensity of development should be brought under control on the basis of functional zoning and spatial planning should be adjusted to ensure that development and conservation are coordinated and reinforce each other so we leave behind a comfortable place that future generations can call home with blue skies, green lands, and clear waters.

Foster an understanding that lucid waters and lush mountains are invaluable assets. Fresh air, clean water sources, beautiful rivers and mountains, fertile land, and biological diversity form an ecological environment that is essential to human survival. As development is a top priority for China, it is imperative to protect forests, grasslands, rivers, lakes, wetlands, seas, and other natural ecosystems.

Cultivate respect for the value of nature and natural capital. Natural ecosystems have value; the protection of nature is a process of increasing the value of nature and the value of natural capital, and means the protection and development of the productive forces. Protection efforts should, then, be adequately rewarded and come with economic returns.

Seek equilibriums in China's territorial space. To move forward with development, it is

necessary to find the right balance between population, economy, resources, and the environment and ensure that the population, the industrial structure, and the economic growth of a region do not surpass its environmental capacity and the carrying capacity of its water and land resources.

See that mountains, waters, forests, and farmlands are a community of life. Based on the integrity and systemic nature of ecosystems and the way they work, it is necessary to take into consideration all the elements of the natural ecosystem - both hills and their surrounding areas, both above and under the ground, both land and sea, both upper and lower river basins -and work to protect them in their entirety, restore them systematically, and take a comprehensive approach to their governance in order to preserve ecological balance by strengthening the ability of ecosystems to circulate.

3. The principles

Ensuring that the reform moves in the right direction. China's market mechanisms need to be improved, and the government should make better use of its leadership and regulatory roles. Those in the business sector should bring their own initiative into play and exercise self-restraint. Social organizations and the general public should participate and play a supervising role in ecological conservation.

Maintaining the public nature of natural resource assets. New property rights systems should be created for natural resources. Ownership rights should be clarified. There should be a distinction between ownership rights and the authority to manage. Powers and regulatory responsibilities of the central and local governments should be divided more appropriately. Everyone should be entitled to benefit from state-owned natural resource assets.

Integrating environmental governance for rural and urban areas. Continued efforts should be made to strengthen urban environmental protection and industrial pollution prevention and control. The rural coverage of ecological and environmental protection efforts should be expanded. Effective systems and mechanisms for rural environmental governance should be established. The development of pollution prevention and control facilities should be stepped up in rural areas, and related funding should be increased.

Attaching equal importance to incentives and restraints. It is imperative to develop interest-related mechanisms for promoting green, circular, and low-carbon development, and at the same time practice strict prevention at the source of pollution, strict regulation over operations, strict compensation for environmental damage, and accountability for those responsible in order to effectively restrain all types of market entities and, step by step, make ecological conservation efforts more market-, law-, and procedure-based.

Combining China's own independent efforts with international cooperation. Strengthening ecological conservation and environmental protection is something China is doing of its own accord, though at the same time it needs to deepen exchange and practical cooperation with other countries, borrow from their advanced technology and their valuable experience in institution building, take an active part in global environmental governance, and assume and perform its international responsibilities as a large developing country.

Integrating piloting first with overall coordination. It is necessary, in accordance with the unified plans of the CPC Central Committee and the State Council, to deal with the easier parts first, move forward step by step, and launch each reform when conditions are ripe to do so. On the basis of the fundamental direction laid out in this plan, encouragement should be given to local governments to explore and experiment boldly in light of their own local conditions.

4. The objectives

This reform is designed to establish a systematic and complete institutional framework composed of eight systems for promoting ecological progress with clearly defined property rights, diversified participation, and equal focus on incentives and restraints by 2020. It is also designed to modernize China's governance system and capacity for governance in the field of ecological progress and usher in a new era for socialist ecological progress. These eight systems include a system of property rights for natural resource assets, a system for the development and protection of territorial space, a spatial planning system, a system for regulating total consumption and comprehensive conservation of resources, a system for payment-based resource consumption and compensating conservation and protection efforts, the environmental governance system, the market system for environmental governance and ecological preservation, and the system for evaluating officials' ecological conservation performance and for holding those responsible for ecological damage to account.

A system of property rights for natural resource assets will be established, according to which ownership is clearly defined, powers and responsibilities are explicit, and regulation is effective, in order to ensure there are owners for natural resources and ownership is clear. A system will be built on the basis of spatial planning for the development and protection of territorial space, drawing on regulation of its uses as the main approach, with a view to stopping the over-use of quality cropland and ecological space, ecological damage, and environmental pollution caused by disorderly, excessive, and scattered development.

A spatial planning system will be designed, with the main purpose of strengthening the spatial governance and improving its structure, which is nationally unified and better connected between different departments of government, and according to which management is divided between governments at multiple levels, in an effort to eliminate overlapping and conflicting spatial plans, the overlap and duplication of responsibilities between departments, and the issue of local authorities frequently changing their plans.

An effective, standardized, and strictly managed system that achieves complete coverage will be established for regulating total consumption and comprehensive conservation of resources, in order to address inefficiency and serious waste in resource consumption.

A system for payment-based resource consumption and compensating conservation and protection efforts will be established. The system will reflect market supply and demand, resource scarcity, the value of nature, and the need for intergenerational compensation, in order to address the problems of excessively low prices for natural resources and their

products, the cost of production and development being lower than the social cost, and inadequate incentives for ecological conservation efforts.

An environmental governance system which is oriented toward improving the environment, and which incorporates unified regulation, strict law enforcement, and multi-party participation will be developed in an effort to deal with weak capacity for pollution prevention and control, overlapping regulatory functions between government departments, powers not being in accord with responsibilities, and the cost of law violations being too low.

A market system which allows economic levers to play a greater role in environmental governance and ecological conservation will be developed, with a view to addressing the slow development of market entities and market systems and low rates of public participation in ecological conservation.

An evaluation and accountability system will be developed to assess the performance of officials in ecological conservation and hold to account those responsible for ecological damage. This system will be designed to be fully reflective of resource consumption, environmental damage, and ecological benefits, and is to be built so as to correct the shortcomings in performance evaluations, narrow the gaps in responsibility systems, and improve poor accountability for ecological damage.

II. Improving the System of Property Rights for Natural Resource Assets

5. Establishing a unified system for determining and registering ownership The owners of natural resource assets of all types throughout all Chinese territorial space will be determined in accordance with the principles that all natural resources in China are publicly owned and all property rights are legally prescribed. Ownership of all natural ecological spaces including water flows, forests, mountains, grasslands, uncultivated land, and tidal flats will, according to a unified system, be determined and registered. Clear lines will be gradually delineated to distinguish between assets owned by the whole people and assets collectively owned, ownership by the whole people and ownership operated by different levels of government, and between different collective owners. The rule of law will be strengthened in the determination and registration of ownership.

6. Establishing a system of property rights for natural resources within which rights and responsibilities are explicit.

A list of rights will be developed to specify the rights of ownership for all types of natural resource assets. The relationship between ownership rights and use rights will be properly dealt with. New forms of collective ownership and ownership by the whole people will be created. With the exception of natural resources which are ecologically important, the ownership rights and use rights for all other natural resources can be separated. It will be made clear who has the right to possess, use, benefit from, or dispose of natural resources, and corresponding rights and responsibilities will be clarified. The right to sell, transfer, and rent out use rights, as well as the right to use them as collateral, as the basis of a loan guaranty, or to gain an equity stake, will all be suitably expanded. The roles of owners and users of land on which state-owned farms, forests, and pastures are located will be clearly

defined. A complete system for sale will be established covering all types of natural resource assets owned by the whole people, while the uncompensated transfer of rights or their sale at excessively low a price are to be strictly forbidden. We will draw up an integrated plan for strengthening efforts to develop a natural resource asset exchange.

7. Improving the state system of management for natural resource assets

In accordance with the principles of separating owners from regulators and assigning the responsibility for one matter to one single department, the currently diffuse duties and responsibilities of ownership of natural resource assets owned by the whole people will be integrated, and one body will be established to carry out the unified exercise of ownership rights for all types of natural resources owned by the whole people, such as mineral deposits, water flows, forests, mountains, grasslands, uncultivated land, marine areas, and tidal flats, and take responsibility for the sale of these natural resources.

8. Exploring the establishment of a system for exercising ownership rights at different levels

Research will be conducted to explore how a system can be put into practice in which, in accordance with the type of resource and its importance in relation to the ecological environment, the economy, and national defense, the central and local governments act as the agents of the owners of natural resource assets owned by the whole people, in order to achieve both efficiency and equity. Resources and territorial space for which the ownership rights are owned by the whole people and directly exercised by the Central Government will be distinguished from those for which the ownership rights are owned by the whole people and exercised by local governments. The Central Government will primarily exercise directly the ownership rights for petroleum and natural gas, valuable and rare mineral resources, key state-owned forests, major rivers and lakes, trans-boundary rivers, ecologically important wetlands and grasslands, marine areas, tidal flats, rare and endangered species of wild fauna and flora, and some national parks.

9. Launching trials for determining property rights for water flows and wetlands

Explorations will be made into establishing a water ownership system. Trials will be carried out in determining ownership of bodies of water, coast lines, and other aquatic ecospace. On the basis of respecting the systematic nature and integrity of water ecosystems, the ownership rights, use rights, and allowable volumes for water resource use will be delineated. Trials will be launched in Gansu, Ningxia, and other areas for determining the ownership of wetlands.

III. Establishing a System for the Development and Protection of Territorial Space

10. Improving the functional zoning system

National and provincial-level planning of functional zones will be coordinated. Regional policies which are based on the functional zones will be improved. On the basis of the different functions- urban areas, primary production areas for agricultural products, or key ecosystem service areas - adjustments and improvements to policies regarding finance, industry, investment, population flow, land to be used for construction, resource development, and environmental protection will be stepped up.

11. Improving the regulatory system for the use of territorial space

The top-down land-use indices control system will be simplified and the method of allocating indices based on administrative district and baselines for land use will be adjusted. Development intensity indices will be broken down and assigned to the county-level administrative districts as binding quotas to control the total amount of land used for construction purposes. Land use regulation will be extended to all natural ecological spaces, ecological redlines will be defined and strictly observed, and arbitrary changes to land use will be strictly prohibited. Efforts will be made to protect against ecological redlines being crossed by unreasonable development and construction activities. The monitoring system for all territorial space will be improved and a longitudinal approach will be used to monitor changes within China's territorial space.

12. Establishing a national park system

The protection of important ecosystems will be strengthened to ensure their sustainable use. The system of departments independently setting up their own nature reserves, historical and scenic sites, cultural and natural heritage sites, geological parks, and forest parks will be reformed. These protected areas will be reorganized by function and the scope of national parks will be determined as appropriate. National parks will be under more stringent protection: with the exception of improvements to the facilities used by local people in their everyday lives and work and nature-based research, education, and tourism which do not harm ecosystems, other types of development and construction will be prohibited so as to protect the authenticity and integrity of the natural ecological environment and natural and cultural heritage. Guidance on national park trials will be strengthened, and on the basis of these trials, research will be carried out into designing an overall plan for establishing a national park system. A permanent mechanism will be created for the protection of rare and endangered species of wild plants and animals.

13. Improving the system for regulating natural resources

Duties and responsibilities related to regulation of use, which are currently spread among different departments, will be gradually concentrated within a single department. This department will then perform all use-related regulatory duties and responsibilities for all territorial spaces.

IV. Establishing a Planning System for Territorial Space

14. Formulating plans for territorial space

All types of current spatial plans formulated by different departments will be integrated into unified spatial plans, which will be all-encompassing. The new plans will be the guide for the development of the country's territorial space, and the spatial blueprints for sustainable development; they will be the fundamental basis for all types of development and construction programs. Spatial plans will be divided into national, provincial, and municipal (or county) levels (spatial plans for cities which are divided into districts will be formulated for the district level). Research will be conducted into how to establish unified and standardized mechanisms for formulating spatial plans. An environmental impact

assessment system will be set up to be used in spatial planning. Provincial-level spatial planning trials are encouraged. A spatial plan will be developed for the Beijing-Tianjin-Hebei region.

15. Integrating municipal-level (county-level) plans

Cities and counties will be supported in combining different types of plans into a single spatial plan, such that gradually, there will be one plan - one blueprint - per city or county. Municipal or county spatial plans should classify land using a unified standard, and, in accordance with the relevant functional zoning and the requirements of the provincial-level spatial plan, should delineate production space, living space, and ecological space, demarcate the development boundaries of urban construction areas, industrial areas, and rural living areas, as well as the boundaries of protected areas of arable land, woodlands, grasslands, rivers, lakes, and wetlands, and strengthen coordinated planning for urban subsurface space. More effective guidance will be given to cities and counties regarding their trials for plan integration. Research will be undertaken into developing guidelines and technical standards for the formulation of municipal-level (county-level) spatial plans, which will then serve as experience that can be applied elsewhere.

16. Developing new approaches for formulating municipal-level (county-level) spatial plans

We will explore how best to standardize procedures for formulating municipal-level (county-level) spatial plans, public participation will be expanded, and planning will be made more effective and transparent. Those areas piloting municipal-level (county-level) spatial plans are encouraged to integrate planning departments, making a single department responsible for formulating the spatial plan for that municipality or county; and they may form a planning appraisal committee of experts and representatives of the relevant fields. Prior to the formulation of a plan, a resource and environmental carrying capacity assessment must be carried out, and the results of the assessment should serve as the fundamental basis of planning. During the process of formulation, efforts should be made to solicit opinions of those from relevant sectors; the draft of the plan should be published in full so that the suggestions and comments of local residents can be extensively solicited. After evaluation and approval by the planning appraisal committee, the plan must be deliberated and passed by the local people's congress, then reported to the relevant government department at the next level up to be placed on record. The finalized plan should include the text of the plan along with precise maps and images, and should be made available to the public through websites and other forms of local news media. Local residents are to be encouraged to oversee the implementation of the plan and report any development and construction activities that violate it. The local people's congress and its standing committee will hear reports at regular intervals on the implementation of the plan, and will hold the local government accountable for violations of the plan.

V. Improving the Systems for Total Resource Management and Comprehensive Resource Conservation

17. Improving the systems for providing the strictest possible protection for farmland and

securing the economical and intensive use of land

The system for the protection of basic cropland will be improved and a redline below which the area of China's permanent basic cropland must not fall will be established. To ensure that the area of basic cropland are not diminished, its quality does not deteriorate, and it is not converted to any other uses, the duty of basic cropland protection will be assigned to farming households and every piece of this cropland will be captured through photo-imaging and entered into the national cropland protection database, and its strict protection will be enforced. With the exception of unavoidable cases as specified by law in which basic cropland has to be used as the site of key national projects, no basic cropland may be used for construction purposes. Efforts will be redoubled to grade and monitor as well as maintain and improve the quality of cultivated land. The system for offsetting the occupation of cultivated land for purposes other than cultivation will be improved. A cap will be set on total cultivated land that can be used for new construction projects. It will be made sure that equivalent land is offset ahead of occupation and that the replacement land is of equal or higher grade than the cultivated land to be occupied. A cap will also be on total land that can be occupied for construction purposes, management will be instituted to reduce the amount of cultivatable land that is used as such, and incentive and constraint mechanisms will be established to encourage more economical and intensive use of land. Reasonable annual plans will be made for the use of land, adjusting the structure of land used for different purposes and making the best use of land that has already been made available.

18. Improving the system for the strictest possible management of water resources

To give priority to saving water, achieve harmony between development and water conservation, carry out systemic governance, and ensure that both government and market play their respective roles, the system for controlling total water usage will be improved to ensure water security. Efforts will be accelerated to formulate water allocation plans for major river basins, strengthen coordination between provincial-level governments, and improve the system of targets for control of total water usage at the provincial, municipal, and county levels. Effective mechanisms will be established to ensure economical and intensive water usage. More work will be done to adjust the way water resources are used and improve their allocation. The system for evaluating the impact of plans and construction projects on water resources will be improved. Efforts will be made to draw principally on pricing and taxation to gradually establish systems for controlling and instituting quota-based management of the volume of water used in irrigation, and for controlling and instituting quota-based management of the planned water usage of high-water-consuming industrial enterprises. In regions seriously affected by water scarcity, water quotas will be used as a threshold for market entry and the development of high-water-consuming projects will be strictly controlled. The protection and environmental restoration of areas producing aquatic products will be strengthened, their aqua culture will be controlled, and mechanisms will be established for the protection of aquatic plant and animal life. Regulation of water functional zones will be improved and systems for promoting the utilization of alternative water resources will be

established.

19. Establishing a system for total energy consumption management and energy conservation

High priority will be given to energy conservation, the control of energy intensity will be strengthened, and the responsibility system and the system of incentives for meeting energy conservation targets will be improved. Improvements will be made to the energy statistics system. The management system for energy conservation by major energy-consuming organizations will be improved, and a mechanism for making voluntary pledges on energy conservation will be implemented on an explorative basis. The system of energy conservation standards will be improved to make timely updates to energy efficiency standards for energy-consuming products, limits on energy consumption for energy-intensive industries, and energy efficiency standards for buildings. A reasonable target will be established for total national energy consumption and broken down and assigned to the provincial-level and major energy-consuming organizations. The mechanism for promoting the use of energy-saving, low-carbon products, technologies, and equipment will be improved and lists of technologies will be issued at regular intervals. Supervision over energy conservation will be strengthened. Stronger support will be provided for the development of renewable energy sources, and subsidies for all fossil fuels will be phased out. A system for controlling total national carbon emissions and a mechanism for breaking down the responsibility for implementation will be gradually established. A mechanism for effectively increasing forest, grassland, wetland, and ocean carbon sinks will be set up. China's involvement in international cooperation on responding to climate change will be strengthened.

20. Establishing a system for protecting virgin forests

All virgin forests will be placed under protection. A national timber forest reserve system will be established. Government administration will be gradually separated from the management of state-owned forests, and the public benefit forest protection and management system will be improved for state-owned forestry farms drawing principally on service procurement. The collective forest tenure system will be improved. Tenure contracts for collective forests will be kept stable, the operations allowed under these contracts will be expanded, and the systems by which forest tenure rights are used as collateral for loans and tenure rights are transferred will be improved.

21. Establishing a system for protecting grassland

The system by which collective grassland is contracted out for operation to individual households will be kept stable and improved to ensure that the plot and area of every piece of grassland contracted out is measured accurately, contracts are signed, and contracting certificates are granted. Proper procedures will be introduced for the transfer of grassland under such contracts. A system for protecting basic grassland will be put into effect to ensure that the area of basic grassland does not diminish, its quality does not deteriorate, and it is not converted for any other use. The subsidy and award mechanisms for the ecological

conservation of grassland will be improved. Grazing on certain areas of grassland will be banned or temporarily suspended, rotational paddock grazing will be introduced, and efforts will be made to strike a balance between grass and livestock. Oversight over their view and approval of grassland requisitions will be strengthened and the use of grassland for any purpose other than animal husbandry will be strictly controlled.

22. Establishing a system for protecting wetlands

All wetlands will be placed under protection, and the unauthorized requisition or occupancy of wetlands of international importance, and those of national importance, and wetland reserves will be banned. The services of wetlands will be determined, their protection and utilization will be standardized, and a mechanism for the ecological restoration of wetlands will be established.

23. Establishing a system for closing off desertified land for protection

Contiguous areas of desertified land for which conditions are not currently in place to carry out anti-desertification programs will be designated as closed-off protection zones. Systems for strict protection will be established, construction of infrastructure needed to close off and protect and manage such zones will be stepped up, desertified land governance will be strengthened, and vegetation will be increased. The appropriate development of the sand industry will be encouraged. The mechanisms for protection and management drawing principally on service procurement will be improved. New approaches that combine development with governance will be explored.

24. Improving the system for developing and protecting marine resources

Marine functional zones will be established, the major functions of offshore waters and islands will be determined, and efforts will be made to guide, control, and standardize behavior related to the use of oceans and islands. A system will be introduced to control total sea reclamation, imposing binding limits on the total area of ocean over which reclamation can take place. A system will be established for maintaining natural coastlines. The system for managing total marine fishery resources will be improved. The systems for instituting fishing off-seasons and bans on fishing will be strictly enforced. Limits on offshore fishing will be imposed. The scale of offshore and mudflat aquaculture will be controlled.

25. Improving the system for managing the development and utilization of mineral resources

A system for the investigation and evaluation of the development and utilization of mineral resources will be established. The ascertainment and registration of mineral resources and registration management of their pay-per-time occupation will be strengthened. A mechanism for the intensive development of mineral resources will be established, the concentration of enterprises in mining areas will be increased, and large-scale development is encouraged. National standards including those regarding the mining recovery rate of major mineral resources, ore dressing recovery rate, and the comprehensive utilization rate of mineral resources will be improved. The economic policies for encouraging better utilization of mineral resources will be refined. A system will be established to make available to the public information on whether mining enterprises are utilizing mineral resources

efficiently and comprehensively, and a system will be set up for blacklisting those breaking mining operation rules. The mechanism for introducing industry-based approaches will be improved to support the recycling of major mineral resources. The systems for protecting the geological environment in mining areas and reclaiming deserted areas will also be improved.

26. Improving the system of resource recycling

An effective system will be established to record resource-output ratio statistics. The extended producer responsibility (EPR) system will be put into effect, pushing producers to perform their responsibilities for take-back and disposal of their end-of-life products. A system will be established to utilize farming, livestock, and aquaculture waste and achieve the organic integration and circular development of farming, husbandry, and aquaculture. The establishment of a system for making the separation of waste compulsory will be accelerated. A list of renewable resources to be recycled will be worked out and the mandatory recycling of composite packaging, batteries, agricultural plastic sheeting, and other low-value waste will be required. Efforts will be accelerated to develop standards for the recycling and reuse of resources by type. A system for promoting the use of products and raw materials made of recycled resources will be established to require enterprises consuming related raw materials to use a certain proportion of recycled products. The system for restricting the use of single-use disposable products will be improved. Taxation policies will be implemented and improved to promote the comprehensive utilization of resources and the development of the circular economy. A list of circular economy technologies will be formulated and policies such as priority government procurement and discounted interest on loans will be implemented.

VI. Improving the System for Payment-Based Resource Consumption and Compensating Conservation and Protection Efforts

27. Accelerating price reform for natural resources and their products

In line with the principles of cost-benefit balancing and based on full consideration of society's ability to tolerate price increases, a cost assessment mechanism for natural resource exploitation and consumption will be established to incorporate the interests of resource owners and any ecological and environmental damage into the pricing mechanism for natural resources and their products. Price regulation over natural monopolies will be strengthened. A system will be created for overseeing and reviewing the pricing cost and a mechanism will be established for making pricing adjustments. Procedures for decision-making on pricing and the information disclosure system will be improved. The overall price reform of water for agricultural purposes will be moved forward. A system of progressive pricing for water will be put into full practice for non-household water consumption that exceeds plans or quotas for water consumption, and a system of tiered pricing for urban household water consumption will be fully implemented.

28. Improving the payment-based system for land use

The scope of state-owned land that is operated on the basis of a payment-based use system

will be expanded. The proportion of land for which use rights can be transferred through bidding, auction, or listing will be enlarged. Less land will be allocated for non-public use. Income and expenditures related to selling use rights for state-owned land will be incorporated into public budgeting. Industrial-land supply methods will be reformed and improved, with the implementation of flexible transfer periods, long-term leasing, lease-then-sell arrangements, and lease-and-sell arrangements being explored. The mechanisms for setting and appraising land prices will be improved. The system of grade-based pricing for land will be refined. The relationship of land-related transaction and lease expenses with taxes and fees will be straightened out. An effective regulatory mechanism will be put in place to achieve reasonable price parity between industrial-use and residential-use land. Prices of industrial-use land will be raised, and the proportion of industrial-use land will be reduced. Methods such as land contracting and leasing out will be explored to improve the payment-based use system for state-owned land for agricultural use.

29. Improving the payment-based system for mineral resource use

Improvements will be made to the system for the sale of mining rights, and means suited to a market economy and the nature of the mining industry will be established for the sale of prospecting and extraction rights. In principle, the sale of these rights will be market-oriented, and the income and expenditures related to the sale of state-owned mineral resources will be incorporated into public budgeting. The property rights of owners, investors, and operators during the processes of payment-based acquisition, possession, and exploitation will be clarified, and research will be conducted into the development of a system of national premiums for the use of mineral resources. Standard fees for the use of prospecting and extraction rights, and minimum investment in mineral prospecting will be adjusted. Progress will be made in building a nationally unified mining rights exchange, and efforts in information disclosure on the sale and transfer of such rights will be intensified.

30. Improving the payment-based system for use of sea areas and offshore islands

A mechanism will be created for adjusting use fees for sea areas and uninhabited islands. An effective system will be established for the sale of use rights for sea areas and uninhabited islands through bidding, auction, and listing.

31. Accelerating reform of resource and environmental taxes and fees

The taxes and fees for natural resources and their products will be straightened out, their respective purposes will be clarified, and the appropriate scope of taxation regulation will be defined. Faster progress will be made in introducing price-based on resources. The scope of resource taxes will be gradually expanded to cover the use of all kinds of ecological spaces. A trial reform will be carried out in parts of northern China to levy a resource tax on groundwater. The development of legislation on environmental protection tax will also be accelerated.

32. Improving the ecological compensation system

Explorations will be made into establishing a diversified compensation mechanism, transfer payments to major ecological functional zones will be increased step by step, and the

incentive mechanism that links ecological protection performance with fund allocation will be improved. Measures will be drawn up for implementing a mechanism, principally for local compensation, and supported by additional funds from the central budget, by which local governments compensate each other for ecological or environmental damage and ecological conservation efforts. Local governments are encouraged to launch ecological compensation trials. Efforts will continue in carrying out the ecological compensation pilot initiative for the Xin'an River ecosystem. Help will be given to carry out trans-regional ecological compensation pilot initiatives in the Beijing-Tianjin-Hebei water source conservation area, in areas along the Jiuzhou River in Guangxi and Guangdong, and in areas along the Ting and Han rivers in Fujian and Guangdong. Explorations will be made into carrying out pilot ecological compensation initiatives in the Yangtze River basin- an environmentally sensitive region.

33. Improving the mechanism for utilizing ecological protection and restoration funds

Given the need for systematic governance of mountains, forests, farmland, rivers, and lakes, the measures for utilizing and managing relevant funds will be improved and existing policies and channels will be integrated. At the same time as efforts are being made to comprehensively improve the conditions of rivers throughout their entire drainage basins, more funds will be spent on the protection and restoration of national ecological-security shields, such as the Qinghai-Tibet Plateau ecological shield, the Loess Plateau-Sichuan-Yunnan ecological shield, the northeast China forest belt, the northern China desertification-prevention belt, and the southern China mountainous belt.

34. Creating a recuperation system for farmland, grasslands, rivers, and lakes

A recuperation plan will be formulated for farmland, grassland, rivers, and lakes, adjusting the use of farmland in areas where there is heavy pollution or where groundwater has been over-extracted. Basic agricultural activity from land sloped greater than 25 degrees, which is not suitable for, and the ecosystem of which is harmed by, cultivation, will be gradually excluded from classification as basic cropland. A permanent mechanism will be formulated to consolidate progress in returning farmland to forest and grassland and converting grazing land back into grassland. Pilot projects will be launched to return cultivated land to lakes and wetlands. Efforts will be made to move forward with the pilot initiative for the restoration of heavy-metal contaminated soil in the Changsha-Zhuzhou-Xiangtan region, as well as the pilot project to comprehensively deal with the over-extraction of groundwater in northern China.

VII. Establishing an Effective System for Environmental Governance

35. Improving the pollutant emissions permit system

A unified and fair business emissions permit system covering all fixed pollution sources will be established quickly nationwide. Emissions permits will be issued in accordance with the law. Emission of pollutants without a permit or in violation of a permit will be prohibited.

36. Establishing a mechanism for cooperation within a region in pollution prevention and control

Cooperative mechanisms for joint prevention and control of air pollution will be improved in major areas such as the Beijing-Tianjin-Hebei region, the Yangtze River Delta, and the Pearl River Delta. Regional cooperation mechanisms will be established in other areas, taking into consideration their geographical features, levels of pollution, distribution of urban space, and patterns of pollutant transmission. Trials for creating new administrative systems for environmental protection will be held in some areas, using unified plans, standards, environmental evaluations, monitoring, and law enforcement. Trials will also be launched for the establishment of environmental regulators and administrative law enforcement agencies for river basins. A variety of cooperative mechanisms for protecting the water environments of river basins as well as early-warning systems for risk control will be put in place with the participation of the relevant provincial-level water-related departments within each river basin. An integrated mechanism for pollution prevention and control both on land and at sea and a control system governing the total quantity of pollutants discharged into key marine areas will be set up. The mechanism for responding to environmental emergencies will be improved and China's capacity for dealing with environmental emergencies of varying degrees of severity and involving different pollutants will be strengthened.

37. Establishing systems and mechanisms for rural environmental governance

An eco-oriented system of agricultural subsidies will be created. Efforts to formulate and improve relevant technical standards and specifications will be accelerated. Reductions to the use of chemical fertilizers, pesticides, and plastic sheeting and the recycling or safe disposal of animal husbandry waste will be carried out quickly. The production and use of biodegradable plastic sheeting is encouraged. The system for comprehensively utilizing crop straw will be improved. Networks for recycling, storing, transporting, and processing plastic sheeting and chemical fertilizer and pesticide packaging will be improved. Development of environmental protection facilities, such as those for handling rural wastewater and refuse, will be bolstered by subsidies from governments and village collectives, fee payments from residents, and the participation of non-government capital. A variety of assistive measures, including government procurement of services, will be adopted to foster and develop market entities for the control of all types of agricultural pollution from non-point sources and for the handling of rural wastewater and refuse. County- and township-level governments will carry greater responsibility for environmental protection, and efforts to build their capacity for environmental regulation will be boosted. In allocating government funds for supporting agriculture, full consideration should be given to improving overall agricultural production capacity and to preventing and controlling rural pollution.

38. Improving systems for public disclosure of environmental information

Extensive efforts will be made to ensure public availability of environmental information pertaining to the atmosphere, water, and so on, to businesses that emit pollution, and to regulatory bodies. The mechanism for the public release of environmental impact evaluations for development projects will be improved. The environmental spokesperson system will be refined. Efforts will be made to promote awareness for environmental

protection among the general public, the system of public participation will be improved, and more work needs to be done to ensure that the people exercise oversight over the environment in a legal and orderly way. An online platform and system will be created for the reporting of offenses related to environmental protection, and systems for offense-reporting, hearings, and public opinion-based oversight will be improved.

39. Strictly implementing compensation systems for ecological and environmental damage
Manufacturers' legal responsibilities for environmental protection will be tightened, and the cost of illegal activities will be significantly increased. Legal provisions concerning environmental damage compensation, methods for appraising damage, and mechanisms for enforcing compensation will be improved. In accordance with the law, penalties will be meted out to those who violate environmental laws and regulations, compensation for ecological and environmental damage will be determined by the extent of damage and other factors, and when violations result in serious adverse consequences, criminal liability will be pursued.

40. Improving the administrative system for environmental protection

An effective administrative system for environmental protection will be established to strictly regulate the emissions of all pollutants. Duties and responsibilities for environmental protection, which are currently spread across departments, will be assigned to one single department, progressively creating a system whereby one department is responsible for unified regulation and administrative law enforcement over urban and rural environmental protection work. Regulatory authority from different fields and departments and at different levels will be systemically organized to create a unified and authoritative system for environmental law enforcement, strengthen the ranks of law enforcement, and provide those tasked with environmental law enforcement the necessary conditions and means to enforce the law. The mechanisms linking administrative law enforcement and environmental judicial work will be improved.

VIII. Improving the Market System for Environmental Governance and Ecological Conservation

41. Fostering market entities for environmental governance and ecological conservation

Systems, mechanisms, policies, and measures that encourage energy efficient and environmentally friendly industries will be adopted. Regulations and practices that hinder fair competition and the creation of a nationally unified market will be discontinued, and all types of investment will be encouraged to enter the environmental protection market. Non-government investors may participate in the development and operation of any environmental governance or ecological conservation program where cooperation between government and non-government investment is viable. By means of government procurement of services and other methods, more support will be provided for third-party governance of environmental pollution. The transformation of organizations in charge of the operation and management of wastewater and refuse treatment facilities into companies that exercise independent accounting and management will be accelerated. Companies that

take investment from or are operated with state capital will be set up or created through reorganization in order to encourage greater investment of state capital into environmental governance and ecological conservation. Support will be given to state-owned firms in fields of ecological and environmental protection to reform toward a mixed-ownership system.

42. Promoting the trading of energy-use rights and carbon emissions rights

Combined with efforts to see that major energy-consuming organizations increase energy efficiency and to subject new projects to energy reviews, the trading of energy saved on projects will be allowed, and will progressively move toward the trading of energy-use rights based on the cap system for energy consumption. A trading system and a measurement and verification system for energy-use rights will be established. Energy performance contracting will be promoted. Trials of carbon emissions rights trading will be deepened, a national exchange for carbon emissions rights will be progressively created, and a national plan for setting the total trade and quota allocation of carbon emissions rights will be formulated. The carbon trading registration system will be improved and a regulatory system will be established for the carbon emissions rights exchange.

43. Promoting the trading of pollution rights

On the basis of the cap system for enterprise pollution emissions, improvements will be made as quickly as possible to the granting of initial pollution rights, and coverage will be expanded to include more pollutants. Working from the foundations provided by the current mechanism for granting pollution rights to administrative regions, and on the basis of the best industry-wide levels of pollution emissions, the mechanism will be gradually strengthened to ensure the cap system for enterprise pollution emissions is implemented and the trading of pollution rights creates incentives for emissions reductions at the level of the individual enterprise. In key river basins and key areas for air pollution, implementation of pollution rights trading across administrative regions will be carried out as appropriate. Trials for the payment-based use and trading of pollution rights will be expanded to include more areas where conditions are appropriate. Efforts will be stepped up to improve the pollution rights exchange. Regulations will be developed on granting pollution rights, collecting and using pollution rights use fees, and setting trading prices.

44. Promoting the trading of water rights

Combined with efforts to establish an effective mechanism for compensating the expenses of water ecosystem protection and conservation, water-related rights will be appropriately defined and allocated and ways of trading water rights between regions, between river basins, between the lower and upper reaches of rivers, between industries, and between water users will be explored. Research will be conducted into formulating regulations concerning the trading of water rights, to clearly define the scope and types of tradable water rights, the trading entities and time frames, the mechanisms for determining trading prices, and the rules for the operation of the exchange. An exchange for water rights will be developed.

45. Establishing a green finance system

Green credit will be promoted, with research being undertaken into adopting methods such as government interest subsidies to boost the level of support. All types of financial institutions are encouraged to step up grants of green loans. Requirements for the due diligence of borrowers as well as their legal responsibilities concerning environmental protection will be clarified. Efforts will be stepped up to further develop the systems related to capital markets. Research will be conducted to explore the establishment of a green stock index and the development of relevant investment products, and studies will be undertaken to explore the issuance of green bonds by banks and enterprises, encouraging the securitization of green credit assets. Support will be given for the launch of multiple types of green development funds, the operations of which will be market-based. A mechanism will be established for the mandatory release of environmental protection information by listed companies. Guaranty mechanisms for energy-efficient, low-carbon, and environmentally friendly projects will be improved, and the level of risk compensation increased. A compulsory liability insurance system for environmental pollution will be established in sectors involving high environmental risks. A green rating system as well as a non-profit system for calculating environmental costs and evaluating environmental impact will be established. Cooperation of all types with other countries will be promoted in green finance.

46. Establishing a unified system for green products

Products that are licensed as environmentally friendly, energy-efficient, water-saving, circular, low-carbon, recyclable, or organic will be uniformly classified as green products, and standardized green product standards, certifications, and logos will be established for them. Improvements will be made to policies on fiscal and tax support and government procurement for the research and development, production, transport, delivery, purchase, and use of green products.

IX. Improving Ecological Conservation Performance Evaluation and Accountability Systems

47. Establishing ecological conservation targets

Research will be conducted into developing practicable and visually representable indicators for assessing green development. Measures will be put in place to evaluate the attainment of ecological conservation targets, and indicators for resource consumption, environmental damage, and ecological benefit will be incorporated into a comprehensive evaluation system for economic and social development. Different performance evaluation criteria will be applied to different regions on the basis of their functional zoning.

48. Establishing monitoring and early-warning mechanisms for environmental and resource carrying capacity

Research will be undertaken into developing indicators and applying the right technology for monitoring and producing early warnings about resource and environmental carrying capacity. Monitoring and early-warning databases and IT platforms will be created for resources and the environment. Reports on monitoring and early-warning about resource and environmental carrying capacity will be prepared at regular intervals, and warnings will be issued and measures taken to place restrictions on regions which have exceeded or are

approaching their carrying capacity in terms of resource consumption and environmental capacity.

49. Exploring the creation of balance sheets for natural resource assets Guidelines will be formulated on preparing balance sheets for natural resource assets.

Asset and liability accounting methods will be developed for use with water, land, forest, and other types of resources; accounts will be established for accounting natural resources in physical terms; classificatory criteria and statistical standards will be clearly laid out; and changes in natural resource assets will be regularly assessed. The preparation of balance sheets for natural resource assets will take place on a trial basis at the municipal (county) level, with physical accounts of major natural resource assets being assessed and results released.

50. Auditing outgoing officials' management of natural resource assets

On the basis of the preparation of balance sheets for natural resource assets and making reasonable allowance for objective natural factors, active efforts will be made to explore the objectives, content, methods, and appraisal indicators for auditing outgoing officials' management of natural resource assets. Based on the changes in natural resource assets within their area of jurisdiction during their term of office, through auditing, an objective evaluation will be carried out of the outgoing official's management of natural resource assets; an official's liability will be determined in accordance with the law, and auditing results will be put to better use. Trials for preparing balance sheets for natural resource assets and for audits of the management of natural resource assets by outgoing officials will be conducted in the cities of Hulun Buir in Inner Mongolia, Huzhou in Zhejiang, Loudi in Hunan, Chishui in Guizhou, and Yan'an in Shaanxi.

51. Establishing a lifelong accountability system for ecological and environmental damage Leaders of local CPC committees and governments will be responsible for both economic development and ecological progress. On the basis of the results of the natural resource asset audits of outgoing officials and ecological and environmental damage, the circumstances under which the principal leaders of local CPC committees and governments, related leaders, and departmental leaders will be held accountable and the procedures for confirming accountability will be made clear. Those responsible for ecological and environmental damage will, on the basis of the severity of misconduct, be reprimanded, required to make a public apology, or dealt with through organizational, Party, or disciplinary action. For circumstances which constitute a criminal act, criminal liability will be pursued in accordance with the law. A system of lifelong accountability will be put into effect for major ecological and environmental damage which becomes apparent after an official has left office and for which he or she is found liable. A national supervision and inspection system for environmental protection will be established.

X. Ensuring Successful Implementation of the Reform to Promote Ecological Progress

52. Strengthening leadership over the reform to promote ecological progress

All local governments and departments need to study the central leadership's guiding

principles on making ecological progress and carrying out reform to this effect, develop a deep understanding of the tremendous significance of this reform, and strengthen their sense of responsibility, sense of purpose, and sense of urgency over its implementation. Local governments and departments need to do their utmost to put into effect the policy decisions and arrangements of the CPC Central Committee and the State Council and see to it that all objectives contained within this reform plan are carried out quickly. In accordance with the requirements set out in this plan, all government departments concerned should promptly draw up plans for implementing each item of the reform, delegate responsibility and set time frames, and through close cooperation and collaboration with others create a concerted reform effort.

53. Launching pilot initiatives and explorative projects

Both the central and local governments will play an active role. All local governments are encouraged, in line with the direction of reform set out in this plan, to proactively explore and move forward with the reform to promote ecological progress, treating their local conditions as their point of departure and the solving of serious ecological and environmental problems as their target. Reforms that require legal authorization should be handled in accordance with statutory procedures. Comprehensive pilot initiatives for achieving ecological progress being conducted independently by different government departments will be incorporated into national pilot initiatives and explorative projects and will receive guidance and encouragement from those authorities whose own functions put them in a position to provide such support.

54. Improving laws and regulations

Legislative support will be provided for the reform to promote ecological progress through the development of effective laws and regulations on property rights for natural resource assets, the development and protection of territorial space, national parks, spatial planning, seas, responses to climate change, protection of cropland quality, water conservation and groundwater management, grassland and wetland preservation, pollutant emission permits, and compensation for ecological and environmental damage.

55. Improving guidance on public communication

Publicity both in China and abroad on efforts to promote ecological progress and carry out the reform to this effect will be stepped up. This will require coordinated planning and accurate interpretations of each of the systems and the direction of reform—all designed to promote ecological progress. It should cultivate and popularize eco-culture, raise public awareness about ecological progress, and advocate a green life-style, thereby creating a positive social atmosphere in which efforts to promote eco-progress are viewed with respect, and which will help to promote ecological progress and the reform designed to bring about it.

56. Exercising stricter supervision over reform implementation

The office of the Central Leading Group for Comprehensively Deepening Reform and the leading group's Reform Taskforce for the Promotion of Economic Development and

Ecological Progress should strengthen its overall coordination, carry out follow-up analyses and supervisory inspections over the implementation of this plan, accurately interpret and promptly resolve any problems arising during its implementation, and promptly report any major issues to the CPC Central Committee and the State Council.

4. Opinions of the Central Committee of CPC and the State Council on Comprehensively Tightening Ecological and Environmental Protection and Firmly Fight in the Uphill Battle for Prevention and Control of Pollution

(Omitted, Chinese only)

5. National Major Marine Functional Zoning Plan

(Omitted, Chinese only)

6. Outline of National Land Planning (2016-2030)

(Omitted, Chinese only)

7. The 13th Five-Year Plan for the Protection of Ecology and Environment

(Omitted, Chinese only)

8. Several Opinions of the State Council on Promoting the Sustainable and Healthy Development of Marine Fishery

(Omitted, Chinese only)

9. Action Plan for Prevention and Control of Water Pollution

(Omitted, Chinese only)

10. Outline of the 13th Five-Year Plan for the National Economic and Social Development of the People's Republic of China

(Omitted, Chinese only)

11. Opinions of the General Office of the State Council on Improving the Compensation Mechanism for Ecological Protection

(Omitted, Chinese only)

12. Wetland Protection and Restoration Program

(Omitted, Chinese only)

13. Several Opinions on the Delineation and Observance of the Red Line of Ecological Protection

(Omitted, Chinese only)

Chapter I Overview

In the legal system of the Republic of Korea, the Constitution occupies the highest legal status. In order to reflect the constitutional concept, the laws are promulgated by the President through the resolution of the Congress. According to the constitutional concept and the legislative purpose of the laws and in order to effectively enforce the law, necessary matters are stipulated by the Presidential Decree, the Prime Minister's order, and the Departmental Order as the administrative legislation, thus forming the entire legislative system. According to the constitutional autonomy and legislative power, within the scope of the decree, the local self-governing body formulates autonomy regulations on local affairs as part of the entire national legal system.

Chapter II Legal Sources Relevant to Marine Pollution

1. Marine Environment Management Act

[Enforcement Date 26. Jul, 2017.] [Act No.14839, 26. Jul, 2017., Amendment by Other Act]

Article 1 (Purpose)

The purpose of this Act is to provide for matters necessary for the prevention, improvement, response, and recovery with regard to marine pollution, by managing sources that generate pollutants, such as vessels, marine facilities, and ocean spaces, and regulate discharge of marine pollutants such as oil and noxious liquid substances, thereby helping to protect the health and wealth of the people of the Republic of Korea.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 8379, Apr. 11, 2007; Act No. 8404, Apr. 27, 2007; Act No. 8788, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9773, Jun. 9, 2009; Act No. 9872, Dec. 29, 2009; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014; Act No. 14747, Mar. 21, 2017; Act No. 15012, Oct. 31, 2017>

1. The term "marine environment" means as defined in subparagraph 1 of Article 2 of the Act on Conservation and Utilization of the Marine Environment;
2. The term "marine pollution" means as defined in subparagraph 3 of Article 2 of the Act on Conservation and Utilization of the Marine Environment;
3. The term "discharge" means the draining or dumping of pollutants, etc. or the leakage or eruption of pollutants, etc.: Provided, That the draining, dumping, leakage or eruption of pollutants, etc. for academic purposes, such as conducting surveys and research to mitigate

or prevent, or eliminate marine pollution, shall be excluded;

4. The term "waste" means a substance which is useless in such form when discharged into the sea and which adversely affects or is feared to adversely affect the marine environment (excluding substances referred to in subparagraphs 5, 7, and 8);

5. The term "oil" means crude oil and petroleum products (excluding petroleum gas) provided for in the Petroleum and Alternative Fuel Business Act, liquid oil mixtures containing them (hereinafter referred to as "emulsion mixtures"), and waste oil;

6. The term "ballast water" means ballast water defined in subparagraph 2 of Article 2 of the Ballast Water Management Act;

7. The term "noxious liquid substance" means liquid substances (excluding oil) which adversely affect or are feared to adversely affect the marine environment and mixed liquid substances containing such substances, which are prescribed by Ordinance of the Ministry of Oceans and Fisheries;

8. The term "harmful substance in packaged form" means harmful substances transported by ship in packaged form, which are prescribed by Ordinance of the Ministry of Oceans and Fisheries as they adversely affect or are feared to adversely affect the marine environment when discharged into the sea;

9. The term "harmful anti-fouling paint" means paints used to restrict or prevent the attachment of organisms to ships, marine facilities, etc. (hereinafter referred to as "anti-fouling paints"), which are prescribed by Ordinance of the Ministry of Oceans and Fisheries as containing ingredients destroying organisms, such as organotin;

10. The term "persistent pollutant" means chemical substances prescribed by Ordinance of the Ministry of Oceans and Fisheries, which continuously cause acute or chronic toxicity or are carcinogenic over a long period when flowing into the sea and accumulated in organisms;

11. The term "pollutant" means wastes, oil, noxious liquid substances, or harmful substances in package form which adversely affect or are feared to adversely affect the marine environment when flowing or discharged into the sea;

12. The term "ozone layer-depleting substance" means substances defined in subparagraph 1 of Article 2 of the Act on the Control, etc. of Manufacture of Specific Substances for the Protection of the Ozone Layer;

13. The term "air pollutant" means ozone layer-depleting substances, volatile organic compounds, air pollutants defined in subparagraph 1 of Article 2 of the Clean Air Conservation Act, and carbon dioxide among greenhouse gases defined in subparagraph 3 of the same Article;

14. The term "sulphur oxide emission control sea area" means the sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries, which need measures to specially control the emission of sulphur oxides from ships in order to prevent air pollution and adverse effects on land and sea resulting therefrom;

15. The term "volatile organic compound" means oil and noxious liquid substances among hydrocarbons, which fall under subparagraph 10 of Article 2 of the Clean Air Conservation

Act;

16. The term "ship" means things (including those with an outboard motor) used or usable for navigation above or below water, and fixed or floating oil-prospecting ships, and platforms prescribed by Ordinance of the Ministry of Oceans and Fisheries;

17. The term "marine facility" means facilities or structures prescribed by Ordinance of the Ministry of Oceans and Fisheries, which are continuously installed or placed in, or thrown into sea areas (including harbors defined in subparagraph 1 of Article 2 of the Harbor Act; hereinafter the same shall apply) or between a sea area and land;

18. The term "bilge water" means emulsion mixtures stagnating at the bottom of a ship;

19. The term "port management authority" means the management authorities under Article 20 of the Harbor Act, fishery harbor management authorities under Article 35 of the Fishing Villages and Fishery Harbors Act, and port authorities under the Port Authority Act;

20. The term "sea area management authority" means sea area management authority as defined in subparagraph 8 of Article 2 of the Act on Conservation and Utilization of the Marine Environment;

21. The term "ship energy efficiency" means the amount of energy used by a ship in connection with freight transportation, which is shown as carbon dioxide generation ratio;

22. The term "ship energy efficiency design index" means an index showing the amount of carbon dioxide emitted by a ship in transporting one ton of cargo one nautical mile, which is calculated by the method prescribed and publicly notified by the Minister of Oceans and Fisheries.

Article 3 (Scope of Application)

(1) This Act shall apply to the management of the marine environment in the following sea areas, water zones, zones, ships, marine facilities, etc.: Provided, That the management of the marine environment (excluding inspections for research, academic, or policy-making purposes) and the prevention of marine pollution related to radioactive substances shall be governed by the Nuclear Safety Act: *<Amended by Act No. 10911, Jul. 25, 2011; Act No. 14516, Dec. 27, 2016; Act No. 14605, Mar. 21, 2017>*

1. Territorial sea provided for in the Territorial Sea and Contiguous Zone Act and sea areas prescribed by Presidential Decree;

2. Exclusive economic zones defined in Article 2 of the Act on the Exclusive Economic Zone and Continental Shelf;

3. Environmental management sea areas designated under Article 15;

4. Submarine mining areas designated pursuant to Article 3 of the Submarine Mineral Resources Development Act.

(2) This Act shall apply to the prevention of marine pollution caused by ships of the Republic of Korea defined in Article 2 of the Ship Act (hereinafter referred to as "Korean ships") outside the sea areas, water zones, and zones referred to in each subparagraph of paragraph (1).

(3) This Act shall apply where ships other than Korean ships (hereinafter referred to as "foreign ships") are sailing or anchored inside the sea areas, water zones and zones referred

to in each subparagraph of paragraph (1): Provided, That Articles 32, 49 through 54, 54-2, 56 through 58, 60, 112, and 113 shall not apply to foreign ships on international voyages. *<Amended by Act No. 11597, Dec. 18, 2012>*

(4) Except as otherwise expressly provided for in this Act, the sulphur content standards for fuel oil under Article 44 and the quality standards for fuel oil under Article 45 shall be governed by the Petroleum and Alternative Fuel Business Act and the Clean Air Conservation Act.

(5) Except as otherwise expressly provided for in this Act, the disposal of pollutants shall be governed by the Wastes Control Act, the Water Environment Conservation Act, the Sewerage Act, and the Act on the Management and Use of Livestock Excreta. *<Amended by Act No. 10803, Jun. 15, 2011; Act No. 14532, Jan. 17, 2017>*

(6) Except as otherwise expressly provided for in this Act, the permissible emission levels of air pollutants, including nitrogen oxides, generated by the diesel engines of ships, shall be governed by the Clean Air Conservation Act.

Article 4 (Relations with International Conventions)

Where the standards for the marine environment and marine pollution, which are determined by an international convention internationally in force, conflict with the matters provided for in this Act, the international convention shall prevail: Provided, That the same shall not apply to cases where the matters provided for in this Act contain higher standards than those in the international convention.

Articles 5 through 7 Deleted. *<by Act No. 14747, Mar. 21, 2017>*

Article 8 Deleted. *<by Act No. 14747, Mar. 21, 2017>*

Article 9 (Marine Environmental Measuring Network)

(1) In order to implement comprehensive inspection of marine environment pursuant to Article 18 (1) of the Act on Conservation and Utilization of the Marine Environment, the Minister of Oceans and Fisheries shall organize marine environmental measuring networks, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and measure the marine environment on a regular basis. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14747, Mar. 21, 2017>*

(2) Any Mayor/Do Governor may separately organize marine environmental measuring networks fit for the waters under his/her jurisdiction, referring to the marine environmental measuring networks organized by the Minister of Oceans and Fisheries pursuant to paragraph (1). In such cases, when the Mayor/Do Governor intends to organize marine environmental measuring networks in the waters under his/her jurisdiction or change any details thereof, he/she shall give prior notice thereof to the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 10 (Korean Standard Method of Examination for Marine Environment)

The Minister of Oceans and Fisheries shall determine and publicly notify the Korean standard method of examination for the marine environment to ensure accuracy and consistency in surveys and assessments with regard to the marine environment, such as

the organization, operation, etc. of marine environmental measuring networks under Article 9 (1). In such cases, if Korean Industrial Standards have been publicly notified under Article 12 (1) of the Industrial Standardization Act in connection with the Korean standard method of examination for the marine environment, the publicly notified Korean Industrial Standards shall prevail, except under special circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13084, Jan. 28, 2015; Act No. 14747, Mar. 21, 2017>

Article 11 (Marine Environmental Information Networks)

(1) The Minister of Oceans and Fisheries shall build marine environmental information networks and provide information on the marine environment to citizens, as prescribed in Article 21 of the Act on Conservation and Utilization of the Marine Environment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14747, Mar. 21, 2017>

(2) If necessary to build marine environmental information networks under paragraph (1), the Minister of Oceans and Fisheries may request the heads of relevant administrative agencies to submit necessary data. In such cases, the heads of the relevant administrative agencies shall comply therewith, except under special circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for building, operating, and managing marine environmental information networks under paragraphs (1) and (2) and other matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 12 (Accuracy Control for Marine Environmental Measuring and Analyzing Institutes)

(1) With respect to the institutes prescribed by Presidential Decree, which measure and analyze the state of the marine environment (hereinafter referred to as "measuring and analyzing institute") to conduct accuracy control for marine environmental data under Article 22 of the Act on Conservation and Utilization of the Marine Environment, the Minister of Oceans and Fisheries may take necessary measures (hereinafter referred to as "accuracy control"), including evaluation of their measuring and analyzing capabilities, provision of relevant educational programs, verification of measurement and analysis-related materials, etc., as prescribed by Ordinance of the Ministry of Oceans and Fisheries, to ensure accurate and reliable measurement and analysis of the marine environment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14747, Mar. 21, 2017>

(2) If deemed necessary upon accuracy control for a measuring and analyzing institute, the Minister of Oceans and Fisheries may order such institute to improve or supplement relevant equipment and devices or to take other necessary measures. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 12-2 (Criteria for Accuracy Control)

(1) The Minister of Oceans and Fisheries shall determine and publicly notify criteria for accuracy control (hereinafter referred to as "accuracy control criteria") necessary with regard

to the criteria and methods for surveying marine environment, processing obtained data, managing information, etc.

(2) Details of and methods for the accuracy control criteria and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 12-3 (Accuracy Control Plans)

(1) To perform surveys of marine environment that meet the accuracy control criteria, to process obtained data, and to manage information, institutions designated by Presidential Decree to conduct comprehensive surveys of the marine environment (hereinafter referred to as “survey institution”) shall prepare plans necessary for accuracy control and obtain approval from the Minister of Oceans and Fisheries.

(2) To disseminate accuracy control criteria, the Minister of Oceans and Fisheries may guide survey institutions designated by Presidential Decree in planning for accuracy control, acquiring required skills, etc.

(3) Matters regarding the criteria for preparing accuracy control plans, verification of and procedures for implementation of accuracy control plans, etc., shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 13 (Certification of Measuring and Analyzing Capabilities)

(1) The Minister of Oceans and Fisheries may certify the capabilities of a measuring and analyzing institute deemed in compliance with the measuring and analyzing standards prescribed by Ordinance of the Ministry of Oceans and Fisheries upon accuracy control. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall conduct regular accuracy control for measuring and analyzing institutes, the measuring and analyzing capabilities of which are certified under paragraph (1), every three years, and renew such certification accordingly: Provided, That where any changes are made to any details of the certified measuring and analyzing capabilities, which fall under the important matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, he/she shall conduct accuracy control at any time and renew the certification of measuring and analyzing capabilities accordingly. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) If a person whose measuring and analyzing capabilities have been certified falls under any of the following, the Minister of Oceans and Fisheries shall revoke his/her certification: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. If he/she has obtained the certification by fraud or other illegal means;
2. If he/she fails to comply with the measuring and analyzing standards under paragraph (1) upon accuracy control under paragraph (2);
3. Other cases in which the certification of measuring and analyzing capabilities is inappropriate and which fall under the grounds prescribed by Presidential Decree.

(4) Procedures for filing an application for the certification of measuring and analyzing capabilities under paragraphs (1) and (2), issuance of a certificate, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 14 Deleted. *<by Act No. 14747, Mar. 21, 2017>*

Article 15 (Designation and Management of Environmental Management Sea Areas)

(1) If deemed necessary to preserve and manage the marine environment, the Minister of Oceans and Fisheries may designate and manage environmental preservation sea areas and specially-managed sea areas (hereinafter referred to as "environmental management sea areas") as classified in the following. In such cases, he/she shall first consult with the heads of relevant administrative agencies: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14747, Mar. 21, 2017>*

1. Environmental preservation sea areas: Any of the following sea areas prescribed by Presidential Decree (including land which directly affects marine pollution):

(a) Sea areas designated as specific-use areas for protecting and fostering fishery resources, from among the natural environmental conservation areas provided for in subparagraph 4 of Article 6 of the National Land Planning and Utilization Act;

(b) Sea areas which have the well-preserved marine environment and ecosystems and require continuous preservation;

2. Specially-managed sea areas: Sea areas prescribed by Presidential Decree, in which it is impracticable to meet the marine environmental standards under Article 13 (1) of the Act on Conservation and Utilization of the Marine Environment or there are substantial or potential obstacles to preserving the marine environment and ecosystems (including land which directly affects marine pollution).

(2) Where the results of the measurement and examination of the state of the marine environment and sources of pollution in an environmental preservation sea area fail to meet the marine environmental standards under Article 13 (1) of the Act on Conservation and Utilization of the Marine Environment, and thus it is deemed likely to cause a serious damage to the health of citizens or the birth and breeding of living things, the Minister of Oceans and Fisheries may restrict the installation or modification of facilities prescribed by Presidential Decree within the environment preservation sea area in question. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14747, Mar. 21, 2017>*

(3) Where the results of the measurement and examination of the state of the marine environment and sources of pollution in a specially-managed sea area fail to meet the marine environmental standards under Article 13 (1) of the Act on Conservation and Utilization of the Marine Environment, and thus it is deemed likely to cause a serious damage to the health of citizens and the birth and breeding of living things, the Minister of Oceans and Fisheries may take the following measures: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14747, Mar. 21, 2017>*

1. Restricting the installation or modification of facilities in the specially-managed sea area;

2. Controlling the total quantity of pollutants discharged from places of business located in the specially-managed sea area.

(4) Facilities, the installation or modification of which is restricted pursuant to each

subparagraph of paragraph (3), details of restriction, scope of sea areas in which the total quantity of pollutants is controlled, items and method of control, and other necessary matters shall be prescribed by Presidential Decree.

Article 16 (Formulating, etc. Master Plans for Environmental Management Sea Areas)

(1) With respect to environmental management sea areas, the Minister of Oceans and Fisheries shall formulate a master plan for environmental management sea areas, including the following, every five years, and shall formulate and implement a management plan by sea area which aims at environmental conservation in a specific sea area after customizing the master plan for environmental management sea areas. In such cases, he/she shall first consult with the heads of relevant administrative agencies: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

1. Matters concerning observation of the marine environment;
2. Matters concerning the examination and research of sources of pollution;
3. Matters concerning measures for the preservation and improvement of the marine environment;
4. Matters concerning assistance to residents, following environmental management;
5. Other matters prescribed by Presidential Decree, which are necessary for the management of environmental management sea areas.

(2) Master plans for environmental management sea areas shall be confirmed through deliberation by the Maritime Affairs and Fisheries Development Committee under Article 7 of the Framework Act on Marine Fishery Development. *<Amended by Act No. 9454, Feb. 6, 2009; Act No. 10803, Jun. 15, 2011>*

(3) When the Minister of Oceans and Fisheries has formulated a master plan for environmental management sea areas and management plans by sea area, he/she shall notify the heads of relevant administrative agencies thereof, and the heads of the relevant administrative agencies shall take necessary measures for the implementation thereof. *<Amended by Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

(4) If necessary to formulate and implement management plans by sea area, the Minister of Oceans and Fisheries may separately operate a project management task force, which is comprised of public officials belonging to relevant central administrative agencies and local governments, experts, etc. In such cases, matters necessary for its composition and operation shall be prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

Article 17 Deleted. *<by Act No. 9454, Feb. 6, 2009>*

Article 18 (Marine Environmental Improvement Measures)

(1) Any sea area management authority may take the following marine environmental improvement measures, as prescribed by Presidential Decree, if deemed necessary to prevent marine pollution caused by the inflow, spread, or accumulation, etc. of pollutants and to improve the marine environment: *<Amended by Act No. 8852, Feb. 29, 2008; Amended by Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14516, Dec.*

27, 2016>

1. Installation of facilities that prevent the inflow and spread of pollutants;
2. Collection and disposal of pollutants;
3. Collection of polluted sediments;
4. Other projects prescribed by Ordinance of the Ministry of Oceans and Fisheries, which are necessary to improve the marine environment.

(2) Where a sea area or zone subject to marine environmental improvement measures referred to in paragraph (1) extends over the jurisdictions of at least two Mayors/Do Governors or in any other case prescribed by Presidential Decree, the Minister of Oceans and Fisheries may take marine environmental improvement measures referred to in paragraph (1) in sea areas or zones falling under any subparagraph of Article 3 (1). In such cases, the Minister of Oceans and Fisheries shall first consult with the relevant Mayors/Do Governors. <Newly Inserted by Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries may examine the sources of pollution in the marine environment in sea areas or zones referred to in the subparagraphs of Article 3 (1), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, if deemed necessary to preserve or manage the marine environment, or to prevent marine pollution. In such cases, the Minister of Oceans and Fisheries may request the head of a relevant administrative agency to jointly examine the polluted sea areas and facilities from which pollutants are discharged. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(4) If deemed necessary upon examination of sources of pollution in the marine environment under paragraph (3), the Minister of Oceans and Fisheries may require a polluter referred to in Article 8 of the Act on Conservation and Utilization of the Marine Environment (hereinafter referred to as "polluter") to take a marine environmental improvement measure referred to in any subparagraph of paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14747, Mar. 21, 2017>

(5) Methods for installing facilities preventing the inflow and spread of pollutants, methods for collecting and disposal of pollutants, methods for collecting polluted sediments, etc. in connection with the marine environmental improvement measures referred to in paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14516, Dec. 27, 2016>

Article 19 (Marine Environmental Improvement Charges)

(1) The Minister of Oceans and Fisheries shall impose and collect a marine environmental improvement charge (hereinafter referred to as "charge") with respect to the following acts that have a significant impact on the marine environment and marine ecosystems: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Discharging wastes to the sea by a person who engages in the ocean waste discharge business under Article 70 (1) 1 (hereinafter referred to as "ocean waste discharge business

entity”);

2. Discharging pollutants at least in the quantity prescribed by Presidential Decree from ships or marine facilities.

(2) No charge shall be imposed where the discharge of pollutants referred to in paragraph (1) 2 falls under any of the following cases: *<Newly Inserted by Act No. 10803, Jun. 15, 2011>*

1. Where such discharge is caused by a war, natural disaster, or a force majeure;
2. Where such discharge is caused only by the intention of a third person: Provided, That it shall be limited to cases where there is no defect in the installation and management of ships or marine facilities;

3. Where such discharge occurs outside sea areas or waters referred to in Article 3 (1) 1 and 2, which is the case prescribed by Presidential Decree.

(3) The kind and quantity of a pollutant discharged shall be considered in the calculation of a charge that is imposed by applying the imposition coefficients by the kinds of pollutants to the amount calculated by multiplying the quantity of the pollutant discharged by the amount of charge per unit. In such cases, the discharged quantity and the amount of charge imposed per unit on a pollutant, imposition coefficients by the kinds of pollutants, etc. shall be prescribed by Presidential Decree. *<Amended by Act No. 10803, Jun. 15, 2011>*

(4) The Minister of Oceans and Fisheries may allow persons liable to pay such charges in installments. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

(5) The Minister of Oceans and Fisheries shall contribute charges and surcharges collected under Article 20 (1) to the Fisheries Development Fund under Article 46 of the Framework Act on Fisheries and Fishing Villages Development (hereinafter referred to as "Fund"). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9626, Apr. 22, 2009; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015; Act No. 15012, Oct. 31, 2017>*

(6) Procedures for the collection of charges under paragraphs (1) and (3), and other necessary matters shall be prescribed by Presidential Decree. *<Amended by Act No. 10803, Jun. 15, 2011>*

Article 20 (Compulsory Collection of Charges)

(1) Where a person liable to pay a charge fails to make payment by the due date, the Minister of Oceans and Fisheries shall collect a surcharge prescribed by Presidential Decree for the period from the date following the due date until the date of payment. In such cases, the surcharge shall not exceed 3/100 of the charge in arrears.

(2) Where a person liable to pay a charge fails to make payment by the due date, the Minister of Oceans and Fisheries shall demand the payment, setting a period of at least 30 days; and if he/she fails to pay the charge and the surcharge referred to in paragraph (1) within the specified period, they may be collected in the same manner as national taxes in arrears.

Article 21 (Use of Charges)

The charges contributed to the Fund pursuant to Article 19 (5) shall be used for the following

projects: <Amended by Act No. 10803, Jun. 15, 2011; Act No. 14516, Dec. 27, 2016>

1. Projects for the prevention of marine pollution and restoration of the marine environment;
2. Projects for the preservation and management of the marine environment;
3. Projects for providing assistance to business entities which use the ocean in an environment-friendly way and to residents in coastal areas;
4. Projects concerning the marine environmental improvement measures under Article 18 (1);
5. Marine environment-related research and development efforts;
6. Projects concerning examination, research, publicity and education on the marine environment;
7. Fishing industry support projects, such as providing assistance for fishermen suffering from marine pollution;
8. Projects prescribed by Presidential Decree as those necessary for developing technologies for eco-friendly vessels and using and distributing eco-friendly vessels;
9. Projects prescribed by Presidential Decree, which are related to the projects provided for in subparagraphs 1 through 8.

Article 22 (Prohibition of Discharge, etc. of Pollutants)

(1) No person shall discharge pollutants from ships into the sea: Provided, That the same shall not apply in the following cases: <Amended by Act No. 8788, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 10272, Apr. 15, 2010; Act No. 11690, Mar. 23, 2013>

1. Where wastes are discharged according to the following classification:

(a) Where it is intended to discharge wastes generated during the sailing or mooring of a ship, such wastes shall be discharged in conformity with the disposal criteria and method prescribed by Ordinance of the Ministry of Oceans and Fisheries in sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries;

(b) Where it is intended to discharge wastes prescribed by Ordinance of the Ministry of Oceans and Fisheries in a place in which it is intended to reclaim such wastes pursuant to Articles 28 and 35 of the Public Waters Management and Reclamation Act, such wastes shall be discharged in conformity with the disposal criteria and method prescribed by Ordinance of the Ministry of Oceans and Fisheries;

2. Where oil is discharged according to the following classification:

(a) Where a ship discharges oil, such oil shall be discharged in conformity with the disposal criteria and method prescribed by Ordinance of the Ministry of Oceans and Fisheries, in sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries;

(b) Where an oiler discharges its ballast water mixed with cargo oil, and cleaning water and bilge water from the cargo hold, such water shall be discharged in conformity with the disposal criteria and method prescribed by Ordinance of the Ministry of Oceans and Fisheries, in sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries;

(c) Where an oiler discharges its ballast water from the cargo hold, such water shall be discharged to satisfy the cleanness requirements prescribed by Ordinance of the Ministry of

Oceans and Fisheries;

3. Where noxious liquid substances are discharged according to the following classification:

(a) Where a noxious liquid substance is discharged, it shall be discharged in conformity with the method of pre-treatment and discharge prescribed by Ordinance of the Ministry of Oceans and Fisheries in sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries;

(b) Where ships' cleaned ballast water is discharged from a cargo hold (including facilities for discharging ballast water) used for the bulk transportation of noxious liquid substances prescribed by Ordinance of the Ministry of Oceans and Fisheries, it shall be discharged in conformity with the method of purification prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) No person shall discharge pollutants generated in places prescribed by Presidential Decree, such as marine facilities, bathing beaches, and estuaries (hereinafter referred to as "ocean space"), into the sea: Provided, That the same shall not apply in the following cases: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. Discharging wastes generated in marine facilities or ocean space (hereinafter referred to as "marine facilities, etc.") in conformity with the disposal criteria and method prescribed by Ordinance of the Ministry of Oceans and Fisheries in sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries;

2. Discharging oil or noxious liquid substances generated in marine facilities, etc. in conformity with the disposal criteria and method prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(3) Notwithstanding paragraphs (1) and (2), pollutants generated in ships, marine facilities, etc. may be discharged into the sea in any of the following cases: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. Where pollutants are inevitably discharged to ensure the safety of ships, marine facilities, etc. or to save lives;

2. Where pollutants are inevitably discharged due to damage to ships, marine facilities, etc.;

3. Where pollutants are inevitably discharged in an effort to minimize pollution damage by the method prescribed by Ordinance of the Ministry of Oceans and Fisheries in a pollution accident caused by ships, marine facilities, etc.

Article 22-2 (Ratio of Waste Discharge)

(1) Any vessel owner (including lessees of vessels) who intends to discharge waste, generated while the vessel is on a voyage or at anchor, into the waters prescribed by the Ordinance of the Ministry of Oceans and Fisheries, shall comply with the requirement for waste discharge ratio (meaning the amount of waste discharged per hour in relation to the draft and velocity of the vessel: hereinafter the same shall apply) approved by the Minister of the Oceans and Fisheries in accordance with the Ordinance of the Ministry of Oceans and Fisheries.

(2) Such matters as the types of waste to be approved on the ratio of discharge under

paragraph (1) and approval process for the ratio of discharge, etc. shall be prescribed by the Ordinance of the Ministry of Oceans and Fisheries.

Article 23 (Prohibition on Discharging Land-Based Wastes into Sea)

(1) No person shall discharge any land-based waste into the sea: Provided, That the Minister of Oceans and Fisheries may allow wastes prescribed by Ordinance of the Ministry of Oceans and Fisheries, the land disposal of which is impracticable, to be discharged into the sea in conformity with the disposal criteria and method prescribed by Ordinance of the Ministry of Oceans and Fisheries in sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries, within the extent not affecting the preservation and management of the marine environment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may permit an ocean waste discharge business entity to dispose of only the wastes, the ocean discharge of which may be allowed pursuant to the proviso to paragraph (1), and the entrusted disposal of which is reported by a person entrusting waste disposal pursuant to Article 76 (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries shall pre-inspect as to whether the waste in question falls under the wastes, the ocean discharge of which is allowed pursuant to the proviso to paragraph (1), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries may authorize a specialized inspection institution to conduct inspections under paragraph (3) on his/her behalf, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) Procedures for filing an application for the designation as waste discharge sea areas and designation procedures under the proviso to paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 24 (Marine Pollution Prevention Activities)

(1) The Minister of Oceans and Fisheries shall formulate and implement an ocean waste collection and disposal plan, as prescribed by Presidential Decree, in order to effectively collect and dispose of wastes (including wastes generated at sea; hereafter the same shall apply in this Article) discharged or flowing into the sea. In such cases, Mayors/Do Governors shall formulate and implement detailed action plans in accordance with the ocean waste collection and disposal plan. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Any sea area management authority may engage in examination or measurement activities prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as water analysis in ocean space, where deemed necessary to prevent pollution. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Any sea area management authority may operate ships or disposal facilities necessary

to prevent pollution, such as collection, disposal, examination, and measurement of wastes under paragraphs (1) and (2).

(4) Any sea area management authority may impose on a polluter all or part of the expenses incurred in relation to the collection, disposal, or keeping of wastes under paragraph (1), as prescribed by Presidential Decree.

Article 25 (Installation, etc. of Waste Pollution Prevention Facilities)

(1) Every ship owner (in the case of leased ships, referring to ship lessees: hereinafter the same shall apply) prescribed by Ordinance of the Ministry of Oceans and Fisheries shall install facilities to store or dispose of wastes generated on the ship and prescribed by Ordinance of the Ministry of Oceans and Fisheries (hereinafter referred to as "waste pollution prevention facilities") in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Every waste pollution prevention facility installed pursuant to paragraph (1) shall be maintained and operated in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 26 (Installation, etc. of Oil Pollution Prevention Facilities)

(1) Every ship owner shall install facilities for preventing the discharge of oil generated on the ship (hereinafter referred to as "oil pollution prevention facilities") in his/her ship or provide a container to storage waste oil. In such cases, ships subject thereto, criteria for installation, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Every ship owner shall have a hull structure, etc. capable of preventing the discharge of oil in the event of collision or stranding of the ship or other marine accidents. In such cases, ships subject thereto, criteria for hull structures, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Every oil pollution prevention facility installed pursuant to paragraph (1) shall be maintained and operated in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 27 (Installation, etc. of Noxious Liquid Substance Pollution Prevention Facilities)

(1) Every owner of a ship prescribed by Ordinance of the Ministry of Oceans and Fisheries, which transports noxious liquid substances in bulk, shall install a facility to store or dispose of such noxious liquid substances on the ship or a facility to prevent marine pollution which may be caused by such noxious liquid substances (hereinafter referred to as "noxious liquid substance pollution prevention facility") in conformity with the criteria set by Ordinance of

the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Every owner of a ship prescribed by Ordinance of the Ministry of Oceans and Fisheries, which transports noxious liquid substances in bulk, shall install and maintain a cargo hold on the ship in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries in order to prevent the discharge of the noxious liquid substances in the event of collision or stranding of the ship or other marine accidents. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Every ship owner referred to in paragraph (1) shall prepare a guidebook on the method of and facilities for the discharge of noxious liquid substances in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries and provide it to the master of the ship after obtaining an approval seal from the Minister of Oceans and Fisheries thereto. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Every noxious liquid substance pollution prevention facility installed pursuant to paragraph (1) shall be maintained and operated in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 28 (Restriction on Loading Ships' Ballast Water and Oil)

(1) No ship's ballast water shall be loaded in the cargo holds of the oilers prescribed by Ordinance of the Ministry of Oceans and Fisheries and fuel oil tanks of the ships prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the same shall not apply to the cases prescribed by Ordinance of the Ministry of Oceans and Fisheries, in which a trial run of a newly built ship is conducted and it is necessary to ensure the safety of a ship. <Amended by Act No. 8788, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) No oil shall be loaded in any tank installed in front of the forepeak tank and collision bulkhead of ships prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 29 (Transportation of Harmful Substances in Packaged Form)

Any person who intends to transport a harmful substance in packaged form by ship shall do so in accordance with the conditions of packing and marking, loading method, etc., as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 30 (Management of Ship Pollutant Registers)

(1) Every shipmaster (in the case of a towed ship, referring to the ship owner) shall keep registers as classified in the following (hereinafter referred to as "ship pollutant registers") on the ship (in the case of a towed ship, referring to the office of the ship owner) with respect to wastes, oil, and noxious liquid substances used, transported, or disposed of on the ship, and record the quantity of use, transportation, or disposal thereof: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. A waste register: A book which records the total quantity, etc. of wastes generated or disposed of on a ship in at least a specific size prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That where a marine environmental management business entity prepares and keeps a ledger of disposal pursuant to Article 72 (1), the waste register shall be substituted by such ledger of disposal;

2. An oil register: A book which records the quantities of oil used and disposed of on a ship: Provided, That ships prescribed by Ordinance of the Ministry of Oceans and Fisheries shall be excluded, and in the case of oilers, the quantity of oil shipped shall be recorded in addition to the quantities of oil used and disposed of;

3. A noxious liquid substance register: A book which records the quantities of shipment and disposal of noxious liquid substances which are shipped in bulk.

(2) The ship pollutant registers shall be kept for three years from the last entries, and detailed entries, method of keeping, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 31 (Management, etc. of Contingency Plans for Marine Pollution by Ships)

(1) Every ship owner shall prepare a contingency plan for marine pollution caused by oil and noxious liquid substances (hereinafter referred to as "contingency plan for marine pollution by ships"), which includes measures to be taken in the event that oil or noxious liquid substances are discharged into the sea, and shall keep the plan on the ship after obtaining an approval seal from the Commissioner of the Korea Coast Guard and shall implement measures, etc. specified in the contingency plan for marine pollution by ships. <Amended by Act No. 11479, Jun. 1, 2012; Act No. 12844, Nov. 19, 2014; Act No. 14516, Dec. 27, 2016; Act No. 14839, Jul. 26, 2017>

(2) If a ship owner who has obtained an approval seal on a contingency plan for marine pollution by ships under paragraph (1) intends to modify any important matters in the contingency plan for marine pollution by ships prescribed by Ordinance of the Ministry of Oceans and Fisheries, he/she shall prepare a modified contingency plan for marine pollution by ships and keep it on the relevant ship after obtaining the approval seal from the Commissioner of the Korea Coast Guard. <Newly Inserted by Act No. 15012, Oct. 31, 2017>

(3) The scope of ships required to keep a contingency plan for marine pollution by ships, entries therein, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 32 (Managers Responsible for Prevention of Marine Pollution by Ships)

(1) Ship owners prescribed by Ordinance of the Ministry of Oceans and Fisheries shall appoint a crew member of the ship as a marine pollution prevention manager to manage the prevention of discharge of pollutants and air pollutants from the ship, assisting the shipmaster. In such cases, where ships transport noxious liquid substances in bulk, at least one more marine pollution prevention manager in charge of noxious liquid substances shall

be appointed. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Every ship owner shall keep a document evidencing the appointment of a marine pollution prevention manager under paragraph (1) on the ship.

(3) If a marine pollution prevention manager becomes temporarily unable to perform his/her duties due to a trip, disease or any other reason, the ship owner who has appointed him/her pursuant to paragraph (1) shall appoint a substitute to perform the duties of the marine pollution prevention manager on his/her behalf. In such cases, the period during which the substitute performs the duties of the marine pollution prevention manager shall not exceed 30 days. *<Newly Inserted by Act No. 15012, Oct. 31, 2017>*

(4) A ship owner shall have a marine pollution prevention manager under paragraph (1) or the substitute for a marine pollution prevention manager under paragraph (3) direct and supervise the transfer or discharge of pollutants and air pollutants. *<Newly Inserted by Act No. 15012, Oct. 31, 2017>*

(5) Except as otherwise provided for in paragraphs (1) through (4), qualifications for, duties of, and matters to be observed by, a marine pollution prevention manager and his/her substitute, and other necessary matters shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 15012, Oct. 31, 2017>*

Article 32-2 (Management of Ship-to-Ship Oil Transfer)

(1) Every ship owner who intends to transfer oil cargos between oil tankers (hereinafter referred to as "ship-to-ship") on the sea shall prepare a plan stating matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as the transfer method (hereinafter referred to as "ship-to-ship oil transfer plan"), keep the plan in the ship after obtaining an approval seal from the Minister of Oceans and Fisheries, and comply with the plan during transfer. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Every shipmaster shall record matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, including the amount and time of transfer, on the oil register relating to the ship-to-ship oil transfer and keep the register for three years from the date of the last entry. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Every shipmaster who intends to engage in ship-to-ship oil transfer operations in a sea area or waters referred to in Article 3 (1) 1 and 2 shall first report the operation plan to the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Ships required to keep ship-to-ship oil transfer plans and procedures for obtaining the approval seal referred to in paragraph (1), the recording of ship-to-ship oil transfer operations referred to in paragraph (2), reporting items and methods referred to in paragraph (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 33 (Reporting on Marine Facilities)

(1) The owner of a marine facility (including installers and operators, and where such facilities are leased, referring to the lessees of such facilities; hereinafter the same shall apply) shall report on such facility to the Minister of Oceans and Fisheries. In the event of

any change to important matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, such change shall also be reported on. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14516, Dec. 27, 2017>

(2) Items of reporting on marine facilities, important matters subject to reporting for change, relevant procedures and other matters under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 14516, Dec. 27, 2016>

Article 34 (Management of Marine Facility Pollutant Registers)

(1) The owners of marine facilities handling oil and noxious liquid substances, which are prescribed by Ordinance of the Ministry of Oceans and Fisheries, shall keep an oil and noxious liquid substance register (hereinafter referred to as "marine facility pollutant register") in the facilities and record therein the quantities of oil and noxious liquid substances used, details regarding oil and noxious liquid substances brought into and out of the marine facilities, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) A marine facility pollutant register shall be kept for three years from the date of last entries, detailed entries, method of management, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 35 (Management, etc. of Contingency Plans for Pollution by Marine Facilities)

(1) The owner of a marine facility using and storing, or disposing of oil and noxious liquid substances shall prepare a contingency plan for marine pollution (hereinafter referred to as a "contingency plan for pollution by marine facilities") which includes measures to be taken in the event that oil and noxious liquid substances are discharged into the sea, keep it in the marine facility after obtaining an approval seal from the Commissioner of the Korea Coast Guard, and shall implement measures, etc. referred to in the contingency plan for pollution by marine facilities: Provided, That when it is impracticable to keep the contingency plan for pollution by marine facilities in the marine facility, it may be kept in the office of the owner of the marine facility. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14516, Dec. 27, 2016; Act No. 14839, Jul. 26, 2017>

(2) If the owner of a marine facility who has obtained an approval seal on a contingency plan for pollution by marine facilities under paragraph (1) intends to modify any important matters in the contingency plan for pollution by marine facilities prescribed by Ordinance of the Ministry of Oceans and Fisheries, he/she shall prepare a modified contingency plan for pollution by marine facilities and keep it in the relevant marine facility or the office of the owner of the relevant marine facility after obtaining an approval seal from the Commissioner of the Korea Coast Guard. <Newly Inserted by Act No. 15012, Oct. 31, 2017>

(3) Those required to maintain a contingency plan for pollution by marine facilities, entries and other matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 36 (Managers Responsible for Prevention of Marine Pollution by Marine

Facilities)

(1) The owner of a marine facility prescribed by Ordinance of the Ministry of Oceans and Fisheries shall appoint a marine pollution prevention manager to perform the duties to prevent discharge of pollutants from the marine facility, from among the employees working in the marine facility. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The owner of a marine facility shall keep a document evidencing the appointment of a marine pollution prevention manager in the marine facility: Provided, That when it is impracticable to keep an evidentiary document in the marine facility, it may be kept in the office of the owner of the marine facility.

(3) If a marine pollution prevention manager becomes temporarily unable to perform his/her duties due to a trip, disease or any other reason, the owner of a marine facility who has appointed him/her pursuant to paragraph (1) shall appoint a substitute to perform the duties of the marine pollution prevention manager on his/her behalf. In such cases, the period during which the substitute performs the duties of the marine pollution prevention manager shall not exceed 30 days. *<Newly Inserted by Act No. 15012, Oct. 31, 2017>*

(4) The owner of a marine facility shall have a marine pollution prevention manager under paragraph (1) or the substitute for a marine pollution prevention manager under paragraph (3) direct and supervise the transfer and discharge of pollutants and air pollutants. *<Newly Inserted by Act No. 15012, Oct. 31, 2017>*

(5) Except as otherwise provided for in paragraphs (1) through (4), qualifications for, duties of, and matters to be observed by, a marine pollution prevention manager and his/her substitute, and other necessary matters shall be prescribed by Presidential Decree. *<Amended by Act No. 15012, Oct. 31, 2017>*

Article 36-2 (Safety Inspections of Marine Facilities)

(1) The owner of a marine facility related to oil and noxious liquid substances, which is prescribed by Ordinance of the Ministry of Oceans and Fisheries, shall conduct a safety inspection of the marine facility.

(2) The owner of a marine facility who has conducted a safety inspection under paragraph (1) shall report, without delay, the result thereof to the Minister of Oceans and Fisheries, if requested by the Minister of Oceans and Fisheries or if any serious defect prescribed by Ordinance of the Ministry of Oceans and Fisheries is detected upon safety inspection. *<Amended by Act No. 15012, Oct. 31, 2017>*

(3) The owner of a marine facility who has conducted a safety inspection under paragraph (1) shall keep the results of the safety inspection for three years from the completion of the safety inspection. *<Newly Inserted by Act No. 15012, Oct. 31, 2017>*

(4) Where the safety of a marine facility referred to in paragraph (1) is deemed questionable due to a force majeure, natural disaster, or any other similar cause, the Minister of Oceans and Fisheries may conduct a safety inspection on his/her own. In such cases, the owner of the relevant marine facility shall actively cooperate therein.

(5) The owner of a marine facility referred to in paragraph (1) may authorize an agency specialized in safety inspections and equipped with facilities and equipment prescribed by Presidential Decree to conduct a safety inspection of the relevant facility on his/her behalf.

(6) Timing and methods for conducting safety inspections under paragraph (1), reporting items under paragraph (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 37 (Collection and Disposal of Pollutants in Ships and Marine Facilities)

(1) The owner of a ship or marine facility shall require any of the following persons to collect and dispose of the substances prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among the pollutants generated in the ship or marine facility: *<Amended by Act No. 8371, Apr. 11, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9872, Dec. 29, 2009; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 15012, Oct. 31, 2017>*

1. An installer or operator of a pollutant storage facility under Article 38 (1);
2. A person who engages in oil hold cleaning business under Article 70 (1) 3 (hereinafter referred to as "oil hold cleaning business entity").

(2) Notwithstanding paragraph (1), the owner of any of the following ships or marine facilities may require a waste disposal business entity under Article 25 (8) of the Wastes Control Act to collect and dispose of wastes generated in the relevant ship or marine facility as prescribed by Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 15012, Oct. 31, 2017>*

1. A marine facility (including a marine facility installed to connect a sea area to land) located on land;
2. A ship being built in the shipbuilding yard;
3. A ship undergoing a trial operation before filing registration under Article 8 (1) of the Ship Act or Article 13 (1) of the Fishing Vessels Act;
4. A small ship of less than 20 gross tons.

Article 38 (Pollutant Storage Facilities)

(1) Any sea area management authority shall install and operate a facility to store pollutants discharged from ships or marine facilities or discharged into the sea (hereinafter referred to as "pollutant storage facility").

(2) Any sea area management authority shall prepare and manage a ledger to manage pollutants brought into and out of a pollutant storage facility (hereinafter referred to as "pollutants management ledger"). In such cases, matters concerning ledger entries, preservation period, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Detailed criteria for the installation and operation of pollutant storage facilities under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 39 (Examination of Persistent Pollutants, etc.)

(1) The Minister of Oceans and Fisheries shall measure and examine the actual conditions,

extent, etc. of pollution by persistent pollutants, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, where the results of such measurement and examination show that there is a problem in the management of the marine environment, the Minister of Oceans and Fisheries shall take measures prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as prohibition on the use of, and request for restriction on the use of the relevant persistent pollutants. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15012, Oct. 31, 2017>

(2) The Minister of Oceans and Fisheries may request necessary materials from relevant administrative agencies, as prescribed by Presidential Decree, when conducting measurement or examination pursuant to paragraph (1). In such cases, the head of a relevant administrative agency shall comply therewith, except under special circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries shall determine and publicly notify the Korean standard methods of examination for persistent pollutants in order to ensure accuracy and consistency in conducting measurements and examinations under paragraph (1). In such cases, the publicly notified Korean standard methods of examination shall be deemed the Korean standard methods of examination for the marine environment referred to in Article 10. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15012, Oct. 31, 2017>

Article 40 (Prohibition on Use of Harmful Anti-Fouling Paints, etc.)

(1) No person shall use harmful anti-fouling paints, or facilities, etc. using such paints (hereinafter referred to as "harmful anti-fouling system") for ships, marine facilities, etc.

(2) Any person who intends to use anti-fouling paints, or to install facilities, etc. using such paints (hereinafter referred to as "anti-fouling system") for or in ships, marine facilities, etc. shall comply with the criteria and methods prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 41 (Installation of Facilities to Prevent Discharge of Air Pollutants, etc.)

(1) Each ship owner shall install a facility to prevent or reduce the discharge of air pollutants on the ship (hereinafter referred to as "air pollution prevention facility"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Each air pollution prevention facility installed pursuant to paragraph (1) shall be maintained and operated in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 41-2 (Calculation, etc. of Ship Energy Efficiency Design Indices)

(1) A person who intends to build, or conduct any of the following remodeling jobs for, a ship prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among the ships of at least 400 gross tons and used for international voyage, shall install a propulsion engine with at least the minimum output determined and publicly notified by the Minister of Oceans

and Fisheries and calculate the ship energy efficiency design index: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Remodeling to substantially change the length, width, depth, transport capacity, or engine output of a ship, as prescribed by Ordinance of the Ministry of Oceans and Fisheries;
2. Remodeling to change the use of a ship;
3. Remodeling to extend the service life of a ship, as prescribed by Ordinance of the Ministry of Oceans and Fisheries;
4. Remodeling, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, to substantially change the ship energy efficiency, such as a change exceeding the permissible level of the ship energy efficiency design index prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) No owner of any ship prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among the ships referred to in paragraph (1), shall build or remodel a ship, the ship energy efficiency design index of which calculated under paragraph (1) exceeds the permissible level of the ship energy efficiency design index prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 41-3 (Keeping Ship Energy Efficiency Management Plans)

(1) The owner of a ship prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among the ships of at least 400 gross tons and used for international voyage, shall prepare a plan stating the procedures and methods for the formulation, implementation, monitoring, evaluation, improvement, etc. of a plan for improving ship energy efficiency (hereinafter referred to as "ship energy efficiency management plan"), and keep it in the ship. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Details to be included in ship energy efficiency management plans, preparation method thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 42 (Regulation for Emission of Ozone Layer-Depleting Substances)

(1) No person shall emit (including emission generated during maintenance and repair or the placement of equipment or facilities of ships) ozone layer-depleting substances from ships: Provided, That the same shall not apply where ozone layer-depleting substances are leaked in the course of their retrieval.

(2) No ship owner shall equip the relevant ship with any installation containing ozone layer-depleting substances.

(3) When a ship owner removes any installation containing ozone layer-depleting substances, he/she shall deliver such facility to a company or organization designated and publicly notified by the Minister of Oceans and Fisheries. In such cases, the designated or publicly notified company or organization shall be equipped with retrieval facilities, accommodation facilities, etc. which meet the criteria set by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) The owner of a ship of at least 400 gross tons and used for international voyages shall prepare and manage a list of installations containing ozone layer-depleting substances. *<Newly Inserted by Act No. 10803, Jun. 15, 2011>*

(5) The owner of a ship referred to in paragraph (4) shall, when emitting ozone layer-depleting substances from the ship or replenishing the ship with ozone layer-depleting substances, prepare and keep a register which records the amount of the ozone layer-depleting substances, etc. (hereinafter referred to as "ozone layer-depleting substance register"). *<Newly Inserted by Act No. 10803, Jun. 15, 2011>*

(6) Entries in the ozone layer-depleting register referred to in paragraph (5) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Newly Inserted by Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

Article 43 (Regulation on Emission of Nitrogen Oxides)

(1) No ship owner shall operate diesel engines prescribed by Ordinance of the Ministry of Oceans and Fisheries in excess of the permissible emission level of nitrogen oxides specified in Article 76 (1) of the Clean Air Conservation Act: Provided, That the same shall not apply to diesel engines mounted on ships for the purpose of any emergency, such as emergency ships and lifeboats, and on public ships for the purpose of national defense and public security, such as military vessels and fleets of the Korea Coast Guard: *<Amended by Act No. 8404, Apr. 27, 2007; Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

(2) Notwithstanding paragraph (1), where it is possible to reduce the emission of nitrogen oxides below the permissible emission level referred to in the main sentence of paragraph (1) with the mounting of an exhaust fume-filter meeting the criteria set by Ordinance of the Ministry of Oceans and Fisheries, on a diesel engine, such diesel engine may be operated. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Such details as the time and method of applying permissible emission levels of nitrogen oxides for diesel engines referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Newly Inserted by Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

Article 44 (Sulfur Content Standards for Fuel Oil, etc.)

(1) No ship owner shall use fuel oil exceeding the sulfur content standards prescribed by Presidential Decree in sea areas, other than sulfur oxides emission control sea areas.

(2) No ship owner shall use fuel oil exceeding the sulfur content standards prescribed by Presidential Decree in sulfur oxides emission control sea areas: Provided, That the same shall not apply where the quantity of sulfur oxide emissions is reduced to below the permissible emission level of sulfur oxides prescribed by Ordinance of the Ministry of Oceans and Fisheries, with the mounting of an exhaust fume-filter meeting the criteria set by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Each ship owner shall record the matters prescribed by Ordinance of the Ministry of

Oceans and Fisheries, including the replacement of fuel oil, in the engineer's logbook in the event that the ship navigates in sulfur oxides emission control sea areas. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Each ship owner shall keep the engineer's logbook referred to in paragraph (3) in the ship for one year from the supply of the relevant fuel oil.

(5) Each ship owner shall keep a procedure manual stating the methods for conversion of fuel oil (hereinafter referred to as "procedure manual for fuel oil conversion") in the ship, which must be followed by the ship using fuel oil with different sulphur content stored in different tanks to meet the sulphur content standards for fuel oil referred to in paragraph (2) before entering or leaving sulphur oxides emission control sea areas. *<Newly Inserted by Act No. 10803, Jun. 15, 2011>*

Article 45 (Supply, Confirmation, etc. of Fuel Oil)

(1) None of the following persons who supplies fuel oil to ships (hereinafter referred to as "ship fuel oil supplier") shall supply ships with fuel oil which is below the quality standards for fuel oil prescribed by Presidential Decree or exceeds the standard sulfur content under Article 44 (1): *<Amended by Act No. 15011, Oct. 31, 2017>*

1. A person who is registered as a ship fuel oil supplier under Article 26-3 of the Harbor Transport Business Act;

2. Fisheries Cooperatives supplying tax-free fuel oil for the fishing industry pursuant to Article 106-2 of the Restriction of Special Taxation Act.

(2) Each ship fuel oil supplier shall prepare a fuel oil supply certificate which states sulfide compounds, etc. contained in the fuel oil, and provide a copy thereof to the ship owner together with a sample collected from the relevant fuel oil (hereinafter referred to as "fuel oil sample"): Provided, That the same shall not apply to ship fuel oil suppliers who supply fuel oil to small ships prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15011, Oct. 31, 2017>*

(3) Every ship fuel oil supplier (excluding those referred to in the proviso to paragraph (2)) shall keep fuel oil supply certificates under paragraph (2) in his/her principal office for three years, and ship owners shall keep copies thereof in their ships for three years. *<Amended by Act No. 15011, Oct. 31, 2017>*

(4) Every ship owner shall keep fuel oil samples from the supply of fuel oil until the use-up of such fuel oil: Provided, That this period shall be one year if such period is less than one year.

(5) Matters regarding the form of the fuel oil supply certificate, management of fuel oil samples under paragraph (2), etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(6) Where any of the following applies to a foreign ship fuel oil supplier, the Minister of Oceans and Fisheries may notify the fact to the relevant administrative authorities of the

country to which the foreign ship fuel oil supplier belongs and take other necessary measures: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15011, Oct. 31, 2017>

1. Where the foreign ship fuel oil supplier supplies fuel oil which is below the quality standards under paragraph (1) or exceeds the sulfur content standards;
2. Where the foreign ship fuel oil supplier is found to have supplied fuel oil different from that indicated in the fuel oil supply certificate.

Article 46 (Prohibition on Shipboard Incineration, etc.)

(1) No person shall incinerate any of the following aboard a ship while the ship is sailing or anchored: Provided, That the same shall not apply to the substance referred to in subparagraph 5 in a shipboard incinerator prescribed by Ordinance of the Ministry of Oceans and Fisheries: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

1. Residues of oil, noxious liquid substances, and harmful substances in packaged form, which are carried by freight, and packing materials contaminated with such substances;
2. Poly chlorinated biphenyl;
3. Wastes containing heavy metals above the permissible levels determined and publicly notified by the Minister of Oceans and Fisheries;
4. Refined petroleum products containing halogen compounds;
5. Polyvinyl chloride;
6. Wastes brought from land;
7. Residues in exhaust fume filters.

(2) Any ship owner, who intends to incinerate aboard the ship substances prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among the substances generated while the ship is sailing or anchored, shall operate an incinerator installed on the ship (hereinafter referred to as "shipboard incinerator") by the method prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as maintaining an appropriate temperature to prevent the emission of air pollutants. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Notwithstanding paragraph (2), the substances prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among the substances generated while the ship is sailing or anchored, may be incinerated in the main or auxiliary engine or boiler on the ship: Provided, That the same shall not apply to the sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as harbors and fishing port zones. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Shipboard incinerators shall be maintained in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 47 (Emission Control, etc. for Volatile Organic Compounds)

(1) The Minister of Oceans and Fisheries may determine and publicly notify volatile organic

compounds control ports to control the emission of volatile organic compounds from ships. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The owner of a marine facility, who installs a facility to load volatile organic compounds-containing oil or noxious liquid substances prescribed by Ordinance of the Ministry of Oceans and Fisheries on a ship in a volatile organic compounds control port designated pursuant to paragraph (1), shall install and operate an oil vapor emission control unit. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) When the owner of a marine facility referred to in paragraph (2) installs an oil vapor emission control unit, he/she shall first undergo an inspection conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the same shall not apply to air pollutant emission facilities, the installation of which is permitted or reported under Article 23 (1) of the Clean Air Conservation Act or volatile organic compounds emission facilities, the installation of which is reported under Article 44 (1) of the same Act. *<Amended by Act No. 8404, Apr. 27, 2007; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) The owner of a marine facility who has installed an oil vapor emission control unit under paragraph (2) shall keep a record of the operation of the oil vapor emission control unit, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, for three years from the date he/she starts operating such unit. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 47-2 (Management of Volatile Organic Compounds)

(1) The owner of an oiler transporting crude oil shall prepare a management plan which includes matters necessary to minimize the emission of volatile organic compounds when loading the oiler with freight or unloading freight from the oiler or on a voyage (hereinafter referred to as "volatile organic compounds management plan"), and keep such plan in the oiler after obtaining an approval seal from the Minister of Oceans and Fisheries, and shall comply with such plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Ships required to maintain volatile organic compounds management plans referred to in paragraph (1), entries therein, procedures for obtaining an approval seal, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 48 (Application Exceptions)

@Articles 41, 42 through 47, and 47-2 shall not apply in any of the following cases: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

1. Where air pollutants are inevitably emitted to ensure the safety of ships and marine facilities, or to save lives;
2. Where air pollutants are inevitably emitted due to damage to ships or marine facilities, etc.;
3. Where air pollutants prescribed by Ordinance of the Ministry of Oceans and Fisheries are

emitted in the course of exploiting and excavating submarine minerals on the seabed.

Article 49 (Regular Inspections)

(1) The owner of a ship on which waste pollution prevention facilities, oil pollution prevention facilities, noxious liquid substance pollution prevention facilities, and air pollution prevention facilities (hereinafter referred to as "marine pollution prevention facilities") must be installed or in which a hull structure referred to in Article 26 (2) and a cargo hold referred to in Article 27 (2) must be installed or maintained (hereinafter referred to as "ship subject to inspection") shall undergo an inspection conducted by the Minister of Oceans and Fisheries (hereinafter referred to as "regular inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, when he/she intends to use such marine pollution prevention facilities, hull, and cargo hold (hereinafter referred to as "marine pollution prevention facilities, etc.") for sailing for the first time after they are installed or when the term of validity under Article 56 expires. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries shall issue a certificate of marine pollution prevention inspection prescribed by Ordinance of the Ministry of Oceans and Fisheries to the ships that have passed a regular inspection. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 50 (Interim Inspections)

(1) The owner of a ship subject to inspection shall undergo an inspection conducted by the Minister of Oceans and Fisheries between regular inspections (hereinafter referred to as "interim inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) With respect to the ships which have passed an interim inspection, the Minister of Oceans and Fisheries shall indicate the findings thereof in a certificate of marine pollution prevention inspection issued under Article 49 (2). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Details such as the types of interim inspection and matters to be inspected shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 51 (Extraordinary Inspections)

(1) When the owner of a ship subject to inspection intends to replace, remodel, or repair marine pollution prevention facilities, etc., he/she shall undergo an inspection conducted by the Minister of Oceans and Fisheries (hereinafter referred to as "extraordinary inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) With respect to the ships which have passed an extraordinary inspection, the Minister of Oceans and Fisheries shall indicate the findings thereof in a certificate of marine pollution prevention inspection issued under Article 49 (2). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 52 (Inspections for Temporary Sailing)

(1) When the owner of a ship subject to inspection intends to temporarily use the ship for voyage before a certificate of marine pollution prevention inspection is issued under Article 49 (2), he/she shall undergo an inspection conducted by the Ministry of Oceans and Fisheries (hereinafter referred to as "inspection for temporary sailing"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, for the relevant marine pollution prevention facilities, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall issue a temporary certificate of marine pollution prevention inspection prescribed by Ordinance of the Ministry of Oceans and Fisheries to a ship which has passed an inspection for temporary sailing. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 53 (Anti-Fouling System Inspections)

(1) When the owner of a ship prescribed by Ordinance of the Ministry of Oceans and Fisheries intends to use an anti-fouling system for voyage after installing it on the ship pursuant to Article 40 (2), he/she shall undergo an inspection conducted by the Minister of Oceans and Fisheries (hereinafter referred to as "anti-fouling system inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall issue an anti-fouling system inspection certificate prescribed by Ordinance of the Ministry of Oceans and Fisheries to a ship which has passed an anti-fouling system inspection. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) When the owner of a ship referred to in paragraph (1) intends to modify or replace an anti-fouling system, he/she shall undergo an inspection conducted by the Minister of Oceans and Fisheries (hereinafter referred to as "temporary anti-fouling system inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) With respect to ships which have passed a temporary anti-fouling system inspection, the Minister of Oceans and Fisheries shall indicate the findings thereof in the anti-fouling system inspection certificate under paragraph (2). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 54 (Preliminary Inspections, etc. of Air Pollution Prevention Facilities)

(1) Any person who intends to manufacture, remodel, repair, maintain, or import air pollution prevention facilities prescribed by Ordinance of the Ministry of Oceans and Fisheries may undergo an inspection conducted by the Minister of Oceans and Fisheries (hereinafter referred to as "preliminary inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall issue a preliminary inspection certificate prescribed by Ordinance of the Ministry of Oceans and Fisheries to air pollution prevention facilities which have passed a preliminary inspection. <Amended by Act No. 8852, Feb. 29,

2008; Act No. 11690, Mar. 23, 2013>

(3) With respect to air pollution prevention facilities which have passed a preliminary inspection, a regular inspection, interim inspection, extraordinary inspection, and inspection for temporary sailing provided for in Articles 49 through 52 may be fully or partially omitted, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Matters regarding the items of a preliminary inspection, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 54-2 (Energy Efficiency Inspections)

(1) The owner of a ship referred to in Article 41-2 (1) or the owner of a ship referred to in Article 41-3 (1) shall undergo an inspection on ship energy efficiency conducted by the Minister of Oceans and Fisheries (hereinafter referred to as "energy efficiency inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall issue an energy efficiency inspection certificate prescribed by Ordinance of the Ministry of Oceans and Fisheries to a ship which has passed an energy efficiency inspection. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Matters regarding the time for applying for an energy efficiency inspection, matters to be inspected, inspection methods, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 55 (Issuance of Inspection Certificates under International Agreements, etc.)

(1) When the owner or master of a ship which has passed a regular inspection, interim inspection, extraordinary inspection, inspection for temporary sailing, and anti-fouling system inspection (hereinafter referred to as "marine pollution prevention ship inspections") applies for the issuance of an inspection certificate in compliance with an international agreement on marine pollution prevention in order to use the ship for international voyage (hereinafter referred to as "inspection certificate under international agreement"), the Minister of Oceans and Fisheries shall issue an inspection certificate under the international agreement, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where a ship owner or a ship master intends to obtain an inspection certificate under international agreement directly from the government of a foreign country which is a party to the international agreement (hereinafter referred to as "party to the agreement"), he/she shall apply therefor through the Korean consul residing in the relevant foreign country.

(3) Where the government of a country which is a party to the agreement applies for the issuance of an inspection certificate under international agreement for a ship belonging to the country, the Minister of Oceans and Fisheries may conduct the marine pollution prevention ship inspections with respect to the ship and issue an inspection certificate under international agreement to the ship owner or ship master. <Amended by Act No. 8852, Feb.

29, 2008; Act No. 11690, Mar. 23, 2013>

(4) An inspection certificate under international agreement issued under paragraphs (1) through (3) shall be deemed to have the same effect as a marine pollution prevention inspection certificate and anti-fouling system inspection certificate.

Article 56 (Validity of Marine Pollution Prevention Inspection Certificates, etc.)

(1) A marine pollution prevention inspection certificate, an anti-fouling system inspection certificate, an energy efficiency inspection certificate, and an inspection certificate under international agreement shall be valid for the following periods: <Amended by Act No. 11597, Dec. 18, 2012>

1. A marine pollution prevention inspection certificate: Five years;
2. An anti-fouling system inspection certificate: Permanent;
3. An energy efficiency inspection certificate: Permanent;
4. An inspection certificate under international agreement: Five years.

(2) The Minister of Oceans and Fisheries may extend the validity of a marine pollution prevention inspection certificate and an inspection certificate under international agreement under paragraph (1) within the scope prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The validity of a marine pollution prevention inspection certificate and an inspection certificate under international agreement of a ship which has failed to pass an interim inspection or extraordinary inspection shall be suspended until the ship passes the interim inspection or extraordinary inspection.

(4) The criteria for and method of computing the validity under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 57 (Voyage of Ships to Which Certificate of Marine Pollution Prevention Inspection, etc. is not Issued, etc.)

(1) No ship owner shall operate any ship for voyage, which is subject to inspection and to which a marine pollution prevention inspection certificate, temporary marine pollution prevention inspection certificate, anti-fouling system inspection certificate, or energy efficiency inspection certificate is not issued: Provided, That the same shall not apply where such ship makes a voyage to undergo a marine pollution prevention inspection, energy efficiency inspection, or shipbuilding inspection under Articles 7 through 12 of the Ship Safety Act. <Amended by Act No. 11597, Dec. 18, 2012>

(2) No ship owner shall operate any ship, to which an inspection certificate under international agreement is not issued, for international voyage.

(3) No ship owner shall operate any ship for voyage (including international voyage) in a manner violating any of the conditions indicated in the relevant marine pollution prevention inspection certificate, temporary marine pollution prevention inspection certificate, anti-fouling system inspection certificate, energy efficiency inspection certificate, and inspection certificate under international agreement (hereinafter referred to as "certificate of marine

pollution prevention inspection, etc."): Provided, That the same shall not apply where a ship makes a voyage to undergo a marine pollution prevention ship inspection, energy efficiency inspection, or shipbuilding inspection under Articles 7 through 12 of the Ship Safety Act. <Amended by Act No. 11597, Dec. 18, 2012>

(4) Any ship owner to whom a certificate of marine pollution prevention inspection, etc. has been issued shall keep the certificate of marine pollution prevention inspection, etc. in the relevant ship.

Article 58 (Measures against Noncompliant Ships)

(1) Where the Minister of Oceans and Fisheries deems that marine pollution prevention facilities, etc. and anti-fouling systems are not in compliance with the installation standards or technical standards under Articles 25 (1), 26 (1) and (2), 27 (1) and (2), 40 (2), and 41 (1), he/she may order the owner of the relevant ship to replace, remodel, change, or repair the marine pollution prevention facilities, etc. and antifouling systems or to take other necessary measures. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where a ship owner intends to continuously use or uses his/her ship against an order of replacement, etc. issued to address a material defect in marine pollution prevention facilities, etc. and anti-fouling systems, from among the orders for improvement under paragraph (1), the Minister of Oceans and Fisheries may suspend the voyage of such ship: Provided, That the same shall not apply where any justifiable ground exists, such as the voyage of the ship to a harbor for repair in order to comply with the orders for improvement without any fear of marine pollution. <Amended by Act No. 9872, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013>

(3) In any of the following cases, the Minister of Oceans and Fisheries may order the relevant ship owner to take necessary measures, such as corrections, replacement, remodeling, keeping, etc.: <Amended by Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

1. Where it is deemed that the ship energy efficiency fails to meet the calculation method or permissible level of the ship energy efficiency design index, or the minimum output of propulsion engine under Article 41-2;

2. Where a ship energy efficiency management plan is not in place.

Article 59 (Port State Control for Marine Pollution Prevention)

(1) Where the Minister of Oceans and Fisheries deems that marine pollution prevention facilities, etc. or anti-fouling systems installed on a foreign ship in any harbor, port, or coastal areas of Korea or ship energy efficiency thereof are not in compliance with the technical standards under an international agreement on marine pollution prevention, he/she may order the master of the foreign ship to replace, remodel, change, repair, or improve the marine pollution prevention facilities, etc., anti-fouling systems, or systems related to ship energy efficiency, etc. or to take other necessary measures (hereinafter referred to as "port state control"). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

(2) Articles 68 through 70 of the Ship Safety Act shall apply mutatis mutandis to procedures for enforcing port state control.

Article 60 (Re-inspection)

(1) Where a person who has undergone a marine pollution prevention ship inspection, preliminary inspection, or energy efficiency inspection has an objection to the results thereof, he/she may apply for re-inspection to the Minister of Oceans and Fisheries, stating the grounds therefor, within 90 days from the receipt of such results. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

(2) Upon receipt of an application for re-inspection pursuant to paragraph (1), the Minister of Oceans and Fisheries shall require a subordinate public official to conduct re-inspection and notify the applicant of the results thereof within 60 days: Provided, That under any unavoidable circumstances, the deadline for such notification may be extended for up to another 30 days. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) No person who has an objection to any marine pollution prevention ship inspection, preliminary inspection, or energy efficiency inspection shall institute an administrative litigation, without re-inspection under paragraphs (1) and (2): Provided, That the same shall not apply to the cases falling under Article 18 (2) and (3) of the Administrative Litigation Act. <Amended by Act No. 11597, Dec. 18, 2012>

Article 61 (Formulating and Implementing National Emergency Pollution Response Plan)

(1) The Commissioner of the Korea Coast Guard shall formulate and implement a national emergency pollution response plan to prevent and response to marine pollution, as prescribed by Presidential Decree, in preparation for cases where a pollutant prescribed by Ordinance of the Ministry of Oceans and Fisheries is feared to be or is discharged into the sea. In such cases, the Commissioner of the Korea Coast Guard shall first seek an opinion from the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) The national emergency pollution response plan shall be confirmed after deliberation by the Marine Fishery Development Committee under Article 7 of the Framework Act on Marine Fishery Development. <Amended by Act No. 9454, Feb. 6, 2009>

Article 62 (Establishment of Pollution Response Headquarters, etc.)

(1) The Commissioner of the Korea Coast Guard shall exercise overall control over emergency pollution response to marine pollution accidents and may establish a pollution response headquarters under his/her jurisdiction. <Amended by Act No. 10803, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) The Commissioner of the Korea Coast Guard shall report to the Minister of Oceans and Fisheries on the actions taken by the pollution response headquarters established pursuant to paragraph (1) and the results thereof, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(3) Matters necessary for the composition, operation, etc. of the pollution response

headquarters under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 10803, Jun. 15, 2011>

Article 63 (Duty to Report on Discharge of Pollutants)

(1) Where a pollutant exceeding the permissible emission level prescribed by Presidential Decree is discharged or feared to be discharged into the sea, any of the following persons shall report thereon, without delay, to the Commissioner of the Korea Coast Guard or the chief of the relevant coast guard station: <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

1. The master of a ship or the manager of a marine facility loaded with a pollutant, which is discharged or is feared to be discharged. In such cases, the same shall not apply where a person who has done an act which resulted in the discharge of the pollutant from the relevant ship or marine facility reports thereon;
2. A person whose act resulted in the discharge of a pollutant;
3. A person who has discovered the discharged pollutant.

(2) Matters regarding procedures for reporting, matters to be reported, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 64 (Pollution Response Measures upon Discharge of Pollutants)

(1) Any person who falls under Article 63 (1) 1 or 2 (hereinafter referred to as "person responsible for pollution response") shall take the following measures against discharged pollutants (hereinafter referred to as "pollution response measures"), as prescribed by Presidential Decree:

1. Prevention of discharge of pollutants;
2. Prevention of spread of discharged pollutants and removal thereof;
3. Collection and disposal of discharged pollutants.

(2) Where a pollutant is discharged from a ship located in a harbor or sea area adjacent to a harbor, any of the following persons shall actively cooperate with the person responsible for pollution response in taking pollution response measures:

1. Where the harbor concerned is used for loading the discharged pollutant, the consignor of the relevant pollutant;
2. Where the harbor concerned is used for unloading the discharged pollutant, the consignee of the relevant pollutant;
3. Where the pollutant is discharged while the ship is at her moorings, the manager of the relevant mooring facilities;
4. Other person whose act resulted in the discharge of the pollutant.

(3) Where a person responsible for pollution response fails to voluntarily take pollution response measures, the Commissioner of the Korea Coast Guard may order the person to take pollution response measures, setting a deadline. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(4) Where a person responsible for pollution response fails to comply with an order to take pollution response measures under paragraph (3), the Commissioner of the Korea Coast Guard may take the pollution response measures on his/her own. In such cases, expenses associated with such pollution response measures shall be borne by the person responsible for pollution response, as prescribed by Presidential Decree. *<Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

(5) Articles 5 and 6 of the Administrative Vicarious Execution Act shall apply mutatis mutandis to the collection of expenses incurred in directly taking pollution response measures pursuant to paragraph (4).

(6) Materials and chemicals used for taking pollution response measures against pollutants pursuant to paragraphs (1) through (4) shall be type-approved, verified, and recognized pursuant to Article 110 (4), (6), and (7) or verified pursuant to Article 110-2 (3): Provided, That the same shall not apply to materials used for pollution response measures against pollutants, which are recognized by the Commissioner of the Korea Coast Guard that such materials are needed for emergency pollution response measures and do not affect the marine environment. *<Newly Inserted by Act No. 10803, Jun. 15, 2011; Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

Article 65 (Measures to be Taken against Possible Discharge of Pollutants, etc.)

(1) Where pollutants are feared to be discharged from a ship or marine facility due to an accident, such as stranding, collision, sinking, or conflagration of the ship or marine facility, the owner or master of such ship or the owner of such marine facility shall take measures to prevent the discharge of pollutants, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Article 64 (3) and (4) shall apply mutatis mutandis to measures to prevent the discharge of pollutants under paragraph (1). In such cases, "person responsible for pollution response" shall be construed as "owner or master of a ship or the owner of a marine facility."

Article 66 (Keeping Materials and Chemicals, etc.)

(1) The port management authority and owners of ships and marine facilities shall keep and maintain materials and chemicals used for pollution response against or prevention of pollutants in storage facilities or in the relevant ships and marine facilities. *<Amended by Act No. 10803, Jun. 15, 2011>*

(2) Materials and chemicals to be kept and maintained pursuant to paragraph (1) shall be type-approved, verified, and recognized pursuant to Article 110 (4), (6), and (7) or verified pursuant to Article 110-2 (3). *<Amended by Act No. 10803, Jun. 15, 2011>*

(3) The kinds, quantity, methods of keeping materials and chemicals required to be kept and maintained pursuant to paragraph (1), standards for storage facilities, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

Article 67 (Placement, etc. of Pollution Response Vessels, etc.)

(1) The owner of any of the following ships or marine facilities shall place or install pollution response vessels or pollution response equipment (hereinafter referred to as "pollution response vessels, etc.") in sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries in accordance with the criteria set by Presidential Decree in preparation for oil spills into the ocean: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15012, Oct. 31, 2017>

1. An oiler of at least 500 gross tons;
2. A ship of at least 10,000 gross tons (limited to ships, excluding oilers);
3. An oil storage facility with a capacity of at least 10,000 kiloliters, registered as a marine facility.

(2) Any person required to place or install pollution response vessels, etc. pursuant to paragraph (1) (hereinafter referred to as "person responsible for placement") may jointly do so or entrust the placement or installation thereof to the Korea Marine Environment Corporation under Article 96 (1), as prescribed by Presidential Decree. <Amended by Act No. 15012, Oct. 31, 2017>

(3) The Commissioner of the Korea Coast Guard may issue to the persons who have failed to place or install pollution response vessels, etc. an order aimed at prohibiting ships' entry into or departure from ports, or suspending the use of facilities. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(4) Where pollutants are discharged or feared to be discharged from any ship or marine facility referred to in paragraph (1), the Commissioner of the Korea Coast Guard shall have a person responsible for placement take pollution response measures and measures to prevent discharge under Article 65. In such cases, when a person responsible for placement jointly places or installs pollution response vessels, etc. or entrusts the placement or installation thereof to the Korea Marine Environment Corporation pursuant to paragraph (2), he/she shall have the joint placer or installer, or the Korea Marine Environment Corporation jointly take pollution response measures and measures to prevent discharge. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017; Act No. 15012, Oct. 31, 2017>

Article 68 (Pollution Response Measures and Costs Bearing by Administrative Agencies)

(1) Where it is deemed that pollution response measures taken by the person responsible for pollution response, alone, are not enough to prevent large-scale spread of pollutants or that the emergency pollution response is required, the Commissioner of the Korea Coast Guard shall take pollution response measures on his/her own. <Amended by Act No. 10803, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) Notwithstanding paragraph (1), the heads of the relevant local governments or administrative agencies as classified in the following subparagraphs shall take pollution response measures against oil stuck to pebbles, sand, etc. on the shore: <Newly Inserted by Act No. 10803, Jun. 15, 2011>

1. Where oil affects shores under the jurisdiction of the head of one Si/Gun/Gu (referring to

the head of an autonomous Gu; hereinafter the same shall apply) only: The head of the relevant Si/Gun/Gu;

2. Where oil affects shores under the jurisdictions of the heads of at least two Sis/Guns/Gus: The relevant Mayor/Do Governor. In such cases, where oil affects shores under the jurisdictions of at least two Mayors/Do Governors, the respective Mayors/Do Governors having their own jurisdictions;

3. Pollution response measures for shores on which military facilities and other facilities prescribed by Presidential Decree are installed: The head of the relevant facility management institution.

(3) When the head of a Si/Gun/Gu or a Mayor/Do Governor takes pollution response measures referred to in paragraph (2), the Commissioner of the Korea Coast Guard shall support him/her with materials, chemicals, pollution response equipment, personnel, technology, etc. required for pollution response. <Newly Inserted by Act No. 10803, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(4) Expenses incurred in taking pollution response measures under paragraphs (1) and (2) may be borne by the owner of a ship or marine facility, as prescribed by Presidential Decree: Provided, That the same shall not apply in circumstances prescribed by Presidential Decree, including natural disasters. <Amended by Act No. 10803, Jun. 15, 2011>

(5) Articles 5 and 6 of the Administrative Vicarious Execution Act shall apply mutatis mutandis to the collection of expenses borne under paragraph (4). <Amended by Act No. 10803, Jun. 15, 2011>

Article 69 (Pollution Response Contributions)

(1) Any person responsible for placement shall pay a pollution response contribution required for marine pollution response measures, such as pollution response measures and measures for the prevention of discharge against oil spill accidents, etc. (hereinafter referred to as "pollution response contribution"). <Amended by Act No. 15012, Oct. 31, 2017>

(2) Pollution response contributions and surcharges under Article 69-2 (1) 3 shall be used for the projects under Article 97 (1) 3. <Amended by Act No. 15012, Oct. 31, 2017>

(3) Pollution response contributions shall be paid to the Korea Marine Environment Corporation under Article 96 (1), and matters regarding the criteria and procedure for the imposition of pollution response contributions under paragraphs (1) and (2) and others shall be prescribed by Presidential Decree. <Amended by Act No. 15012, Oct. 31, 2017>

Article 69-2 (Compulsory Collection of Pollution Response Contributions and Surcharges)

(1) If a person liable to pay a pollution response contribution fails to make payment by the due date, the Korea Marine Environment Corporation under Article 96 (1) shall collect a surcharge prescribed by Presidential Decree for the period from the date following the due date until the date of payment. In such cases, the surcharge shall not exceed 3/100 of the amount of the pollution response contribution in arrears.

(2) Where a person liable to pay a pollution response contribution fails to make payment by

the due date, the Korea Marine Environment Corporation shall demand payment, setting a period of at least 30 days; and if he/she fails to pay the pollution response contribution and the surcharge referred to in paragraph (1) within the specified period, they may be collected in the same manner as national taxes in arrears after obtaining approval therefor from the Minister of Oceans and Fisheries.

Article 69-3 (Submission of Data for Calculation, etc. of Pollution Response Contributions)

(1) For the purpose of the calculation, etc. of a pollution response contribution, the Korea Marine Environment Corporation under Article 96 (1) may request a person liable to pay the pollution response contribution to submit a manifest of the ship, data on the quantity of oil received in oil storage facilities, and other relevant data, as prescribed by Presidential Decree.

(2) A person requested to submit data under paragraph (1) shall comply with such a request, except in extenuating circumstances.

(3) Where necessary to verify the data submitted pursuant to paragraph (2), the Korea Marine Environment Corporation under Article 96 (1) may request the head of the related central administrative agency or the head of the related local government to submit necessary data.

Article 70 (Marine Environment Management Business)

(1) Any person who intends to run any of the following businesses (hereinafter referred to as "marine environmental management business") shall be registered with the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

1. Ocean waste discharge business: Dumping wastes into the sea with ships, facilities, and equipment needed therefor;

2. Marine pollution prevention business: Removing pollutants which are discharged or feared to be discharged into the sea with facilities and equipment needed therefor;

3. Oil hold cleaning business: Cleaning the oil holds of ships or collecting the pollutants therefrom with facilities and equipment needed therefor prescribed by Ordinance of the Ministry of Oceans and Fisheries, which are generated from ships or marine facilities (limited to cases where the marine facilities are storage facilities of oil or noxious liquid substances);

4. Ocean waste collection business: Collecting wastes with ships, equipment, and facilities needed for collecting wastes floating on the water surface or deposited on the seabed;

5. Deposited pollutants collection business: Dredging or collecting deposited pollutants with ships, equipment, and facilities needed therefor.

(2) Any person who intends to register a marine environmental management business shall have technical skills in the relevant fields, as prescribed by Presidential Decree, and have ships, equipment, facilities, etc. prescribed by Ordinance of the Ministry of Oceans and

Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(3) When a person whose marine environmental management business has been registered pursuant to paragraph (1) (hereinafter referred to as "marine environmental management business entity") intends to make important changes to the matters registered prescribed by Ordinance of the Ministry of Oceans and Fisheries, he/she shall file for registration of such change, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 70-2 (Assistance, etc. for Ocean Waste Discharge Business Entities)

(1) Where an ocean waste discharge business entity referred to in Article 70 (1) 1 closes his/her business on any ground prescribed by Presidential Decree, such as prohibiting the discharge of land-based wastes into the sea, the Minister of Oceans and Fisheries may formulate and execute assistance measures, such as arranging an alternative business, providing business closure assistance funds, and arranging loans. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Details regarding assistance measures referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 71 (Grounds for Disqualification)

None of the following persons is eligible to register marine environmental management business: <Amended by Act No. 12662, May 21, 2014; Act No. 15012, Oct. 31, 2017>

1. A person under adult guardianship;
2. Deleted; <by Act No. 15012, Oct. 31, 2017>
3. A person for whom one year has not passed since his/her imprisonment with labor or heavier punishment for violating this Act was completely executed (including cases where the execution is deemed terminated) or since the non-execution of such sentence became final and conclusive;
4. A person for whom one year has not passed since the revocation of the registration for marine environmental management business (excluding any revocation made under subparagraph 1);
5. A corporation, any executive officer of which falls under subparagraph 1, 3 or 4.

Article 72 (Duties of Marine Environmental Management Business Entities)

(1) Every marine environment management business entity shall prepare a statement with respect to ocean waste dumping, removal of pollutants, cleaning and collection of pollutants, collection of floating or deposited wastes, and dredging and collection of accumulated pollutants, etc., submit it to the Minister of Oceans and Fisheries or to the Commissioner of the Korea Coast Guard, and prepare a ledger to be kept in the relevant ship or facility. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) When a marine environmental management business entity collects pollutants from ships, or marine facilities, etc., he/she shall prepare a certificate of pollutants collection confirmation, as prescribed by Ordinance of the Ministry of Oceans and Fisheries and issue it to the relevant pollutants entrusting person. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(3) Every ocean waste discharge business entity shall keep and manage wastes subject to ocean dumping, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and discharge wastes into the sea pursuant to the proviso to Article 23 (1), and shall prepare a waste transfer/takeover form prescribed by Ordinance of the Ministry of Oceans and Fisheries and submit it to the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(4) Details regarding the method of preparation of and the period for keeping the statement of disposal results, the ledger of disposal, pollutants collection confirmation certificate, and the waste transfer/takeover form under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 73 (Orders for Disposal of Entrusted Wastes, etc.)

Where a marine environment management business entity (including suspension or closure of business) neglects to dispose of pollutants subject to disposal, such as wastes, the disposal of which is entrusted to him/her, as Commissioner of the Korea Coast Guard may order the appropriate disposal of such pollutants, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 74 (Succession, etc. of Marine Environmental Management Business)

(1) Where a marine environmental management business entity transfers his/her business to any other person or dies, or a corporate marine environmental management business entity merges with any other corporation, the transferee or successor of the business, or the corporation surviving the merger or the corporation resulting from the consolidation shall succeed to the rights and duties concerned.

(2) Any person who has fully taken over the installations or facilities of a marine environmental management business entity through an auction under the Civil Execution Act, conversion under the Debtor Rehabilitation and Bankruptcy Act, sale of seized property under the National Tax Collection Act, Customs Act, or Local Tax Collection Act, or other procedures equivalent thereto shall succeed to the rights and duties concerned. <Amended by Act No. 10219, Mar. 31, 2010; Act No. 14476, Dec. 27, 2016>

(3) Any person who has succeeded to the duties and rights of a marine environmental management business entity pursuant to paragraphs (1) and (2) shall report thereon to the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard, as prescribed by Ordinance of the Ministry of Oceans and Fisheries within one month.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(4) Article 71 shall apply mutatis mutandis to succession under paragraphs (1) and (2).

Article 75 (Revocation, etc. of Registration)

(1) Where a marine environmental management business entity falls under any of the cases specified in the following subparagraphs, the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may revoke the registration thereof or order the suspension of business (including the suspension of use of transportation ships or storage facilities only), within a given period of up to six months: Provided, That he/she shall revoke such registration where the marine environmental management business entity falls under any of the cases referred to in subparagraphs 1 through 4: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14516, Dec. 27, 2016; Act No. 14839, Jul. 26, 2017; Act No. 15012, Oct. 31, 2017>

1. Where the marine environmental management business entity falls under any subparagraph of Article 71: Provided, That the same shall not apply where a corporation which has an executive officer falling under subparagraph 1, 3 or 4 of Article 71 has replaced such executive officer within six months;

2. Where the marine environment management business entity has been registered, or registered for any change by fraud or other illegal means;

3. Where the marine environment management business entity is suspended for business on at least two occasions a year;

4. Where the marine environment management business entity conducts business activities during suspension;

5. Where the marine environment management business entity fails to comply with any terms and conditions of registration without any justifiable ground;

6. Where the marine environment management business entity violates any duty under Article 72;

7. Where the marine environment management business entity fails or refuses to comply with an order issued under Article 73;

8. Where the marine environment management business entity fails to conduct business activities within one year after registration or has no business performance for at least one year continuously without good cause.

(2) Detailed criteria for an administrative disposition under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries, based on the type, severity, etc. of the relevant offense. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 76 (Duties, etc. of Persons Entrusting Waste Disposal)

(1) Any person who intends to entrust the disposal of wastes to an ocean waste discharge business entity shall report thereon to the Minister of Oceans and Fisheries, as prescribed

by Ordinance of the Ministry of Oceans and Fisheries. In such cases, the same shall apply to any change to important reported matters prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Any person who has reported on the entrustment of wastes for disposal pursuant to paragraph (1) (hereinafter referred to as "person entrusting waste disposal") shall measure the ingredients, concentration, weight, and volume of the wastes he/she intends to entrust for disposal, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and entrust the disposal thereof in conformity with the criteria for and method of disposal prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Any person entrusting waste disposal may allow a person capable of measuring wastes to measure the ingredients, concentration, weight, and volume of wastes under paragraph (2) on his/her behalf, as prescribed by Presidential Decree.

Article 76-2 (Electronic Processing of Details, etc. of Waste Transfer/Takeover)

(1) The Minister of Oceans and Fisheries may build and operate an electronic information processing system to manage information on ocean waste discharge in a systematic and efficient manner. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where an ocean waste discharge business entity, from among marine environmental management business entities, submits a statement of disposal results under Article 72 (1) and a waste transfer/takeover form under Article 72 (3) using the electronic information processing system under paragraph (1), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, he/she shall be deemed to have performed his/her duty to submit and keep the relevant data. <Amended by Act No. 11690, Mar. 23, 2013>

Article 77 (Marine Pollution Impact Surveys)

(1) Where a pollutant is discharged into the sea from a ship or marine facility in at least the quantity prescribed by Presidential Decree, the owner of the ship or marine facility shall require a marine pollution impact survey institution to conduct a marine pollution impact survey.

(2) Marine pollution impact survey institutions referred to in paragraph (1) shall be designated and publicly notified by the Minister of Oceans and Fisheries in accordance with the criteria set by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where an entity required to conduct a marine pollution impact survey pursuant to paragraph (1) fails to do so within the period set by Presidential Decree or there is an urgent need for such survey, as prescribed by Presidential Decree, the Minister of Oceans and Fisheries shall select any other survey institution to conduct the marine pollution impact survey. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Where the Minister of Oceans and Fisheries intends to have a separate marine pollution impact survey conducted pursuant to paragraph (3), he/she shall submit the relevant matter

for deliberation by the Marine Fishery Development Committee under Article 7 of the Framework Act on Marine Fishery Development, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9454, Feb. 6, 2009; Act No. 11690, Mar. 23, 2013>

Article 78 (Areas and Subject Matters of Marine Pollution Impact Survey)

A marine pollution impact survey shall be conducted for areas to be adversely affected by pollutants, such as the natural environment, living environment, and socio-economic environment, and detailed subject matters in each area shall be prescribed by Presidential Decree.

Article 79 (Collection of Residents' Opinions)

(1) When preparing a survey report on marine pollution impact (hereinafter referred to as "marine pollution impact survey report"), any marine pollution impact survey institution shall hold an explanatory meeting or public hearing in advance to collect the opinions of the residents in the area subject to the survey and include them in the marine pollution impact survey report.

(2) When collecting residents' opinions pursuant to paragraph (1), any marine pollution impact survey institution shall draft a marine pollution impact survey report and provide the same to the residents for their prior confirmation.

Article 80 (Survey Costs)

(1) Costs associated with marine pollution impact surveys under Article 77 (1) and (3) shall be borne by the owner of a ship or marine facility which caused a marine pollution accident, as prescribed by Presidential Decree: Provided, That the same shall not apply to cases falling under natural disasters and other causes prescribed by Presidential Decree.

(2) Costs associated with marine pollution impact surveys under Article 77 (3) shall be collected in the same manner as national taxes in arrears.

Article 81 (Grounds for Disqualification of Survey Institutions)

None of the following persons shall be designated as a marine pollution impact survey institution: <Amended by Act No. 10803, Jun. 15, 2011; Act No. 12662, May 21, 2014; Act No. 14532, Jan. 17, 2017; Act No. 15012, Oct. 31, 2017>

1. A person under adult guardianship;
2. Deleted; <by Act No. 15012, Oct. 31, 2017>
3. A person for whom two years have not passed since the revocation of designation as a marine pollution impact survey institution (excluding any revocation made under subparagraph 1);
4. A person for whom one year has not passed since his/her imprisonment without labor or heavier punishment for violating this Act, the Water Environment Conservation Act, or the Clean Air Conservation Act was completely executed (including cases where the execution is deemed terminated) or since the non-execution of such sentence became final and conclusive;
5. A corporation, the representative of which falls under subparagraph 1, 3 or 4.

Article 82 (Revocation of Designation as Survey Institutions, etc.)

(1) Where a marine pollution impact survey institution falls under any of the following, the Minister of Oceans and Fisheries may revoke the relevant designation or issue an order for business suspension of up to one year: Provided, That he/she shall revoke the relevant designation where such institution falls under any of the cases in subparagraphs 1 through 4: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15012, Oct. 31, 2017>

1. Where the marine pollution impact survey institution has obtained designation by fraud or other illegal means;
2. Where the marine pollution impact survey institution fails to meet the criteria for designation under Article 77 (2);
3. Where the marine pollution impact survey institution falls under any subparagraph of Article 81: Provided, That the same shall not apply where the representative of a corporation who falls under subparagraph 1, 3 or 4 of Article 81 is replaced within six months;
4. Where the marine pollution impact survey institution has experienced suspension of business on at least two occasions a year;
5. Where the marine pollution impact survey institution lends its authority to any other person or subcontracts a marine pollution impact survey to any other institution en bloc;
6. Where the marine pollution impact survey institution fails to conduct a thorough survey, either intentionally or by gross negligence.

(2) Detailed criteria for an administrative disposition referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries, in consideration of the type, severity, etc. of the relevant offense. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 83 (Continuation of Business of Marine Pollution Impact Survey Institution Subject to Cancellation of Designation or Business Suspension)

(1) Any marine pollution impact survey institution subject to cancellation of designation or business suspension pursuant to Article 82 may continue its service for the marine pollution impact surveys, the contracts for which were concluded before being subjected to either of the above dispositions.

(2) Any marine pollution impact survey institution that continues to conduct an impact survey pursuant to paragraph (1) shall be deemed a marine pollution impact survey institution under this Act until its completion.

Article 83-2 (Management of Sunken Ships)

(1) The Minister of Oceans and Fisheries shall take the following measures to prevent additional marine pollution accidents which may be caused by a ship sunken under the sea after any marine accident defined in subparagraph 1 of Article 2 of the Act on the Investigation of and Inquiry into Marine Accidents (hereafter referred to as "sunken ship" in this Article): <Amended by Act No. 11690, Mar. 23, 2013>

1. Systemic management of information on the sunken ship;

2. Risk assessment with respect to possible marine pollution accidents by the sunken ship;
3. Implementation of risk-mitigation measures for the sunken ship.

(2) Where necessary, the Minister of Oceans and Fisheries may, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, request the Commissioner of the Korea Coast Guard to provide information that public officials belonging to the Korea Coast Guard have acquired in the course of performing their duties. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(3) Expenses incurred in taking the measures referred to in paragraph (1) 3 shall be borne by the owner of a sunken ship, as prescribed by Presidential Decree: Provided, That where it is impracticable to identify the ship owner, the expenses may be covered by selling the relevant sunken ship, as prescribed by Presidential Decree.

(4) Methods for assessing risks under paragraph (1) 2, detailed methods and procedures for taking risk-mitigation measures under paragraph (1) 3, methods for calculating and paying expenses under paragraph (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 84 (Consultation on Utilization of Sea Areas)

(1) The head of an administrative agency who intends to grant any of the following licenses, permission, designation, etc. (hereinafter referred to as "license, etc.") (hereinafter referred to as "license-granting agency") shall first consult with the Minister of Oceans and Fisheries on the propriety of utilization of sea areas referred to in Article 20 of the Act on Conservation and Utilization of the Marine Environment and its impact on the marine environment (hereinafter referred to as "consultation on utilization of sea areas"), as prescribed by Presidential Decree, before granting such license, etc. In such cases, the business subject to sea area utilization impact assessment under Article 85 (1) shall be deemed to have undergone the consultation on utilization of sea areas: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10272, Apr. 15, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14747, Mar. 21, 2017>

1. Permission to occupy or use public waters under Article 8 of the Public Waters Management and Reclamation Act (excluding permission to occupy or use public waters following permission to extract marine aggregates and designation of marine aggregate complexes under subparagraphs 5 and 6) and a license to reclaim public waters under Article 28 of the same Act;

2. Deleted; <by Act No. 10272, Apr. 15, 2010>

3. A license for fishery business under Article 8 of the Fisheries Act: Provided, That this shall apply only to licenses for fishery business in sea areas prescribed by Presidential Decree;

4. Designation of prospective areas for extraction of marine aggregates under Article 21-2 of the Aggregate Extraction Act;

5. Permission to extract marine aggregates under Article 22 of the Aggregate Extraction Act;

6. Designation of marine aggregate extraction complexes under Article 34 of the Aggregate

Extraction Act.

(2) Even where any other Act stipulates that permission to occupy or use or a license to reclaim public waters is deemed granted under the Public Waters Management and Reclamation Act, consultation on the utilization of sea areas shall be held in the application of paragraph (1) 1: Provided, That this shall not apply to any of the following: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10272, Apr. 15, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14516, Dec. 27, 2016>*

1. Business for taking emergency measures under Article 37 of the Framework Act on the Management of Disasters and Safety;

2. Business on which the Minister of National Defense consults with the Minister of Oceans and Fisheries as deemed necessary for confidentiality for military purposes or for urgent military operations, and which is determined and publicly notified by the Minister of Oceans and Fisheries.

(3) When a license-granting agency intends to consult on the utilization of sea areas with the Minister of Oceans and Fisheries pursuant to paragraph (1), it shall submit a sea area utilization consultation form prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) A license-granting agency may require a person who intends to engage in a business requiring a license, etc. (hereinafter referred to as "business subject to licensing"), which is subject to consultation on the utilization of sea areas pursuant to paragraph (1) (hereinafter referred to as "sea area utilization business entity"), to submit a separate form for sea area utilization consultation and may submit it in lieu of the sea area utilization consultation form referred to in paragraph (3). *<Amended by Act No. 10803, Jun. 15, 2011>*

(5) Any sea area utilization business entity may allow an assessment agent registered under Article 86 (1), on his/her behalf, to prepare sea area utilization consultation forms submitted to license-granting agencies pursuant to paragraph (4). *<Newly Inserted by Act No. 10803, Jun. 15, 2011>*

(6) The timing of consultation on the utilization of sea areas, and the method of preparing the sea area utilization consultation form under paragraphs (3) and (4), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 85 (Sea Area Utilization Impact Assessment)

(1) In consulting on the utilization of sea areas with the Minister of Oceans and Fisheries pursuant to Article 84, if the relevant business subject to licensing involves any of the following acts which is of at least the scale prescribed by Presidential Decree, a license-granting agency shall request the Minister of Oceans and Fisheries to assess its impact on the marine environment (hereinafter referred to as "sea area utilization impact assessment"): Provided, That this shall not apply to the businesses prescribed by Presidential Decree, from among those subject to environmental impact assessment under Article 22 of the Environmental Impact Assessment Act: *<Amended by Act No. 8852, Feb. 29, 2008; Act No.*

9037, Mar. 28, 2008; Act No. 9872, Dec. 29, 2009; Act No. 10272, Apr. 15, 2010; Act No. 10803, Jun. 15, 2011; Act No. 10892, Jul. 21, 2011; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

1. Dredging or digging the bottom of public waters referred to in Article 8 (1) 3 of the Public Waters Management and Reclamation Act;
2. Extracting earth, sand, or stone in public waters referred to in Article 8 (1) 6 of the Public Waters Management and Reclamation Act;
3. Affecting the depth of public waters, by dumping earth and stone into public waters referred to in Article 8 (1) 8 of the Public Waters Management and Reclamation Act;
4. Extracting submarine minerals defined in subparagraph 1 of Article 2 of the Submarine Mineral Resources Development Act;
5. Extracting minerals referred to in subparagraph 1 of Article 3 of the Mining Industry Act from public waters;
6. Using and developing deep sea water defined in subparagraph 1 of Article 2 of the Development and Management of Deep Sea Water Act;
7. Extracting marine aggregates under Article 22 of the Aggregate Extraction Act;
8. Designating marine aggregate extraction complexes under Article 34 of the Aggregate Extraction Act;
9. Other acts prescribed by Presidential Decree, which affect the marine environment.

(2) Where a license-granting agency requests a sea area utilization impact assessment from the Minister of Oceans and Fisheries, it shall also submit a statement on sea area utilization impact assessment prepared by a person who intends to engage in the business subject to licensing, that requires the sea area utilization impact assessment under any subparagraph of paragraph (1) (hereinafter referred to as "business entity subject to assessment"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where a business entity subject to assessment prepares a statement on sea area utilization impact assessment pursuant to paragraph (2), he/she shall hold an explanatory meeting or public hearing, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and take necessary procedures, including the collection of opinions of interested persons. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

(4) Where a business entity subject to assessment prepares a statement on sea area utilization impact assessment pursuant to paragraph (2), he/she may allow an assessment agent registered under Article 86 (1) to do so on his/her behalf.

(5) The details and method of preparing a statement on sea area utilization impact assessment, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 86 (Registration, etc. of Assessment Agents)

(1) Any person who intends to engage in the business of an agent to prepare sea area utilization consultation forms referred to in Article 84 (5) and statements on sea area utilization impact assessment referred to in Article 85 (4) (hereinafter referred to as "sea area utilization consultation form, etc.") shall file for registration with the Minister of Oceans and Fisheries, as prescribed by Presidential Decree, being equipped with the skills, facilities, and equipment prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, the same shall also apply where a person registered as an agent to conduct the business of preparing sea area utilization consultation forms, etc. (hereinafter referred to as "assessment agent") intends to make changes to the registered important matters prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

(2) When an assessment agent intends to close his/her business, he/she shall notify the Minister of Oceans and Fisheries of such fact. <Newly Inserted by Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(3) Procedures for registration as assessment agents, procedures for issuing certificates of registration and notifying closure of business under paragraphs (1) and (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

Article 87 (Grounds for Disqualification)

None of the following persons shall be registered as an assessment agent: <Amended by Act No. 12662, May 21, 2014; Act No. 15012, Oct. 31, 2017>

1. A person under adult guardianship;
2. Deleted; <by Act No. 15012, Oct. 31, 2017>
3. A person for whom two years have not passed since the revocation of registration as an assessment agent (excluding any revocation made under subparagraph 1);
4. A person for whom one year has not passed since his/her imprisonment with labor or heavier punishment for violating this Act was completely executed (including cases where the execution is deemed terminated) or since the non-execution of such sentence became final and conclusive;
5. A corporation, the representative director of which falls under subparagraph 1, 3 or 4.

Article 88 (Matters to be Observed by Sea Area Utilization Business Entities, etc.)

Sea area utilization business entities and business entities subject to assessment (hereinafter referred to as "sea area utilization business entities, etc.") or assessment agents shall observe the following, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

1. Not to reproduce the contents of any other sea area utilization consultation forms, etc.;
2. To keep sea area utilization consultation forms, etc. for the period prescribed by Ordinance of the Ministry of Oceans and Fisheries;
3. Not to prepare false materials which serve as a basis for sea area utilization consultation

forms, etc.;

4. Not to lend a registration certificate or the title thereof to any third person;

5. Not to subcontract, en bloc, tasks associated with sea area utilization consultation or sea area utilization impact assessment (hereinafter referred to as "sea area utilization consultation, etc.") contracted.

Article 89 (Revocation, etc. of Registration of Assessment Agents)

(1) Where an assessment agent falls under any of the following, the Minister of Oceans and Fisheries may revoke his/her registration or issue an order for business suspension for up to six months: Provided, That he/she shall revoke the relevant registration where the assessment agent falls under any of the cases specified in subparagraphs 1, 3 through 5, and 5-2: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14516, Dec. 27, 2016; Act No. 15012, Oct. 31, 2017>

1. Where the assessment agent has obtained registration or registration for modification by fraud or other illegal means;

2. Where the assessment agent fails to meet the requirements for skills, facilities, and equipment under the former part of Article 86 (1);

2-2. Where the assessment agent fails to file for registration for change under the latter part of Article 86 (1);

3. Where the assessment agent falls under any subparagraph of Article 87: Provided, That the same shall not apply where the representative of a corporation who falls under subparagraph 1, 3 or 4 of Article 87 is replaced within six months;

4. Where the assessment agent fails to commence the business of sea area utilization consultation, etc. within two years after registration or continues to have no business performance on sea area utilization consultation, etc. for at least two consecutive years;

5. Where the assessment agent who has been subject to business suspension on two occasions for the past one year and repeats an act constituting a ground for business suspension;

5-2. Where the assessment agent conducts business activities (including the conclusion of contracts), such as sea area utilization consultation, etc. during business suspension;

6. Where the assessment agent violates Article 88;

7. Where the assessment agent falsely prepares a sea area utilization consultation form, etc. or submits a poorly prepared sea area utilization consultation form, etc. either intentionally or by gross negligence.

(2) Detailed criteria for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries, in consideration of the types, severity, etc. of the relevant offenses. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 90 (Continuation of Business of Assessment Agent Subject to Cancellation of Registration or Business Suspension)

(1) Any assessment agent who has received a disposition of cancellation of registration or business suspension pursuant to Article 89 may continue to provide his/her service relating to the preparation of sea area utilization consultation forms, etc. contracted before receiving such disposition. <Amended by Act No. 10803, Jun. 15, 2011>

(2) Any assessment agent who continues to prepare sea area utilization consultation forms, etc. pursuant to paragraph (1) shall be considered to be an assessment agent under this Act until the completion of such business. <Amended by Act No. 10803, Jun. 15, 2011>

Article 91 (Notification, etc. of Opinions)

(1) Upon receipt of a request for sea area utilization consultation, etc. from a license-granting agency, the Minister of Oceans and Fisheries shall examine the sea area utilization consultation forms, etc. submitted and notify the license-granting agency of his/her opinions thereon, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall seek an opinion from an agency in charge of impact review following the sea area utilization consultation, etc., which is prescribed by Presidential Decree (hereinafter referred to as "sea area utilization impact review agency") before notifying his/her opinions on the sea area utilization consultation, etc. pursuant to paragraph (1): Provided, That the same shall not apply to businesses prescribed by Presidential Decree, which have an insignificant impact on the marine environment, from among the businesses subject to sea area utilization consultation, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries shall first seek an opinion from the Minister of Environment before notifying his/her opinions on the sea area utilization consultations on the areas falling under Article 84 (1) 4 and 6, pursuant to paragraph (1), if the relevant prospective area for marine aggregate extraction and marine aggregate extraction complex include coastal areas (referring to the areas within one kilometer towards land and ten kilometers towards sea based on the coastline). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) When a license-granting agency, notified of the opinions on the sea area utilization consultation, etc., grants a license, etc., it shall notify the Minister of Oceans and Fisheries thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 92 (Raising Objections)

(1) Where a sea area utilization business entity, etc. or a license-granting agency has an objection against the opinion notified by the Minister of Oceans and Fisheries pursuant to Article 91, it may file an objection with the Minister of Oceans and Fisheries within 90 days, as prescribed by Presidential Decree. In such cases, the sea area utilization business entity, etc. shall file an objection via the license-granting agency. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

(2) Upon receipt of an objection filed under paragraph (1), the Minister of Oceans and Fisheries shall examine whether the grounds for the objection are reasonable and notify the

person who raised such objection of the results thereof within 60 days, as prescribed by Presidential Decree: Provided, That the deadline for notification may be extended for up to another 30 days under unavoidable circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 93 (Ex Post Facto Management)

(1) Where a license-granting agency grants a license, etc. without the sea area utilization consultation, etc., or grants a license, etc. without reflecting opinions on the sea area utilization consultation, etc., the Minister of Oceans and Fisheries may request the relevant license-granting agency to take necessary measures, such as revoking the relevant license, etc., suspending business, removing and suspending the operation of structures, and restoring them to their original state. In such cases, the license-granting agency in question shall comply therewith, except under special circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Any license-granting agency shall verify whether sea area utilization business entities, etc. implement the opinion of the Minister of Oceans and Fisheries on the sea area utilization consultation, etc. under Article 84 (1), and order them to take necessary measures, as prescribed by Presidential Decree, where the sea area utilization business entities, etc. fail to do so. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where any license-granting agency fails to verify whether the opinion on the sea area utilization consultation, etc. is being implemented or substantially delays such verification, the Minister of Oceans and Fisheries may verify it on his/her own, notwithstanding paragraph (2); and where deemed necessary to implement the opinion on sea area utilization consultation, etc., he/she may request the license-granting agency to order suspension of construction work or to take other necessary measures. <Newly Inserted by Act No. 12662, May 21, 2014>

(4) When performing verification on his/her own under paragraph (3), the Minister of Oceans and Fisheries may seek opinions from a relevant expert or a sea area utilization impact review agency, etc. or request him/her/it to conduct an on-site investigation, or may request a sea area utilization business entity, etc. or the head of a license-granting agency to submit related data. <Newly Inserted by Act No. 15012, Oct. 31, 2017>

(5) Upon receipt of a request from the Minister of Oceans and Fisheries pursuant to paragraph (3) or (4), a licensing-granting agency shall comply therewith, except in extenuating circumstances. <Newly Inserted by Act No. 12662, May 21, 2014; Act No. 15012, Oct. 31, 2017>

Article 94 (Sea Area Utilization Consultation, etc. upon Revision of Business Plans)

(1) Where a sea area utilization business entity, etc. revises his/her business plan after obtaining a license, etc. from a license-granting agency, it shall again take the procedures for sea area utilization consultation, etc: Provided, That in cases where such revision has an insignificant impact on the marine environment as prescribed by Presidential Decree, such procedures shall be omitted. <Amended Act No. 10803, Jun. 15, 2011>

(2) Articles 84, 85, and 91 through 93 shall apply mutatis mutandis to the details of and procedures for sea area utilization consultation, etc. under the main sentence of paragraph (1). <Amended by Act No. 10803, Jun. 15, 2011>

Article 95 (Marine Environmental Impact Surveys, etc.)

(1) Any sea area utilization business entity, etc. shall survey the impact on the marine environment (hereinafter referred to as "marine environmental impact survey"), which may be caused by the business activities conducted after obtaining a license, etc. and notify the results thereof to the relevant license-granting agency and the Minister of Oceans and Fisheries. In such cases, the sea area utilization business entity, etc. may have an assessment agent conduct such marine environmental impact survey on his/her behalf. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where the Minister of Oceans and Fisheries deems that damage has been caused to the marine environment in light of the marine environmental impact survey results notified pursuant to paragraph (1), he/she shall allow the license-granting agency to take measures to reduce such damage to the marine environment, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as changing construction methods or reducing business size. In such cases, the license-granting agency shall notify the Minister of Oceans and Fisheries of the results of such measures. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(3) Deleted. <by Act No. 8852, Feb. 29, 2008>

(4) Matters regarding business activities subject to a marine environmental impact survey pursuant to paragraph (1), the items and period of the survey, etc. shall be prescribed by Presidential Decree. <Amended by Act No. 11479, Jun. 1, 2012>

Article 96 (Establishment of Corporation)

(1) The Korea Marine Environment Corporation (hereinafter referred to as the "Corporation") shall be established to carry out projects for the preservation, management, and improvement of the marine environment, marine pollution response projects, and projects for marine environment- and marine pollution-related technical development, education and training, etc. <Amended by Act No. 15012, Oct. 31, 2017>

(2) The Corporation shall be a legal entity.

(3) The Corporation may have branch offices, business offices, research institutes, educational institutes, etc., as prescribed by the articles of association.

Article 97 (Projects)

(1) The Corporation shall carry out the projects in each of the following subparagraphs:

1. Projects for the preservation and management of the marine environment;
2. Projects for the improvement of the marine environment specified in each of the following items:
 - (a) Collection and disposal of pollutants;
 - (b) Installation and operation of pollutants storage facilities, and trust management;
 - (c) Salvaging and towing of ships to prevent the discharge of pollutants;

(d) Marine environment-related testing, survey, research, design, development and supervision of construction;

3. Projects for responding to marine pollution detailed in each of the following items:

(a) Performance of marine pollution response duties, and placement and installation of pollution response vessels, etc. (including cases where such work is entrusted or executed vicariously);

(b) Provision of materials and chemicals necessary for marine pollution response, installation of storage facilities for such materials and chemicals, etc. (including cases where such work is entrusted or executed vicariously);

(c) Other projects prescribed by Presidential Decree, which are related to marine pollution response;

4. Projects incidental to those referred to in subparagraphs 1 through 3, which are prescribed by the articles of association;

5. Marine environment-related international cooperation and technical outsourcing;

6. Education and training, and PR on the marine environment;

7. Projects entrusted by the State or local governments in relation to subparagraphs 1 through 6;

8. Other projects prescribed by Presidential Decree, which are necessary to achieve the objective of the establishment of the Corporation.

(2) Where necessary for the preservation and management of the marine environment in performing the projects under paragraph (1), the Corporation may install facilities prescribed by Presidential Decree or transfer installed facilities to another person.

Article 98 (Articles of Association)

(1) The following shall be included in the articles of association of the Corporation:

1. Objectives;

2. Name;

3. Matters concerning the principal office, branch offices, business offices, or research institutes;

4. Matters concerning the qualifications of executive officers and employees;

5. Matters concerning the board of directors;

6. Matters concerning business affairs and the execution thereof;

7. Matters concerning property and accounting;

8. Matters concerning the method of amending the articles of association and method of giving public notice;

9. Matters concerning the enactment and amendment of internal rules and regulations.

(2) The Corporation shall obtain authorization for the articles of association from the Minister of Oceans and Fisheries. The same shall apply to any amendment to the articles of association of the Corporation. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 99 (Executive Officers)

(1) The executive officers of the Corporation shall consist of five to nine directors, including one president, and one auditor. In such cases, the fixed number of the directors shall be prescribed by the articles of association.

(2) The directors referred to in paragraph (1) shall consist of four standing directors and remaining non-standing directors.

(3) The Minister of Oceans and Fisheries shall appoint the president and the auditor. In such cases, the Minister of Oceans and Fisheries may dismiss the president or auditor even during his/her term of office if it is deemed difficult for them to perform their duties. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The president shall appoint directors, upon approval from the Minister of Oceans and Fisheries. In such cases, where it is deemed impracticable for any director to perform his/her duties, the president may dismiss the director even during his/her term of office. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) Each executive officer shall hold office for a term of three years, and may be re-appointed for further terms.

Article 100 (Duties of Executive Officers)

(1) The president shall represent the Corporation and exercise overall control over its affairs.

(2) The directors shall assist the president and take partial charge of the business affairs of the Corporation, as prescribed by the articles of association, and act for the president in the order prescribed by the articles of association if the president is unable to perform his/her duties due to unavoidable circumstances.

(3) The auditor shall audit the business affairs and accounts of the Corporation.

Article 101 (Grounds for Disqualification of Executive Officers)

(1) None of the following persons shall become an executive officer: <Amended by Act No. 12662, May 21, 2014>

1. A person who is not a national of the Republic of Korea;

2. A person under adult guardianship or a person under limited guardianship;

3. A bankrupt who has not yet been reinstated;

4. A person for whom two years have not passed since his/her imprisonment without labor or heavier punishment was completely executed (including cases where the execution is deemed terminated) or since the non-execution of such sentence became final and conclusive;

5. A person who is under the suspension of the sentence of imprisonment without labor or heavier punishment;

6. A person who has been disqualified or whose qualification has been suspended by a court ruling or under other Acts.

(2) Any executive officer who falls under any provisions of paragraph (1), or is proven to fall under any provisions of paragraph (1) as at the time he/she was appointed as an executive officer, shall automatically resign.

(3) Any act done by an executive officer who retired from office pursuant to paragraph (2)

before his/her retirement shall remain in effect.

Article 102 (Board of Directors)

(1) The board of directors shall be established in the Corporation to resolve on important matters concerning the business affairs of the Corporation.

(2) The board of directors shall be comprised of the president and directors, and the president shall convene the meetings of the board of directors and preside over such meetings.

(3) The board of directors shall pass a resolution with the attendance of a majority of the registered members and the consent of a majority of those present.

(4) The auditor may appear at the meetings of the board of directors and state his/her opinions.

(5) Matters necessary for the operation of the board of directors shall be prescribed by Presidential Decree.

Article 103 (Sources of Finance)

The funds needed to operate the Corporation and carry out its projects shall be financed by each of the following: *<Amended by Act No. 15012, Oct. 31, 2017>*

1. Pollution response contributions and surcharges under Article 69-2 (1);
2. Profits coming from the projects under Article 97;
3. Loans from outside lenders under Article 104 (3);
4. Funds created by the issue of bonds under Article 106;
5. Fees under Article 122 (2);
6. Earnings from asset management;
7. Subsidies from the Government;
8. Contributions under relevant statutes;
9. Other revenues prescribed by the articles of association.

Article 104 (Investments, etc.)

(1) The Corporation may make investments or donations in the fields related to the projects referred to in Article 97 upon a resolution by the board of directors, if necessary to efficiently perform its projects.

(2) Matters necessary for making investments or donations under paragraph (1) shall be prescribed by Presidential Decree.

(3) The Corporation may borrow funds (including borrowing funds from international organizations, foreign governments, or foreigners), if deemed necessary to carry out the projects referred to in Article 97. In such cases, it shall obtain approval from the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 105 (Gratuitous Lending of State or Public Property)

Notwithstanding the State Property Act, Commodity Management Act, Local Finance Act, and Public Property and Commodity Management Act, the State or a local government may gratuitously lend State or public property to the Corporation or permit the Corporation to use

State or public property for profit, for a period of up to five years. <Amended by Act No. 14516, Dec. 27, 2016>

Article 106 (Issuance of Bonds)

(1) The Corporation may issue bonds upon a resolution by the board of directors. In such cases, it shall obtain approval from the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall first consult with the Minister of Strategy and Finance before granting approval for the issuance of bonds under paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The State may guarantee the redemption of the principal and interest accrued from the bonds issued by the Corporation.

(4) The validity of such bonds shall be five years for the principal and two years for interest, commencing from the date of redemption.

(5) Other matters necessary for issuing bonds shall be prescribed by Presidential Decree.

Article 107 (Budget, Settlement of Accounts, etc.)

(1) The fiscal year of the Corporation shall coincide with that of the Government.

(2) The Corporation shall obtain approval for its business plan and budget for each fiscal year from the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. The same shall apply to any modification to the approved matters. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Corporation shall prepare a balance sheet of the settlement of accounts within three months after the end of each fiscal year and submit it to the Minister of Oceans and Fisheries for approval. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 108 (Guidance and Supervision over Affairs)

(1) The Minister of Oceans and Fisheries shall provide guidance and supervision over the affairs of the Corporation, and may give the Corporation directions or orders regarding its business affairs, if deemed necessary: Provided, That the Commissioner of the Korea Coast Guard may, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, provide guidance and supervision in connection with emergency pollution response measures, from among the projects referred to in Article 97 (1) 3. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) The Minister of Oceans and Fisheries may require the Corporation to report on its affairs, accounting, and property or require a subordinate public official to inspect its books, documents, and others, if deemed necessary. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 109 (Civil Act Applicable Mutatis Mutandis)

Except as otherwise provided for in this Act, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis to the Corporation.

Article 110 (Type Approval, etc. for Marine Environment Measuring Apparatus, etc.)

(1) Any person who intends to manufacture or import the equipment and apparatus necessary to measure, analyze, or examine the state of the marine environment under Article 12 (1) (hereinafter referred to as "marine environment measuring apparatus") shall obtain type approval from the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the same shall not apply to the manufacture and import of marine environment measuring apparatus for purposes of testing, research, or development, which are confirmed by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(2) Any person who intends to use marine environment measuring apparatus shall undergo an accuracy inspection conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and any person who intends to supply or use standard substances, such as a standard solution and standard gas (hereinafter referred to as "correctional article"), which are used for such inspection, shall obtain verification from the Ministry of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Any person who intends to manufacture, produce, or import marine pollution prevention facilities (excluding noxious liquid substance pollution prevention facilities), anti-fouling systems, and shipboard incineration facilities (hereinafter referred to as "facilities subject to type approval") prescribed by Ordinance of the Ministry of Oceans and Fisheries shall obtain type approval from the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the same shall not apply to the manufacture, production, or import of facilities subject to type approval for purposes of testing, research, or development, which are confirmed by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(4) Any person who intends to manufacture, produce, or import materials or chemicals used for removing or preventing pollutants pursuant to Article 66 (1) shall obtain type approval from the Commissioner of the Korea Coast Guard, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the same shall not apply to the manufacture, production, or import of materials or chemicals used for response to or prevention of pollutants for purposes of testing, research, or development, which are confirmed by the Commissioner of the Korea Coast Guard, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(5) Any person who intends to obtain type approval under paragraphs (1), (3), and (4), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, shall first undergo a performance test of marine environment measuring apparatus, facilities subject to type

approval, or materials or chemicals, which is conducted by the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(6) Where a person who has obtained type approval under paragraphs (1), (3), and (4) manufactures, produces, or imports marine environment measuring apparatus, facilities subject to type approval, or materials or chemicals, he/she shall obtain verification for each article from the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard. In such cases, any facility subject to type approval, or material or chemical granted verification shall be deemed to have passed an inspection first conducted, from among the marine pollution prevention ship inspections. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(7) Any person who installs a facility subject to type approval, or provides and keeps materials or chemicals on a ship in a country which is a party to the agreement shall obtain recognition from the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, articles so recognized shall be deemed to have obtained type approval, or to have undergone a performance test and verification under paragraphs (3) through (5). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(8) Article 60 shall apply mutatis mutandis to any objection against verification for facilities subject to type approval, or for materials and chemicals provided for in paragraph (6). In such cases, "inspection" and "re-inspection" in Article 60 shall be construed as "verification" and "re-verification," respectively. <Amended by Act No. 11479, Jun. 1, 2012>

(9) Where a person who has obtained type approval under paragraphs (1), (3), and (4) falls under any of the following, the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may revoke such approval, or issue an order for business suspension of up to six months, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That he/she shall revoke such approval if the person falls under subparagraph 1 or 2: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14516, Dec. 27, 2016; Act No. 14839, Jul. 26, 2017>

1. Where he/she has obtained type approval by fraud or other illegal means;
2. Where he/she has obtained verification by fraud or other illegal means;
3. Where he/she has sold marine environment measuring apparatus, facilities subject to type approval, or materials and chemicals, which fail to meet the required standards;
4. Where he/she has not conducted business for at least two consecutive years without justifiable grounds.

Article 110-2 (Certification of Performance)

(1) Any person who intends to manufacture, produce, or import materials or chemicals to prevent or control pollutants, other than the materials and chemicals provided for in Article

110 (4) (hereinafter referred to as "materials or pollutants excluded from type approval"), may obtain certification of performance from the Commissioner of the Korea Coast Guard in accordance with the procedures and methods prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14516, Dec. 27, 2016; Act No. 14839, Jul. 26, 2017>

(2) Any person who intends to obtain certification of performance under (1) shall first undergo a performance test conducted by the Commissioner of the Korea Coast Guard, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, on the materials or pollutants excluded from type approval. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14516, Dec. 27, 2016; Act No. 14839, Jul. 26, 2017>

(3) Where a person who has obtained certification of performance pursuant to paragraph (1) manufactures, produces, or imports the certified materials or pollutants excluded from type approval, he/she shall obtain verification from the Commissioner of the Korea Coast Guard, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14516, Dec. 27, 2016; Act No. 14839, Jul. 26, 2017>

(4) Where a person who has obtained certification of performance pursuant to paragraph (1) falls under any of the following cases, the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may revoke the relevant certification of performance, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

1. Where he/she has obtained such certification of performance by fraud or other illegal means;
2. Where he/she has obtained the relevant verification by fraud or other illegal means;
3. Where he/she has not conducted business for at least two consecutive years without justifiable grounds.

Article 110-3 (Succession of Status of Person Granted Type Approval, etc.)

(1) Any of the following persons shall succeed to the status of a person who has obtained type approval under Article 110 (1), (3) or (4) or certification of performance under Article 110-2 (1) (hereafter referred to as "business entity" in this Article):

1. Where a business entity transfers the business, the transferee of the business;
2. Where a business entity dies, the successor of the business;
3. Where a business entity who is a corporation merges with any other corporation, the corporation surviving the merger or resulting from the consolidation.

(2) A person who has succeeded to the status of a business entity pursuant to paragraph (1) shall file a report thereon with the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard, as prescribed by Ordinance of the Ministry of Oceans and Fisheries within one month from the date of succession.

Article 111 (Reporting, etc. on Dismantling of Ships)

(1) Any person who intends to dismantle a ship shall prepare a work plan to prevent the discharge of pollutants in the course of the dismantling process, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and report it to the Commissioner of the Korea Coast Guard by not later than seven days before the commencement of dismantling: Provided, That the same shall not apply where a ship is dismantled by the methods prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as dismantling conducted on land. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) Where a work plan reported pursuant to paragraph (1) is deemed insufficient or is deemed not implemented, the Commissioner of the Korea Coast Guard may issue an order for correction as necessary. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(3) Any sea area management authority may establish and operate a ship dismantling yard which conforms to the criteria for facilities and is equipped with apparatus, etc. prescribed by Ordinance of the Ministry of Oceans and Fisheries for the dismantling of neglected ships and their smooth disposal. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 112 (Acting as Agent in Performing Duties, etc.)

(1) The Minister of Oceans and Fisheries may allow the Korea Ship Safety Technology Authority provided for in Article 45 of the Ship Safety Act (hereinafter referred to as the "Korea Ship Safety Technology Authority") or a ship-classifying corporation provided for in Article 60 (2) of the same Act (hereinafter referred to as "ship-classifying corporation") to act as agent in performing the following duties. In such cases, the Minister of Oceans and Fisheries shall conclude an agreement, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14516, Dec. 27, 2016>

1. Issuing approval for the ratio of discharge under Article 22-2;

1-2. Issuing approval seals for guidebooks on the methods and facilities for discharging noxious liquid substances provided for in Article 27 (3);

1-3. Issuing approval seals for ship-to-ship oil transfer plans under Article 32-2 (1);

2. Conducting inspections of oil vapor discharge control units provided for in Article 47 (3);

2-2. Issuing approval seals for volatile organic compounds management plans under Article 47-2 (1);

3. Conducting inspections and preliminary inspections of marine pollution prevention ships and energy efficiency inspections: Provided, That the designation of an agent to inspect a facility for preventing the discharge of nitrous oxides from a diesel engine, from among air pollution prevention facilities, shall be first consulted on with the Minister of Environment;

4. Issuing marine pollution prevention inspection certificates provided for in Article 49 (2), temporary marine pollution prevention inspection certificates provided for in Article 52 (2), anti-fouling system inspection certificates provided for in Article 53 (2), preliminary inspection

certificates provided for in Article 54 (2), energy efficiency inspection certificates provided for in Article 54-2 (2), and inspection certificates under the international agreements provided for in Article 55 (1);

5. Extending the validity of marine pollution prevention inspection certificates and of inspection certificates under the international agreements provided for in Article 56 (2).

(2) The Commissioner of the Korea Coast Guard may allow the Korea Ship Safety Technology Authority or a ship-classifying corporation to act as agent in performing duties regarding the approval seal for contingency plans for marine pollution by ships. In such cases, the Commissioner of the Korea Coast Guard shall conclude an agreement, as prescribed by Presidential Decree. *<Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

(3) The Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may allow an agent who meets the criteria for designation prescribed by Ordinance of the Ministry of Oceans and Fisheries and determined and publicly notified by the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard to act as agent in performing duties regarding the type approval, accuracy inspections, performance tests, verification, and recognition provided for in Article 110 (1), (2), and (4) through (7), and performance tests and verification provided for in Article 110-2 (2) and (3). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

(4) Matters regarding the requirements for designation, and guidance and supervision of agents provided for in paragraph (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

Article 113 (Cancellation of Designation as Agents, etc. in Performing Duties)

(1) Where any of the following applies to an agent under Article 112 (1) through (3), the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may cancel the relevant agreement or designation as agent: Provided, That if subparagraph 1 applies to the agent, such agreement or designation shall be cancelled: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

1. Where the agency agreement or designation of agent is concluded or made by fraud or other illegal means;

2. Where the agent fails to meet any of the requirements for designation under Article 112 (4) (limited to the designation of an agent);

3. Where the agent fails to act as agent in performing duties for at least three months without justifiable grounds;

4. Where the person who performs duties as agent violates any provisions of the agreement concluded in relation to such duties.

(2) Notwithstanding paragraph (1), where a person designated as an inspection agent

through consultation under the proviso to Article 112 (1) 3 violates any provisions of the agreement under Article 112 (1), the Minister of Environment may request the Minister of Oceans and Fisheries to cancel the relevant agreement. In such cases, the Minister of Oceans and Fisheries shall comply therewith, except under extenuating circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for cancelling agency agreements or designation of agents under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 114 (Cooperation of Relevant Administrative Organs)

(1) Sea area management authorities or the Commissioner of the Korea Coast Guard may, where deemed necessary to achieve the objective of this Act, request the head of a relevant administrative organ to provide data and information needed for marine environmental management or marine pollution prevention, and mobilize personnel and equipment for urgent marine pollution prevention, respectively. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) The Corporation may, where necessary to conduct its businesses under Article 97, request relevant administrative organs to render necessary cooperation such as perusal, reproduction, etc. of data or information.

(3) The heads of the relevant administrative organs requested to render cooperation by sea area management authorities, the Commissioner of the Korea Coast Guard, or the Corporation pursuant to paragraphs (1) and (2) shall comply therewith, in the absence of special circumstances. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 115 (Entrance for Inspection, Reporting, etc.)

(1) The Minister of Oceans and Fisheries may, as prescribed by Presidential Decree, allow a subordinate public official to enter a ship to verify and inspect the related documents, facilities, equipment, and fuel oil. <Amended by Act No. 9872, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may, as prescribed by Presidential Decree, allow a subordinate public official to request necessary materials or a report from any of the following persons and to enter the facilities (including business places and offices; hereafter the same shall apply in this Article) for verification and inspection or to inspect the related documents, facilities, or equipment: <Amended by Act No. 15011, Oct. 31, 2017; Act No. 15012, Oct. 31, 2017>

1. The owner of a marine facility (excluding the duties prescribed in Articles 34 through 36, 66 and 67);
2. A ship fuel oil supplier;
3. The owner of a marine facility which has installed oil vapor discharge control units under Article 47 (2);

4. A person who engages in the ocean waste discharge business, deposited pollutants collection business, ocean waste collection business, and deposited pollutants collection business under Article 70 (1) 1, 4 and 5;

5. A person entrusting waste disposal;

6. A person who has obtained type approval under Article 110 (3).

(3) The Commissioner of the Korea Coast Guard may, as prescribed by Presidential Decree, allow a subordinate public official (applicable only to public officials designated as marine environmental guards under Article 116; hereafter the same shall apply in this Article) to request necessary materials or a report from any of the following persons, and to enter the facilities for verification and inspection or to inspect the related documents, facilities, or equipment: *<Amended by Act No. 15012, Oct. 31, 2017>*

1. The owner of a marine facility (applicable only to the duties provided for in Articles 34 through 36, 66 and 67);

2. A persons who engages in the marine pollution prevention business or oil hold cleaning business under in Article 70 (1) 2 or 3.

(4) Notwithstanding paragraph (1), where an emergency prescribed by Presidential Decree occurs aboard a ship in connection with marine pollution, the Commissioner of the Korea Coast Guard may allow a subordinate public official to enter the ship for verification or inspection or to inspect the related documents, facilities, or equipment. *<Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

(5) Any public official who makes an entrance for inspection, etc. under paragraphs (1) through (4) shall carry a certificate indicating his/her authority and present it to interested persons, and shall inform them of the purpose of entrance, his/her name, etc. in detail. *<Amended by Act No. 9872, Dec. 29, 2009>*

(6) No interested person, such as a ship owner, shall refuse, interfere with, or evade the entrance for inspection, request for materials, reports, etc. by public officials under paragraphs (1) through (4) without justifiable grounds. *<Amended by Act No. 9872, Dec. 29, 2009>*

(7) With respect to the entrance for inspection, and reports, the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may build and use computer networks to deal with affairs, including guidance and inspections, advance notice of inspections, and notification of the inspection results, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9872, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

Article 116 (Marine Environmental Guards)

(1) The Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may designate subordinate public officials as marine environmental guards to perform the duties under Article 115 (1) through (4). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9872, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No.*

14839, Jul. 26, 2017>

(2) Matters regarding appointment, qualifications, duties, etc. of marine environmental guards under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 9872, Dec. 29, 2009>

Article 117 (Stopping, Search, Seizure of Ships, Prohibition of Ships from Entry into or Departure from Ports, etc.)

Where it is deemed that a ship is suspected of violating this Act, sea area management authorities or the Commissioner of the Korea Coast Guard may stop, search, and seize the ship or prohibit the ship from entering into or departing from a port, or issue necessary orders or take necessary measures. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

Article 118 (Confidentiality, etc.)

(1) No current or former executive officer or employee of an assessment agent or a sea area utilization impact review agency shall divulge or wrongfully use confidential information he/she has become aware of in the course of performing his/her duties regarding preparation of sea area utilization consultation forms, etc. and sea area utilization impact review. <Amended by Act No. 10803, Jun. 15, 2011>

(2) No current or former executive officer or employee of the Corporation shall divulge or wrongfully use confidential information he/she has become aware of in the course of performing his/her duties.

(3) No current or former executive officer or employee of an institution or organization which acts as an agent in performing duties under Article 112 shall divulge or wrongfully use confidential information he/she has become aware of in the course of performing such duties.

Article 119 (Subsidies from National Treasury, etc.)

(1) Where a local government takes any of the following measures, subsidies may be granted from the National Treasury to fully or partially cover the associated expenses:

1. Marine environmental improvement measures under Article 18;
2. Operation of ships or disposal facilities to collect and dispose of wastes under Article 24 (3);
3. Installation and operation of pollutant storage facilities under Article 38 (1).

(2) The State may provide a financial support to cover the expenses incurred in installing or improving marine pollution prevention facilities, pollutant storage facilities, and other marine pollution prevention facilities.

(3) The State or a local government may provide support to civil organizations which work for the preservation and management of the marine environment and marine pollution prevention, as prescribed by Presidential Decree.

Article 119-2 (Monetary Rewards for Reporting)

(1) The Minister of Oceans and Fisheries, the Commissioner of the Korea Coast Guard, a Mayor/Do Governor, or the head of a Si/Gun/Gu may pay a monetary reward, within budgetary limits, to those who report any of the following persons to the competent

administrative agency or investigative agency: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

1. A person who discharges pollutants generated from a ship or marine facilities, etc., in violation of Article 22 (1) or (2);
2. A person who discharges wastes into the sea, other than the sea area prescribed by Ordinance of the Ministry of Oceans and Fisheries, in violation of Article 23 (1).

(2) Standards, methods, and procedures for the payment of the monetary reward under paragraph (1), the specific amount to be paid, and other necessary matters shall be prescribed by Presidential Decree.

Article 120 (Hearings)

The Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard shall hold a hearing, as prescribed by the Administrative Procedures Act, in order to impose any of the following dispositions: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

1. Revocation of certification of measuring and analyzing capabilities under Article 13 (3);
2. Revocation of registration under Article 75;
3. Revocation of designation under Article 82;
4. Revocation of registration under Article 89;
5. Revocation of type approval under Article 110 (9);
6. Revocation of certification of performance under Article 110-2 (4).

Article 121 (Education and Training for Marine Pollution Prevention Managers, etc.)

(1) The Minister of Oceans and Fisheries may operate education or training programs so that the marine pollution prevention managers referred to in Articles 32 and 36 or the technical staff engaging in the marine environmental management business under Article 70

(2) may receive education or training on marine pollution prevention and pollution response.

(2) Any person who has appointed a marine pollution prevention manager under Articles 32 and 36, and any person who has employed technical staff engaging in the marine environmental management business under Article 70 (2) shall have the relevant employees receive education and training referred to in paragraph (1) at least once every five years, as prescribed by Presidential Decree: Provided, That where such employees are aboard a ship, such education and training may be postponed for up to one year, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 122 (Fees)

(1) Any person who intends to obtain or receive type approval, accuracy inspection, certification, approval seal, approval (limited to the approval for the ratio of discharge referred to in Article 22-2), inspection, performance test, verification, recognition, and certification of performance under this Act shall pay required fees, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19,

2014; Act No. 14516, Dec. 27, 2016; Act No. 14839, Jul. 26, 2017>

(2) The Corporation may collect fees for the provision of materials and chemicals, pollution response, or the placement and installation of pollution response vessels, etc. as prescribed by the articles of association in order to conduct its businesses under Article 97.

(3) Any agent designated under Article 112 who executes type approval, accuracy inspection, approval seal, approval (limited to the approval for the ratio of discharge referred to in Article 22-2), inspection, performance test, verification, and recognition may collect fees. In such cases, prior approval shall be obtained from the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14516, Dec. 27, 2016; Act No. 14839, Jul. 26, 2017>

Article 123 (Delegation and Entrustment)

(1) The Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard may delegate or entrust part of his/her authority under this Act to the head of an agency under his/her jurisdiction, the head of another administrative agency, or the head of a local government, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) A Mayor/Do Governor may delegate part of his/her authority under this Act to the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(3) The Minister of Oceans and Fisheries and Mayor/Do Governor may entrust the following duties to the president of the Corporation: <Amended by Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14516, Dec. 27, 2016>

1. Organizing marine environmental measuring networks and regularly measuring the state of the marine environment under Article 9 (1);
2. Building marine environmental information networks, providing marine environmental information, and requesting the submission of related materials under Article 11;
3. Accuracy control for measuring and analyzing institutes under Article 12 (1);
4. Managing marine environmental improvement measures under Article 18 (1);
5. Operating ships or disposal facilities under Article 24 (3);
6. Installing and operating pollutant storage facilities under Article 38 (1);
7. Installing and operating storage facilities under Article 66 (1);
8. Installing and operating ship dismantling yards under Article 111 (3);
9. Operating education and training programs for marine pollution prevention managers, etc. under Article 121 (1).

Article 124 (Legal Fiction as Public Official in Application of Penalty Provisions)

Executive officers and employees of sea area utilization impact review agencies under Article 91 (2), the Corporation, and agencies related to type approval, inspection, performance test, verification, etc. under Article 112 shall be deemed public officials in the application of penalty provisions under Articles 129 through 132 of the Criminal Act.

<Amended by Act No. 10803, Jun. 15, 2011>

Article 125 Deleted. <by Act No. 14747, Mar. 21, 2017>

Article 126 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for up to five years or by a fine of up to 50 million won: *<Amended by Act No. 14516, Dec. 27, 2016>*

1. A person who discharges oil, noxious liquid substance, or harmful substance in packaged form, from ships or marine facilities in violation of Article 22 (1) and (2);
2. A person who violates an order under Article 93 (2).

Article 127 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for up to three years or by a fine of up to 30 million won: *<Amended by Act No. 14516, Dec. 27, 2016>*

1. A person who discharges wastes from ships or marine facilities in violation of Article 22 (1) and (2);
2. A person who discharges oil, noxious liquid substance, or harmful substance in packaged form, from ships or marine facilities by negligence in violation of Article 22 (1) and (2);
3. A person who operates a ship for navigation in violation of Article 57 (1) through (3);
4. A person who fails to take pollution response measures or violates an order to take measures under Article 64 (1) or (3);
5. A person who fails to take measures to prevent discharge of pollutants under Article 65 or violates an order to take measures.

Article 128 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for up to two years or by a fine of up to 20 million won: *<Amended by Act No. 10803, Jun. 15, 2011; Act No. 11479, Jun. 1, 2012; Amended by Act No. 14516, Dec. 27, 2016>*

1. A person who discharges wastes from ships or marine facilities by negligence in violation of Article 22 (1) and (2);
2. A person who navigates a ship without installing a waste pollution prevention facility pursuant to Article 25 (1);
3. A person who navigates a ship without installing an oil pollution prevention facility under Article 26 (1);
4. A person who navigates a ship without installing a hull structure, etc. under Article 26 (2);
5. A person who navigates a ship without installing a noxious liquid pollution prevention facility under Article 27 (1);
6. A person who installs a cargo hold on a ship in violation of Article 27 (2);
7. A person who uses harmful anti-fouling paints or harmful anti-fouling systems in violation of Article 40 (1) and (2), or fails to use or install anti-fouling paints or anti-fouling systems in conformity with legitimate criteria and methods;
8. A person who fails to place or install pollution response vessels, etc. in violation of Article 67 (1);
9. A person who violates an order to prohibit ships from entering into and departing from a

- port or an order to suspend the use of facilities under Article 67 (3);
10. A person who conducts a marine environment management business without making registration under Article 70 (1);
 11. A person who conducts business activities after his/her registration has been cancelled, or during the period of business suspension after receiving a business suspension order, pursuant to Article 75;
 12. A person who fails to conduct a marine pollution impact survey provided for in Article 77 (1);
 13. A person who conducts business activities after the designation thereof has been cancelled, or during the period of business suspension after receiving a business suspension order, pursuant to Article 82 (1) and Article 89 (1);
 14. A person who falsely prepares a sea area utilization consultation form provided for in Article 84 (4) or a statement on sea area utilization impact assessment provided for in Article 85 (2);
 15. A person who acts as an agent in preparing a sea area utilization consultation form, etc. without making registration as an assessment agent under the former part of Article 86 (1);
 16. A person who falsely states the results of a marine environmental impact survey under Article 95 (1);
 - 16-2. A person who sells marine environment measuring apparatus exempt from type approval pursuant to the proviso to Article 110 (1), facilities subject to type approval pursuant to the proviso to Article 110 (3), or materials or chemicals used for response against or prevention of pollutants pursuant to the proviso to Article 110 (4);
 17. A person who conducts business activities after the type approval or verification has been cancelled, or during the period of business suspension after receiving a business suspension order, pursuant to Article 110 (9);
 - 17-2. A person who sells materials or chemicals excluded from type approval, which he/she has manufactured, produced or imported, carrying an indication of certification of performance, despite the fact that he/she has not obtained any certification of performance for such materials or chemicals excluded from type approval pursuant to Article 110-2 (1) or that certification of performance has been cancelled;
 18. A person who refuses, interferes with or evades the stopping, search and seizure of ships, the prohibition of ships from entering into or departing from a port, or other necessary orders or measures under Article 117.

Article 129 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor for up to one year, or by a fine of up to ten million won: <Amended by Act No. 9872, Dec. 29, 2009; Act No. 10803, Jun. 15, 2011>

1. A person who installs a facility in a specially-managed sea area or exceeds the limit on the total quantity of discharged pollutants, in violation of Article 15 (3);
2. A person who discharges wastes into the sea, in violation of Article 23 (1) (excluding a

person who discharges wastes pursuant to the proviso to Article 23 (1));

3. A person who operates a ship for voyage without installing an air pollution prevention facility under Article 41 (1);

4. A person who discharges ozone layer-depleting substances, in violation of Article 42 (1);

5. A person who operates a diesel engine in excess of the permissible emission level of nitrous oxides, in violation of Article 43 (1);

6. A person who uses fuel oil which exceeds the sulfur content standards, in violation of Article 44 (1) or (2);

7. A person who supplies fuel oil which falls short of the quality standards or exceeds the sulfur content standards, in violation of Article 45 (1);

8. A person who fails to install or operate an oil vapor discharge control unit, in violation of Article 47 (2);

9. A person who installs an oil vapor discharge control unit without undergoing an inspection, in violation of Article 47 (3);

10. A person falling under Article 63 (1) 1 or 2 who fails to file a report or files a false report;

11. A person who conducts construction before the completion of the consultation or re-consultation procedures under Articles 84 and 85;

12. A person who reproduces the contents of other sea area utilization consultation forms, etc. or fails to keep sea area utilization consultation forms, etc. for a period prescribed by statutes, or prepares false sea area utilization consultation forms, etc., in violation of subparagraphs 1 through 3 of Article 88;

13. A person who divulges or wrongfully uses confidential information, in violation of Article 118 (1).

(2) Any of the following persons shall be punished by imprisonment with labor for up to one year, or by a fine of up to five million won: *<Amended by Act No. 8788, Dec. 21, 2007; Act No. 9872, Dec. 29, 2009; Act No. 10803, Jun. 15, 2011; Act No. 11597, Dec. 18, 2012; Act No. 14516, Dec. 27, 2016>*

1. A person who discharges entrusted wastes into the sea without reporting, in violation of Article 23 (2);

2. A person who installs, or maintains and operates a waste pollution prevention facility, in violation of the criteria under Article 25 (2);

3. A person who installs, or maintains and operates an oil pollution prevention facility, in violation of Article 26 (3);

4. A person who installs, or maintains and operates a noxious liquid substance pollution prevention facility, in violation of Article 27 (4);

5. A person who loads a ship's ballast water or oil, in violation of Article 28;

6. A person who transports harmful substances in packaged form, in violation of Article 29;

7. A person who let pollutants collected and disposed of in a ship or marine facility in violation of Article 37;

8. A person who operates a ship for voyage without undergoing a marine pollution prevention

ship inspection under Articles 49 through 53;

8-2. A person who uses, for voyage, a ship which has failed to undergo an energy efficiency inspection, in violation of Article 54-2;

9. A person who fails to comply with any order or disposition issued under Article 58 or 59;

9-2. A person who fails to obtain type approval, verification, or recognition under Article 110 (4), (6), or (7), or uses materials or chemicals not verified pursuant to Article 110-2 (3) for pollution response measures, in violation of Article 64 (6);

10. A person who fails to stock and keep materials and chemicals in storage facilities, ships, or marine facilities, in violation of Article 66 (1);

11. A person who violates an order for disposal under Article 73;

12. A person who uses marine environment measuring apparatus without undergoing an accuracy inspection or supplies or uses correctional articles, in violation of Article 110 (2);

13. A person who manufactures, produces, or imports without obtaining or undergoing type approval, a performance test, verification, or recognition under Article 110 (1) and (3) through (7);

14. A person who dismantles a ship without filing a report under Article 111 (1);

15. A person who refuses, interferes with, or evades the entrance for inspection, request for reporting, etc. without any justifiable ground, in violation of Article 115 (6);

16. A person who divulges or wrongfully uses confidential information he/she has become aware of in the course of performing his/her duties, in violation of Article 118 (2) and (3).

Article 130 (Joint Penalty Provisions)

Where a representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offense under Articles 126 through 129 in connection with the business of the corporation or the individual, not only shall such offender be punished, but also the corporation or the individual shall be punished by a fine under the relevant provisions: Provided, That the same shall not apply where such corporation or individual has not been negligent in paying due attention or supervision to the relevant business in order to prevent such offense.

Article 131 (Special Cases of Application of Penalty Provisions to Foreigners)

(1) In applying Articles 127 and 128 to foreigners, they shall be punished by a fine provided for in the corresponding Article, unless they have intentionally committed an offense in the territorial sea of Korea.

(2) Article 2 of the Act on the Exercise of Sovereign Rights on Foreigners' Fishing, etc. within the Exclusive Economic Zone shall apply to the scope of foreigners referred to in paragraph (1), and Articles 23 through 25 of the same Act shall apply mutatis mutandis to judicial procedures for foreigners.

Article 132 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine of up to ten million won: <Amended by Act No. 15012, Oct. 31, 2017>

1. A person who falsely states the results of a marine pollution impact survey under Article

77 (1);

2. Deleted. <by Act No. 10803, Jun. 15, 2011>

(2) Any of the following persons shall be punished by an administrative fine of up to five million won: <Amended by Act No. 10803, Jun. 15, 2011; Act No. 12549, Mar. 24, 2014; Act No. 15012, Oct. 31, 2017>

1. A person who discharges pollutants prescribed by Presidential Decree from ocean space, in violation of Article 22 (2);

2. A person who fails to report on marine facilities, in violation of Article 33 (1);

2-2. A person who fails to conduct a safety inspection under Article 36-2 (1);

2-3. A person who fails to file a report under Article 36-2 (2) or files a false report;

2-4. A person who fails to keep the results of a safety inspection under Article 36-2 (3);

3. A person who installs facilities containing ozone layer-depleting substances on a ship, in violation of Article 42 (2);

4. A person who fails to provide a copy of the fuel oil supply certificate and a fuel oil sample, or falsely provides a copy of the fuel oil supply certificate and a fuel oil sample, in violation of Article 45 (2);

5. A person who fails to cooperate in pollution response measures, in violation of Article 64 (2);

6. A person who fails to register a change under Article 70 (3);

7. A person who keeps and manages wastes, in violation of Article 72 (3), or fails to prepare a waste transfer/take-over form or falsely prepares one;

8. A person who fails to report on succession to the rights and duties of a marine environmental management business entity, in violation of Article 74 (3) or falsely files such report;

9. A person who entrusts the disposal of wastes without reporting, in violation of Article 76 (1);

10. A person who fails to comply with any of the obligations to be observed under subparagraphs 4 and 5 of Article 88;

11. A person who fails to conduct a marine environmental impact survey under Article 95 (1), or fails to give notice of its results or gives a false notice thereof;

12. A person who fails to take necessary measures under Article 95 (2).

(3) Any of the following persons shall be punished by an administrative fine of up to two million won: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15012, Oct. 31, 2017>

1. A person who maintains and operates air pollution prevention facilities not in compliance with the criteria, in violation of Article 41 (2);

2. A person who transfers an installation containing ozone layer-depleting substances to persons, other than companies or organizations designated and publicly notified by the Minister of Oceans and Fisheries, in violation of Article 42 (3);

3. A person who burns substances on a ship, the shipboard incineration of which is prohibited,

in violation of Article 46 (1);

4. A person who installs, or maintains and operates an incineration facility, in violation of Article 46 (2) or (4);

5. A person who burns substances, using a main or auxiliary engine or boiler in sea areas on which incineration is prohibited, in violation of Article 46 (3).

(4) Any of the following persons shall be punished by an administrative fine of up to one million won: <Amended by Act No. 9872, Dec. 29, 2009; Act No. 10803, Jun. 15, 2011; Act No. 14516, Dec. 27, 2016; Act No. 15012, Oct. 31, 2017>

1. A person who fails to obtain approval for the ratio of discharge, in violation of Article 22-2 or who fails to discharge waste in accordance with the approved ratio of discharge;

1-2. A person who fails to install a container for storing waste oil under Article 26 (1);

2. A person who fails to provide a guidebook, which bears an approval seal under Article 27 (3) and describes the method of and facilities for the discharge of noxious liquid substances;

3. A person who fails to provide a pollutants register under Articles 30 and 34, fails to make records therein or to keep the pollutants register, or enters false records therein;

4. A person who fails to keep or implement measures, etc. in accordance with a contingency plan for marine pollution by ships and a contingency plan for pollution by marine facilities, which bears an approval seal under Article 31 or 35;

5. A person who fails to appoint a marine pollution prevention manager under Article 32 (1) or 36 (1);

6. A person who fails to keep a document evidencing the appointment of a marine pollution prevention manager under Article 32 (2) or 36 (2);

6-2. A person who fails to appoint a substitute for a marine pollution prevention manager under Article 32 (3) or 36 (3);

6-3. A person who fails to have the operation of transferring or discharging pollutants, etc. directed or supervised under Article 32 (4) or 36 (4);

6-4. A person who fails to keep or observe a ship-to-ship oil transfer plan, which bears an approval seal referred to in Article 32-2 (1);

6-5. A person who fails to make records on ship-to-ship oil transfer operation referred to in Article 32-2 (2), or makes false records, or fails to keep records thereon;

6-6. A person who fails to report an operation plan under Article 32-2 (3) or falsely reports it;

6-7. A person who fails to prepare, or falsely prepares, or fails to manage a list of installations containing ozone layer-depleting substances referred to in Article 42 (4);

6-8. A person who fails to prepare, or falsely prepares, or fails to keep an ozone layer-depleting substance register referred to in Article 42 (5);

7. A person who fails to make entries into an engineer's logbook, in violation of Article 44 (3);

8. A person who fails to keep an engineer's logbook for one year, in violation of Article 44 (4);

8-2. A person who fails to keep a procedure manual for fuel oil conversion referred to in Article 44 (5);

9. A person who fails to keep fuel oil supply certificates or copies thereof for three years, in

violation of Article 45 (3);

10. A person who fails to keep a fuel oil sample, in violation of Article 45 (4);

11. A person who fails to keep records on the operation of an oil vapor discharge control unit for three years, in violation of Article 47 (4);

11-2. A person who fails to keep or observe a volatile organic compound management plan, which bears an approval seal referred to in Article 47-2 (1);

12. A person who fails to keep certificates of marine pollution prevention inspection, etc. in ships, in violation of Article 57 (4);

13. A person who fails to prepare and submit a statement of disposal results or fails to prepare and keep a ledger of disposal, in violation of Article 72 (1);

14. A person who fails to prepare a certificate of pollutants collection confirmation, in violation of Article 72 (2), or falsely prepares the pollutants collection confirmation certificate;

15. A person who fails to prepare and submit a waste transfer/takeover form, in violation of Article 72 (3);

16. A person who fails to report on a change under the latter part of Article 76 (1);

17. A person who entrusts the disposal of waste, in violation of Article 76 (2);

18. A person who fails to comply with an order for correction under Article 111 (2);

19. A person who fails to provide employees with education and training under Article 121 (2) without any justifiable ground.

Article 133 (Imposition, Collection, etc. of Administrative Fines)

Administrative fines referred to in Article 132 shall be imposed and collected by the Minister of Oceans and Fisheries or the Commissioner of the Korea Coast Guard, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That Article 19 (1) 2 shall enter into force two years after the date of its promulgation, Article 110 (1) three years after the date of its promulgation, Articles 40 and 53 on the date on which the International Convention on the Control of Harmful Anti-Fouling Systems on Ships takes effect in Korea after this Act enters into force.

Article 2 (Repealed Acts)

The Prevention of Marine Pollution Act is hereby repealed.

Article 3 (Preparation for Establishment of Corporation)

(1) The Minister of Marine Affairs and Fisheries shall establish the Corporation Establishment Promotion Committee (hereinafter referred to as "Establishment Committee") to handle affairs concerning the dissolution of the Korea Marine Pollution Response Corp. under Article 52-2 of the former Prevention of Marine Pollution Act (hereinafter referred to as the "Pollution Response Corp.") and establishment of the Corporation.

(2) The Establishment Committee shall be comprised of up to 15 members, including the chairperson appointed or commissioned by the Minister of Marine Affairs and Fisheries, on condition that it allow the participation of experts from the Government, Pollution Response Corp., academic circles, etc., and the Vice Minister of Marine Affairs and Fisheries shall become the chairperson.

(3) The Establishment Committee shall prepare the articles of association of the Corporation and have the members of the Establishment Committee note their names and affix their seals, or apply their signatures thereto to obtain authorization from the Minister of Marine Affairs and Fisheries for registration for establishment.

Article 4 (Transfer of Affairs and Property)

(1) The Establishment Committee shall transfer its affairs and property to the president immediately after completing the registration for establishment of the Corporation.

(2) The Establishment Committee and its members shall be deemed dissolved, dismissed, or dismissed from commissioning as at the time the transfer of the affairs and property under paragraph (1) is finalized.

Article 5 (Establishment Costs)

The cost incurred in the dissolution of the Pollution Response Corp. and the establishment of the Corporation shall be borne by the Corporation.

Article 6 (Transitional Measures concerning Establishment of Corporation)

(1) The Pollution Response Corp. established under the former Prevention of Marine Pollution Act as at the time this Act enters into force may apply for the approval of the Minister of Maritime Affairs and Fisheries to enable the Corporation scheduled to be established under this Act to succeed all the rights and duties, and property in accordance with the resolution of the Operation Committee.

(2) When the Pollution Response Corp. obtains the approval of the Minister of Maritime Affairs and Fisheries pursuant to the application under paragraph (1), it shall be deemed dissolved in concurrence with the establishment of the Corporation, notwithstanding the provisions of the Civil Act, which pertain to the dissolution and liquidation of corporations, and the acts done in the name of the Pollution Response Corp. and in relation to other Acts shall be deemed done in the name of the Corporation in concurrence with the establishment of the Corporation.

(3) A citation of the Pollution Response Corp. by other statutes quote as at the time when this Act enters into force shall be deemed a citation of the Corporation in lieu of the Pollution Response Corp. in concurrence with the establishment of the Corporation.

(4) The property, and rights and duties of the Pollution Response Corp. as at the time this Act enters into force shall be succeeded to by the Corporation by a universal title in concurrence with the establishment of the Corporation. In such cases, the value of the property succeeded by the Corporation shall be the book value as at the time of succession.

(5) The name of the Corporation which is indicated in the registers concerning the property, and rights and duties succeeded to by a universal title under paragraph (4) and other public

books shall be deemed the name of the Corporation in concurrence with the establishment of the Corporation.

Article 7 (Measures for Executive Officers and Employees)

(1) The term of office of the president, directors, and auditor of the Pollution Response Corp. as at the time this Act enters into force shall be deemed terminated in concurrence with the enforcement of this Act: Provided, That duties corresponding to the former position may be issued to the directors in consideration of their remaining term of office and ability to perform duties, as prescribed by the articles of association of the Corporation.

(2) Notwithstanding Article 99 (3) and (4), the first president, auditor, and directors of the Corporation shall be appointed by the Minister of Maritime Affairs and Fisheries under the proposal of the Establishment Committee.

(3) The employees of the Pollution Response Corp. as at the time this Act enters into force shall be deemed the employees of the Corporation.

Article 8 (Applicability to Prohibition of Use of Harmful Anti-Fouling Paints, etc.)

(1) Article 40 shall begin to apply to the harmful anti-fouling paint or harmful anti-fouling system used for marine facilities after this Act enters into force.

(2) Articles 40 and 53 (1) shall begin to apply to the ship constructed after this Act enters into force: Provided, That with respect to the ships already constructed as at the time this Act enters into force, they shall apply from the date on which such ships undergo inspections, entering a dock for the first time after this Act enters into force.

Article 9 (Applicability to Consultation on Utilization of Sea Areas for Designation of Marine Aggregate Extraction-Scheduled Areas, etc.)

@Article 84 (1) 4 through 6 shall begin to apply to the first application filed with a license-granting agency for the designation of marine aggregate extraction-scheduled areas, approval for the extraction of marine aggregate, and designation of marine aggregate extraction complexes after this Act enters into force.

Article 10 (Applicability to Sea Area Utilization Impact Assessment)

@Article 85 shall begin to apply to the first application filed with a license-granting agency for obtaining a license, etc. for acts falling under any subparagraph of paragraph (1) of the same Article.

Article 11 (General Transitional Measures)

Disposition imposed and other acts done by administrative agencies under the former Prevention of Marine Pollution Act or various kinds of applications filed with and other acts done for administrative agencies as at the time this Act enters into force shall be deemed acts done by or in relation to the corresponding administrative agencies under this Act.

Article 12 (Transitional Measures concerning Comprehensive Plans for Marine Environment Preservation, etc.)

(1) The comprehensive plan for marine environment preservation in force formulated under Article 4 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed the comprehensive plan for marine environment management

formulated under Article 14 of this Act.

(2) The basic plan for the management of environment management sea areas in force formulated under Article 4-5 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed the basic plan for environment management formulated under Article 16 of this Act.

(3) The national emergency pollution response plan for oil spill preparedness and response in force formulated in accordance with the International Convention on Oil Pollution Preparedness, Response and Cooperation as at the time this Act enters into force shall be deemed the national emergency pollution response plan formulated under Article 61 of this Act.

Article 13 (Transitional Measures concerning Environmental Preservation Sea Areas, etc.)

(1) The environment preservation sea areas designated under Article 4-4 (1) of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed designated as environmental preservation sea areas pursuant to Article 15 (1) 1 of this Act.

(2) The special management sea areas designated under Article 4-4 (2) of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed designated as special management sea areas pursuant to Article 15 (1) 2 of this Act.

(3) Restrictions on acts in environment preservation sea areas, etc. under Article 4-4 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed restrictions on acts, or measures, etc. for environment preservation sea areas or special management sea areas under Article 15 (2) and (3) of this Act.

Article 14 (Transitional Measures concerning Consultation on Utilization of Sea Areas)

The consultation on the utilization of sea areas under Article 4-8 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed a consultation on the utilization of sea areas under Article 84 of this Act.

Article 15 (Transitional Measures concerning Marine Pollution Prevention and Removal Countermeasures Committee, etc.)

The Marine Pollution Prevention and Removal Countermeasures Committee, Marine Pollution Impact Survey Assessment Committee, and Marine Environment Preservation Advisory Committee established under the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed the Marine Environment Management Committee under this Act until the Marine Environment Management Committee is organized pursuant to Article 17 of this Act. In such cases, the matters under the jurisdiction of the Marine Pollution Prevention and Removal Countermeasures Committee, Marine Pollution Impact Survey Assessment Committee, and Marine Environment Preservation Advisory Committee shall comply with the classifications under Articles 51, 52-12, and 63 of the former Prevention of Marine Pollution Act.

Article 16 (Transitional Measures concerning Ships Installed with Oil Pollution Prevention Facilities, etc.)

(1) Any ship installed with an oil pollution prevention facility, hull, noxious liquid substance prevention facility, cargo hold, waste pollution prevention facility, and air pollution prevention facility pursuant to Articles 6 (1), 12 (1) and (2), 17 (1), and 23-3 (1) of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed a ship installed with a wastes pollution prevention facility, oil pollution prevention facility, hull, noxious liquid substance prevention facility, cargo hold, and air pollution prevention facility pursuant to Articles 25 (1), 26 (1) and (2), 27 (1) and (2), and 41 (1) of this Act.

(2) Any marine pollution prevention certificate and temporary marine pollution prevention certificate delivered by the Minister of Maritime Affairs and Fisheries pursuant to Article 25 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed a marine pollution prevention inspection certificate and temporary marine pollution prevention inspection certificate delivered pursuant to Articles 49 (2) and 52 (2) of this Act.

Article 17 (Transitional Measures concerning Installation of Facilities Containing Ozone Layer-Depleting Substances)

(1) Notwithstanding Article 42 (2), facilities containing an ozone layer-depleting substance in which hydrochlorofluorocarbons (HCFCs) are contained may be installed on a ship by January 1, 2020.

(2) Notwithstanding Article 42 (2), any ship equipped with a facility containing ozone layer-depleting substances before June 29, 2006 may continue to use such facility.

Article 18 (Transitional Measures concerning Control of Emission of Nitrous Oxides)

Notwithstanding Article 43 (1), the following diesel engines may be operated in excess of the permissible emission levels under the main sentence of paragraph (1) of the same Article with the exception of its subparagraphs (hereafter referred to as "permissible emission level" in this Article):

1. The diesel engine referred to in Article 43 (1) 1, which is installed on a ship constructed before June 29, 2006 (excluding diesel engines manufactured after June 29, 2006, diesel engines remodeled to operate in excess of permissible emission levels, and diesel engines remodeled to increase the maximum continuous output power by at least 10/100);

2. The diesel engine referred to in Article 43 (1) 2, which is installed on a ship constructed before January 1, 2000 (excluding diesel engines manufactured after January 1, 2000, diesel engines remodeled to operate in excess of permissible emission levels, and diesel engines remodeled to increase the maximum continuous output power by at least 10/100).

Article 19 (Transitional Measures concerning Installation of Oil Vapor Emission Control Units)

Notwithstanding Article 47 (2) and (3), the owner of a marine facility who has begun to install a facility to load oil and noxious liquid substances on a ship or has completed such installation before June 29, 2006 need not install an oil vapor emission control unit in the relevant marine facility by May 19, 2009.

Article 20 (Transitional Measures concerning Contributions, etc.)

(1) Contributions paid pursuant to Article 52-4 (1) of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed the pollution response contributions paid under Article 69 (1) of this Act.

(2) Where the placement of pollution response vessels, etc. is deemed entrusted, or a pollution response agent is deemed designated under Article 52-4 (3) of the former Prevention of Marine Pollution Act as at the time this Act enters into force, the former provisions shall govern until the period of the relevant entrustment or period of designation terminates.

Article 21 (Transitional Measures concerning Registration of Ocean Waste Discharge Business, etc.)

(1) Any person who filed for registration of ocean waste discharge business pursuant to Article 18 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed to have filed for registration of ocean waste discharge business pursuant to Article 70 (1) 1 of this Act.

(2) Any person who filed for registration of pollution response business pursuant to Article 37 (1) 1 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed to have filed for registration of marine pollution response business pursuant to Article 70 (1) 2 of this Act.

(3) Any person who filed for registration of oil hold cleaning business pursuant to Article 37 (1) 2 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed to have filed for registration of oil hold cleaning business pursuant to Article 70 (1) 3 of this Act.

Article 22 (Transitional Measures concerning Penalty Provisions, etc.)

The application of penalty provisions and administrative fines to violations committed before this Act enters into force shall be governed by the former Prevention of Marine Pollution Act.

Article 23 Omitted.

Article 24 (Relations with other Statutes)

A citation of the former Prevention of Marine Pollution Act and any provisions thereof in other statutes as at the time when this Act enters into force shall be deemed a citation of this Act or the corresponding provisions of this Act in lieu of the former provisions if such corresponding provisions exist herein.

ADDENDA (Omitted)

2. Enforcement Decree of Marine Environment Management Act

[Effective on Aug. 7, 2009] [Presidential Decree No. 21622, Jul. 7, 2009, Amendment of Other Laws and Regulations]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to provided matters entrusted by the Marine Environment

Management Act and matters for enforcement hereof.

Article 2 (Jurisdictional Subject Sea Area)

The term “sea area as determined by Presidential Decree” under the provisions of item A of Subsection 20 of Article 2 of the Marine Environment Management Act (hereinafter referred to as the “Act”) shall mean sea areas falling under any of the following Subsections.

1. Sea area over which Korea has jurisdiction regarding conservation of marine environment under the United Nations Convention on the Law of the Sea; or
2. Environment management sea area under the provisions of Article 15 (1) of the Act.

Article 3 (Jurisdictional Subject Harbor)

The term “harbor as determined by Presidential Decree” under the provisions of item B of Subsection 20 of Article 2 of the Act shall mean harbors falling under any of the following Subsections.

1. Designated harbor under the provisions of Subsection 2 of Article 2 of the Harbor Act; or
2. National fishery port under the provisions of Subsection 3 of Article 2 of the Fishery Village and Port Act.

Article 4 (Scope of Sea Area)

The term “sea area as determined by Presidential Decree” under the provisions of Subsection 1 of Article 3 (1) of the Act shall mean sea areas falling under any of the following Subsections.

1. Domestic waters under the provisions of Article 3 of the Territorial Sea and Contiguous Zone Act; or
2. Sea area over which Korea has jurisdiction regarding conservation of marine environment under the United Nations Convention on the Law of the Sea.

Article 5 (International Cooperation Project and Supporting Target, Etc.)

(1) The international cooperation project under the provisions of Article 6 (4) of the Act shall be provided under any of the following Subsections.

1. Project necessary for domestic enforcement of international agreement related to marine environment conservation;
2. International cooperation project with international organization related to marine environment;
3. International joint-research & development and investigation project related to marine environment;
4. International exchange of human resources and information related to marine environment;
5. International conferences and academic conferences related to marine environment; or
6. Other international cooperation projects deemed necessary for the marine environment.

(2) Institutions which may be participated in the international cooperation projects under Article 6 (4) shall be provided under any of the following Subsections. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. National and public research institution;

2. School under the provisions of Article 2 of the Higher Education Act;
3. Government invested research institution under the Act on the Establishment, Operation and Fosterage of Government Invested Research Institutions and the Act on the Establishment, Operation and Fosterage of Science & Technology Government Invested Research Institutions;
4. Research institution subject to the Specific Research Institution Promotion Act;
5. Korea Marine Environment Management Corporation under the provisions of Article 96 of the Act;
6. Center for Marine Environment Conservation under the provisions of Article 125 of the Act; or
7. Other institution group notified by the Minister of Land, Transport and Maritime Affairs (hereinafter referred to as the “Minister”).

(3) The Minister may support budget, etc. necessary for international joint-research & development, international exchange of professional human resources and information, attraction of international conferences or participation in international conferences, etc. to institutions of Section (2), which participates in international cooperation projects of Section (1) under the provisions of Section 6 (4). <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

CHAPTER II MEASURES FOR CONSERVATION AND MANAGEMENT OF MARINE ENVIRONMENT

Article 6 (Construction Operation, etc. of Marine Environment Information Network)

(1) The Minister shall be provided with the marine environment measurement results of Article 9 of the Act under the provisions of Article 11 (1) of the Act and results of research & investigation projects related to marine environment, which are enforced by the State and then construct and operate a marine environment information network to standardize environment data and integrate and manage information which are dispersed to several institutions. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) In the event of performing projects with the funding of the national government or local government (hereinafter referred to as the “national government, etc.”), institution under the provisions of Article 5 (2) shall submit its business plan to the national government, etc. In this case, the relevant institution shall systematically perform observation, research and investigation related to marine environment and provided the national government, etc. with its data, which are computerized suitably to the construction and operation of marine environment information network, within one year after completion of the observation and research.

Article 7 (Principles of Polluter Responsibility)

The term “entity designated by Presidential Decree” under the provisions of Article 12 (1) of the Act shall mean any entity falling under any of the following Subsections.

1. Marine pollution effect investigation entity under the provisions of Article 77 (1) of the Act;
2. Evaluation agency under the provisions of Article 86 (1) of the Act; or

3. Institution or group which conducts measurement and analysis on marine environment with the funding of the State, local government or national or public research institutions.

Article 8 (Cancellation of Measurement and Analysis Capacity Certification)

The term “event falling under reasons determined by Presidential Decree” under the provisions of Subsection 3 of Article 13 (3) of the Act shall mean a case in which there is no measurement and analysis result for one year after the acquisition of measurement and analysis capacity certification.

Article 9 (Establishment Enforcement, Etc. of Marine Environment Management Master Plan)

(1) The Minister shall prepare a marine environment management master plan (hereinafter referred to as the “master plan”) by stating annual project items under the provisions of Article 14 (1).

(2) The head of the relevant central administrative agency and Special Metropolitan City Mayor, Metropolitan City Mayor, Do governor, or Special Self-Do governor (hereinafter referred to as the “head of the relevant administrative agency” in this Article) which are notified of the master plan under the provisions of Article 14 (4) of the Act shall establish and proceed annual enforcement plans on its jurisdictional matters and evaluate its results. In this case, the head of the relevant administrative agency shall submit to the Minister such annual enforcement plan and proceeding results by the end of every January. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(3) The Minister shall put together and analyze the enforcement plan and proceeding results submitted under the provisions of Section (2) and notify it to the heads of the relevant administrative agency. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(4) Where it is deemed necessary for the alteration of the master plan or the head of the relevant administrative agency request, the Minister may alter the master plan through the deliberation of a marine and fisheries development committee under the provisions of Article 7 of the Framework Act on Marine and Fisheries Development.

Article 10 (Restriction on Installation of Facility in Environment Conservation Sea Area, Etc.)

(1) An environment conservation sea area under the provisions of Subsection 1 of Article 15 (1) of the Act shall be provided in the attached Table 1.

(2) A special management sea area under the provisions of Subsection 2 of Article 15 (1) of the Act shall be provided in the attached Table 2.

(3) The term “facility as designated by Presidential Decree” under the provisions of Article 15 (2) shall mean facilities falling under any of the following Subsections.

1. A facility of which daily waste water exhaust amount is not less than 2,000 cubic meter; provided, however, that waste water processing facilities and sewage processing facilities shall be excluded; or

2. Wharf, seawall, bridge, floodgate or building to obtain permission of its management agency in the event of new construction, renovation, enlargement or alteration under the

provisions of Subsection 1 of Article 5 (1) of the Public Water Management Act.

(4) Facility of which installation or alteration is restricted under the provisions of Article 15 (4) of the Act shall mean a facility falling under any of the following Subsection.

1. A facility of which daily waste water exhaust amount is not less than 1,000 cubic meter; provided, however, that waste water processing facilities and sewage processing facilities shall be excluded;

2. Wharf, seawall, bridge, floodgate or building to obtain permission of its management agency in the event of new construction, renovation, enlargement or alteration under the provisions of Subsection 1 of Article 5 (1) of the Public Water Management Act; or

3. A facility for chartered fishery under the provisions of Article 8 of the Fisheries Act. (5) The Minister shall, in the event of intending to restrict the installation or alteration of facility in environment conservation sea areas or special management sea areas, consult on the restrictions with the head of the relevant administrative agency and notify to the public the contents and period of the restriction. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 11 (Enforcement Sea Area of Total Emission Regulation of Pollutant Substance)

(1) A sea area to enforce total emission regulation of pollutant substances under the provisions of Article 15 (3) and (4) of the Act shall be a special management sea area where it is acknowledged that pollutant substances exceed the marine environment standards under the provisions of Article 8 (1) of the Act such that severe damage may be inflicted on the people's health, property or animal and plant growth and the Minister shall designate through consultation with the head of the relevant administrative agency and Metropolitan City Mayor, Do governor, or Special Self-Governing Do governor (hereinafter referred to as the "Mayor/Do governor"). <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) In the event of designating the enforcement sea area of total emission regulation of pollutant substances, watershed section notified under the provisions of Article 12 (1) of the Enforcement Decree of the Act on Nakdong River Watershed Management & Community Support, Article 10 (1) of the Enforcement Decree of the Act on Geum River Watershed Management & Community Support and Article 10 (1) of the Enforcement Decree of the Act on Yeongsan & Sumjin River Watershed Management & Community Support, and its affecting sea area shall be excluded.

Article 12 (Total Emission Regulation Items of Pollutant Substances)

(1) Total emission regulation items of pollutant substances under the provisions of Article 15 (4) of the Act shall be determined among items falling under any of the following Subsections by the Minister in overall consideration of marine environment standards under the provisions of Article 8 (1) of the Act, utilization status and water quality of sea areas and through consultation with the relevant Mayor/Do governor having jurisdiction over the sea area to enforce total emission regulations. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. COD (chemical oxygen demand)
2. Nitrogen
3. Phosphorus
4. Heavy metal

(2) The Minister shall, in order to enforce total emission regulation on the total emission regulation items of Section (1), establish a fundamental policy on total emission regulation including items falling under any of the following Subsections (hereinafter referred to as the “fundamental policy”) and notify it to the relevant Mayor/Do governor having jurisdiction over the special management sea area designated under the provisions of Article 11 (1). <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Total emission regulation items and target water quality;
2. Investigation of pollution source and calculation method of pollution loading;
3. Allotment of pollution loading by basin, administrative district and pollution source;
4. Approval standards of total emission management fundamental plan to be established by the Mayor/Do governor under the provisions of Section (3);
5. Approval standards on the total emission management enforcement plan to be established by the Metropolitan City Mayor, mayor, head of Gun (excluding the head of Gun pertaining to the Metropolitan City; hereinafter, the same shall apply) under the provisions of Section (4); or
6. Minor matters not to require approval in the event of changing the total emission management fundamental plan and the total emission management enforcement plan under the provisions of Sections (3) and (4)

(3) The relevant Mayor/Do governor shall establish total emission management fundamental plan including items falling under any of the following Subsections (hereinafter referred to as the “fundamental plan”) in accordance with the fundamental policy under the provisions of Section (2) and obtain the Minister’ s approval. The same shall apply to the alteration of the fundamental plan (excluding the alteration of minor matters under the provisions of Subsection 6 of Section (2)). <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Detailed contents of regional development plan;
2. Allotment of pollution loading by each jurisdictional local government;
3. Total amount of pollution loadings discharged from district and sea area, and its reduction plan; or
4. Pollution loadings discharged additionally by regional development plan, and its reduction plan.

(4) Metropolitan City Mayor, mayor or head of Gun shall establish a total emission management enforcement plan (hereinafter referred to as the “enforcement plan”) according to the fundamental plan and the Metropolitan City Mayor shall obtain the Minister’ s approval, and the mayor/head of Gun shall obtain the approval of Mayor/Do governor and submit it to the Minister. The same shall apply to the alteration of the enforcement plan

(excluding the alteration of minor matters under the provisions of Subsection 6 of Section (2)). <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(5) The Minister may enforce the research and investigation, etc. necessary for establishment of the fundamental plan and enforcement plan and request their results to be reflected in the plan establishment, and the Mayor/Do governor or mayor/head of Gun shall reflect them unless there are special circumstances not to. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(6) The Minister may organize and operate a council consisted of relevant experts for the investigation and research on the determination and adjustment of items for total emission regulations of pollutant substances and water quality, enforcement of total emission regulation, etc. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 13 (Allotment, Etc. of Pollution Loading by Business Place)

(1) The Minister may request the Minister of Environment to allot pollution loadings or designate exhaust amount for facilities falling under any of the following Subsections in order to achieve and maintain water quality designated in the fundamental policy. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Waste water processing facility subject to water quality standard of the discharge water under the provisions of Article 12 (3) of the Water Quality and Ecosystem Conservation Act;
2. Facility subject to water quality standard of the discharge water under the provisions of Article 7 of the Sewerage Act; or
3. Purification facility subject to the water quality standards of the discharged water under the provisions of Article 13 of the Act on the Management and Use of Livestock Manure.

(2) In the event of requesting the Minister of Environment to allot pollution loadings or designate the exhaust amount, the Minister shall send the fundamental plan and enforcement plan to the Minister of Environment. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(3) The Minister of Environment may, where the request for the allotment of pollution loadings or designation exhaust amount under the provisions of Section (1) is made, allot the pollution loadings or designate the exhaust amount by final outfall and unit period.

(4) In the event of being deemed necessary for the achievement and maintenance of target water quality designated in the fundamental policy, the Metropolitan City Mayor, mayor or the head of Gun may allot pollution loadings or designate discharge amounts by final outfall and unit period regarding the facility subject to the discharge permission standards under the provisions of Article 32 of the Water Quality and Ecosystem Conservation Act and the discharge water under the provisions of Article 7 of the Sewerage Act.

(5) The Minister of Environment or Metropolitan City Mayor, mayor or head of Gun shall, in the event of allotting pollution loadings or designating discharge amounts, hear opinion of the interested persons.

(6) A person to whom pollution loadings are allotted or discharge amounts are designated under the provisions of Section (3) or (4) shall measure pollution loadings and discharge

amounts as determined by the Water Quality and Ecosystem Conservation Act, the Act on the Management and Use of Livestock Manure or the Sewerage Act, and shall record and maintain its measurement results.

(7) The Minister may request Metropolitan City Mayor, mayor or the head of Gun having jurisdiction over the facility, of which pollution loadings or discharge amounts are discharges by exceeding allotted pollution loadings or designated discharge amounts under the provisions of Section (3), to take necessary measures such as improvement of treatment facility. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(8) In the event of discharging by exceeding allotted pollution loadings or designated discharge amounts under the provisions of Section (4) or requesting from the Minister under the provisions of Section (7), the Metropolitan City Mayor, mayor or the head of Gun may order the relevant business entity to take measures such as improvement of facility within a fixed period, and the person who has received the order shall perform it.

(9) Matters regarding the method and procedure of order for taking measures under the provisions of Section (8) and confirmation of orders for taking measures shall be publicly announced by the Minister. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 14 (Establishment of Marine Environment Management Master Plan, Etc.)

(1) Metropolitan City Mayor, mayor or the head of Gun shall evaluate the performed matters of the previous year on the enforcement plan as determined by the Minister and submit its reports (hereinafter referred to as the “evaluation report”) to the Minister. In this case, the mayor or head of Gun shall submit it via the Mayor/Do governor having jurisdiction. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) In the event of being deemed necessary for attaining the purpose of total emission regulation of pollutant substances after reviewing the evaluation report submitted under the provisions of Section (1), the Minister may request the Metropolitan City Mayor, mayor or the head of Gun to establish and enforce necessary measures or a counter plan. In this case, the Metropolitan City Mayor, mayor or the head of Gun shall follow the request unless there are special circumstances not to. < Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(3) Metropolitan City Mayor, mayor or the head of Gun shall prepare and keep a book for total emission regulation of pollutant substances so as to figure out the increase and decrease of pollution sources as determined by the Minister. < Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 15 (Financial Support, Etc.)

(1) The State may provide assistance or loans, or support preferentially necessary expenses such as for improvement of facility, etc. according to the total emission regulation for a local government or business operator, which enforces the total emission regulation of pollutant substances, rather than other local governments or business operators.

(2) The head of the relevant administrative agency shall not give approval or permission, etc. falling under any of the following Subsections to a local government which exceeds pollution

loadings allotted by each local government or establishes and enforces the fundamental plan or enforcement plan unless there are special circumstances not to. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Commencement of urban development projects under the provisions of Subsection 2 of Article 2 (1) of the Urban Development Act;
2. Development of industrial sites under the provisions of Subsection 5 of Article 2 of the Industrial Sites and Development Act;
3. Development of tourism areas and tourism complexes under the provisions of Subsection 6 or 7 of Article 2 of the Tourism Promotion Act; or
4. Installation of facilities such as building, etc. of exceeding the size as determined by the Minister.

(3) Where the head of the relevant administrative agency violates Section (2) or the Metropolitan City Mayor, mayor or the head of Gun, which enforces total emission regulation of pollutant substances, does not comply with the request under the provisions of Article 14 (2), the Minister or head of the relevant central administrative agency may suspend or reduce financial support or take other necessary measures. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 16 (Contents of Environment Management Fundamental Plan)

Matters necessary for the management of environment management sea area as determined by Presidential Decree under the provisions of Subsection 5 of Article 16 (1) of the Act shall be provided with any of the following Subsections. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Evaluation and management of the performed status of environment management fundamental plan;
2. Matters regarding the total emission management of water pollution in a sea area;
3. Matters regarding the management of water quality, sediment conditions and ecosystem in a sea area;
4. Establishment of investment plans for the marine improvement of sea areas;
5. Matters regarding environment capacity expansion of sea areas such as dredging of sediment, creation of artificial habitat, etc.;
6. Technology necessary for installation, operation and management of facilities for marine pollution prevention and marine environment improvement, and financial support;
7. Matters regarding advertisement and training of marine environment conservation; or
8. Other matters deemed necessary by the Minister.

Article 17 (Organization of Project Management Group)

Project management group under the provisions of Article 16 (4) of the Act shall consist of persons falling under any of the following Subsections. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Public officials of the Ministry of Land, Transport and Maritime Affairs;
2. Public officials of the relevant central administrative agency and local government; or

3. Experts of the academic sector, research institution, etc. related to marine environment management.

Article 18 Deleted <by Presidential Decree No. 21622 on Jul. 7, 2009>

Article 19 Deleted < by Presidential Decree No. 21622 on Jul. 7, 2009>

Article 20 Deleted < by Presidential Decree No. 21622 on Jul. 7, 2009>

Article 21 Deleted < by Presidential Decree No. 21622 on Jul. 7, 2009>

Article 22 Deleted < by Presidential Decree No. 21622 on Jul. 7, 2009>

Article 23 Deleted < by Presidential Decree No. 21622 on Jul. 7, 2009>

Article 24 (Marine Environment Improvement Measure of Sea Area Management Agency)

(1) Detailed matters of marine environment improvement measures which a sea area management agency may undertake according to the provisions of Subsections 1 through 3 of the Article 18 (1) of the Act shall be provided with any of the following Subsections:

1. Installation of a floating prevention screen or corruption prevention screen;
2. Collection and disposal of various pollutant substances such as marine wastes of marine areas, etc.; or
3. Collection and disposal of pollutant substances in a sea area where pollutant substances are accumulated.

(2) In the event of being deemed necessary for improvement regarding installation and operation of waste water processing facility, excreta and livestock wastewater processing facility, the sea area management agency may request the relevant administrative agency to take necessary measures. In this case, the head of the relevant administrative agency shall comply with such request unless there are special reasons not to.

Article 25 (Calculation of Marine Environment Improvement Measure of Sea Area Management Agency)

(1) The marine environment improvement surcharge (hereinafter referred to as the “surcharge”) on marine discharging by a person who has operated a marine waste dumping business under the provisions of Subsection 1 of Article 19 (1) of the Act shall be an amount calculated according to the following equation.

Waste marine dumping quantity x unit imposition surcharge x imposition coefficient

(2) Waste marine dumping quantity shall be based on a disposal record under the provisions of Article 72 (1) of the Act and its unit standard shall be cubic meter. In this case, the number of less than cubic meter shall be applied by rounding.

(3) Unit standard imposition surcharge shall be 1,100 won.

(4) Imposition coefficient shall be provided in the attached Table 3.

Article 26 (Imposition and Collection of surcharge)

(1) The Minister shall calculate and impose the surcharge each quarter. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) The surcharge calculated under the provisions of Section (1) shall be notified for payment by the fifteen day of the following month of the quarter as determined by the Ministry of Land,

Transport and Maritime Affairs. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(3) Payment period of the surcharge shall be the last day of the month when the payment notification is made.

(4) Notwithstanding the provisions of Sections (1) through (3), where a marine waste dumping business is terminated during a quarter, the payment notification on the surcharge of each quarter shall be made within fifteen days from the date when the termination is known. In this case, the payment period of the surcharge of each quarter shall be within fifteen days from the date when the payment notification is made.

Article 27 (Payment by Installment Surcharges)

(1) A person who intends to pay the surcharge by installments under the provisions of Article 19 (3) of the Act shall submit to the Minister an application for installment payment of the surcharges within five days from the date when the payment notification is made. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) Where a payment obligor falls under any of the following Subsections, the Minister may approve the installment payment of the surcharge. In this case, the Minister shall give the applicant a written result pertaining to its result for approval. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Where the surcharge to be paid is not less than 10 million won; or

2. Where a property is considerably damaged due to natural disaster or accident.

(3) Where a payment obligor who receives a notice for the approval of installment payment falls under any of the following Subsections, the Minister may cancel the approval of installment payment and collect the total amounts related to the installment payment at once. In this case, the Minister shall give the payment obligor a written result of such intention. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. In the event of not paying the installment payment amount until the designated period; or

2. In the event of falling under any of the Article 14 (1) of the National Tax Collection Act or equivalents and being acknowledged that the total amount related to the installment payment cannot be collected.

Article 28 (Calculation, Etc. of Installment Payment Amount)

(1) Installment payments, in principle, shall be equally paid each month by dividing the surcharges of each quarter by not more than three times, and the due date of the first installment shall be the last day of the month when the payment notice for the surcharges of each quarter is made, those of the other installments shall be the last day of the following month.

(2) The installment payment obligor shall pay the sum of the remaining amount, which each installment payment amount or total installment payment amounts disbursed to the previous installment are deducted from the total amount of installment payment amounts, and its interest which is calculated for a sum of dates from the following day of the previous installment payment due date to each installment payment due date. In this case, the interest

is calculated by multiplying the amount to be disbursed by an interest rate of 6% annum.

Article 29 (Adjustment of Surcharges)

(1) The Minister shall, in the event of falling under any of the following Subsections, recalculate and adjust the surcharge and, where there is any difference between a paid amount and an adjusted amount, shall impose again or refund the difference. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Where the imposition target or calculation method of the surcharge is improperly applied;
 2. Where the calculation of installment payment amount and its interest is improperly made;
- or
3. Where the surcharge is improperly imposed because of other reasons.

(2) The Minister shall, in the event of intending to imposing or refunding the adjusted surcharge under the provisions of Section (1), give a document, in which its amount, payment due date, place of payment and other necessary matters are stated. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 30 (Application for Adjustment of surcharges)

(1) In the event of falling under any of Article 29 (1), a person who receives a notice for the payment of surcharge or obtains an approval of installment payment may adjust the surcharge within thirty days from the date when a notice for the payment of surcharge is received or an approval of installment payment is obtained.

(2) The Minister shall, where there is an application for adjustment under the provisions of Section (1), notify the applicant or new payment obligor of the handling results within thirty days and, where there is any difference between a paid amount and an adjusted amount, shall impose again or refund the difference under the provisions of Article 29 (2). <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(3) Application for adjustment under the provisions of Section (1) shall not affect the payment period of surcharge.

Article 31 (Reminder)

A reminder under the provisions of Article 20 (1) of the Act shall include amount of surcharge to be paid, additional money, payment period and place of payment.

Article 32 (Additional Money)

(1) Additional money under the provisions of Article 20 (1) of the Act shall be an amount equivalent to 5 over 100 of the arrearage surcharge.

(2) The additional money shall not be divided for payment.

Article 33 (Charge-related Project)

The term “project as determined by Presidential Decree” under the provisions of Subsection 8 of Article 21 of the Act shall mean a project falling under any of the following Subsections.

1. Project related to enforcement and support of marine pollution reduction measures; or
2. Project to support private entity for the conservation and management of marine pollution and marine pollution prevention activity.

CHAPTER III REGULATION FOR PREVENTION OF MARINE POLLUTION

Article 34 (Marine Area)

The scope of marine area under the provisions of Article 22 (2) of the Act shall be provided with the attached Table 4.

Article 35 (Designation and Announcement of Professional Inspection Institution)

(1) The term “professional inspection institution” under the provisions of Article 23 (4) of the Act shall be an institution falling under any of the following Subsections and as designated and announced by the Minister. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. National and public research institution;
2. Research institution attached to a university under the provisions of Subsection 1 of Article 2 of the Higher Education Act;
3. Government invested research institution under the provisions of the Act on the Establishment, Operation and Fosterage of Government Invested Research Institutions and the Act on the Establishment, Operation and Fosterage of Government Invested Research Institutions for Science and Technology;
4. Test and inspection institutions acknowledged under the provisions of Article 23 of the Framework Act on National Standards; or
5. Other institutions or groups deemed to possess professional inspection service capacity.

(2) Detailed evaluation method, evaluation items, evaluation standard and operation standard, etc for designation application procedure designation requirements of professional inspection institutions under the provisions of Section (1) shall be notified to the public by the Minister. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 36 (Marine Collection and Disposal Plan of Waster)

(1) The Minister shall establish a marine collection and disposal plan of waste every five years under the provisions of Article 24 (1) of the Act. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008; Jul. 7, 2009>

(2) The marine collection and disposal plan of wastes under the provisions of Section (1) shall include matters falling under any of the following Subsections.

1. Generation amount or expected generation amount of discharged or inflow waste by type and pollution source;
2. Matters regarding the reduction of generation of wastes such as marine inflow prevention, etc.;
3. Matters regarding the fundamental direction of the marine collection and disposal plan of wastes;
4. Matters regarding the expansion of marine collection and disposal capacity of wastes;
5. Matters regarding public-private cooperation; or
6. Funding plans of required financial resource.

(3) The Mayor/Do governor shall establish and pursue the annual enforcement plan of the marine collection and disposal plan of wastes under the provisions of Section (1), and submit

an annual enforcement result and pursuance result to the Minister by January of each year. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 37 (Investigation and Measurement Act)

(1) A sea area management agency shall investigate and measure the generation amount or inflow amount of waste by type and pollution source in order to establish and efficiently enforce a marine environment management master plan and the marine collection and disposal plan of wastes.

(2) The sea area management agency may request a head of relevant agencies to allow entrance in its jurisdictional limited area and to submit necessary data or provide support. In this case, the head of the agency shall comply with such request unless there are special reasons not to.

(3) The sea area management agency shall perform investigation and measurement according to the provisions of Article 24 (2) of the Act every year and, where the Mayor/Do governor is a sea area management agency, shall report its results to the Minister by the end of February of the following year. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 38 (Polluters Pay Principle, Etc.)

(1) Range of expenses for collection and disposal or storage of wastes, which are borne by a polluter, under the provisions of Article 24 (4) of the Act shall be provided with the attached Table 5.

(2) A sea area management agency shall clarify the calculation basis of expenses under the provisions of Section (1) and inform the polluter of it.

Article 39 (Qualification and Service Contents, Etc. of Marine Pollution Prevention Manager of Vessel)

(1) Qualification of a marine pollution prevention manager under the provisions of Article 32 (3) of the Act shall follow the classification falling under any of the following Subsections:

1. In the case of a vessel under the provisions of Subsection 1 of Article 2 of the Ship Officer's Act, a vessel crew under the provisions of Subsection 3 of Article 2 of the same Act, which is in compliance for the boarding standard under the provisions of Article 11 of the same Act; provided, however, that captain, remote chief operator and remote operator shall be excluded.

2. In the event of vessel which is not subject to the Ship Officer's Act or there is no crew other than a captain, a crew who is engaged in the service of transporting or discharging pollutant substance and air pollutant substance.

(2) Service content and observation matters of a marine pollution prevention manager under the provisions of Section (1) shall be provided with matters falling under any of the following Subsections:

1. Recording and storage of waste records and oil records (including a dangerous liquid material records in the case of vessel in which dangerous liquid materials are loaded and transported);

2. Direction and supervision of works in which pollutant substances are transported or discharged;
3. Maintenance of marine pollution prevention facilities and inspection of its operation status;
4. Maintenance and examination of air pollution prevention facilities;
5. Management of materials and chemicals for marine pollution prevention;
6. In the event of discharging pollutant substances under the provisions of Article 63 (1) and 64 (1) of the Act, prompt report and necessary emergency aid;
7. Completion of training and education on marine pollution prevention and control under the provisions of Article 121 of the Act and training for crew of the concerned vessel; or
8. Other matters necessary for prevention of pollution accidents from the concerned vessel.

Article 40 (Service Contents of Marine Pollution Prevention Manager of Maritime Facility)

(1) An owner of a maritime facility under the provisions of Article 36 (1) of the Act shall appoint as the marine pollution prevention manager a person who directs and supervises affairs on transporting or discharging pollutant substances under the provisions of Section (3) of the same Article.

(2) Service contents and observation items of the marine pollution prevention manager under the provisions of Article 36 (3) of the Act shall be provided with the matters falling under any of the following Subsections:

1. Recording and storage of maritime facility pollutant substance records;
2. Direction and supervision of affairs on transporting or discharging pollutant substances;
3. Maintenance of marine pollution prevention facility and inspection of its operation status;
4. Management of materials and chemicals for marine pollution prevention;
6. In the event of discharging pollutant substances under the provisions of Article 63 (1) and 64 (1) of the Act, prompt report and necessary emergency aid;
7. Completion of training and education on marine pollution prevention and control under the provisions of Article 121 of the Act and training for the crew of the concerned vessel; or
8. Other matters necessary for the prevention of pollution accidents from the concerned vessel.

Article 41 (Request for Submitting Data Necessary for Measurement and Investigation)

Data which the Minister may request the head of relevant administrative agency under the provisions of Article 39 (2) of the Act shall be provided with the matters falling under any of the following Subsections:

1. Measurement data of residue organic pollutant substance measurement network under the provisions of Article 11 of the Persistent Organic Pollutant Substance Management Act;
2. Order to improve, order to suspend usage thereof, order to close and its enforcement information under the provisions of Article 16 of the Persistent Organic Pollutant Substance Management Act;
3. Data on major discharge sources, discharge routes and discharge amount of persistent organic pollutant substances under the provisions of Article 18 of the Persistent Organic

Pollutant Substance Management Act;

4. Data on effect investigation of persistent organic pollutant substances under the provisions of Article 19 of the Persistent Organic Pollutant Substance Management Act; or
5. Information on the business type of companies to deal with persistent organic pollutant substances.

CHAPTER IV Regulation on Air Pollution Prevention in the Ocean

Article 42 (Sulfur Content Standard of Fuel Oil)

(1) The term “standard of sulfur content as determined by Presidential Decree” under the provisions of Article 44 (1) of the Act shall be provided with matters falling under any of the following Subsections:

1. Sulfur content of light-oil shall be not less than 1.0% (weight percent); provided, however, that, in the event of a vessel which navigates only within territorial waters and exclusive economic zones under the provisions of Subsections 1 and 2 of Article 3 (1) of the Act, it shall be not less than 0.05% (weight percent); or
2. Sulfur content of heavy-oil shall be not less than 2.0% (weight percent) for bunker A-oil (heavy oil A), not less than 3.0% (weight percent) for bunker B-oil (heavy oil B), and not less than 4.5% (weight percent) for bunker C-oil (heavy oil C).

(2) The term “standard of sulfur content as determined by Presidential Decree” under the provisions of Article 44 (2) of the Act shall mean that the sulfur content contained in fuel oil is 1.5% (weight percent).

Article 43 (Quality Standard of Fuel-Oil)

The term “quality standard of fuel oil as determined by Presidential Decree” under the provisions other than the Subsection of Article 45 (1) of the Act shall mean quality standards in accordance with the classification falling under any of the Subsections. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Fuel-oil which is manufactured in accordance with the method of purifying petroleum shall have requirements falling under any of the following Items:
 - A. It shall be a hydrocarbon mixture (including additives for increasing performance);
 - B. Inorganic acid shall not be contained; and
 - C. Additives or chemical waste as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs shall not be contained.
2. Fuel-oil which is manufactured in accordance with methods other than the provision of Subsection (1) shall have requirements falling under any of the following Items:
 - A. Nitrogen oxide discharged when a vessel engine is operated shall not exceed the emission permission standard of nitrogen oxide under the provisions of the main part other than the Subsection of Article 43 (1) of the Act;
 - B. Inorganic acid shall not be contained in the raw materials to be mixed;
 - C. Vessel safety shall not be interfered with or machine performance shall not be negatively affected;
 - D. It shall not be harmful to humans; and

E. Air pollution shall not be increased.

CHAPTER V MEASURES FOR MARINE POLLUTION PREVENTION

Article 44 (Establishment and Enforcement of National Emergency Prevention Plan, Etc.)

(1) Matters which are included in the national emergency prevention plan under the provisions of Article 61 (1) of the Act shall be provided with matters falling under any of the following Subsections:

1. Pre-prevention plan against discharge of pollutant substance:

A. Formation and operation of national prevention system and its corresponding organization;

B. Duties and roles of relevant institutions, etc. for preparation and countering of marine pollution;

C. Security of preventive equipments, materials and chemicals;

D. Training and education for preparation and confrontation of marine pollution;

E. Formation and operation of prevention support and cooperation system between neighboring nations;

F. Consulting and support of prevention technology expert; and

G. Investigation and research and technology development, etc. for the prevention of marine pollution.

2. Preventive measure plans when pollutant substances are discharged:

A. Scope of emergency prevention measure to be enforced by the State;

B. Prevention enforcement such as pollution site investigation, determination of preventive method, direction and control of accident sea area, etc.;

C. Emergency mobilization and support of preventive facility, materials and chemicals;

D. Security of marine safety and measures for danger prevention;

E. Follow up management such as marine pollution accident effect and damage investigation; and

F. Other necessary matters related to preventive measure.

(2) The Commissioner of the Korean Coast Guard may establish and enforce a local emergency prevention enforcement plan conforming to the local situation in order to enforce smoothly a national emergency prevention plan.

(3) Matters to be contained in the local emergency prevention enforcement plan shall be determined by Presidential Decree. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 45 (Organization and Operation, Etc. of Prevention Center)

(1) The head of a prevention center (hereinafter referred to as the “center head” in this Article) under the provisions of Article 62 (3) of the Act shall be the Commissioner of the Korean Coast Guard, and its members shall be organized with public officials of the Korean Coast Guard and persons dispatched by the head of the relevant organizations.

(2) The center head may request the head of relevant organizations for the dispatch of

persons to work in the prevention center and the support for necessary man-power and equipments required for prevention affairs. In this case, the head of relevant organizations shall comply with such request unless there are justifiable reasons not to.

(3) The center head shall perform affairs falling under any of the following Subsections:

1. Analysis and evaluation of pollution accident and supervision of prevention;
2. Prevention support and cooperation between neighboring countries; or
3. Other necessary matters related to prevention measures.

(4) The center head may organize and operate a prevention technology support committee, organized with relevant experts, in order to provide for technology support and consulting for conservation of marine environment and scientific prevention.

(5) Organization and operation of the prevention center and the prevention technology support committee, disbursement of an allowance and other necessary matters shall be separately determined by the Commissioner of the Korean Coast Guard.

Article 46 (Organization Operation, Etc. of Local Prevention Center)

(1) The head of a local prevention center (hereinafter referred to as the “local center head” in this Article) under the provisions of Article 62 (3) of the Act shall be the head of a competent local coast guard, and its members shall be organized with public officials of local coast guards and persons dispatched by the head of the relevant competent organizations.

(2) The local center head may request the head of the relevant competent organizations for the dispatch of persons to work in the local prevention center and the support for necessary man-power and equipments required for prevention affairs. In this case, the head of the relevant competent organizations shall comply with such request unless there are justifiable reasons not to.

(3) The local center head shall perform affairs falling under any of the following Subsections:

1. Prevention measures against discharge and expansion of pollutant substances;
2. Determination of mobilization range of prevention man-power, equipments, etc. and field guidance and control;
3. Establishment of prevention strategy and determination and enforcement of prevention methods; or
4. Other necessary matters related to prevention measures.

(4) The local center head may organize and operate a local marine pollution prevention committee, organized with public officials of competent organizations having jurisdiction over the relevant areas, director employee of a relevant organization, companies and representative of local residents, etc. In this case, a person related to the pollution accident shall be excluded from the members of the local marine pollution prevention committee.

(5) Organization and operation of the local prevention center and the local marine pollution prevention committee, disbursement of an allowance and other necessary matters shall be separately determined by the Commissioner of the Korean Coast Guard.

Article 47 (Reporting Criteria, Etc. When Pollutant Substances are Discharged)

The emission criteria as determined by Presidential Decree in parts other than each

Subsection of Article 634 (1) of the Act shall refer to the criteria of the attached Table 6.

Article 48 (Prevention Measure In Case of Discharging Pollutant Substances)

(1) Prevention measures under the provision of Article 64 (1) of the Act shall mean measures falling under any of the following Subsections, which shall be the most effective and suitable in a field after taking an emergency measure for emission prevention of pollutant substances and expansion prevention and removal of the discharged pollutant substances:

1. Installation of expansion prevention fence of pollutant substances and other measures necessary for expansion prevention;
2. Emission prevention measures of pollutant substances such as emergency repair of damaged parts of vessel or facility, towing and lifting measures of vessel body, etc.;
3. Measures for transferring pollutant substances loaded in a vessel or facility to other vessels, facilities or cargo hold;
4. Recovery measures of the discharged pollutant substances;
5. Removal measures of pollutant substances depending on use of materials and chemicals for marine pollution prevention;
6. Prevention measures of secondary pollution due to the collected pollutant substances; or
7. Safe disposal measures of materials, of which reuse is impossible, among the collected pollutant substances and materials and chemicals used for prevention.

(2) In the event of being necessary for preventive measures under the provisions of Section (1), the Commissioner of the Korean Coast Guard may take measures falling under any of the following Subsections or request the relevant institutions to take such measures:

1. Control of vessels to transport in a polluted sea area;
2. Measures for vessel safety of a polluted sea area; or
3. Support of man-power, equipment and facilities, etc.

Article 49 (Prevention Measure Order)

A prevention measure order under the provisions of Article 64 (3) of the Act shall contain matters falling under any of the following Subsections:

1. Period of prevention measure;
2. Designation of sea area required for prevention measure; or
3. Prevention measure under the provisions of Article 48 (1).

Article 50 (Scope of Expense Burden)

(1) Scope of expense burden for prevention measures which are liable by the prevention obligor under the provisions of the latter part of Article 64 (4) of the Act or the main part of Article 68 (2) of the Act shall be provided in the attached Table 7.

(2) In the event of imposing expenses of Section (1) to an owner of a vessel or maritime facility under the provisions of the latter part of Article 64 (4) of the Act or the main part of Article 68 (2) of the Act, a prevention measure institution shall notify clearly the calculation basis of the expense to the prevention obligor.

Article 51 (Arrangement, Etc. of Prevention Ship, Etc.)(1) Where a prevention ship or prevention equipment (hereinafter referred to as the “prevention ship, etc.”) is arranged

and installed (including joint arrangement and installation; hereinafter the same shall apply in this Article) under the provisions of Sections (1) and (2) of the Act, an owner of a vessel or maritime facility shall comply with the attached Table 8.

(2) Matters necessary for arrangement and installation other than Section (1) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(3) Where the Korea Marine Environment Management Corporation (hereinafter referred to as the “corporation”) to whom an arrangement of prevention ship is entrusted under the provisions of the latter part of Article 67 (4) of the Act takes a prevention measure or emission prevention measure, the prevention obligor shall be liable for expenses.

Article 52 (Prevention Measures and Expense Burden of Administrative Agency)

(1) Where pollutant substances of which a prevention obligor is unclear is discharged, the Commissioner of the Korean Coast Guard, the head of the City/Gun/Gu (referring to the head of Gu which is a local government; hereinafter the same shall apply) or the head of an administrative agency which manages facilities under the provisions of Section (4) (hereinafter referred to as the “prevention measure institution”) shall preferentially take preventive measures.

(2) The prevention measure institution under the provisions of Section (1) shall preferentially take preventive measures and, in the event of falling under any of the following Subsections, may request the president of the corporation to take preventive measures. In this case, the president of the corporation shall comply with such request unless there are justifiable reasons not to.

1. Where pollutant substances of which a prevention obligor is unclear is discharged; or

2. Where prevention measures of prevention obligor under the provisions of Article 68 (1) of the Act is difficult or an emergency measure is required.

(3) In the event of taking a preventive measure under the provisions of Section (2), the president of the corporation may request a preventive measure institution to pay the necessary expenses, and the preventive measure institution shall pay it to the president of the corporation.

(4) The term “facility as determined by Presidential Decree” under the proviso of Article 68 (1) of the Act shall mean a harbor facility under the provisions of Subsection 6 of Article 2 of the Harbor Act.

Article 53 (Exemptions of Expense Burden)

The term “case as determined by Presidential Decree” under the proviso of Article 68 (2) of the Act shall mean cases such as war and calamity, or other forces majeure.

Article 54 (Imposition Criteria and Procedure of Prevention Share)

(1) Imposition criteria and procedure of prevention share which an arrangement obligor shall pay to the corporation under the provisions of Article 69 (3) of the Act shall be provided under the attached Table 9.

(2) Imposition amount of shares shall be recalculated every five years.

(3) Other matters necessary for imposition and collection procedure of shares shall be determined by the Articles of Incorporation under the provisions of Article 98 (1) of the Act.

CHAPTER VI MARINE ENVIRONMENT MANAGEMENT BUSINESS, ETC.

Article 55 (Registration of Marine Environment Management Business)

(1) A person who intends to register a waste marine dumping business, waste marine collection business and accumulated pollutant substance collection business under the provisions of Subsections 1, 4 and 5 of Article 70 (1) of the Act shall submit to the Minister a registration form (including an application form made by an electronic document) attached with documents of the attached Table 10 (including an electronic document). In this case, a public official in surcharge shall confirm a corporation register (limited to a corporation) through the joint use of administrative information under the provisions of Article 21 of E-Government Act and, in the event of disagreeing with the confirmation the applicant shall attach such documents. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) A person who intends to register a marine pollution prevention business and oil tank cleaning business (hereinafter referred to as the “prevention and cleaning business”) under the provisions of Subsections 2 and 3 of Article 70 (1) of the Act shall submit documents listed in the attached Table 10 to the Commissioner of the Korean Coast Guard. In this case, the provisions of the latter part of Section (1) shall apply mutatis mutandis to the registration application procedure of the prevention and cleaning business.

(3) The Minister or Commissioner of the Korean Coast Guard shall issue a registration certificate, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, to a person who registered a marine environment management business under the provisions of Sections (1) and (2). <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 56 (Technology Capacity Standard of Marine Environment Management Business)

The technology capacity standard of a person who intends to operate a marine environment management business under the provisions of Article 70 (2) of the Act shall be provided according to the attached Table 11.

Article 57 (Vicarious Execution of Measurement of Waste, Etc.)

A person who intends to entrust and dispose wastes under the provisions of Article 76 (3) of the Act shall have a professional investigation institution as designated under the provisions of Article 35 (1) vicariously execute affairs regarding measurement of components, concentration, weight and volume of waste.

CHAPTER VII MARINE POLLUTION EFFECT INVESTIGATION

Article 58 (Marine Pollution Effect Investigation)

(1) The term “scale as determined by Presidential Decree” under the provisions of Article 77 (1) of the Act shall mean a scale according to the attached Table 12.

(2) The designation standard of marine pollution effect investigation institution (hereinafter referred to as the “investigation institution”) under the provisions of Article 77 (2) of the

Act shall be provided according to the attached Table 13.

(3) The term “period as determined by Presidential Decree” under the provisions of Article 77 (3) of the Act shall mean three months after an accident occurs, and the term “case which is deemed necessary for an emergency investigation as determined by Presidential Decree” shall mean a case falling under any of the following Subsection. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. In the event of discharging pollutant substances exceeding the size as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; or

2. In the event of expecting large damage to a cultivating facility, etc. because of the expansion of pollutant substances.

Article 59 (Detailed Items by Field of Marine Pollution Effect Investigation)

(1) Detailed items by field of marine pollution effect investigation under the provisions of Article 78 of the Act shall be provided according to the attached Table 14.

Article 60 (Expense of Marine Pollution Effect Investigation)

(1) The Minister may designate a standard expense necessary for investigation by considering sea area and amount of generated pollution under the provisions of Article 80 of the Act and notify it to the public. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) The term “cases falling under reasons as determined by Presidential Decree” under the proviso of Article 80 (1) of the Act shall mean a case falling under any of the following Subsections:

1. In the event of falling under the provisions of Subsection 1 or 3 of Article 22 (3) of the Act; or

2. Where a vessel owner or an installer of maritime facility declares bankruptcy.

CHAPTER VIII SEA AREA UTILIZATION CONFERNECE

Article 61 (Sea Area Utilization Conference)

(1) A sea area utilization conference subject project under the provisions of Article 84 (1) of the Act shall be a project to greatly affect marine environments and classified into a project required for the prudent review and conference (hereinafter referred to as the “general sea area utilization conference project”) and a small-scale project to slightly affect marine environments (hereinafter referred to as the “simple sea area utilization conference project”).

(2) Scope of the subject project to convening a general sea area utilization conference and a simple sea area utilization conference under the provisions of Section (1) shall be provided in accordance to the attached Table 15.

Article 62 (Sea Area)

The term “sea area as determined by Presidential Decree” under the proviso of Subsection 3 of Article 84 (1) of the Act shall mean a special management sea area under the provisions of Article 15 of the Act.

Article 63 (Sea Area Utilization Effect Assessment)

(1) The term “scale as determined by Presidential Decree” under the main part other than each Subsection of Article 85 (1) of the Act shall be provided according to the attached Table 16.

(2) A project which is excluded from a sea area utilization effect assessment under the proviso other than each Subsection of Article 85 (1) of the Act shall mean an environment effect assessment subject project (hereinafter referred to as the “environment effect assessment subject project”) under the attached Table 1 of the Enforcement Decree of the Environment Effect Evaluation Act; provided, however, that the same shall not apply to a project falling under any of the following Subsections, which is performed in seas or seashores (cases containing a river under the provisions of Subsection 1 of Article 2 of the River Act shall be excluded.) under the provisions of Article 2 of the Public Waters Management Act, among the environment effect evaluation subject projects. <Amended by Presidential Decree No. 21865 on Dec. 24, 2008>

1. Collection of mineral resources under the provisions of the Mining Act;
2. Collection of aggregates under the provisions of Article 22 of the Aggregate Collection Act;
3. Designation of aggregate collection complex under the provisions of Article 34 of the Aggregate Collection Act; or
4. Submarine mining for the purpose of the development of submarine mineral resources under the Submarine Mineral Resources Development Act.

Article 64 (Preparation Method, Etc. of Sea Area Utilization Effect Evaluation Report, Etc.)

(1) Sea area utilization evaluation report, etc. under the provisions of Article 85 of the Act shall be prepared according to a scientific investigation method, etc. so as to secure confidence according to the marine environment process test standards under the provisions of Article 10.

(2) A sea area utilization effect agent (hereinafter referred to as the “evaluation agent”) under the provisions of Article 86 (1) of the Act shall prepare faithfully an evaluation report according to the contract and based on due diligence.

(3) An evaluation agent shall prepare evaluation agency results until January 31 of every year and report it to the Minister. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 65 (Registration Application, Etc. of Evaluation Agency)

A person who intends to register as an evaluation agent under the provisions of Article 86 (1) of the Act shall attach documents falling under any of the following Subsections to a registration (alteration registration) application form and submit it to the Minister; provided, however, that, in the event of confirming information pertaining to the attached documents through joint use of administrative information under the provisions of Article 21 (1) of the E-Government Act, the attached documents may be replaced with only the confirmation. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. One copy of corporate register (in the event of a person, a copy of the certificate of

business registration);

2. One copy of facility & equipment statement; provided, however, that, in the event of entering into a contract to use the facility and equipment of other person, one copy of the contract; or

3. One copy to certify the retention status of technology capacity and its qualification.

Article 66 (Calculation Standard of Evaluation Agency Expense)

The Minister shall determine the calculation standard of necessary expenses for the service agency of an evaluation agent registered under the provisions of Article 65 and notify it to the public. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 67 (Notification of Opinion, Etc.)

(1) The Minister shall, in the event of being requested a sea area utilization conference or sea area utilization effect evaluation (hereinafter referred to as the “sea area utilization conference, etc.”) from a disposition agency under the provisions of Article 91 (1) of the Act, notify its review opinion within a period as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) Where a subject project of the competent sea area utilization conference, etc. greatly affects the marine environment and it may potentially cause environment damage before the notification of opinion under the provisions of Article 91 (1) of the Act, the Minister may make a field survey. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(3) The term “sea area utilization effect review institution as determined by Presidential Decree” shall mean the National Fisheries Research & Development Institute.

(4) In the event of falling under any of the following Subsections, the Minister may request a disposition agency to supplement documents of sea area utilization conference, etc. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Where an effect analysis to affect marine environment is omitted or insufficient;
2. Where important matters such as providing an opinion of the sea area utilization conference, etc. for the project without the supplementation are omitted or insufficient;
3. Where the environment situation investigation, effect prediction, analysis and reduction measures are not sufficient; and
4. Where the contents of the collected opinion of the interested party such as residents are not reflected (limited to a sea area utilization effect evaluation report.)

(5) The Minister’ s request for the supplementation under the provisions of Section (4) shall be limited to once in principle; provided, however, that, in the event of judging that no opinion on the request of the sea area utilization conference, etc. shall be determined without additional supplementation, the same shall not apply. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 68 (Demur)

(1) A person who intends to apply for an objection against the opinion notified under the provisions of the former part of Article 92 (1) of the Act shall submit to the Minister a demurrer

application containing matters falling under any of the following Subsections. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Contents and reasons of demur;
2. Contents to change a notified opinion; or
3. Analysis of effects according to the change of a notified opinion.

(2) The Minister who receives the demur under the provisions of Article 92 (2) of the Act shall notify to the demur applicant the review results of such contents containing matters falling under any of the following Subsections. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Whether or not to agree with the contents of the objection;
2. Propriety analysis results of the contents and reasons for demur; and
3. Suggestion of environment pollution reduction plan according to change of the notified opinion.

Article 69 (Ex Post Facto Service)

(1) A disposition agency shall inform the Minister by January 31 of the following year of the ex post facto service results such as whether or not to enforce the agreed upon matters under the provisions of Article 93 (2) of the Act. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) In the event that a sea area utilization operator or evaluation subject operator (hereinafter referred to as the “sea area utilization operator, etc.”) have not enforced contents of the sea area utilization conference, etc. and opinion on the sea area utilization conference, etc., a disposition agency shall order to take measures necessary for such enforcement.

(3) Where the sea area utilization operator, etc. do not carry out a measure ordered under the provisions of Section (2), the disposition agency shall order to take second measures and, in the event of not enforcing the second measure order until its due date, shall order to suspend the competent project until such order is carried out.

(4) In the event of taking measures or orders under the provisions of Sections (2) and (3), the disposition agency shall inform the Minister without delay of the contents. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(5) The Minister and disposition agency may have the sea area utilization operator, etc. submit data related to the agreed contents so as to confirm whether or not to take an enforcement under the provision of Article 93 (2) of the Act. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 70 (Subject Target)

(1) Where the sea area utilization operator, etc. obtains a license, etc. for a project plan under the provisions of Article 94 (1) and alters the project plan, a disposition agency shall inform the Minister of it. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) Where a project scale is decreased and the changed project scale is subject to the simple sea area utilization conference project when applying Article 94 (1) of the Act, it shall not be deemed as “a case of changing a project plan” .

Article 71 (Marine Environment Effect Investigation Subject Project, Etc.)

(1) The investigation period and investigation cycle by subject project which sea area utilization operator, etc. shall investigate the marine environment effect under the provisions of Article 95 (4) of the Act shall be provided under the attached Table 17.

(2) Items to conduct the marine environment effect investigation under the provisions of Article 95 (4) of the Act shall be provided with each of the following Subsections:

1. Items in which the marine environment standards under the provisions of Article 8 (1) of the Act shall be designated; and
2. Items in which the marine environment standards under the provisions of Article 8 (1) of the Act is not designated but designated by the Minister in the event of notifying the opinion for sea area utilization statement or sea area utilization effect evaluation statement under the provisions of Article 91 (1) of the Act.

CHAPTER IX MARINE ENVIRONMENT MANAGEMENT CORPORATION

Article 72 (Projects of Corporation)

(1) The term “project as determined by Presidential Decree” under the provisions of item C of Subsection 3 of Article 97 (1) of the Act shall mean projects falling under any of the following Subsections:

1. Preparation agency of a vessel marine pollution emergency plan under the provisions of Article 31 (1) of the Act and a maritime facility pollution emergency plan under the provisions of Article 35 (1) of the Act;
2. International cooperation related to marine pollution prevention;
3. Research, development and technology service business related to marine pollution prevention;
4. Training, education and public relations related to marine pollution prevention; and
5. Management of a sunken ship (including a ship to be sunken and a foundering ship).

(2) The term “project as determined by Presidential Decree” under the provisions of Subsection 8 of Article 97 (1) of the Act shall mean projects falling under any of the following Subsections: <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Affairs regarding components, concentration, weight and volume of wastes under the provisions of Article 76 (2);
2. Marine pollution effect investigation under the provisions of Article 77 (1);
3. Vicarious execution of preparation of a sea area utilization effect evaluation report under the provisions of Article 86 (1);
4. Performance test for a marine environment measurement apparatus or materials and chemicals under the provisions of Article 110 (5);
5. Operation of a vessel for disposal of wastes;
6. Leasing business of portfolios for securing financial resources of marine environment related projects;
7. Management of abandoned vessels;

8. Projects which a corporation may conduct under the provisions of other laws and regulations; and

9. Projects necessary for the purpose of establishment of the corporation and which is subject to approval by the Minister.

(3) The term “facility as determined by Presidential Decree” under the provisions of Article 97 (2) shall mean a facility falling under any of the following Subsections: <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Marine environment measurement facility under the provisions of Article 9 (1) of the Act;

2. Inflow prevention facility of pollutant substances and the collection and disposal facility of pollutant substances under the provisions of Article 18 (1) of the Act;

3. Storage facility of pollutant substances under the provisions of Article 38 of the Act;

4. Vessel scrapping plant under the provisions of Article 111 (3) of the Act;

5. Incidental facilities related to disposal of wastes which are discharged into the ocean or are incoming; and

6. Facilities necessary for the purpose of establishment of a corporation, of which installation is approved by the Minister.

Article 73 (Operation of Council, Etc.)

(1) Matters of any of the following Subsections under the provisions of Article 102 (5) of the Act shall undergo a decision of a council.

1. Matters regarding project plans, budgets and account settlement of the corporation;

2. Matters regarding alteration of the Articles of Incorporation;

3. Matters regarding contribution, donation and borrowing under the provisions of Article 104;

4. Matters regarding issue of bonds under the provisions of Article 106;

5. Matters regarding enactment, revision and abrogation of provisions enacted by the Articles of Incorporation;

6. Matters regarding acquisition, management and disposal of important properties;

7. Matters regarding dissolution and liquidation of a corporation; and

8. Matters regarding lawsuits and settlement.

(2) Other matters necessary for operation of a council shall be determined by the Articles of Incorporation.

Article 74 (Contribution)

The corporation shall, in the event of contributing or donating under the provisions of Article 104 (1) of the Act, submit a plan containing matters falling under any of the following Subsections to the Minister. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Necessity of contribution or donation;

2. Type and price of properties to be contributed and donated;

3. Contribution or donation subject of the project summary; and

4. Other matter necessary for contribution or donation.

Article 75 (Borrowing)

The corporation shall, in the event of intending to obtain approval of fund borrowing under

the provisions of Article 104 (3) of the Act, submit a borrowing approval application form containing matters falling under any of the following Subsections to the Minister. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Reason for borrowing and its amount;
2. Place to be borrowed;
3. Condition of borrowing;
4. Repayment method and repayment period of borrowing amount; and
5. Copy of minutes of council which fund borrowing was determined.

Article 76 (Type of Bonds)

Bonds to be issued by the corporation under the provisions of Article 106 (1) of the Act shall be an unregistered type; provided, however, that, in the event of a request from a subscriber or bearer, it may be a registered type.

Article 77 (Issuance Method of Bonds)

(1) Bonds to be issued by the corporation shall be issued by method of subscription or acquisition or sales.

(2) Where bonds are issued in the method of sales under the provisions of Section (1), the sales period and matters falling under the provisions of Subsection 1 through 6 of Article 78

(2) shall be notified in advance to the people.

Article 78 (Subscription of Bonds, Etc.)

(1) A person who intends to subscribe for the collection of bonds shall write the number and acquisition price of bonds to be acquired and address of the subscriber in two copies of bond subscription form and sign and seal them; provided, however, that, in the event of determining the minimum price of a bond and issuing it, the subscription price shall be stated.

(2) The bond subscription application form shall contain matters falling under any of the following Subsections:

1. Name of the corporation;
2. Total issuing amount of bonds;
3. Par value of bonds by type;
4. Interest of bonds;
5. Method and period of bonds repayment and method of disbursing interest;
6. Price of bond issuance and its minimum price;
7. Total amount where there are bonds not to be paid; and
8. Where there is a company to be entrusted with the collection of bonds, its trade name and address.

Article 79 (Method of Acquisition)

In the event of acquiring total amount of bonds by contract, Article 78 shall not apply. Where a company which the collection of bonds is entrusted acquires part of such bonds, the same shall apply to the acquired bonds.

Article 80 (Total Bond Issuance Amount)

In the event of issuing bonds, even if the total amount which is actually subscribed to is less

than the total amount of issued bonds which is stated in the bond subscription form, the corporation may indicate the intention of bonds to be issued. In this case, the total subscription amount shall be the total issuance amount.

Article 81 (Payment of Bond Subscription Price Etc.)

(1) In the event of finalizing the subscription of bonds, the corporation shall pay the total amount of bond value acquired by a subscriber without delay.

(2) A company in which the collection of bonds is entrusted may conduct the act under the provisions of Section (1) in its name for the corporation.

(3) In the event of issuing bonds in a method of subscription, if the total amount of payment corresponding to its total issuance amount is not paid, it shall be issued.

Article 82 (Written Matters of Bonds)

The bonds shall contain matters falling under any of the following Subsections and the president of the corporation shall sign and seal it:

1. Name of the corporation;
2. Matters falling under the provisions of Subsections 2 through 5 of Article 78 (2) (in the event of issuing bonds by method of sale, the provisions of Subsection 2 of Article 78 (2) shall be excluded);
3. Number of bonds; and
4. Issuance year and date of bonds.

Article 83 (Original Register of Bonds)

(1) The corporation shall keep the original register of bonds and state matters falling under any of the following Subsections:

1. Number of bonds by type and its number;
2. Issuance year and date of bonds; and
3. Matters falling under the provisions of Subsections 2 through 5 and 8 of Article 78 (2).

(2) Where the bond is a registered type, matters falling under any of the following Subsections other than the matters of each Subsection of Section (1) shall be stated:

1. Name and address of the bond holder; and
2. Acquisition date of bonds.

(3) An owner or holder of a bond can request for the perusal of the original register of bonds at any time during the working hours of the corporation.

Article 84 (Interest Deficiency)

(1) In the event of repaying an unregistered bond with interest, if such interest is deficient, the amount corresponding to the interest shall be deducted from the repayment amount.

(2) Holder of interests under the provisions of Section (1) may request for the disbursement of the amount deducted by such interest and repayment.

Article 85 (Notice to Bond Holder, Etc.)

(1) The corporation shall give a notification or call a notice at an address, which stated in its bond subscription form, to a subscriber or the person reserved with rights prior to issuing bonds.

(2) The corporation shall give a notification or call a notice to a holder of an unregistered bond in the method of announcement; provided, however, that, in the event of knowing the address, the same shall not apply.

(3) The corporation shall give a notification or call a notice at an address, which is stated in a bond subscription form, to a holder of a registered bond. In this case, where the corporation is notified of the address, it shall be served at the respective address.

Article 86 (Project Operation Plan and Budget)

(1) The corporation shall prepare a project operation plan and budget plan of the following fiscal year by November 30 of every year under the provisions of Article 107 (2) of the Act and submit them to the Minister and obtain its approval. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) The budget plan under the provisions of Section (1) shall contain general budget rules, estimated financial statement and estimated profit & loss statement and attach the appendix necessary for the clarification of such contents.

(3) In the event of altering the project operation plan and budget which are approved by the Minister, the corporation shall submit to the Minister documents which contain the reasons and contents of alteration. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 87 (Submittal of Account Settlement)

Account settlement of every fiscal year which the corporation submits to the Minister under the provisions of Article 107 (3) of the Act shall be attached with documents falling under any of the following Subsections. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Financial statement and profit & loss statement of each year;
2. Project plan of each year and comparison table of the execution results;
3. Audit report of accounting corporation; and
4. Other documents necessary for the clarification of settlement contents.

CHAPTER X SUPPLEMENTARY PROVISIONS

Article 88 (Entering Agreement)

(1) Where the vessel safety technology authority and classification society under the provisions of Article 112 (1) and (2) intend to enter into an agreement, a conclusion of an agreement shall be filed to the Minister as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) The period of agreement under the provisions of Section (1) shall be not longer than five years, and may be extended as determined by the Minister and Commissioner of the Korean Coast Guard. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(3) Matters to be included in the agreement under the provisions of Section (1) shall be prescribed under the attached Table 18.

(4) In the event of entering into an agreement, the Minister and Commissioner of the Korean Coast Guard shall publicly notify its contents. <Amended by Presidential Decree No. 20722

on Feb. 29, 2008>

Article 89 (Entrance Inspection and Report, Etc.)

(1) In the events falling under any of the following Subsections under the provisions of Article 115 (1) of the Act, the Minister may have its public official perform an entrance inspection affair to a vessel, business place or office related to vessels. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. In the event of being necessary for pollution prevention of vessels; and
2. In the event of being deemed necessary for entering a vessel, business place or office related to vessels after reviewing data reported from an agency institution.

(2) Entrance inspection and report to vessels under the provisions of Subsection 1 of Section (1) may be enforced once a year for each vessel; provided, however, that the same shall not apply to a special case such as vessel accidents, etc.

(3) In the events falling under any of the following Subsections, the Minister may have its public officials enter and inspect affairs of maritime facilities under the provisions of Article 115 (1) of the Act. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. In the event of checking whether collection, disposal and storage of pollutant substances under the provisions of Subsection 1 of Article 37 (1) of the Act and the provision of Article 38 of the Act are illegal;
2. In the event of judging that a maritime facility reported under the provisions of Article 33 of the Act discharges residual organic pollution materials under the provisions of Article 39 of the Act exceeding its criteria in an environment management sea area;
3. In the event of checking whether or not to be legal in a process of which a vessel oil supplier under the provisions of Article 45 of the Act supplies fuel-oil to a vessel;
4. In the event that there is suspicion that a person who has installed an oil mist emission controller under the provisions of Article 47 (2) of the Act discharges oil-mist; and
5. Where data submitted related to the business activity of waste marine collection businesses and accumulated pollutant substance collection businesses under the provisions of Subsections 4 and 5 of Article 70 (1) of the Act is insufficient or inaccurate.

(4) In the event falling under any of the following Subsections, the Commissioner of the Korean Coast Guard may have data, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, submitted or reported, or enter the facility to confirm and inspect it thereof. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. In the event of checking whether or not to furnish a maritime facility pollutant substance record under the provisions of Article 34 of the Act and to maintain the records;
2. In the event of checking whether or not to enforce a maritime facility pollution emergency plan under the provisions of Article 35 of the Act and finding that it is appropriate;
3. In the event of checking whether or not to appoint a marine pollution prevention manager under the provisions of Article 36 of the Act and finding that training is completed and service management is well;
4. In the event of checking whether or not to keep the materials, chemicals and to arrange

and install a prevention ship under the provisions of Articles 66 and 67 of the Act;

5. In the event of checking that a waste marine dumping business, marine pollution prevention business and oil-tank cleaning business under the provisions of Subsections 1 through 3 of Article 70 (1) of the Act perform its respective obligation under the provisions of Article 72 of the Act; and

6. In the event of checking whether or not to perform the obligation of waste consignor under the provisions of Article 76 of the Act.

(5) The term “emergency situation as determined by Presidential Decree” under the provisions of Article 115 (3) of the Act shall mean cases falling under any of the following Subsections:

1. In the event of generating marine pollution in a vessel;
2. In the event that there are risks that marine pollution may be generated due to vessel accident; and
3. Where marine pollution of which cause is unknown is generated and its cause cannot be confirmed.

Article 90 (Marine Environment Observer)

(1) The Minister or Commissioner of the Korean Coast Guard may appoint as a marine environment observer a person falling under any of the following Subsections among its public officials. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. A person who is a marine engineer, marine resource developer, marine environment engineer, marine investigation engineer, shipbuilding engineer, water quality environment engineer, air quality environment engineer, waste disposal engineer, chemical engineer, dangerous material engineer or higher or acquires the qualification of third class mater, engineering officer or navigator;
2. A person who has experience of more than one year working in a field related to marine environment;
3. A person appointed as an open port supervising officer under the provisions of Article 17 (1) of the Enforcement Decree of the Public Order in Open Port Act; and
4. A person appointed as a vessel inspector under the provisions of Article 76 of the Vessel Safety Act. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) Duties of a marine environment observer shall be provided under any of the following Subsections: <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. A marine environment observer under the Minister:
 - A. Matters regarding entrance inspection and report under the provisions of Article 89 (1);
 - B. Supervision of waste incoming into a marine space or discharging into the ocean;
 - C. Investigation of water quality and pollution sources in a marine space;
 - D. Direction and inspection to a business facility of a waste marine collection operator and accumulated pollutant substance collection operator;
 - E. Investigation of pollution source for the improvement of the marine environment in an environment management sea area; and

F. Direction check-up for emission supervision of pollutant substances from a maritime facility and marine pollution thereby (excluding affairs related to a maritime facility pollutant substance record, maritime facility pollution emergency plan and marine pollution prevention manager.)

2. A marine environment observer under the Commissioner of the Korean Coast Guard:

A. Matters regarding entrance inspection and report under the provisions of Subsection 8 of Article 94 (2);

B. Direction check-up for emission supervision of pollutant substances from a maritime facility and marine pollution thereby (limited to affairs related to a maritime facility pollutant substance record, a maritime facility pollution emergency plan and a marine pollution prevention manager.)

C. Inspection and guidance for facilities operated by a waste marine discharging business, marine pollution prevention business, oil tank cleaning business and a waste subcontractor;

D. Inspection on the arrangement and installation of a prevention ship and the provision of materials and chemicals in a maritime facility; and

E. Investigation and collection, etc. of pollution samples for identification and analysis in the event of being deemed that pollutant substances are discharged or are suspected of discharging.

Article 91 (National Support, Etc.)

A business and act which the State or local government can support to a private group under the provisions of Article 119 (3) of the Act shall be provided under any of the following Subsections:

1. Marine pollution supervision and marine environment purification activity;

2. Marine pollution prevention work;

3. Research & development related to marine environment; and

4. Investigation, research, advertisement and education of marine environment.

Article 92 (Training Education for Marine Pollution Prevention Manager, Etc.)

(1) A marine pollution prevention manager or technology staff who engages in a marine environment management business shall take training and education courses necessary for the performance of relevant duties and falling under any of the following Subsections:

1. Course for a marine pollution prevention manager of vessel;

2. Course for a marine pollution prevention manager of maritime facilities; and

3. Course for marine pollution prevention and control of marine environment management business.

(2) The corporation shall operate training and education courses of Section (1) under the provisions of Subsection 6 of Article 123 (3) of the Act and Subsection 6 of Article 95 (1) of this Decree.

(3) Matters regarding the acknowledgement of training and education courses similar to the training and education courses of Section (1) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Presidential Decree No.

20722 on Feb. 29, 2008>

Article 93 (Exemption of Fee Collection)

Where a payment obligor of a prevention share under the provisions of Article 69 (1) of the Act entrusts the corporation with arrangement and installation of prevention ship, etc. under the provisions of Article 67 of the Act when the corporation collects fees due to the arrangement and installation of prevention ships, etc. under the provisions of Article 122 (2), the fees may be exempted.

Article 94 (Delegation of Authorities)

(1) The Minister may delegate its authorities on the designation and announcement of a professional inspection institution under the provisions of Article 23 (4) of the Act and Article 35 of this Decree to the Commissioner of the Korean Coast Guard under the provisions of Article 123 (1) of the Act. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) The Minister may delegate its authorities on any matters of the following Subsections to the Commissioner of the Korean Coast Guard under the provisions of Article 123 (1) of the Act. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Imposition collection of surcharge under the provisions of Subsection 1 of Article 19 (1) of the Act;
2. Registration of a waste marine dumping business under the provisions of Subsection 1 of Article 70 (1) of the Act;
3. Acceptance of taking over wastes and undertaking statement under the provisions of Article 72 (3) of the Act;
4. Order for the proper disposal of wastes to a waste marine dumping business under the provisions of Article 73 of the Act;
5. Acceptance of the right and obligation succession report of a waste marine dumping business under the provisions of Article 74 (3) of the Act;
6. Order to cancel the registration of a waste marine dumping business or to suspend the business thereof under the provisions of Article 75 (1) of the Act;
7. Acceptance of declaration and alteration declaration of a waste consignor under the provision of Article 76 (1) of the Act;
8. Order of a vessel entrance inspection and report, etc. falling under any of the following items under the provisions of Article 19 (1) of the Act;
 - A. Korean vessel which navigates in Korean seas; or
 - B. A vessel as a Korean vessel to navigate in international sea routes and which the head of a regional maritime affairs and port office does not conduct an entrance inspection under the provisions of Subsection 19 of Article 94 (4).
9. Hearing for the registration cancellation of a waste marine dumping business under the provisions of Subsection 2 of Article 120 of the Act.

(3) The Minister may delegate its authorities on any matters of the following Subsections to the head of the National Fisheries Research & Development Institute under the provisions of Article 123 (1) of the Act. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Operation of a marine environment measurement network under the provisions of Article 9 (1) of the Act;
 2. Deleted <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>;
 3. Quality management under the provisions of Article 12 (1) of the Act;
 4. Order to improve and supplement under the provisions of Article 12 (2) of the Act;
 5. Certification of measurement and analysis capacity under the provisions of Article 13 (1) of the Act;
 6. Renewal of quality management and measurement and analysis capacity under the provisions of Article 13 (2) of the Act;
 7. Cancellation of measurement and analysis capacity under the provision of Article 13 (3) of the Act;
 8. Deleted <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>;
 9. Type approval of marine environment measurement apparatus under the provisions of Article 110 (1) of the Act;
 10. Quality inspection and official approval of correction goods of marine environment measurement apparatus under the provisions of Article 110 (2) of the Act;
 11. Performance test of marine environment measurement apparatus under the provisions of Article 110 (5) of the Act;
 12. Official approval of marine environment measurement apparatus under the provisions of Article 110 (6) of the Act;
 13. Cancellation of type approval and business suspension of marine environment measurement apparatus under the provisions of Article 110 (9) of the Act;
 14. Hearing for cancellation of measurement and analysis capacity under the provisions of Article 120 (1) of the Act; or
 15. Hearing for cancellation of type approval of marine environment measurement apparatus under the provisions of Article 120 (5) of the Act.
- (4) The Minister may delegate its authorities on any matters of the following Subsections to the head of a regional maritime affairs and port office under the provisions of Article 123 (1) of the Act: <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>
1. Marine environment improvement measures under the provisions of Article 18 (1) of the Act;
 2. Declaration of maritime facilities under the provisions of Article 33 (1) of the Act;
 3. Inspection or preliminary inspection of marine pollution prevention facilities, etc. under the provisions of Articles 49 through 54 of the Act;
 4. Issuance of an agreement inspection certificate under the provisions of Article 55 (1) of the Act;
 5. Order to take measures against inappropriate vessels and a disposal to suspend its navigation under the provisions of Article 58 (1) and (2) of the Act;
 6. Port state control for marine pollution prevention under the provisions of Article 59 (1) of the Act;

7. Re-inspection under the provisions of Article 60 of the Act;
 8. Registration of waste marine collection business and accumulated pollutant substance collection business under the provisions of Subsections 4 and 5 of Article 18 (1) of the Act;
 9. Acceptance of the succession declaration of rights and obligations of a waste marine collection business and accumulated pollutant substance collection business under the provisions of Article 74 (3) of the Act;
 10. Order to cancel the registration of waste marine collection business and accumulated pollutant substance collection business and order to suspend its business under the provisions of Article 75 (1) of the Act;
 11. Sea area utilization conference (excluding the case in which a disposal agency is a central administrative agency) under the provisions of Article 84 (1) of the Act;
 12. Sea area utilization effect evaluation (excluding the case in which a disposal agency is a central administrative agency) under the provisions of Article 85 (1) of the Act;
 13. Registration of an evaluation agent under the provisions of Article 86 of the Act;
 14. Order to cancel the registration of an evaluation agent and order to suspend its agency under the provisions of Article 89 (1) of the Act;
 15. Type approval of a type approval subject facility under the provisions of Article 110 (3) of the Act;
 16. Performance test of type approval subject facilities under the provisions of Article 110 (5) of the Act;
 17. Official approval of type approval subject facilities under the provisions of Article 110 (6) of the Act;
 18. Cancellation and business suspension of type approval of a type approval subject facility under the provisions of Article 110 (9) of the Act;
 19. Entrance inspection and report of a vessel (excluding Korean vessels to navigate in Korean sea areas) and maritime facility under the provisions of Article 115 (1) of the Act;
 20. Designation of a marine environment observer under the provisions of Article 116 (1) of the Act;
 21. Order to stop, search and seize, and prohibit entry and departure of a vessel at a port under the provisions of Article 117 of the Act;
 22. Hearing for cancellation of registration of a waste marine collection business and accumulated pollutant substance collection business under the provisions of Article 120 (2) of the Act;
 23. Hearing for cancellation of registration of an evaluation agent under the provisions of Article 120 (4) of the Act;
 24. Hearing for cancellation of type approval of a type approval subject facility and suspension of its business under the provisions of Article 120 (5) of the Act; or
 25. Imposition and collection of fees under the provisions of Article 133 (1) of the Act.
- (5) The Commissioner of the Korean Coast Guard may delegate its authorities on any matters of the following Subsections to the head of a regional marine police office under the

provisions of Article 123 (1) of the Act. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

1. Official seal of a maritime facility pollution emergency plan under the provisions of Article 35 (1) of the Act;
2. Prevention measure orders and prevention measures under the provisions of Article 64 (3) of the Act;
3. Order to prohibit the entry and departure of a vessel at a port or to suspend the use of facilities under the provisions of Article 67 (3) of the Act;
4. Order for preventive measures or emission prevention measures under the provisions of Article 67 (4) of the Act;
5. Preventive measure and expense-sharing measures under the provisions of Article 68 (1) and (2) of the Act;
6. Registration of marine pollution prevention business and oil-tank cleaning business under the provisions of Subsections 2 and 3 of Article 70 (1) of the Act;
7. Acceptance of a disposal report regarding prevention, and cleaning and collection of pollutant substances under the provisions of Article 72 (1) of the Act;
8. Acceptance of succession declaration of rights and obligations of a marine pollution prevention business and oil-tank cleaning business under the provisions of Article 74 (3) of the Act;
9. Order to cancel the registration of a marine pollution prevention business and oil-tank cleaning business and to suspend its business under the provisions of Article 75 (1) of the Act;
10. Acceptance of a declaration of vessel dismantlement and correction under the provisions of Article 111 (1) of the Act;
11. Request for cooperation of relevant institutions under the provisions of Article 114 (1) of the Act;
12. Order to take an entrance inspection and report under the provisions of Article 115 (2) and (3) of the Act;
13. Designation of a marine environment observer under the provisions of Article 116 (1) of the Act;
14. Order to stop, search and seize, and prohibit the entry and departure of a vessel at a port under the provisions of Article 117 of the Act;
15. Hearing for cancellation of registration of a waste marine collection business and accumulated pollutant substance collection business under the provisions of Subsection 2 of Article 120 of the Act;
16. Imposition and collection of fees under the provisions of Article 133 (1) of the Act;

Article 95 (Entrustment of Affairs)

(1) The Minister among sea area management agencies may entrust affairs falling under any of the following Subsections to the president of the corporation according to the provisions of Article 123 (3) of the Act. <Amended by Presidential Decree No. 20722 on

Feb. 29, 2008>

1. Management of marine environment improvement measures under the provisions of Article 18 (1) of the Act;
2. Operation of a vessel or disposal facility under the provisions of Article 24 (3) of the Act;
3. Installation and operation of pollutant substance storage facilities under the provisions of Article 38 (1) of the Act;
4. Installation and operation of maintaining facilities under the provisions of Article 66 (1) of the Act;
5. Installation and operation of vessel scrapping plants under the provisions of Article 111 (3) of the Act;
6. Training and education of marine pollution prevention manager, etc. under the provisions of Article 121 of the Act;

(2) In the event of entrusting its affairs under the provisions of Article 123 (3) of the Act, the Mayor/Do governor among sea area management agencies shall enter into an entrustment agreement.

(3) In the event of entering into an entrustment agreement, it shall contain matters falling under any of the following Subsections:

1. Scope of entrustment project;
2. Matters regarding the management of entrustment project;
3. Entrustment contract period (including matters regarding amendment and renewal of the contract period and termination of entrustment agreement);
4. Matters regarding payment of entrustment price;
5. Matters regarding management and supervision of entrusted affairs; and
6. Matters regarding the sub-entrustment of parts of the entrusted affairs.

Article 96 (Data Submittal)

In the event of conducting the affairs entrusted under the provisions of Article 123 (1) of the Act, the Commissioner of the Korean Coast Guard, head of the regional marine police office, head of the National Fisheries Research & Development Institute or head of a regional maritime affairs and port office shall submit data regarding the affairs thereof to the Minister or Commissioner of the Korean Coast Guard. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

CHAPTER XI PENAL PROVISIONS

Article 97 (Pollutant Substances)

The term “pollutant substances as determined by Presidential Decree” under the provisions of Subsection 1 of Article 132 (2) of the Act shall mean materials, such as wastes of excretions and polluted water, etc. and dangerous liquid material, exceeding the disposal criteria as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

Article 98 (Imposition of Fine for Negligence)

(1) In the event of imposing a fine for negligence under the provisions of Article 133 of the

Act, the Minister or Commissioner of the Korean Coast Guard (hereinafter referred to “imposer” in this Article) shall investigate and confirm the relevant violations and state in writing such violations, amount of fine for negligence, objection method and period, etc. and notify the disposal target of paying the fine for negligence. <Amended by Presidential Decree No. 20722 on Feb. 29, 2008>

(2) In the event of imposing a fine for negligence, the imposer shall give the disposal target an opportunity to express its opinion orally or by writing (including an electronic document) within a period of ten days. In this case, in the event of not submitting any opinion by the designated date, he/she shall be deemed to have no objection.

(3) In the event of determining an amount of the fine for negligence under the provisions of Section (1), the imposer may reduce the imposition amount within the range of 50 % by taking into consideration the business scale of the disposal target of the fine for negligence and the motive and results of the relevant violations, etc., and the imposition criteria shall be provided under the attached Table 19.

(4) Collection procedure of a fine for negligence shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

ADDENDA (Omitted)

3. Conservation and Management Of Marine Ecosystems Act

[Enforcement Date 23. Dec, 2015.] [Act No.13383, 22. Jun, 2015., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect marine ecosystems from artificial damage and conserve or manage marine ecosystems in a comprehensive and systematic manner, such as conserving marine biological diversity and promoting sustainable use of marine biological resources, thereby improving the quality of national life and protecting marine assets.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. The term "marine ecosystems" means a material system or a functional system, wherein the biological community of specific sea areas are combined with inorganic and organic environments surrounding such community;

2. The term "conservation and management of marine ecosystems" means all activities conducted to conserve, protect or restore marine ecosystems in a systematic manner and conserve marine biological diversity;

3. The term "marine biological diversity" means the diversity of biological species or organisms within marine ecosystems, including the diversity of intra-species, inter-species, the habitats of organisms and ecosystems;

4. The term "marine biological resources" means genetic resources, organisms, a part of

organisms, population and other biological components of marine ecosystems, which have a value to people or serve practical or potential purposes;

5. The term "marine ecosystem axis" means the network of habitats, which connects the ecosystems of ecologically important areas or sea areas maintaining ecological functions so as to protect and manage marine ecosystems and marine biological diversity in an integrated manner and to maintain the continuity of ecological structure and functions;

6. The term "marine ecology map" means a map drawn up under Article 12, by classifying marine ecosystems according to ecological or landscape value, etc.;

7. The term "marine primary production" means the production of organic materials through photosynthesis or chemical synthesis in the sea;

8. The term "marine organisms" means organisms which inhabit or grow naturally in marine ecosystems;

9. The term "migratory marine animals" means animals moving in a group for spawning, feeding activities or reproduction, etc., which are determined by Ordinance of the Ministry of Oceans and Fisheries;

10. The term "marine mammals" means mammals living in the sea, which are determined by Ordinance of the Ministry of Oceans and Fisheries;

11. The term "marine organisms under protection" means marine species falling under any of the following items, which are determined by Ordinance of the Ministry of Oceans and Fisheries:

(a) Unique species living in the Republic of Korea;

(b) Species, the number of which is remarkably decreasing;

(c) Species of high academic or economic values;

(d) Species internationally highly worthy of protection;

12. The term "organisms disturbing marine ecosystems" means organisms falling under any of the following items, which are determined by Ordinance of the Ministry of Oceans and Fisheries:

(a) Marine organisms flowing in from abroad artificially or naturally, which cause or are likely to cause disturbance to the balance of marine ecosystems;

(b) Marine organisms which cause or are likely to cause disturbance to the balance of marine ecosystems, from among genetically modified organisms produced through genetic modification;

13. The term "harmful marine organisms" means marine organisms causing harm to the life or property of people, which are determined by Ordinance of the Ministry of Oceans and Fisheries;

14. The term "protected marine areas" means areas highly worthy of conservation, as they are ecologically important due to diverse marine organisms or excellent marine assets, including marine landscape, which are determined by Ordinance of the Ministry of Oceans and Fisheries under Article 25;

15. The term "marine assets" means the total of non-biological resources of tangible or

intangible value, which can be used for the life of people or economic activities, including biological resources of marine ecosystems, marine landscape, marine minerals, seawater and marine energy.

Article 3 (Basic Principles for Conservation and Management of Marine Ecosystems)

The following basic principles shall apply when conserving and managing marine ecosystems:

1. Marine ecosystems shall be conserved or managed as the assets of all nationals, in a way that serves the public interests and ensures the sustainable use of marine ecosystems;
2. There should be harmony and balance between the use of the sea and the conservation or management of marine ecosystems;
3. Endangered marine organisms or ecologically important marine organisms shall be protected, and the diversity of marine organisms shall be maintained;
4. Nationals shall take part in the conservation or management of marine ecosystems, and shall be provided with more opportunities to use marine ecosystems in a sound manner;
5. The burden of conserving or managing marine ecosystems shall be shared in an equitable manner, and benefits generated from marine ecosystems shall be preferentially enjoyed by local residents and interested persons;
6. No ecological balance shall be destroyed nor shall the value thereof be undermined in cases where marine environments are used or developed, and endeavors shall be made to restore or recover marine ecosystems and marine landscape in cases where they are destroyed, damaged or injured;
7. International cooperation shall be promoted for the sustainable use of marine ecosystems.

Article 4 (Obligations of State)(1) The State or local governments shall take the following measures to conserve or manage marine ecosystems:

1. Formulation and implementation of measures to conserve or manage marine ecosystems, in an effort to prevent inordinate damage to marine ecosystems caused by activities or projects (hereinafter referred to as "development activities, etc.") affecting marine ecosystems, including the development or use of the sea, and to promote the sustainable use of marine ecosystems;
2. Promotion of policies which encourage nationals to take an active part in the conservation or management of marine ecosystems, and the creation of conditions therefor;
3. Investigation, research and technology development concerning the conservation and management of marine ecosystems, and the fosterage of specialized human resources;
4. Formulation and implementation of measures to restore or recover damaged marine ecosystems;
5. Raising public awareness on the importance of marine ecosystems, through education and public relations concerning marine ecosystems;
6. Promotion of international cooperation concerning the conservation of marine environments.

(2) Business entities shall observe the following matters, in conducting his/her business

activities:

1. Business entities shall preferentially consider marine ecosystems and marine landscapes;
2. Business entities shall take necessary measures on their own to restore or recover damaged marine environments caused by their business activities;
3. Business entities shall take part and cooperate in measures to conserve the marine environments, formulated and implemented by the State and local governments under paragraph (1).

(3) All nationals shall endeavor to protect marine ecosystems, including active participation in policies of the State and local governments to conserve and manage marine ecosystems.

(4) Any one who intends to conduct development activities, etc. shall take measures necessary to minimize damage to marine ecosystems.

Article 5 (Consultations, etc. on Major Policies)(1) The heads of central administrative agencies shall, before formulating and implementing major policies or plans directly related to the conservation and management of marine ecosystems, consult with the Minister of Oceans and Fisheries: Provided, That this shall not apply where they have consulted with the Minister of Oceans and Fisheries under other Acts. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may, when conducting development activities, etc., in consultation with the heads of the relevant central administrative agencies, draw up guidelines on the conservation, management and sustainable use of marine ecosystems, and order persons engaged in development activities, etc. to utilize such guidelines. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Matters necessary to determine the kinds of major policies or plans subject to consultation and to prepare guidelines under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 6 (Support for Movements to Protect Marine Ecosystems)

The State shall support local governments, civil groups, etc. to ensure that nationals can take part in movements to protect marine ecosystems and that ecological characteristics of each region shall be taken into account in promoting the movements to protect marine ecosystems.

Article 7 (Establishment and Operation of Marine Ecosystem Information System)(1) The Minister of Oceans and Fisheries may establish and operate the marine ecosystem information system (hereinafter referred to as "marine ecosystem information system") which computerizes a marine ecology map, marine species and information on habitats, etc., so as to smoothly produce and distribute knowledge and information on marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may request the heads of the relevant administrative agencies to submit data necessary for the establishment and operation of the marine ecosystem information system. In such cases, the heads of the relevant administrative agencies shall comply therewith, in the absence of special

circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries may entrust the establishment and operation of the marine ecosystem information system to specialized institutions, where it is necessary for the efficient establishment and operation of the marine ecosystem information system. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Matters necessary for the establishment and operation of the marine ecosystem information system under paragraph (1) and entrustment to specialized institutions under paragraph (3) shall be prescribed by Presidential Decree.

Article 8 (Formulation of Joint Measures with Neighboring Countries)(1) The State may formulate joint measures with neighboring countries, in order to conserve and manage marine ecosystems and marine biological resources in a systematic and comprehensive manner.

(2) The State or local governments may conduct cooperative projects, in investigations, research, restoration or recovery, with neighboring countries, in an effort to promote international joint responses to the protection of marine organisms, the conservation of habitats of marine organisms and impact on marine ecosystems by marine pollution, and may have the relevant research institutes or academic institutions take part in such projects.

(3) The State or local governments may support the relevant research institutes or academic institutions which take part in cooperative projects under paragraph (2), and the kinds of and procedures for support for cooperative projects and institutions subject to such support shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

CHAPTER II FORMULATION OF PLANS AND INVESTIGATIONS

Article 9 (Formulation of Basic Plans on Conservation and Management of Marine Ecosystems)(1) The Minister of Oceans and Fisheries shall formulate basic plans (hereinafter referred to as "basic plans") on the conservation and management of marine ecosystems every ten years, so as to conserve and manage marine ecosystems in a comprehensive and systematic manner. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Basic plans shall include the following:

1. The actual status or use of marine ecosystems;
2. Basic directions and major projects concerning the conservation and management of marine ecosystems;
3. Matters concerning the protection or restoration of habitats or the migratory routes of marine organisms;
4. Matters concerning the establishment and promotion of the marine ecosystem axis;
5. Education and public relations concerning the conservation and management of marine ecosystems and the promotion of civil cooperation;
6. Cooperation of the relevant central administrative agencies and local governments;
7. International cooperation on the conservation and management of marine ecosystems;

8. Matters concerning the calculation of expenses incurred in conducting projects and methods of funding;

9. Other matters concerning the conservation and management of marine ecosystems prescribed by Presidential Decree.

(3) The Minister of Oceans and Fisheries shall, in formulating basic plans, undergo deliberations by the Marine Fishery Development Committee under Article 7 of the Framework Act on Marine Fishery Development, after consulting with the heads of the relevant central administrative agencies, the Special Metropolitan City Mayor, the Metropolitan City Mayor, the Mayor of Special Self-Governing City, Do governor, the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayors/Do Governors"). <Amended by Act No. 8260, Jan. 19, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9454, Feb. 6, 2009; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

(4) The Minister of Oceans and Fisheries may request the heads of the relevant central administrative agencies and Mayors/Do Governors to submit data necessary for formulating basic plans. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) The Minister of Oceans and Fisheries shall notify the heads of the relevant central administrative agencies and Mayors/Do Governors of basic plans and publicly notify such plans. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(6) Mayors/Do Governors shall formulate detailed implementation plans on the conservation and management of marine ecosystems in areas under their jurisdiction according to basic plans, and report such plans to the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(7) The Minister of Oceans and Fisheries or Mayors/Do Governors may make modifications to basic plans and detailed implementation plans, when it is deemed necessary to respond to the changes in natural or social conditions. In such cases, they shall consult with the heads of the relevant central administrative agencies and Mayors/Do Governors in advance. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(8) The Minister of Oceans and Fisheries may request Mayors/Do Governors to change detailed implementation plans, when it is deemed necessary for the conservation and management of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(9) Paragraphs (3) through (6) shall apply mutatis mutandis to changes of basic plans: Provided, That this shall not apply to changes to insignificant matters prescribed by Presidential Decree.

(10) The heads of the relevant central administrative agencies or Mayors/Do Governors shall preferentially consider basic plans, when taking such actions as authorization, permission, approval, license, decision or designation, in connection with development activities, etc.

(11) The Minister of Oceans and Fisheries shall analyze and evaluate the outcomes of implementing basic plans on the conservation and management of marine ecosystems every two years, and reflect such outcomes in policies on the conservation and management

of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 10 (Basic Investigation into Marine Ecosystems, etc.)(1) The Minister of Oceans and Fisheries shall conduct a basic investigation into marine ecosystems nationwide every ten years, in collaboration with the heads of the relevant central administrative agencies. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may conduct an investigation into the marine ecosystems of regions and sea areas classified as the first-class zone on a marine ecology map under Article 12 and regions and sea areas where it is deemed especially necessary to understand changes in marine ecosystems, every five years, in collaboration with the heads of the relevant central administrative agencies. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Such matters as the details and methods of investigations under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

(4) Mayors/Do Governors may conduct an investigation into marine ecosystems in areas under their jurisdiction, in accordance with the Municipal Ordinances of the relevant local governments, and shall report investigation plans and the outcomes of investigations to the Minister of Oceans and Fisheries, when conducting an investigation. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 11 (Detailed Investigation and Observation of Changes in Marine Ecosystems)(1) The Minister of Oceans and Fisheries shall formulate and implement plans for detailed investigation of the relevant marine ecosystems, where he/she deems that it is especially necessary to investigate and manage such marine ecosystems which came to knowledge after an investigation under Article 10. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may conduct a supplementary investigation of regions and sea areas, where it is obvious that natural or artificial factors have resulted in changes to marine ecosystems, from among regions and sea areas investigated under Article 10. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries shall continue to observe changes in marine ecosystems caused by natural or artificial factors. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Mayors/Do Governors may investigate and observe marine ecosystems in areas under their jurisdiction under paragraphs (1) through (3), in accordance with the Municipal Ordinances of the relevant local governments.

(5) The items, details and methods of investigations under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 12 (Drafting Marine Ecology Map)(1) The Minister of Oceans and Fisheries shall draft a marine ecology map, which classifies the marine ecosystems nationwide according

to the following criteria, on the basis of the results of the investigations and observation under Articles 10 and 11, so as to utilize such map in formulating basic plans and take it into account in conducting development activities, etc.: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. First-class zone: Regions and sea areas falling under any of the following items:

(a) Regions and sea areas which are the major habitats, spawning areas and major migratory routes of marine organisms under protection;

(b) Regions and sea areas which have excellent marine ecosystems or magnificent marine landscape;

(c) Regions and sea areas which are located in geographical distribution limits of organisms or which represent the types of marine vegetation;

(d) Regions and sea areas with especially diverse marine organisms, where marine biological resources worthy of conservation exist and are distributed;

(e) Regions and sea areas which have a marine ecological value equivalent to items (a) through (d), satisfying the standards prescribed by Presidential Decree;

2. Second-class zone: Regions and sea areas equivalent to those falling under any item of subparagraph 1, which are worthy of future conservation in terms of marine biological value, or regions and sea areas outside of the first-class zone, which are necessary for the protection of the first-class zone;

3. Third-class zone: Regions and sea areas to be developed or used, which are not classified as a first-class zone, second-class zone or separately managed zone;

4. Separately managed zone: Regions with landscape value, which are prescribed by Presidential Decree, from among areas conserved under the provisions of other Acts.

(2) The Minister of Oceans and Fisheries may, when drawing up a marine ecology map, request the heads of the relevant central administrative agencies or the heads of local governments to cooperate therein, including the submission of necessary data or the cooperation by specialized human resources, and the heads of the relevant central administrative agencies or the heads of local governments shall comply with such requests, as prescribed by Presidential Decree, in the absence of unavoidable military necessity. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Mayors/Do Governors may draw up a detailed marine ecology map in areas under their jurisdiction for the efficient conservation and management of marine ecosystems, in consultation with the Minister of Oceans and Fisheries, and matters necessary therefor shall be determined by the Municipal Ordinance of the relevant local governments. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries shall, when drafting a marine ecology map, consult with the heads of the relevant central administrative agencies, after undergoing public perusal for not less than 14 days. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) The Minister of Oceans and Fisheries shall notify the heads of the relevant central

administrative agencies and the heads of the relevant local governments of the marine ecology map and issue public notice thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(6) Standards and methods for drafting a marine ecology map shall be prescribed by Presidential Decree.

Article 13 (Marine Ecology Researchers)(1) The Minister of Oceans and Fisheries or Mayors/Do Governors may appoint marine ecology researchers (hereinafter referred to as the "researchers"), where it is necessary for the investigations and observation under Articles 10 and 11 or other investigations into marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Qualifications for researchers and procedures for appointing researchers under paragraph (1) or other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries or Municipal Ordinance of the relevant local governments. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 14 (Entry into Land Owned by Another)(1) The Minister of Oceans and Fisheries or Mayors/Do Governors may order public officials or researchers (where the Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors entrust tasks including basic investigation into marine ecosystems to specialized institutions or organizations pursuant to Article 60 (2), including the executives or employees of the relevant specialized institutions or organizations) to enter public waters or land owned by another to conduct an investigation or make an observation, or order them to change or remove trees, soil, stones or other obstacles (hereinafter referred to as "obstacles, etc.") of such public waters or land, where it is necessary for the investigations and observation under Articles 10 and 11. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

(2) Where public officials or researchers intend to change or remove obstacles, etc. under paragraph (1), they shall obtain the consent of those who occupy and use, use, possess, occupy or manage public waters or land (hereinafter referred to as "occupiers and users, etc."): Provided, That where occupiers and users, etc. are not on site, or where it is impossible to obtain consent thereof due to their incorrect addresses, they shall post a notice on the bulletin board of an Eup/Myeon/Dong having jurisdiction over the relevant areas or publicly announce such fact in daily newspapers, and after 14 days from such notification or announcement, they shall be deemed to have obtained consent.

(3) No occupier and user, etc. of public waters or land may refuse, obstruct or evade the entrance, investigations or observation and the change or removal of obstacles, etc. under paragraph (1) without a good cause.

(4) Any one who intends to enter public waters or land owned by another under paragraph (1) shall carry a certificate indicating his/her authority and present such certificate to the relevant person, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 15 (Maintenance and Management of Marine Primary Production)(1) The

Minister of Oceans and Fisheries shall take measures to maintain and manage marine primary production, in consultation with the heads of the relevant central administrative agencies and Mayors/Do Governors. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall conduct an investigation into necessary matters, including the actual state, characteristics and influence, etc. of marine ecosystems by sea area, in advance, to maintain and manage marine primary production. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries may request the relevant specialized institutions to conduct an investigation under paragraph (2), for scientific and specialized investigations and measurement. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

CHAPTER III PROTECTION OF MARINE ORGANISMS

Article 16 (Protection of Migratory Marine Animals)(1) The State or local governments shall protect the habitats, spawning areas and migratory routes of migratory marine animals and marine mammals.

(2) The State or local governments may establish exhibition halls and education or information centers for the conservation or management of migratory marine animals and marine mammals, and subsidize all or part of expenses incurred in conducting research or investigations by the relevant institutions or organizations.

(3) The Minister of Oceans and Fisheries, the heads of the relevant central administrative agencies, or the heads of local governments may prohibit or restrict capture, so as to conserve and manage the spawning or breeding environments of migratory marine animals and marine mammals. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Such matters as procedures or methods for supporting research and investigations of migratory marine animals and marine mammals under paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 17 (Designation or Revocation of Designation of Conservation Institutions other than Habitats)(1) The Minister of Oceans and Fisheries or Mayors/Do Governors may designate institutions prescribed by Presidential Decree, including zoos, as conservation institutions for marine organisms other than habitats, (hereinafter referred to as "conservation institutions other than habitats"), after hearing from the relevant central administrative agencies, where it is difficult to conserve marine organisms in their habitats or it is necessary to conserve marine organisms in places other than habitats for the conservation of their species: Provided, That he/she shall consult with the Administrator of the Cultural Heritage Administration, when designating conservation institutions other than habitats, so as to conserve natural monuments designated under Article 25 of the Cultural Heritage Protection Act in places other than their habitats. <Amended by Act No. 8852, Feb.

29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

(2) The Minister of Oceans and Fisheries or Mayors/Do Governors may subsidize all or part of expenses incurred in conserving marine organisms, where it is especially necessary to conserve marine organisms in conservation institutions other than habitats. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

(3) The Minister of Oceans and Fisheries or Mayors/Do Governors may revoke the designation, where conservation institutions other than habitats fall under any of the following: Provided, That he/she shall revoke the designation, where conservation institutions other than habitats fall under subparagraph 1: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11862, Jun. 6, 2013; Act No. 12490, Mar. 18, 2014; Act No. 12661, May 21, 2014>

1. Where they are designated as conservation institutions other than habitats, by fraud or other wrongful means;

2. Where they capture migratory marine animals and marine mammals, in violation of the prohibitions and restrictions under Article 16 (3);

3. Where they fall under any of the following items, in violation of Article 20 (1):

(a) Where they capture, collect or damage marine organisms under protection, without permission;

(b) Where they install explosives, nets or fishing gear, or use harmful substances (referring to harmful substances under subparagraph 2 of Article 2 of the Chemicals Control Act; hereinafter the same shall apply) or electric currents, so as to capture or damage marine organisms under protection;

4. Where they import or bring in marine organisms, the capture of which is prohibited or restricted, or export, import, ship out or bring in marine organisms under protection, without permission, in violation of Article 42 (1) 1 and 2.

(4) Such matters as procedures for designating conservation institutions other than habitats, or the operation thereof shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 18 (Rescue and Treatment of Marine Organisms)(1) The Minister of Oceans and Fisheries or Mayors/Do Governors shall take measures necessary to rescue or treat marine animals in distress or wounded, such as the establishment and operation of facilities for rescuing and treating marine animals. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries or Mayors/Do Governors may designate the relevant institutions or organizations as institutions specialized in rescuing and treating marine animals, for the rescue and treatment of marine animals. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries or Mayors/Do Governors may subsidize all or part of expenses incurred in rescuing and treating marine animals, for institutions specialized in rescuing and treating marine animals designated under paragraph (2). <Amended by Act

No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries or Mayors/Do Governors may revoke the designation, where institutions specialized in rescuing and treating marine animals fall under any of the following subparagraphs: Provided, That he/she shall revoke the designation, where institutions specialized in rescuing and treating marine animals fall under subparagraph 1: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where they are designated as institutions specialized in rescuing and treating marine animals by fraud or other wrongful means;

2. Where they refuse to rescue or treat marine animals in distress or wounded at least three times without special circumstances;

3. Where they abuse marine animals;

4. Where they acquire, transfer, take over, transport, keep or offer marine organisms under protection, which have been captured in an illegal manner, and processed goods made of such marine organisms, in violation of Article 20.

(5) Such matters as procedures for designating institutions specialized in rescuing and treating marine animals and subsidies for expenses incurred in rescuing and treating marine animals under paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 19 (Plans to Conserve Marine Organisms under Protection)(1) The Minister of Oceans and Fisheries may prepare measures to conserve marine organisms under protection, as prescribed by Presidential Decree, and implement such measures, in collaboration with the heads of the relevant central administrative agencies and Mayors/Do Governors, or request the heads of the relevant central administrative agencies and Mayors/Do Governors to implement such measures. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall formulate measures to protect the habitats, etc. of marine organisms under protection and take necessary measures, such as the reproducing or restoring species, in cases where it is deemed difficult for the current populations to continue their life in nature and it is especially necessary to take measures for protection. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries may request cooperation from the heads of the relevant central administrative agencies or Mayors/Do Governors, where it is necessary to protect, reproduce or restore marine organisms under protection. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries, the heads of the relevant central administrative agencies or Mayors/Do Governors may recommend appropriate methods, etc. of using public waters or land to the occupiers and users, etc. of the public waters or land, as prescribed by Presidential Decree, where it is deemed necessary for protecting marine organisms under protection. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690,

Mar. 23, 2013>

(5) The Minister of Oceans and Fisheries may provide support necessary for the occupiers and users, etc. of the public waters or land to follow his/her recommendations, within budget limits. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 20 (Prohibitions against Capturing or Collecting, etc. Marine Organisms under Protection)

(1) No one shall capture, collect, transplant, process, distribute, store (including dead marine organisms in cases of process, distribution or storage) or damage (hereinafter referred to as "capture or collection, etc.") marine organisms under protection, and shall install explosives, nets or fishing gear, or use harmful substances or electric currents, so as to capture or damage marine organisms under protection: Provided, That marine organisms under protection may be captured or collected, with permission from the Minister of Oceans and Fisheries, in any of the following cases: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11690, Mar. 23, 2013; Act No. 11862, Jun. 4, 2013; Act No. 12490, Mar. 18, 2014>

1. Where any one intends to use marine organisms, so as to protect, reproduce, or restore marine organisms under protection or conduct academic research;
2. Where any one intends to use marine organisms for viewing or exhibition in facilities for conserving or using marine ecosystems established under Article 43;
3. Where it is necessary for preventing damage to cultured fish species or fishery products;
4. Where it is inevitable to conserve marine organisms under protection by moving or transplanting them, so as to perform the public works under Article 4 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects or conduct projects for which authorization, permission or approval, etc. (hereinafter referred to as "authorization or permission, etc.") has been obtained under the provisions of the statutes;
5. Where any one exports, imports, ships out or brings in artificially reproduced marine organisms, as prescribed by Presidential Decree;
6. Other cases determined by Ordinance of the Ministry of Oceans and Fisheries, unless the protection of marine organism is interrupted.

(2) Where any one obtains permission under Article 19 of the Wildlife Protection and Management Act, he/she shall be deemed to have obtained permission from the Minister of Oceans and Fisheries under the proviso to paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10977, Jul. 28, 2011; Act No. 11690, Mar. 23, 2013>

(3) The provisions of paragraph (1) shall not apply in any of the following cases: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10977, Jul. 28, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

1. Where any one captures marine organisms under protection, for fear that they are likely to cause imminent harm to human beings;
2. Where any one captures marine organisms under protection, as it is urgent to rescue and treat the marine animals in distress or wounded;
3. Where any one inevitably catches marine organisms under protection with other marine

organisms during fishing activities, and such catch is reported to the Minister of Oceans and Fisheries within three months;

4. Where conservation institutions other than habitats, receive authorization or permission, etc. for capture or collection, etc. under the provisions of relevant statutes;

5. Where it falls into the permitted matters under Article 35 of the Cultural Heritage Protection Act;

6. Where marine organisms fall under the category of endangered wildlife under subparagraph 2 of Article 2 of the Wildlife Protection and Management Act.

(4) Any one who intends to capture or collect, etc. marine organisms under protection, after obtaining permission under the proviso to paragraph (1), shall carry a permit, and when any one captures or collects, etc. marine organisms under protection, he/she shall report the results of capture or collection, etc. to the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) Where specific marine organisms are designated as marine organisms under protection, any one who has already kept the relevant marine organisms shall make a report to the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, within one year. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(6) Such matters as the standards and procedures for permission and the issuance of a permit under the proviso to paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 21 (Revocation of Permission)(1) Where any one who obtains permission under the proviso to Article 20 (1) falls under any of the following subparagraphs, the Minister of Oceans and Fisheries may revoke such permission: Provided, That where any one falls under subparagraph 1, he/she shall revoke such permission: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where any one obtains permission by fraud or other wrongful means;

2. Where any one violates permitted matters in capturing or collecting, etc. marine organisms under protection.

(2) Any one whose permission has been revoked under paragraph (1), shall return a permit to the Minister of Oceans and Fisheries, within seven days from such revocation. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 22 (Restrictions on Advertisements Related to Marine Organisms under Protection)

No one shall place an advertisement which is likely to promote the extinction or decrease of marine organisms under protection or provoke the abuse of marine organisms under protection: Provided, That this shall not apply to cases where he/she receives authorization or permission, etc. under the provisions of other Acts.

Article 23 (Management of Organisms Disturbing Marine Ecosystems)(1) No one shall bring organisms disturbing marine ecosystems into marine systems and increase their habitats or numbers.

(2) Any one who intends to import or bring in organisms disturbing marine ecosystems shall obtain permission from the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That genetically modified organisms under Article 2 of the Transboundary Movement, etc. of Living Modified Organisms Act, from among organisms disturbing marine ecosystems, shall be governed by the said Act. <Amended by Act No. 8762, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where organisms disturbing marine ecosystems disturb or damage the balance of marine ecosystems, the Minister of Oceans and Fisheries shall establish measures through investigation, and request the heads of relevant central administrative agencies or the heads of local governments to take relevant measures. In such cases, the Minister of Oceans and Fisheries may permit the capture or collection of organisms disturbing marine ecosystems, notwithstanding restrictions on acts in protected marine areas under Article 27 (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 24 (Management of Harmful Marine Organisms)

The Minister of Oceans and Fisheries or Mayors/Do Governors shall manage harmful marine organisms, by taking overall consideration of the damage caused by harmful marine organisms to fishery industries and the types or numbers of harmful marine organisms, and endeavor to ensure that marine ecosystems are not disturbed due to inordinate capture or collection. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

CHAPTER IV DESIGNATION AND MANAGEMENT OF PROTECTED MARINE AREAS

Article 25 (Designation and Management of Protected Marine Areas)(1) The Minister of Oceans and Fisheries may designate areas falling under any of the following subparagraphs, whose marine ecosystems or marine landscape require special protection, as protected marine areas and manage such areas: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Sea areas where marine ecosystems maintain primitiveness or sea areas worthy of conservation and academic research for their diverse marine organisms;
2. Areas which need academic research or conservation, due to unusual topography, geological features or ecology of the sea;
3. Sea areas which are worthy of being conserved for their high primary production capacity or for their function as the habitats or spawning areas of marine organisms under protection.
4. Sea areas which may represent diverse marine ecosystems or are equivalent to examples thereof;
5. Sea areas which are worthy of special conservation, for their beautiful submarine landscape, including coral reefs and seaweeds, or marine landscape;

6. Other sea areas prescribed by Presidential Decree, which are especially necessary for the effective conservation and management of marine ecosystems.

(2) Protected marine areas under paragraph (1) may be designated and managed, after being classified into the following sub-areas based on the characteristics of marine ecosystems:

1. Areas for protecting marine organisms: Areas needed to protect marine organisms;
2. Areas for protecting marine ecosystems: Areas with excellent marine ecosystems or diverse marine organisms, or areas with vulnerable ecosystems which are unlikely to be restored, if damaged;
3. Areas for protecting marine landscape: Areas with excellent marine landscape, wherein the topography, geological features and biota of the seaside or inside the sea achieve harmony with marine ecosystems.

(3) The Minister of Oceans and Fisheries may alter or cancel the designation as protected marine areas, where such areas lose the value as protected marine areas under paragraph (1) or do not need conservation, due to military necessity, natural disasters or other grounds. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Matters necessary for the designation or management of protected marine areas under paragraphs (1) through (3) shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 26 (Procedures, etc. for Designation of Protected Marine Areas)(1) The Minister of Oceans and Fisheries shall, before designating or altering protected marine areas, draft a topographic map (including a marine chart) determined by Presidential Decree in a written plan on designation which includes the following, listen to the opinions of the relevant local residents, interested persons and the heads of local governments, and then undergo consultations with the heads of the relevant central administrative agencies and deliberation by the Marine Fishery Development Committee under Article 7 of the Framework Act on Marine Fishery Development: Provided, That where changes are made to minor matters prescribed by Presidential Decree, deliberation by the Marine Fishery Development Committee may be omitted: <Amended by Act No. 8260, Jan. 19, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9454, Feb. 6, 2009; Act No. 11690, Mar. 23, 2013>

1. Grounds and purposes of designation or alteration;
2. Current status and characteristics of major marine ecosystems;
3. Specific use area or current status of using land in designated areas and adjacent areas;
4. Classification of protected marine areas and plans to manage such areas;
5. Current status of a fishing right and a mining right and drawings;
6. Current status of regulated areas under statutes.

(2) The heads of local governments or the heads of the relevant central administrative agencies shall, upon receiving requests for opinions or consultations under paragraph (1), shall present their opinions to the Minister of Oceans and Fisheries within 30 days after the date on which they receive such requests, unless there is a compelling reason not to do

so. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries shall, when he/she designates, alters or cancels protected marine areas, publicly notify the details of designation, alteration or cancellation in the official gazette, without delay, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 27 (Restrictions, etc. on Acts in Protected Marine Areas)(1) No one shall commit any of the following acts in protected marine areas: Provided, That where park areas designated under the Natural Parks Act or cultural heritage (including protected areas) under the Cultural Heritage Protection Act are included in protected marine areas, the provisions of the Natural Parks Act or Cultural Heritage Protection Act shall apply: <Amended by Act No. 8852, Feb. 29, 2008; Act 10676, May 19, 2011; Act No. 11690, Mar. 23, 2013; Act No. 11862, Jun. 4, 2013; Act No. 12490, Mar. 18, 2014>

1. Capturing, collecting, transplanting, or damaging marine organisms prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among marine organisms which do not fall under marine organisms under protection, or installing explosives, nets or fishing gear or using harmful substances or electric currents, so as to capture or damage marine organisms in protected marine areas;
2. Newly constructing or extending buildings or other structures (limited to cases where buildings are extended on not less than two occasions the size of the total ground area at the time of designation of protected marine areas);
3. Changing the structure of public waters, or increasing or decreasing the water level or quantity of the sea water;
4. Changing the quality of public waters or land;
5. Collecting the sea sand, quartz sand, soil and stones in public waters;
6. Throwing away specific substances harmful to the quality of water under subparagraph 8 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act, or wastes or harmful substances under subparagraph 1 of Article 2 of the Wastes Control Act;
7. Damaging, destroying or relocating notices on the conservation and management of marine ecosystems or other landmarks;
8. Other acts deemed harmful to marine ecosystems as prescribed by Presidential Decree.

(2) In any of the following cases, the provisions of paragraph (1) shall not apply: <Amended by Act No. 8377, Apr. 11, 2007; No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where it is necessary for military purposes;
2. Where it is necessary to take urgent measures to cope with natural disasters or other disasters prescribed by Presidential Decree;
3. Acts falling under paragraph (1) 2 through 5, which are necessary for maintaining or improving the unique life styles of residents in marine protected areas or adjacent areas (hereinafter referred to as "adjacent areas") which may pollute or affect protected marine areas, or acts which are necessary for maintaining the existing farming or fishing activities, as prescribed by Presidential Decree;

4. Acts or related facilities for conducting an investigation into marine ecosystems or academic investigation or research, which are deemed to cause no harm to the conservation of the relevant protected marine areas and permitted by the Minister of Oceans and Fisheries;

5. Where the heads of the relevant administrative agencies are directly engaged in development activities under other statutes, or where the authorization or permission of the relevant administrative agencies are given. In such cases, the heads of the relevant administrative agencies shall have a prior consultation with the Minister of Oceans and Fisheries;

6. Projects for rearranging the basis of agricultural production under subparagraph 5 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act and projects for the comprehensive development of fishing villages under subparagraph 2 of Article 2 of the Fishing Villages and Fishery Harbors Act, which implement matters included in the basic management plan for protected marine areas under Article 28 of this Act;

7. Where the Minister of Oceans and Fisheries commits acts prescribed by Presidential Decree or establishes necessary facilities, so as to protect and manage protected marine areas;

8. Where facilities prescribed by Presidential Decree, including facilities for experiencing ecosystems, are established in areas for protecting marine landscape under Article 25 (2) 3. (3) No act falling under paragraph (1) 1 shall be committed against marine organisms in any area for protecting marine organisms under Article 25 (2) 1, notwithstanding the proviso to paragraph (1).

(4) Any one may capture or collect marine organisms in areas for protecting marine landscape under Article 25 (2) 3, to the extent that it does not damage the marine landscape which serves as the ground for the designation as areas for protecting marine landscape, notwithstanding paragraph (1).

(5) The Minister of Oceans and Fisheries or Mayors/Do Governors may restrict development activities prescribed by Presidential Decree, or fishing activities in protected marine areas notwithstanding paragraph (2) 3, where it is inevitable for the protection of marine organisms under protection or it is especially necessary for the conservation and management of vulnerable marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act 10676, May 19, 2011; Act No. 11690, Mar. 23, 2013>

Article 28 (Basic Management Plans for Protected Marine Areas)

The Minister of Oceans and Fisheries shall formulate and implement basic management plans for protected marine areas, which include the following, after consulting with the heads of the relevant central administrative agencies and the heads of local governments: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Conservation and management of marine ecosystems and marine biological diversity;
2. Special management of areas for protecting marine organisms, areas for protecting marine ecosystems and areas for protecting marine landscape under each subparagraph of

Article 25 (2);

3. Improvement of the life of residents in protected marine areas and adjacent areas and the protection of interests of interested persons;

4. Matters which contribute to the development of local community through the conservation and management of marine ecosystems.

Article 29 (Investigation and Observation of Protected Marine Areas)(1) The Minister of Oceans and Fisheries shall, before designating or altering protected marine areas, investigate and measure the matters necessary for designation or alteration thereof, such as the current status, characteristics and topography of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may request the relevant specialized institutions to conduct investigations or take measurements under paragraph (1), for scientific and specialized investigation and measurements. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries may request the heads of the relevant central administrative agencies or the heads of local governments to submit data necessary for designating protected marine areas. In such cases, the heads of the relevant central administrative agencies or the heads of local governments shall comply with such requests, in the absence of special circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries or Mayors/Do Governors shall continue to observe the current status of marine ecosystems and inhabitation of marine organisms in protected marine areas. <Amended by Act No. 8852, Feb. 29, 2008; Act 10676, May 19, 2011; Act No. 11690, Mar. 23, 2013>

Article 30 (Orders for Suspension, etc.)

The Minister of Oceans and Fisheries or Mayors/Do Governors may order any person who commits an act in violation of Article 27 (1), (3) and (5) in protected marine areas to stop such act or restore protected marine areas within a reasonable period of time: Provided, That where it is impracticable to restore protected marine areas, he/she may give an order to take measures equivalent thereto, including the creation of alternative nature. <Amended by Act No. 8852, Feb. 29, 2008; Act 10676, May 19, 2011; Act No. 11690, Mar. 23, 2013>

Article 31 (Urgently Protected Marine Areas)(1) The Minister of Oceans and Fisheries may designate regions or sea areas, which fall under any of the subparagraphs of Article 25 (1) and are deemed to need urgent protection for fear of a significant damage to marine ecosystems, as urgently protected marine areas, after listening to the opinions of the heads of the relevant central administrative agencies or the heads of local governments. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall, when designating urgently protected marine areas under paragraph (1), announce such fact and notify the heads of the relevant central

administrative agencies or the heads of local governments thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries may, when designating urgently protected marine areas under paragraph (1), request the heads of the relevant administrative agencies to supplement plans, adjust implementation periods, change implementation methods or to reserve authorization or permission, with regard to authorization or permission for plans or projects which are likely to transform marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Where any ground for designating urgently protected marine areas under paragraph (1) no longer exists, the Minister of Oceans and Fisheries shall cancel such designation without delay and publicly notify such fact. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) Where the relevant areas are not designated as protected marine areas within one year after the date on which such areas are designated and publicly notified as urgently protected marine areas under paragraph (1), the designation of urgently protected marine areas shall be deemed to have been cancelled.

Article 32 (Securing Land, etc. for Conservation and Management of Marine Ecosystems)

(1) Where land, public waters, structures or other articles settled in the relevant land in protected marine areas or in regions or sea areas which need to be designated as protected marine areas for their excellent ecological value (hereinafter referred to as "land, etc.") do not need to be used for military purposes or for the purposes of protecting cultural heritage, the Minister of Oceans and Fisheries may request administrative conversion under subparagraph 5 of Article 2 of the State Property Act from the heads of central administrative agencies authorized to manage the relevant land, etc., such as the Minister of National Defense: Provided, That this shall not apply to land under Articles 20 and 20-2 of the Act on Special Measures for Readjustment of Requisitioned Properties or Articles 2 and 3 of the Act on Special Measures for Readjustment of Expropriated or Used Lands under the Decree on Special Measures for Expropriation or Uses of Lands in Areas to be Mobilized Pursuant to the Provisions of Article 5 (4) of the Act on Special Measures for National Integrity. <Amended by Act No. 8852, Feb. 29, 2008, Act No. 9401, Jan. 30, 2009; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may conduct an investigation into land, etc., in consultation with the heads of the relevant central administrative agencies, including the Minister of National Defense and the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree, so as to select land, etc. subject to administrative conversion under paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008, Act No. 9401, Jan. 30, 2009; Act No. 10676, May 19, 2011; Act No. 11690, Mar. 23, 2013>

Article 33 (Purchase of Land, etc. in Protected Marine Areas)(1) The Minister of Oceans and Fisheries or Mayors/Do Governors may purchase land, etc., in consultation with their owners, where necessary for the conservation and management of marine ecosystems in

protected marine areas. <Amended by Act No. 8852, Feb. 29, 2008; Act 10676, May 19, 2011; Act No. 11690, Mar. 23, 2013>

(2) Prices of land, etc. purchased under paragraph (1) shall depend on prices calculated under the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects. <Amended by Act No. 10676, May 19, 2011>

Article 34 (Support for Residents in Protected Marine Areas)(1) The Minister of Oceans and Fisheries may conduct the following projects in protected marine areas or adjacent areas: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Projects for collecting marine wastes;
2. Projects for facilities aimed at reducing marine pollution;
3. Other projects for supporting residents in protected marine areas and adjacent areas.

(2) The Minister of Oceans and Fisheries shall, when designating each protected marine area under Article 25, prioritize seeking and implementing measures to support public facilities for residents in the relevant protected marine areas and adjacent areas, establish convenience facilities and increase incomes of residents. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries or the heads of local governments may use parts of protected marine areas and adjacent areas as places for marine ecosystems visits or for recreational purposes, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Types, procedures and methods of support for protected marine areas and adjacent areas shall be prescribed by Presidential Decree.

Article 35 (Preferential Use of Protected Marine Areas)(1) The head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) shall endeavor to ensure that residents in protected marine areas and adjacent areas under their jurisdiction can have priority in using the relevant protected marine areas, in consultation with the heads of the relevant central administrative agencies and the heads of local governments: Provided, That where interested persons exist, this shall be limited to cases where consensus is reached with the interested persons. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

(2) Local residents who use protected marine areas under paragraph (1) shall endeavor to protect protected marine areas.

Article 36 (Designation and Management of City/Do Protected Marine Areas)(1) Mayors/Do Governors may designate regions or sea areas, which require conservation like protected marine areas, as City/Do protected marine areas for management.

(2) Mayors/Do Governors shall, when designating City/Do protected marine areas, listen to the opinions of interested persons and consult with the heads of the relevant central administrative agencies, as prescribed by Presidential Decree. This shall apply to cases where the designation of City/Do protected marine areas is altered or cancelled.

(3) Where it is necessary to conserve and manage marine ecosystems representing the

relevant regions, the Minister of Oceans and Fisheries may recommend Mayors/Do Governors to designate regions or sea areas, to which the relevant ecosystems belong, as City/Do protected marine areas for management. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Mayors/Do Governors shall, when designating City/Do protected marine areas under paragraph (1), publicly notify the location, size, date of designation of the relevant areas or other matters determined by the Municipal Ordinance of the relevant local governments. The same shall apply to cases where the designation of City/Do protected marine areas is altered or cancelled.

(5) Mayors/Do Governors may take necessary measures to conserve City/Do protected marine areas, such as restrictions on the capture and collection of marine organisms, as prescribed by Municipal Ordinance of the relevant local governments, in accordance with Articles 25 (2) and (3), 27 through 29, 34 and 35. <Amended by Act No. 10676, May 19, 2011>

Article 37 (Consultations on Development Activities in City/Do Protected Marine Areas)

Where the State or local governments intend to conduct development activities, etc. or grant authorization or permission for development activities, etc. in City/Do protected marine areas under other statutes, the heads of the competent administrative agencies shall consult with Mayors/Do Governors who are in charge of City/Do protected marine areas.

CHAPTER V CONSERVATION OF MARINE BIOLOGICAL DIVERSITY

Article 38 (Formulation of Measures to Conserve Marine Biological Diversity and International Cooperation)

(1) The State shall formulate and implement measures to conserve marine biological diversity, including the following, as prescribed by Presidential Decree, for the conservation of marine biological diversity, the sustainable use of components thereof, the appropriate management of marine biological resources and the implementation of international agreements for the conservation and management of marine ecosystems, to which the State has acceded (including the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Wetlands of International Importance Especially as Waterfowl Habitat):

1. Conserving the components of marine biological diversity in habitats and places other than habitats;
2. Promoting and supporting projects for protecting and increasing marine biological resources;
3. Securing specialized human resources and facilities for the operation of facilities for conserving marine biological resources and the research of marine biological diversity;
4. Developing technology for the conservation and management of marine biological resources;
5. Evaluating the impact of bio-technologically mutated organisms on marine ecosystems

once they are introduced into marine ecosystems;

6. Other matters prescribed by Presidential Decree, which are deemed to be necessary for implementing international agreements for the conservation and management of marine ecosystems.

(2) The State shall endeavor to exchange technology and information for the conservation and management of marine ecosystems, in cooperation with international organizations and related nations, ensure that technology for the conservation of marine biological diversity and sustainable use of components of marine biological diversity are easily acquired and transferred, in collaboration with countries directly involved in international agreements on the conservation and management of marine ecosystems and cooperate with each other, with regard to the management of marine biotechnology and the distribution of profits thereof.

Article 39 (Research, Technology Development, etc. for Marine Biological Diversity)(1)

The State shall conduct research and develop technology concerning the structure, functions, research and restoration of marine ecosystems, the classification of marine organisms and the conservation of components of marine biological diversity in habitats and places other than habitats.

(2) The State shall conduct necessary investigations into the distribution, trends of change, etc. of components of marine biological diversity which need separate measures for conservation or which has social, economic, cultural and scientific values, and development activities which may have a negative influence on the conservation of marine biological diversity and the sustainable use of components of marine biological diversity, so as to contribute to the conservation of marine biological diversity and the sustainable use of components of marine biological diversity: Provided, That this shall not apply to cases where such investigations may be substituted by investigations under Articles 10 and 11 may substitute.

(3) The State shall analyze, evaluate and record the outcomes of investigations into the components of marine biological diversity under paragraph (2), manage such information in a systematic manner and reflect the information in measures to conserve marine biological diversity under Article 38 (1), in order to ensure that such information can be used for the conservation of marine biological resources in an appropriate manner.

(4) Subjects and methods of investigations under paragraph (2) shall be prescribed by Presidential Decree.

Article 40 (Establishment and Operation of Institute of Marine Biological Resources)(1)

The State or local governments may establish and operate an institute of marine biological resources, for the efficient conservation of marine biological resources.

(2) Where an institute of marine biological resources is established under paragraph (1), such institute shall have experts in the classification and conservation of biological resources, for the efficient operation and management thereof.

(3) Matters necessary for the establishment and operation of the institute of marine biological resources shall be prescribed by Presidential Decree.

Article 41 (Contracts on Management of Marine Biological Diversity)(1) The Minister of Oceans and Fisheries may conclude a contract (hereinafter referred to as "contract on the management of marine biological diversity") on the change of capture or collection methods, reduction in the use of chemical substances, creation of wetlands, methods of managing public waters, etc. with occupiers and users, etc. of public waters or land, or recommend the heads of the relevant central administrative agencies or the heads of local governments to conclude a contract on the management of marine biological diversity, for the conservation of the following regions or sea areas: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Regions necessary for the protection of marine organisms;
2. Sea areas, whose marine biological diversity needs to be improved;
3. Sea areas with distinct or excellent marine biological diversity

(2) When the Minister of Oceans and Fisheries, the heads of the relevant central administrative agencies or the heads of local governments conclude a contract on the management of marine biological diversity, they shall reimburse actual expenses to any person whose profits from the relevant public waters or land are reduced due to the implementation of such contract, in accordance with the standards prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where any party to a contract on the management of marine biological diversity intends to terminate a contract, he/she shall notify the other parties of such fact three months beforehand.

(4) Matters necessary for the conclusion of a contract on the management of marine biological diversity shall be prescribed by Presidential Decree.

Article 42 (Restrictions on Exports and Imports, etc. of Marine Organisms)(1) Any one shall obtain permission from the Minister of Oceans and Fisheries in any of the following cases, in order to prevent damage to marine ecosystems and conserve marine biological diversity: Provided, That where any one obtains permission or approval under Article 39 of the Cultural Heritage Protection Act, Article 21 of the Wildlife Protection and Management Act, and Article 11 of the Act on Conservation and Use of Biological Diversity, he/she shall be deemed to have obtained permission from the Minister of Land, Transport and Maritime Affairs: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10977, Jul. 28, 2011; Act No. 11257, Feb. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

1. Where any one imports or brings in marine animals (including processed products), the capture of which is prohibited or restricted under Article 6 (3), from foreign nations;
2. Where any one exports, imports, ships out or brings in marine organisms under protection (including easily recognizable parts, derivatives and processed products), the capture or collection of which is restricted under Article 20 (1);
3. Where any one exports, imports, ships out or brings in species determined by Ordinance of the Ministry of Oceans and Fisheries, as likely to significantly affect the conservation,

management and sustainable use of marine ecosystems and marine biological resources.

(2) The Minister of Oceans and Fisheries may specify or restrict the methods, quantities, regions of imports or shipments and business owners, etc. under paragraph (1), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where any person, who obtains permission under the main sentence of paragraph (1), falls under any of the following subparagraphs, the Minister of Oceans and Fisheries may revoke such permission: Provided, That where any one falls under subparagraph 1, he/she shall revoke such permission: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where any one obtains permission by fraud or other wrongful means;
2. Where any one violates permitted conditions, in exporting, importing, shipping out or bringing in marine animals, etc. under any subparagraph of paragraph (1).

CHAPTER VI MANAGEMENT OF MARINE ASSETS

Article 43 (Establishment and Operation of Facilities for Conserving and Using Marine Ecosystems)(1) The Minister of Oceans and Fisheries, the heads of the relevant central administrative agencies or the heads of local governments may establish and operate the following facilities (hereinafter referred to as "facilities for conserving and using marine ecosystems"), for the conservation and management of marine ecosystems and the sound use of the sea: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Facilities for conserving and managing marine ecosystems or preventing damage to marine ecosystems;
2. Information facilities for the conservation and management of marine ecosystems and facilities for using marine ecosystems, such as a wooden bridge for observing natural ecosystems;
3. Educational facilities, PR facilities or management facilities for conserving and using marine ecosystems, such as facilities for observing marine ecosystems, the institute for the conservation of marine ecosystems and a marine ecosystem learning institute;
4. Facilities for conserving and restoring ecosystems in protected marine areas and City/Do protected marine areas;
5. Facilities for conserving and restoring landscape in areas for protecting marine landscapes;
6. Other facilities for protecting marine assets.

(2) The Minister of Oceans and Fisheries, the heads of the relevant central administrative agencies or the heads of local governments shall, before establishing and operating facilities for conserving and using marine ecosystems under paragraph (1), formulate plans on the establishment of such facilities and publicly notify such plans, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries, the heads of the relevant central administrative

agencies or the heads of local governments may collect charges from persons who use facilities for conserving and using marine ecosystems established under paragraph (1), by taking into account expenses incurred in the maintenance and management thereof: Provided, That park areas designated under the Natural Parks Acts shall be governed by the Natural Parks Acts. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Matters concerning the procedures for collecting charges under paragraph (3) and exemption therefrom shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 44 (Designation and Management of Seaside Rest Areas)(1) The heads of local governments may designate places of high ecological and landscape values, which are suitable for visiting marine ecosystems and giving an educational program on marine ecosystems, from among regions which are not designated as parks or tourist complexes under other Acts, as seaside rest areas, as prescribed by Presidential Decree. In the case of privately-owned land, they shall obtain the consent of its owner.

(2) The heads of local governments may collect charges from persons who use the seaside rest areas under the Municipal Ordinance, by taking into account expenses incurred in the maintenance and management thereof, for the efficient management of seaside rest areas designated under paragraph (1): Provided, That this shall not apply to cases where such areas are designated as parks or tourist complexes under other Acts, after they have been designated as seaside rest areas.

(3) Management of seaside rest areas under paragraphs (1) and (2) and other necessary matters shall be determined by Municipal Ordinance of the relevant local governments.

Article 45 (Conservation of Marine Landscapes)(1) The Minister of Oceans and Fisheries, the heads of the relevant central administrative agencies or the heads of local governments shall endeavor to ensure that major landscape factors beside the seaside of high landscape values and under the sea are not damaged or the visibility is not blocked. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The heads of local governments shall take measures necessary to preserve marine landscape, in conducting development activities, etc., in accordance with the Municipal Ordinance.

(3) The Minister of Oceans and Fisheries may draw up guidelines necessary for conserving marine landscapes and notify the heads of the relevant administrative agencies and the heads of local governments of such guidelines. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 46 (Restoration of Marine Ecosystems)(1) The Minister of Oceans and Fisheries or the heads of local governments shall take necessary measures to ensure that marine ecosystems of high ecological values are not damaged, in conducting development activities, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may prepare measures to conserve and manage

the relevant marine ecosystems and implement such measures, in cooperation with the heads of the relevant central administrative agencies and the heads of local governments in the following cases: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where the major habitats or spawning areas of marine organisms under protection are destroyed or damaged, which endangers the existence of species;
2. Where the parts of marine ecosystems maintaining primitiveness or vulnerable marine ecosystems are destroyed, damaged or disturbed;
3. Where nature of high-level marine biological diversity or unique nature is damaged;
4. Other regions prescribed by Presidential Decree as necessary for the protection of marine ecosystems, such as seashores and habitats.

(3) The Minister of Oceans and Fisheries or the heads of local governments shall formulate and implement measures necessary to restore damaged marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries may request the heads of the relevant central administrative agencies or the heads of local governments, who formulate or finalize business plans for development activities, etc. or who grant permission for development activities, etc., to formulate and implement measure to restore marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) The Minister of Oceans and Fisheries shall formulate and implement policies necessary to conserve or restore marine ecosystems, such as the development of technology for the restoration of marine ecosystems, projects for the restoration of marine ecosystems and fostering of institutions specialized in the restoration of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 47 (Preventing Damage to Marine Ecosystems in Public Waters)

The Minister of Oceans and Fisheries or the heads of local governments may restrict changes in the shape and quality of public waters, or entry, cooking and camping in public waters, as prescribed by Presidential Decree, in the following cases, so as to prevent damage to ecological or landscape values of public waters: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where marine ecosystems are significantly damaged or a decrease in marine biological resources is remarkable in public places, such as a beach or mud flat;
2. Where regions or sea areas equivalent to those falling under subparagraph 1 meet the standards prescribed by Presidential Decree.

Article 48 (Support for Marine Ecological Tourism)(1) The Minister of Oceans and Fisheries may support local governments, tourist business entities and private organizations for the conservation and management of marine ecosystems, in consultation with the Minister of Culture, Sports and Tourism, so as to support ecologically sound and environmentally friendly tourism (hereinafter referred to as "marine ecological tourism"). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10676, May 19, 2011; Act

No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may formulate and implement plans on educational programs necessary for marine ecological tourism, the investigation and discovery of marine ecological tourism resources and the establishment and management of facilities for the sound use of marine ecological tourism resources by nationals, or recommend the heads of local governments to formulate and implement such plans, in cooperation with the Minister of Culture, Sports and Tourism and the heads of local governments. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10676, May 19, 2011; Act No. 11690, Mar. 23, 2013>

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 49 (Marine Ecosystem Conservation Levy)(1) The Minister of Oceans and Fisheries shall impose and collect the marine ecosystem conservation levy from any person who conducts development projects which remarkably affect marine ecosystems or reduce marine biological diversity. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The following projects are subject to the marine ecosystem conservation levy under paragraph (1): <Amended by Act No. 9037, Mar. 28, 2008; Act No. 9982, Jan. 27, 2010; Act No. 10676, May 19, 2011; Act No. 10892, Jul. 21, 2011>

1. Development projects conducted for public waters, from among the projects subject to the impact assessment under Article 22 of the Environmental Impact Assessment Act;
2. Projects for exploring and mining in public waters, the scale of which is not smaller than the scale prescribed by Presidential Decree, from among mining businesses under subparagraph 2 of Article 3 of the Mining Industry Act;
3. Projects for extracting marine aggregates of no less than five hundred thousand cubic meters under Article 22 of the Aggregate Extraction Act and designating marine aggregate extraction complexes under Article 34 of the same Act, from among projects subject to coastal area utilization impact assessment under Article 85 of the Marine Environment Management Act;
4. Other projects prescribed by Presidential Decree, from among projects which remarkably affect marine ecosystems or projects using marine assets in public waters.

(3) The marine ecosystem conservation levy under paragraph (1) shall be calculated and imposed, by multiplying the damaged areas of ecosystems by amounts to be imposed per unit area and regional coefficients, not exceeding two billion won: Provided, That projects prescribed by Presidential Decree, from among projects conducted for military purposes, may be exempt from the marine ecosystem conservation levy.

(4) Procedures for collecting the marine ecosystem conservation levy under paragraph (1), standards for exemption therefrom, amounts to be imposed per unit area and regional coefficients shall be determined by Presidential Decree. In such cases, amounts to be imposed per unit area shall be based on the value of damaged marine ecosystems and regional coefficients shall be based on the purposes of using land under the National Land Planning and Utilization Act, while regional coefficients of green belt zones shall apply

mutatis mutandis to harbor areas under the Harbor Act, from among sea and beaches under the Public Waters Management and Reclamation Act and regional coefficients of natural environment conservation areas shall apply mutatis mutandis to other areas. <Amended by Act No. 12661, May 21, 2014>

(5) The Minister of Oceans and Fisheries shall pay the marine ecosystem conservation levy under paragraph (1) and additional charges under Article 51 (1) as the fisheries development fund under Article 46 of the Framework Act on Fishers and Fishing Villages Development. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9626, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015>

(6) Where the Minister of Oceans and Fisheries delegates his/her authority to collect the marine ecosystem conservation levy and additional charges to Mayors/Do Governors pursuant to Article 60 (1), he/she may grant amounts equivalent to 50/100 of the marine ecosystem conservation levy and additional charges collected to Mayors/Do Governors in charge of the relevant project areas. In such cases, Mayors/Do Governors may spend some of such grants on imposing and collecting the marine ecosystem conservation levy, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(7) Where any person, who has paid the marine ecosystem conservation levy, conducts a project for the conservation and management of marine ecosystems, as prescribed by Presidential Decree, such as creating alternative marine ecosystems and restoring marine ecosystems, after obtaining approval therefor from the Minister of Oceans and Fisheries, the Minister of Oceans and Fisheries may return some of the marine ecosystem conservation levy to the person. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(8) Matters necessary for granting approval and returning the marine ecosystem conservation levy under paragraph (7) shall be prescribed by Presidential Decree.

Article 49-2 (Purposes of Marine Ecosystem Conservation Levy)

The marine ecosystem conservation levy as specified in Article 49 (1) and the charges collected under Article 51 (1) shall be used for the following purposes:

1. Projects to conserve and restore marine ecosystems and biological species;
2. Support for conservation institutions other than habitats;
3. Implementation of the master plan for managing protected marine areas under Article 28;
4. Purchase of land, etc. under Article 33;
5. Implementation of projects listed in each subparagraph of Article 34 (1);
6. Establishment and operation of facilities to conserve and utilize marine ecosystems under Article 43;
7. Restoration of marine ecosystems under Article 46;
8. Projects prescribed by Presidential Decree as necessary to conserve and manage marine ecosystems, except those provided for in subparagraphs 1 through 7.

(This Article Newly Inserted by Act No. 10676, May 19, 2011)

Article 50 (Notification of Authorization or Permission for Projects)(1) The heads of administrative agencies who authorize or permit projects subject to the marine ecosystem conservation levy under Article 49 (2) shall publicly notify the Minister of Oceans and Fisheries of business entities, details of projects, the size of projects, etc. within 20 days from the date on which such authorization or permission is granted. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall publicly notify business entities of such matters as the amount of the marine ecosystem conservation levy, deadline for payment, etc. within one month from the receipt of a public notice under paragraph (1). In such cases, the deadline for payment shall be three months from the date on which the marine ecosystem conservation levy is imposed. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Such matters as the details and methods of notification under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 51 (Compulsory Collection of Marine Ecosystem Conservation Levy)(1) Where any one obliged to pay the marine ecosystem conservation levy under Article 49 fails to make payment by the due date, the Minister of Oceans and Fisheries shall urge the person to make payment by fixing a period of not less than 30 days. In such cases, charges pursuant to the following classification shall be added to the amounts of the marine ecosystem conservation levy in arrears: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

1. Where the marine ecosystem conservation levy is paid within a week after the deadline for payment: the amount equivalent to 1/100 of the marine ecosystem conservation levy;

2. Cases other than subparagraph 1: the amount equivalent to 3/100 of the marine ecosystem conservation levy.

(2) Where any one urged to make a payment under paragraph (1) fails to pay the marine ecosystem conservation levy and additional charges within the deadline, they may be collected in the same manner as default national taxes are collected.

Article 52 (Cooperation with Relevant Agencies)(1) The Minister of Oceans and Fisheries may request the heads of the relevant central administrative agencies or the heads of local governments to formulate necessary polices or take measures concerning matters prescribed by Presidential Decree, where it is deemed necessary for achieving the purposes of this Act. In such cases, the heads of the relevant central administrative agencies or the heads of local governments shall comply therewith, except under special circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall evaluate the values and functions of marine biological diversity for the conservation, management and sustainable use of marine ecosystems, and endeavor to ensure that the heads of the relevant central administrative agencies or the heads of local governments can use such information. <Amended by Act

No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 53 (Compensation for Loss)(1) Any one who suffers property loss under Articles 14 (1) and 27 (5) (including Municipal Ordinance enacted in accordance with Article 27 (5) pursuant to Article 36 (5)) may request compensation from the Minister of Oceans and Fisheries or Mayors/Do Governors, as prescribed by Presidential Decree: Provided, That in cases of compensation concerning fishing activities, Article 81 of the Fisheries Act shall apply mutatis mutandis. <Amended by Act No. 8377, Apr. 11, 2007; Act No. 8852, Feb. 29, 2008; Act 9626, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries or Mayors/Do Governors, upon receiving a request under the main sentence of paragraph (1), shall determine the amount of compensation after consulting with an applicant within three months and notify the applicant of such amount. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where a consensus is not reached under paragraph (2), the Minister of Oceans and Fisheries, Mayors/Do Governors or a requester may apply for adjudication with the competent Land Tribunal, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 54 (State Subsidies)

The State may subsidize all or part of the expenses associated with the conservation of marine ecosystems for local governments or organizations which conduct the following projects for the conservation and management of marine ecosystems:

1. Support for movements to protect marine ecosystems under Article 6;
2. Support for residents in protected marine areas and adjacent areas under Article 34;
3. Establishment and operation of facilities for conserving and using marine ecosystems under Article 43;
4. Projects falling under each subparagraph of Article 56;
5. Entrusted projects under Article 60 (2).

Article 55 (Symbolic Signs of Marine Ecosystems and Symbolic Species of Local Governments)(1) The State may establish symbolic signs of marine ecosystems by type of region in regions which need to conserve and manage marine ecosystems, such as protected marine areas, and local governments may change and use parts of symbolic signs of marine ecosystems by taking into account the characteristics of the areas under their jurisdiction.

(2) Local governments may designate important marine organisms or marine ecosystems, which can represent the relevant regions, as the symbolic species or symbolic marine ecosystems of the relevant local governments, and conserve or use such species or ecosystems.

Article 56 (Support for Civil Organizations for Conservation and Management of Marine Ecosystems)

The Minister of Oceans and Fisheries may support civil organizations for the conservation and management of marine ecosystems, engaged in the following activities to conserve and

manage marine ecosystems: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Cooperation and exchanges with international organizations and agencies for the conservation of marine ecosystems;
2. Protection of marine organisms;
3. Conservation of marine ecosystems and marine assets.

Article 57 (Honorary Instructors for Conservation of Marine Ecosystems)(1) The head of a Si/Gun/Gu may appoint members of civil organizations for the conservation and management of marine ecosystems or persons who faithfully conduct activities for the conservation and management of marine ecosystems as honorary instructors for the conservation of marine ecosystems, for instruction and enlightenment concerning the conservation and management of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

(2) A certificate verifying the identification of honorary instructors for the conservation of marine ecosystems shall be issued to honorary instructors for the conservation of marine ecosystems, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Such matters as the methods of appointing honorary instructors for the conservation of marine ecosystems and the scope of their activities shall be prescribed by Municipal Ordinance of the relevant local governments. <Amended by Act No. 12661, May 21, 2014>

Article 58 (Reporting)

The Minister of Oceans and Fisheries shall submit reports on major plans for the conservation of marine ecosystems and the outcomes of implementing such plans to the National Assembly before the commencement of a regular session of the National Assembly in the relevant year, every two years. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 59 (Hearings)

The Minister of Oceans and Fisheries or Mayors/Do Governors shall hold a hearing, when revoking designation or permission under Article 17 (3), 18 (4), 21 (1) and 42 (3). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 60 (Entrustment or Delegation of Authority)(1) Part of the authority of the Minister of Oceans and Fisheries under this Act may be delegated to the heads of institutions belonging to the Ministry of Land, Transport and Maritime Affairs or Mayors/Do Governors, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries or Mayors/Do Governors may entrust some of his/her tasks under this Act to the relevant specialized institutions or organizations, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12661, May 21, 2014>

Article 60-2 (Review of Regulations)

The Minister of Land, Infrastructure and Transport shall review the validity of the imposition and collection of marine ecosystem conservation levy on a three-year basis starting from July 1, 2015, and take necessary measures, such as improvements.

[This Article Newly Inserted by Act No. 13057, Jan. 20, 2015]

CHAPTER VIII PENALTY PROVISIONS

Article 61 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: <Amended by Act No. 11862, Jun. 4, 2013; Act No. 12490, Mar. 18, 2014; Act No. 13275, Mar. 27, 2015>

1. Any person who captures marine mammals, in violation of prohibitions and restrictions under Article 16 (3);
2. Any person who captures, collects or damages marine organisms under protection, or who installs explosives, nets or fishing gear or uses harmful substances or electric currents, so as to capture or damage marine organisms under protection, in violation of Article 20 (1).

Article 62 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: <Amended by Act No. 13275, Mar. 27, 2015>

1. Any person who transplants, processes, distributes or stores marine organisms under protection, in violation of Article 20 (1);
2. Any person who brings organisms disturbing marine ecosystems into marine ecosystems and increases their habitats or numbers, in violation of Article 23 (1);
3. Any person who imports or brings in organisms disturbing marine ecosystems, without permission, in violation of Article 23 (2);
4. Any person who damages marine organisms or marine ecosystems in areas for protecting marine organisms or areas for protecting marine ecosystems, in violation of Article 27 (1) 1 through 5;
5. Any person who damages marine organisms or marine ecosystems in areas for protecting marine organisms, in violation of Article 27 (3);
6. Any person who violates orders to suspend, restore or take measures under Article 30;
7. Any person who imports or brings in marine animals from foreign nations, without permission, in violation of Article 42 (1) 1;
8. Any person who exports, imports, ships out or brings in marine organisms under protection without permission, in violation of Article 42 (1) 2.

Article 63 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13275, Mar. 27, 2015>

1. Any person who obtains permission for the capture or collection of marine organisms under protection under the proviso to Article 20 (1) by fraud or other wrongful means;

2. Any person who places an advertisement which is likely to facilitate the extinction or decrease of marine organisms under protection or provoke the abuse of marine organisms under protection, in violation of Article 22;
3. Any person who obtains permission for importing or bringing in organisms disturbing marine ecosystems under Article 23 (2) by fraud or other wrongful means;
4. Any person who damages the marine landscape in areas for protecting marine landscape, in violation of Article 27 (1) 2 through 5;
5. Any person who obtains permission under Article 42 (1) 1 through 3 by fraud or other wrongful means;
6. Any person who exports, imports, ships out or brings in species determined by Ordinance of the Ministry of Oceans and Fisheries, without permission, in violation of Article 42 (1) 3.

Article 63-2 (Forfeiture and Levy)(1) Any marine organisms under protection, explosives, nets or fishing gear, and harmful substances owned or possessed by a person who committed a crime under subparagraph 2 of Article 61 or subparagraph 1 of Article 62 may be forfeited. <Amended by Act No. 12490, Mar. 18, 2014>

(2) Where any marine organisms under protection, explosives, nets, fishing gear, or harmful substances pursuant to paragraph (1) cannot be forfeited as a whole or in part, the value thereof shall be levied as a penalty. <Amended by Act No. 12490, Mar. 18, 2014>

[This Article Newly Inserted by Act No. 12490, Mar. 18, 2014]

Article 64 (Joint Penalty Provisions)

If the representative of a corporation, or an agent, an employee or any other employed person of the corporation or an individual commits such act as prescribed in Articles 61 through 63, in connection with the duties of the said corporation or individual, not only such an actor shall be punished accordingly, but also the corporation or individual shall be punished by a fine under the same Article: Provided, That the same shall not apply where the corporation or individual has not neglected to exercise due diligence and supervision over the relevant duties in order to prevent such violation.

[This Article Wholly Amended by Act No. 9614, Apr. 1, 2009]

Article 65 (Administrative Fines)(1) Any person who violates a measure taken by a Mayor/Do Governor under Article 36 (5) (limited to the parts related to the provisions of Articles 27 and 30) shall be punished by an administrative fine not exceeding 10 million won.

(2) Any of the following persons shall be punished by an administrative fine not exceeding two million won:

1. Any person who refuses, obstructs, or evades entrance, investigation or observation and the change or removal of any obstacle, etc., without good cause, in violation of Article 14 (3);
2. Any person who captures a migratory marine animal, in violation of prohibitions or restrictions under Article 16 (3);
3. Any person who fails to report the outcome of the capture or collection of marine organisms under protection, in violation of Article 20 (4);
4. Any person who fails to report on the storage of marine organisms under protection, in

violation of Article 20 (5);

5. Any person who violates a restriction on change in the shape and quality of public waters, or entry, cooking and camping under Article 47.

(3) Any of the following persons shall be punished by an administrative fine not exceeding one million won:

1. Any person who fails to carry a permit, in violation of Article 20 (4);

2. Any person who fails to return a permit, in violation of Article 21 (2);

3. Any person who violates a restriction on an act under Article 27 (1) 6 through 8;

4. Any person who violates a restriction on development activities or fishing activities under Article 27 (5).

(4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by the Minister of Oceans and Fisheries or the heads of local governments, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) through (7) Deleted. <by Act No. 9614, Apr. 1, 200
ADDENDA (Omitted)

4. Framework Act on Marine Fishery Development

[Enforcement Date 23. Sep, 2016.] [Act No.14079, 22. Mar, 2016., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the development of the national economy and the improvement of national welfare, by determining the Government's basic policy and its directions for the rational management, preservation, development and utilization of the sea and marine resources, and the fostering of marine industries.

Article 2 (Basic Ideology)

Recognizing that the sea is a rich repository of natural resources and a ground for living as well as a route of logistics, and as such it exerts considerable influences on the national economy and national living, the basic ideology of this Act is to cultivate opulent and vibrant seas to be bequeathed to the future generations, by creating an environment where the marine industries can become more knowledge- and information-based and create higher added value, and by seeking the environment-friendly and sustainable development or utilization of marine resources.

Article 3 (Definitions)

The definition of terms used in this Act shall be as follows: <Amended by Act No. 11596, Dec. 18, 2012>

1. The term "sea" means the sea area such as inland waters, territorial waters, exclusive economic zone and continental shelf, etc. of the Republic of Korea whereto extends the sovereignty, sovereign rights or jurisdiction of the Republic of Korea, and the sea area

wherein the Government of the Republic of Korea or her people may take part for its development, utilization or preservation under the treaties concluded and promulgated under her Constitution, or the generally-approved international statutes;

2. The term "marine resources" means the resources valuable to the national economy and national living, such as the marine living resources, marine mineral resources, marine energy, marine tourism resources, marine space resources, etc. which may be developed or utilized;

2-2. The term "marine science and technology" means science and technology related to the management, preservation, development and utilization of seas and marine resources;

3. The term "marine industry" means the industries related to shipping, ports and harbors, fishery, development of marine science and technology, marine environment, marine tourism, and marine information, and other industries related to the management, preservation, development or utilization of seas and marine resources.

Article 4 (Relations with Other Acts)

Other Acts concerning the maritime affairs and fisheries shall be enacted or amended in compliance with the purpose and basic ideology of this Act.

Article 5 (Basic Responsibility of State, etc.) (1) The State and local governments shall be responsible for preserving the marine environments, marine resources and marine ecosystems.

(2) The State and local governments shall, in promoting the development of marine industries, endeavor to make the management, preservation, development or utilization of seas and marine resources to achieve a harmony and balance therewith.

(3) The State and local governments shall continuously promote the creation of the infrastructures and environments required for the development of maritime affairs and fisheries.

CHAPTER II FORMULATION OF MARITIME AFFAIRS AND FISHERIES POLICIES AND SYSTEM FOR IMPLEMENTATION THEREOF

Article 6 (Master Plan for Development of Maritime Affairs and Fisheries) (1) The Government shall, in order to efficiently achieve the purposes of this Act, establish the mid- to long-term policy objectives and directions thereof concerning the rational management, preservation, development and utilization of seas and marine resources, and the fostering of marine industry (hereinafter referred to as the "marine development, etc."), and formulate and implement every decade the master plan for the development of maritime affairs and fisheries (hereinafter referred to as the "master plan") as prescribed by Presidential Decree.

(2) The master plan shall contain the following: <Amended by Act No. 12491, Mar. 18, 2014>

1. Basic conception of the Government as to the marine development, etc. and its implementation objectives;

2. Matters concerning the preservation and management, etc. of seas;

3. Matters concerning the rational development and utilization, etc. of marine resources;

4. Matters concerning the fostering of marine industries;

5. Matters concerning laying the foundation for the development of maritime affairs and

fisheries and the advancement of environment preservation;

5-2. Matters concerning the fostering of human resources specialized in maritime affairs and fisheries;

6. Other matters concerning the comprehensive and systematic implementation of marine development, etc.

(3) The Government shall finalize the master plan after deliberation by the Marine Fishery Development Committee under Article 7 and the State Council, and provide public notice thereof.

(4) The Government shall formulate and implement an annual implementation plan for the development of maritime affairs and fisheries (hereinafter referred to as the "implementation plan") in accordance with the master plan. In such cases, if there exists any plan for each sector pursuant to other Acts and subordinate statutes, it shall be reflected in the implementation plan.

(5) The Government shall prepare the implementation plan for the relevant year under paragraph (4) and the achievements in the implementation of the preceding year's plan, as prescribed by Presidential Decree.

(6) The Government shall submit to the National Assembly an annual report as to the main details of the master plan, the implementation plan for the relevant year, and the achievements in the implementation of the preceding year's plan.

Article 7 (Maritime Affairs and Fisheries Development Committee)

The Maritime Affairs and Fisheries Development Committee (hereinafter referred to as the "Committee") shall be established under the control of the Minister of Oceans and Fisheries in order to deliberate on the master plan, important policies on marine development, etc. and marine environment. <Amended by Act No. 9454, Feb. 6, 2009; Act No. 11709, Mar. 23, 2013>

Article 8 (Composition, etc. of Committee) (1) The Committee shall be composed of not more than 25 members including one chairperson.

(2) The chairperson of the Committee shall be the Minister of Oceans and Fisheries, and members of the Committee shall be those prescribed by Presidential Decree from Vice-Ministerial-level public officials of related central administrative agencies and those commissioned by the Minister of Oceans and Fisheries (hereinafter referred to as "commissioned members") from among those with expert knowledge and extensive experience in the seas, marine resources, marine industries or marine environment. <Amended by Act No. 9454, Feb. 6, 2009; Act No. 11709, Mar. 23, 2013>

(3) The Committee shall have one executive secretary, who shall be the Vice Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9454, Feb. 6, 2009; Act No. 11709, Mar. 23, 2013>

(4) The number of commissioned members shall be not less than five, and their terms of office shall be two years, and they may serve consecutive terms.

(5) The composition and operation of the Committee and other necessary matters shall be

prescribed by Presidential Decree.

Article 9 (Duties of Committee)

The Committee shall deliberate on the following: <Amended by Act No. 9454, Feb. 6, 2009>

1. Formulation of the master plan;
2. Establishment of national objectives and institutional development with regard to marine development, etc.;
3. Adjustment of important policies on marine development, etc.;
4. Fostering and support of marine industries;
5. Formulation, etc. of important policies and plans on marine environment;
6. Other matters prescribed by other Acts to be deliberated on by the Committee and matters which are referred for deliberation by the chairperson.

Article 10 (Request for Submission of Materials, etc.)

The Committee may, if deemed necessary for performing its duties, request the head of the related administrative agency to submit materials or to present his/her opinion, etc., and the head of the related administrative agency, upon receipt of such request, shall comply therewith in the absence of good cause to the contrary.

Article 11 (Working Committee) (1) The working committee for maritime affairs and fisheries development (hereafter referred to as the "working committee" in this Article) shall be established in the Committee in order to render practical support to the efficient operation of the Committee and deliberation on agenda items by the Committee.

(2) Subcommittees may be operated in each field under the working committee for its efficient operation.

(3) The composition and operation of the working committee and subcommittees and other necessary matters shall be prescribed by Presidential Decree.

CHAPTER III MARINE DEVELOPMENT, ETC.

SECTION 1 Management and Preservation, etc. of Seas

Article 12 (Management of Seas) (1) The Government shall strive for preservation of the marine environment and marine resources, and for sustainable development.

(2) The Government shall ensure the comprehensive and systematic management and preservation of the resources in the sea area under the sovereign rights or jurisdiction of the Republic of Korea, such as the exclusive economic zone and continental shelf, and shall secure the various capabilities to do so.

Article 13 (Preservation of Marine Environment)

The Government shall devise measures to prevent the generation or influx of pollutants or wastes, or remove pollutants or wastes for the sake of the preservation of marine environment.

Article 14 (Preservation of Marine Ecosystem)

The Government shall endeavor to preserve and restore marine ecosystems, such as preserving marine biodiversity and protecting habitats.

Article 15 (Management of Marine Safety)

In order to prevent marine accidents from inflicting damage on human lives and properties, or causing marine pollution, etc., the Government shall devise and implement measures on marine safety management, such as developing marine safety technologies, improving the marine traffic environment, securing ship safety, and establishing a system to rapidly respond to accidents.

SECTION 2 Development and Utilization, etc. of Marine Resources

Article 16 (Development, etc. of Marine Resources)

The Government shall devise and implement measures required for the management, preservation, development and utilization of marine resources.

Article 17 (Marine Scientific Research and Technological Development) (1) The Government shall conduct marine scientific research and observe seas for the rational management, preservation, development and utilization of the seas and marine resources, and may establish and operate a national network for marine observation for efficient research and observation.

(2) The Minister of Oceans and Fisheries shall devise and implement a plan for the development of marine science and technology, in order to improve marine science and technology and to facilitate its practicalization and industrialization. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>

Article 18 (Use of Marine Spaces)

The Government shall endeavor to utilize the marine spaces scientifically and economically, through installation and operation of oceanic cities, artificial islands and marine structures, etc.

Article 19 (Exploitation of Forward Base for Marine Development)

The Government shall develop a forward base for marine development to develop overseas marine living resources and marine mineral resources.

Article 20 (Installation of Marine Research Station, and Survey and Research)

The Government shall devise and implement support plans required for the installation of a marine research station in a specific area, such as the South Pole and the North Pole, and for the advancement of marine science survey and research.

Article 21 (Advancement of International Cooperation)

The Government shall endeavor to promote efficient international cooperation, such as the establishment, etc. of an organization designed to facilitate technological cooperation, information exchange, joint survey and research concerning marine development, etc. in collaboration with foreign countries and international organizations, etc.

Article 22 (Inter-Korean Cooperation for Maritime Affairs and Fisheries)

The Government shall endeavor to advance cooperation in the fields of maritime affairs and fisheries, such as the joint research on marine science, joint development of marine resources, joint fishery with residents in the northern territory of the military demarcation line, and the opening of a sea route and the exchange of fishery products with the northern areas of the military demarcation line.

SECTION 3 Fostering of Marine Industry

Article 23 (Strengthening, etc. of Competitiveness of Shipping and Port Industries)

For the purpose of strengthening the international competitiveness of shipping and port industries and increasing the efficiency of harbor operation, the Government shall devise and implement measures required for the fostering of shipping industry and the development of port and harbor industry.

Article 24 (Expansion of Port Facilities, etc.)

The Government shall devise and implement measures required to expand port and harbor facilities and fishing port facilities, such as the construction of ports and harbors and fishing ports, the construction of port hinterlands, the development of harbor construction technology, etc.

Article 25 Deleted. <by Act No. 9717, May 27, 2009>

Article 26 Deleted. <by Act No. 9717, May 27, 2009>

Article 27 Deleted. <by Act No. 9717, May 27, 2009>

Article 28 (Promotion of Marine Tourism) (1) In order to improve the health, recreation, and emotional life of all Koreans, the Government shall devise and implement measures required to facilitate tourist activities, leisure or sports in the seas (hereafter referred to as the "maritime tourism" in this Article).

(2) The Minister of Oceans and Fisheries may designate, as the undersea scenic zone, the sea area in which undersea scenery is excellent and ecosystems are well preserved, as prescribed by Presidential Decree for the promotion of marine tourism. In such cases, where the sea area intended for such designation as the undersea scenic zone corresponds to a natural park under subparagraph 1 of Article 2 of the Natural Parks Act, he/she shall consult in advance with the Minister of Environment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>

(3) For the purpose of cultivating sound emotions of all Koreans, expanding exchanges between cities and fishing villages, and increasing the income of residents in fishing villages, the Minister of Oceans and Fisheries shall devise and implement measures to encourage specialized fishing village tourism aimed at developing fishing villages into tourist attractions that have their own characteristics. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>

(4) Where necessary for the development of specialized fishing village tourism under paragraph (3), the State may render support required for installing and operating cultural facilities, etc. or for holding a regional cultural event, etc.

(5) In order to support and foster sports and leisure activities in the seas, the Minister of Oceans and Fisheries shall formulate and implement a plan to promote sports and leisure activities in the seas. <Newly Inserted by Act No. 11709, Mar. 23, 2013>

Article 29 (Support, etc. for New Technologies) (1) The Minister of Oceans and Fisheries may render support required for the development or commercialization of new technologies related to marine development, etc. (hereafter referred to as "new technologies" in this

Article) of small and medium businesses (referring to small and medium businesses under Article 2 of the Framework Act on Small and Medium Enterprises). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>

(2) Where a business operator, who commercialized a new technology through support under paragraph (1), has generated a turnover by utilizing or commercializing such technology, the Minister of Oceans and Fisheries may receive royalties from such business operator. In such cases, matters necessary for the criteria for payment, payment procedures and purpose, etc. of royalties shall be prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries may, if necessary for efficiently promoting the support business under paragraph (1), designate a specialized agency and have such agency perform duties related thereto. In such cases, the Minister of Oceans and Fisheries may subsidize expenses incurred therefor. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>

CHAPTER IV LAYING FOUNDATION FOR AND CREATING ENVIRONMENT OF DEVELOPMENT OF MARITIME AFFAIRS AND FISHERIES

Article 30 (Establishment and Fostering, etc. of Research Institutes) (1) The Government may establish and foster a research institute which conducts survey, research and development of science and technology for the rational management, preservation, development and utilization of the seas and marine resources, pursuant to the provisions of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions.

(2) The Government shall endeavor to establish and utilize systematic collaborative research systems among the academic circles, research institutes and industrial circles.

Article 31 (Fostering, etc. of Skilled Personnel in Maritime Affairs and Fisheries) (1) The Government shall establish and operate training centers and educational institutes in order to foster human resources specialized in the fields of maritime affairs and fisheries and to efficiently utilize such personnel.

(2) If necessary to foster human resources specialized in maritime affairs and fisheries under paragraph (1), the Minister of Oceans and Fisheries may give his/her opinions on increasing the fixed number of personnel and creating new educational courses to the heads of a training center or an educational institute and the heads of relevant central administrative agencies. In such cases, the heads of relevant central administrative agencies shall take such opinions into consideration. <Newly Inserted by Act No. 12491, Mar. 18, 2014>

(3) The Minister of Oceans and Fisheries shall devise and implement measures required for stabilizing employment of crewmen and enhancing their welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013; Act No. 12491, Mar. 18, 2014>

(4) The Minister of Oceans and Fisheries shall devise and implement measures required for fostering successors to fisheries who settle in a fishing village and who operate or intend to operate fishery, and professional fishing people equipped with the professional fisheries

technology and managerial capability. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013; Act No. 12491, Mar. 18, 2014>

Article 32 (Information-oriented Advancement for Marine Development, etc.) (1) The Minister of Oceans and Fisheries shall devise and implement measures required for more sophisticated information processing systems concerning marine development, etc. and for smooth distribution of information. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may establish and operate the national information center for maritime affairs and fisheries, in order to efficiently collect, manage and provide information concerning marine development, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11709, Mar. 23, 2013>

Article 33 (Promotion of Research and Development Project of Marine Science and Technology) (1) For the purpose of efficient implementation of the development plans for marine science and technology referred to in Article 17 (2), the Minister of Oceans and Fisheries may select research and development tasks by year and by field and implement projects for facilitating research and development and nurturing human resources specialized in marine science and technology (hereinafter referred to as "research and development project, etc."), after concluding an agreement with any of the following institutions or organizations: <Amended by Act No. 11709, Mar. 23, 2013; Act No. 14079, Mar. 22, 2016>

1. Specific research institutes under Article 2 of the Specific Research Institutes Support Act;
2. Government-funded research institutes under Article 8 (1) of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, or government-funded science and technology research institutes under Article 8 (1) of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes. Etc;
3. The Korea Institute of Ocean Science and Technology established under the Korea Institute of Ocean Science and Technology Act;
4. National and public research institutes;
5. Schools under Article 2 of the Higher Education Act;
6. Research institutes that retain human resources specializing in marine science and technology among research institutes affiliated with enterprises recognized under Article 14-2 (1) of the Basic Research Promotion and Technology Development Support Act;
7. Corporations, established under the Civil Act or other Acts, which conduct research and development related to marine science and technology;
8. Other research institutes or organizations in the field of marine science and technology, which are prescribed by Presidential Decree.

(2) The Minister of Oceans and Fisheries may contribute or provide subsidy to cover all or part of the expenses incurred in carrying out the research and development projects, etc. pursuant to paragraph (1) within budgetary limits. <Amended by Act No. 11709, Mar. 23,

2013>

(3) Matters necessary for the promotion of research and development projects, etc. and disbursement, management, etc. of contributions under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11596, Dec. 18, 2012]

Article 33-2 (Establishment of Korea Institute of Marine Science and Technology Promotion) (1) For the purpose of rendering efficient support to the establishment of development plans for marine science and technology under Article 17 (2) and for the planning, management, evaluation, etc. of research and development projects, etc., the Korea Institute of Marine Science and Technology Promotion (hereinafter referred to as the "Institute") shall be established.

(2) The Institute shall be a corporation and be duly formed upon the completion of the registration of its establishment in the place in which its main office is located.

(3) The Institute shall have executives and necessary employees as prescribed by its articles of incorporation.

(4) The Institute shall engage in the following services:

1. Support for the establishment of policies related to development plans for marine science and technology and research and development projects, etc.;
2. Planning, management and evaluation of research and development projects, etc.;
3. Support for international cooperation and international joint research projects in the field of marine science and technology;
4. Other projects prescribed by Presidential Decree in connection with research and development projects, etc.

(5) The Government may contribute or provide subsidy to cover all or part of the expenses incurred in the operation of the Institute within budgetary limits.

(6) The Institute may engage in profit-making business as prescribed by Presidential Decree in order to raise funds required for achieving its purpose provided in paragraph (1).

(7) Unless otherwise prescribed by this Act, the provisions concerning an incorporated foundation prescribed in the Civil Act shall apply mutatis mutandis in regard to the Institute.

[This Article Newly Inserted by Act No. 11596, Dec. 18, 2012]

Article 34 (Promotion, etc. of Marine Culture) (1) The Government shall endeavor to encourage enterprising spirit in regards of the seas and to promote the marine culture.

(2) The Government shall endeavor to promote people's understanding of marine development, etc. and to disseminate knowledge thereof.

Article 35 (Support to Finance, etc.)

The Government may, if deemed necessary for achieving the purpose of this Act, render fiscal or financial support to institutions, etc. related to maritime affairs and fisheries.

5. Enforcement Decree of Framework Act on Marine Fishery Development

[Enforcement Date 26. Jul, 2017.][Presidential Decree No.28211, 26. Jul, 2017., Amendment by Other Act]

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Framework Act on Marine Fishery Development, and those necessary for the enforcement thereof.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 2 (Establishment of Objectives and Directions of Mid- to Long-Term Policies)

(1) The Minister of Oceans and Fisheries shall establish mid- to long-term policy objectives and directions (hereafter in this Article referred to as "mid- to long-term policy objectives, etc.") for the rational management, preservation, development and utilization of the seas and marine resources, and for the fostering of the marine industry under Article 6 (1) of the Framework Act on Marine Fishery Development (hereafter referred to as the "Act") and shall give notice thereof to the heads of related central administrative agencies and publicly announce details thereof. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(2) When the Minister of Oceans and Fisheries establishes mid- to long-term policy objectives, etc. under paragraph (1), he/she shall refer them to the Maritime Affairs and Fisheries Development Committee for deliberation as prescribed in Article 7 of the Act. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(3) Where necessary for establishing the mid- to long-term policy objectives, etc., the Minister of Oceans and Fisheries may request the related central administrative agencies, local governments, enterprises, etc. that have participated in the State's research and development projects, to furnish materials. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 3 (Establishment of Master Plan)

(1) The Minister of Oceans and Fisheries shall formulate a master plan for maritime affairs and fisheries development under Article 6 of the Act (hereinafter referred to as "master plan"), following consultation with the heads of related central administrative agencies. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(2) The head of a related central administrative agency shall prepare a plan for his/her jurisdictional fields and submit such plan to the Minister of Oceans and Fisheries to be utilized as materials necessary for establishing the master plan under paragraph (1). <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 4 (Establishment of Implementation Plans)

(1) The head of a related central administrative agency shall formulate and implement an annual implementation plan for maritime affairs and fisheries development for his/her jurisdictional fields (hereinafter referred to as "implementation plan") pursuant to the master

plan.

(2) The head of a related central administrative agency shall submit, to the Minister of Oceans and Fisheries, the implementation plan for the relevant year and materials on the outcomes in the implementation for the preceding year's plan by the last day of January each year. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 5 (Preparation and Submission of Reports)

(1) The Minister of Oceans and Fisheries shall prepare an annual report on the major details of the master plan, the implementation plan for the relevant year, and the outcomes in the implementation for the preceding year's plan, based on the materials submitted pursuant to Article 4 (2). <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall file a report prepared pursuant to paragraph (1) with the Maritime Affairs and Fisheries Development Committee under Article 7 of the Act, and submit it to the National Assembly by the last day of June each year. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 6 (Composition of Maritime Affairs and Fisheries Development Committee)

(1) Vice-Ministerial-level public officials of the related central administrative agencies, who are to serve as members of the Maritime Affairs and Fisheries Development Committee (hereinafter referred to as the "Committee") pursuant to Article 8 (2) of the Act, shall be Vice Minister II of Strategy and Finance; Vice Minister of Education; Vice Minister I of Science and ICT; Vice Minister II of Foreign Affairs; Vice Minister of Unification; Vice Minister of National Defense; Vice Minister of the Interior and Safety; Vice Minister II of Culture, Sports and Tourism; Vice Minister of Agriculture, Food and Rural Affairs; Vice Minister of Trade, Industry and Energy; Vice Minister of Environment; Vice Minister of Employment and Labor; Vice Minister II of Land, Infrastructure and Transport; and Vice Minister of Oceans and Fisheries. <Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 25751, Nov. 19, 2014; Presidential Decree No. 28211, Jul. 26, 2017>

(2) Vice Minister of Oceans and Fisheries shall serve as the executive secretary under Article 8 (3) of the Act. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 6-2 (Dismissal of Members of the Committee)

Where a member of the Committee commissioned under Article 8 (2) falls under any of the following cases, the Minister of Oceans and Fisheries may dismiss such member from his/her office:

1. Where he/she becomes unable to perform his/her duties due to mental disorders;
2. Where he/she has committed any unlawful act in relation to his/her duties;
3. Where he/she is deemed unqualified as a member due to neglect of duty, injury to dignity, or any other reason;

4. Where he/she indicates his/her intention that it is impracticable to perform his/her duties.
[This Article Newly Inserted by Presidential Decree No. 26844, Dec. 31, 2015]

Article 7 (Operation of Committee)

(1) The chairperson of the Committee (hereafter in this Article referred to as "chairperson") shall exercise overall control over its affairs, and convene Committee meetings.

(2) When the chairperson intends to convene a meeting, he/she shall notify each member of the date, time, venue, and agenda for the meeting by no later than seven days prior to the opening of such meeting.

(3) The Committee shall convene its meeting with the attendance of a majority of its incumbent members, and adopt resolutions with the consent of a majority of those present.

(4) One secretary shall be assigned in order to assist the executive secretary of the Committee in dealing with administrative affairs, and the secretary shall be designated by the executive secretary of the Committee from among public officials belonging to the Ministry of Oceans and Fisheries. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(5) The chairperson shall prepare and retain the Committee's minutes.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 8 (Composition and Operation of Working Committee)

(1) The working committee for maritime affairs and fisheries development under Article 11 of the Act (hereinafter referred to as "working committee") shall be comprised of not more than 30 members, including one chairperson.

(2) The chairperson of the working committee shall be served by the Director General in charge of the marine policy affairs of the Ministry of Oceans and Fisheries, and committee members shall be those under either of the following subparagraphs: <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

1. Public officials of Grade III or IV (referring to public officials holding a position of officer or director) in a central administrative agency where the Committee members belong, designated by the head of the relevant central administrative agency;

2. Persons commissioned by the Minister of Oceans and Fisheries, among those having abundant expert knowledge and experience in the seas, marine resources or marine industry.

(3) One secretary shall be assigned in order to deal with affairs of the working committee, and shall be designated by the Minister of Oceans and Fisheries, among public officials belonging to the Ministry of Oceans and Fisheries. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(4) The chairperson of the working committee shall exercise overall control over the affairs of the working committee, and convene meetings of the working committee.

(5) Article 7 (2) and (3) shall apply mutatis mutandis to the convocation, commencement of deliberation, and resolutions of a meeting of the working committee.

(6) The working committee shall examine and deliberate upon agenda submitted to the Committee, and the matters entrusted by the Committee or instructed by the chairperson of

the Committee.

(7) The chairperson of the working committee shall prepare and retain the working committee's minutes.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 8-2 (Dismissal, etc. of Members of Working Committee)

(1) Where a member of the working committee falls under any of the following cases, a person who has designated the member under Article 8 (2) 1 may withdraw such designation:

1. Where he/she becomes unable to perform his/her duties due to mental disorders;
2. Where he/she has committed any unlawful act in relation to his/her duties;
3. Where he/she is deemed unqualified as a member due to neglect of duty, injury to dignity, or any other reason;
4. Where he/she indicates his/her intention that it is impracticable to perform his/her duties.

(2) Where a member of the working committee commissioned under Article 8 (2) 2 falls under any subparagraph of paragraph (1), the Minister of Oceans and Fisheries may dismiss such member from his/her office.

[This Article Newly Inserted by Presidential Decree No. 26844, Dec. 31, 2015]

Article 9 (Composition and Operation of Subcommittees)

(1) The working committee may organize and operate the following subcommittees, in accordance with Article 11 (2) of the Act:

1. Sea Subcommittee;
2. Marine Resources Subcommittee;
3. Marine Industry Subcommittee;
4. Marine Environment Subcommittee.

(2) Each subcommittee under the subparagraphs of paragraph (1) shall be comprised of not more than ten members of the working committee.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 10 (Allowances and Travel Expenses)

A member, an interested party and an expert who attends a meeting of the Committee, working committee or subcommittee (hereinafter referred to as the "Committee, etc.") and presents his/her opinion may be given allowances and reimbursed travel expenses within budgetary limits: Provided, That the foregoing shall not apply where any member who is a public official attends a meeting of the Committee, etc. in direct connection with the duties under his/her jurisdiction.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 11 (Detailed Operating Rules)

Unless otherwise prescribed in this Decree, matters necessary for the operation of the Committee, etc. shall be set forth respectively by the head of the Committee, etc., following the resolution of the related Committee, etc.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 12 (Preservation of Marine Environment)

Measures required for the preservation of the marine environment under Article 13 of the Act shall be as follows:

1. Formulation of basic policies for the preservation of the marine environment;
2. Technological development for the prevention and control of marine pollution;
3. Advancement of international cooperation for the preservation of the marine environment;
4. Other matters necessary for the preservation of the marine environment.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 13 (Development, etc. of Marine Resources)

Measures required for the development, etc. of marine resources under Article 16 of the Act shall be as follows:

1. Survey and research on marine resources;
2. Development of technology for utilizing marine resources;
3. International cooperation for the management, preservation, development and utilization of marine resources;
4. Other matters necessary for the management, preservation, development and utilization of marine resources.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 14 (Establishment of Marine Science Base and Investigation and Research Programs)

Plans for supporting the establishment of a marine research station in a specific area and the advancement of marine scientific survey and research under Article 20 of the Act shall contain each of the following:

1. Basic policies for the establishment and operation of the marine research station;
2. Plans for investigations and research to be performed in the marine research station;
3. International cooperation for the establishment of the marine research station, and for investigation and research programs;
4. Other matters necessary for operating and supporting the marine research station.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 15 (Strengthening of Competitiveness of Shipping and Port Industries)

Measures for strengthening the competitiveness of the shipping and port industries under Article 23 of the Act shall be as follows:

1. Improvement of the technology and productivity of the shipping and port industries;
2. Fostering of personnel in the shipping and port industries, and efficient management thereof;
3. Laying the foundation for the shipping and port industries;
4. Advancement of international cooperation for the shipping and port industries;
5. Other matters necessary for strengthening the competitiveness of the shipping and port industries.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 16 (Expansion of Port and Harbor Facilities, etc.)

Measures required for the expansion of port and harbor facilities and fishing port facilities under Article 24 of the Act shall be as follows:

1. Basic policies for expanding port and harbor facilities and fishing port facilities;
2. Matters concerning the development of technology for port and harbor construction;
3. Plans for supply and demand of port and harbor facilities and fishing port facilities;
4. Matters for constructing and operating an integrated information system for supporting the construction of ports and harbors and fishing ports, and matters for designating an agency dedicated to such task;
5. Other matters necessary for expanding port and harbor facilities and fishing port facilities.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 17 Deleted. <by Presidential Decree No. 21847, Nov. 26, 2009>

Article 18 Deleted. <by Presidential Decree No. 21847, Nov. 26, 2009>

Article 19 (Promotion of Marine Tourism)

Measures required for the promotion of marine tourism under Article 28 (1) of the Act shall be as follows:

1. Formulation of basic policies for the promotion of marine tourism;
2. Institutional improvement for the promotion of marine tourism;
3. Expansion of facilities for the promotion of marine tourism;
4. Discovery and dissemination of projects for the promotion of marine tourism;
5. Other matters necessary for the promotion of marine tourism.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 20 (Designation of Undersea Scenic Zones)

(1) When the Minister of Oceans and Fisheries intends to designate an undersea scenic zone pursuant to Article 28 (2) of the Act, he/she shall hear the opinion of the competent Metropolitan City Mayor, Do Governor or the Governor of a Special Self-Governing Province. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(2) When the Minister of Oceans and Fisheries has designated an undersea scenic zone, he/she shall publicly announce the following matters: <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

1. Title of the undersea scenic zone;
2. Location or scope of the undersea scenic zone;
3. Surface area of the undersea scenic zone;
4. Objectives and applicable Acts and subordinate statutes for the designation of the undersea scenic zone;
5. Title, location or scope, and area of principal resources within the undersea scenic zone;
6. Date of designation, public announcement number, and name of agency making a public announcement.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 20-2 Deleted. <by Presidential Decree No. 28164, Jun. 27, 2017>

Article 21 Deleted. <by Presidential Decree No. 28164, Jun. 27, 2017>

Article 22 (Fostering, etc. of Human Resources Specialized in Maritime Affairs and Fisheries)

Measures required for fostering human resources specialized in maritime affairs and fisheries under Article 31 of the Act shall be as follows:

1. Establishment of objectives and basic directions for fostering human resources specialized in maritime affairs and fisheries;
2. Understanding demand for education of human resources specialized in maritime affairs and fisheries;
3. Expansion of facilities and fostering of instructors for education of human resources specialized in maritime affairs and fisheries;
4. Other matters necessary for fostering human resources specialized in maritime affairs and fisheries.

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 23 (Information-oriented Advancement for Marine Development, etc.)

(1) Measures required for more sophisticated information processing system concerning marine development, etc. (referring to marine development, etc. under Article 6 (1) of the Act; hereinafter referred to as "marine development, etc.") and for smooth distribution of information under Article 32 (1) of the Act shall be as follows:

1. Improvement of management systems for information concerning marine development, etc.;
2. Demarcation of the scope of materials subject to the management of information concerning marine development, etc.;
3. Formulation of nationwide means for collecting, managing, furnishing and utilizing information concerning marine development, etc.;
4. Standardization of information concerning marine development, etc., and construction of a database;
5. Other matters necessary for more sophisticated information processing systems concerning marine development, etc. and for smooth distribution of information.

(2) The duties of the national information center for maritime affairs and fisheries under Article 32 (2) of the Act shall be as follows:

1. Collection, management and provision of information concerning marine development, etc.;
2. Establishment and operation of an information system, communication networks and relay systems for efficiently collecting, managing and providing information concerning marine development, etc.;
3. Designation and connection of information communication networks for sharing information concerning marine development, etc.;
4. Advancement of cooperation both at home and abroad for sharing information and materials concerning marine development, etc.

(3) The Minister of Oceans and Fisheries may request the head of an agency which

produces and manages information on maritime affairs and fisheries to furnish necessary materials, in order to smoothly promote matters falling under the subparagraphs of paragraphs (1) and (2). In such cases, the head of an agency shall, in receipt of such request, comply therewith in the absence of good cause to the contrary. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

[This Article Wholly Amended by Presidential Decree No. 21622, Jul. 7, 2009]

Article 23-2 Deleted. <by Presidential Decree No. 28164, Jun. 27, 2017>

Article 24 Deleted. <by Presidential Decree No. 28164, Jun. 27, 2017>

Article 25 Deleted. <by Presidential Decree No. 28164, Jun. 27, 2017>

Article 26 Deleted. <by Presidential Decree No. 28164, Jun. 27, 2017>

Article 27 Deleted. <by Presidential Decree No. 28164, Jun. 27, 2017>

Article 28 Deleted. <by Presidential Decree No. 28164, Jun. 27, 2017>

ADDENDA (Omitted)

6. Act on the Investigation of and Inquiry into Marine Accidents

[Enforcement Date 25. Sep, 2014.] [Act No.12547, 24. Mar, 2014., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to ensuring marine safety by clearing up the causes of marine accidents through the investigation of and inquiry into marine accidents.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 10802, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

1. The term "marine accident" means any of the following accidents, which happen at sea and in the inland waters:

(a) An accident in which a person dies, disappears or is injured, in connection with the structure, equipment or operation of ships;

(b) An accident which causes damage to a ship or shore or marine facilities, in connection with the operation of ships;

(c) An accident in which a ship is lost, derelict or missing;

(d) An accident in which a ship collides with another ship, is stranded, capsizes or sinks or it is impossible to steer a ship;

(e) An accident that causes marine pollution damage, in connection with the operation of ships;

1-2. The term "marine near-miss" is a situation specified by Ordinance of the Ministry of Oceans and Fisheries as an accident that is likely to pose a hazard to the safety of ships and people or the marine environment, if measures for rectification or improvement are not taken with respect to the structure, equipment, or operation of a ship;

2. The term "ship" means any structure navigating or navigable on the water or under water, which is determined by Presidential Decree;

3. The term "person involved in a marine accident" means any person involved in the cause of a marine accident, who is designated pursuant to Article 39;

3-2. The term "interested party" means a person not directly related to the cause of a marine accident but financially affected by an inquiry into, or judgment on, the marine accident;

4. The term "remote video inquiry" means any inquiry that is held with persons involved in a marine accident attending a remote tribunal equipped with apparatus transmitting and receiving animated images and sound simultaneously, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, other than the location of the competent Maritime Safety Tribunal or facilities equipped with the said apparatus and designated by the competent Maritime Safety Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 3 (Establishment of Tribunals)

In order to make an inquiry into marine accidents, the Maritime Safety Tribunals (hereinafter referred to as the "Tribunals") shall be established under the jurisdiction of the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 4 (Examination, etc. on Causes of Marine Accidents)(1) In an inquiry performed by the Tribunals, the causes of a marine accident shall be examined with respect to the following matters:

1. Whether it was caused by intention or negligence of any person;
2. Whether it was caused by the number, qualifications, skills, work conditions or services of the crew of the vessel;
3. Whether it was caused by the structure, materials and manufacture of the hull or engines, or equipment or performance of the vessel;
4. Whether it was caused by auxiliary facilities for navigation, such as hydrographic charts and publication, nautical marks, marine communication, weather forecast, salvage facilities, etc.;
5. Whether it was caused by conditions of the port or waterway;
6. Whether it was caused by any reason concerning the characteristics or loading of freight.

(2) Where two or more persons are involved in the occurrence of a marine accident in examining the causes of a marine accident referred to in paragraph (1), the competent Tribunal may examine the extent of causes brought on by each person involved therein.

(3) If deemed necessary to examine the causes of a marine accident under the subparagraphs of paragraph (1), the competent Tribunal may seek advice from a specialized research institution prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 5 (Judgment)(1) The Tribunals shall examine the causes of marine accidents, and

clarify the outcomes thereof by judgment.

(2) Where the Tribunals deem that a marine accident is caused by intention or negligence of a ship officer or pilot on duty, they shall discipline him/her by judgment.

(3) If necessary, the Tribunals may make a judgment to recommend or order rectification or improvement to a person involved in a marine accident, other than those referred to in paragraph (2): Provided, That no judgment that orders rectification or improvement shall be made to administrative agencies. <Amended by Act No. 10802, Jun. 15, 2011>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 5-2 (Request for Correction, etc.)

When the Tribunals deem that any matter is to be corrected or improved for preventing a marine accident as a result of an inquiry, they may request an administrative agency or organization, other than persons involved in a marine accident, to take corrective or improvement measures for preventing a marine accident.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 6 (Categories of Disciplines and Extenuation)(1) Disciplines under Article 5 (2) may be divided into three categories as follows, and their application shall be determined by the Tribunals according to the seriousness of the relevant acts:

1. Revocation of a license;
2. Suspension of business;
3. Reprimand.

(2) The suspension period of business under paragraph (1) 2 shall be not less than one month and not more than one year.

(3) In taking a disciplinary action under Article 5 (2), the Tribunals may reduce or exempt it in extenuation of the nature or situation of a marine accident, or the personal history of the relevant person or other circumstances.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 6-2 (Suspending Execution of Disciplinary Actions)(1) If a Tribunal finds it necessary to require a person to attend a job training course with regard to the operation of a ship (hereinafter referred to "job training course") when it makes a judgment to suspend business operation under Article 6 (1) 2 for not less than one month but not more than three months as a disciplinary action, it may suspend the execution of a disciplinary action (hereinafter referred to as "suspension of execution") for a period of not less than three months but not more than nine months simultaneously when it makes such judgment on a disciplinary action. In such cases, the execution of a disciplinary action shall not be suspended contrary to an intention expressly manifested by a person subject to the judgment on the disciplinary action.

(2) Matters necessary for guidelines for the suspension of execution under paragraph (1) shall be determined by the Tribunals.

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

Article 6-3 (Order to Finish Job Training Course)(1) When a Tribunal suspends the

execution of a disciplinary action under Article 6-2, it shall order the relevant person to finish a job training course during a grace period.

(2) A person who is ordered to attend a job training course pursuant to paragraph (1) shall attend the job training course provided by the competent Tribunal or an entrusted educational institution specified by Presidential Decree.

(3) A Tribunal or entrusted educational institution may charge trainees for the training course provided to them pursuant to paragraph (2).

(4) Except as provided for in paragraphs (1) through (3), matters necessary for completing the job training course, such as the term and curriculum of the job training course, shall be determined by the Tribunals.

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

Article 6-4 (Nullification of Suspension of Execution)

If the execution of a disciplinary action taken against a person has been suspended by judgment pursuant to Article 6-2, but if such person falls under any of the following subparagraphs, the judgment to suspend the execution shall be nullified:

1. A person fails to finish the job training course during the period of suspension of execution;
2. A judgment to suspend business operation or take any heavier disciplinary action is made against a person who is in the period of suspension of execution, and the judgment becomes final and conclusive.

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

Article 6-5 (Effects of Suspension of Execution)

If the period for suspension of execution of a disciplinary action lapses while the judgment to suspend the execution remains valid after the judgment is made under Article 6-2, the disciplinary action shall be deemed executed.

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

Article 7 (Prohibition against Double Jeopardy)

The Tribunals may not make another inquiry for a case on the merit of which a final judgment has been made.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 7-2 (Hearings from Tribunals Prior to Public Prosecution)

In cases of a marine accident, where a prosecutor institutes a public prosecution against a person involved in the marine accident, the prosecutor may hear opinions from the competent District Maritime Safety Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 7-3 (Terms of Inquiry Tribunal)(1) The Korean language shall be used at an inquiry tribunal.

(2) A statement made by a person who cannot make himself/herself understood in the Korean language shall be translated by a translator.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER II ORGANIZATION OF TRIBUNALS

Article 8 (Organization of Tribunals)(1) The Tribunals shall comprise the Korean Maritime Safety Tribunal (hereinafter referred to as the "Korean Tribunal") and the District Maritime Safety Tribunals (hereinafter referred to as the "District Tribunals").

(2) Each Tribunal shall be comprised of a commissioner and such number of judges as determined by Presidential Decree.

(3) The organization of the Korean Tribunal and the names, organizations and jurisdictions of the District Tribunals shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 9 (Commissioners of Korean Tribunal and District Tribunals)(1) The Korean Tribunal and each District Tribunal shall have the Commissioner of the Korean Maritime Safety Tribunal (hereinafter referred to as the "Commissioner of the Korean Tribunal") and the commissioner of a District Maritime Safety Tribunal (hereinafter referred to as "commissioner of a District Tribunal"), respectively.

(2) The Commissioner of the Korean Tribunal shall be appointed by the President on the recommendation of the Minister of Oceans and Fisheries, from among those having qualifications falling under any of the subparagraphs of Article 9-2 (2). <Amended by Act No. 11690, Mar. 23, 2013>

(3) The commissioner of a District Tribunal shall be appointed by the President of the Republic of Korea with the recommendation of the Minister of Oceans and Fisheries, from among persons qualified under any subparagraph of Article 9-2 (2) or judges of a District Tribunal. <Amended by Act No. 10802, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 9-2 (Appointment of and Qualifications for Judges)(1) The judges of the Korean Tribunal shall be appointed by the President, upon the recommendation of the Minister of Oceans and Fisheries, whereas the judges of a District Tribunal shall be appointed by the Minister of Oceans and Fisheries on the recommendation of the Commissioner of the Korean Tribunal. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A person qualified as a judge of the Korean Tribunal shall be any of the following persons:

1. A person who has served as a judge of a District Tribunal for not less than four years;
2. A person who, after having obtained a license for second class or higher ship officer as mate, engineer or operator (hereinafter referred to as "license for second-class or higher ship officer"), has served as a state public official in general service of Grade IV or higher for not less than four years;
3. A person who has served as a state public official in general service of Grade III or higher in administering maritime affairs and fisheries for not less than three years;
4. A person whose total period of service under subparagraphs 1 through 3 is not less than four years.

(3) A person qualified as a judge of a District Tribunal shall be any of the following persons:

1. A person who, after having obtained a license for first-class ship officer as a mate, engineer or operator, has been on board as the captain or chief engineer of a ship which

navigates a deep sea area as its navigation area for not less than three years;

2. A person who, after having obtained a license for second class or higher ship officer, has served as a state public official in general service of Grade V or higher for not less than two years;

3. A person who, after having obtained a license for second class or higher ship officer, has taught any subject on the navigation of ships or steerage of ship engines at an educational institution determined by Presidential Decree for not less than three years;

4. A person whose total period of service under subparagraphs 1 through 3 is not less than three years;

5. A person who is admitted to the bar and has worked as an attorney-at-law for not less than three years.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 10 (Disqualifications)

No person who falls under any of the subparagraphs of Article 33 of the State Public Officials Act shall be the commissioner or a judge of each Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 11 (Duties of Commissioners and Judges)(1) The Commissioner of the Korean Tribunal shall perform the following duties:

1. He/she shall exercise overall control over the general affairs of the Korean Tribunal, and direct and supervise the staff and personnel under his/her jurisdiction;

2. He/she shall organize an inquiry board of the Korean Tribunal, and nominate a presiding judge from among its judges: Provided, That for an especially important case, he/she may make himself/herself a presiding judge;

3. He/she shall direct and supervise the general affairs of the District Tribunals;

4. Where a vacancy occurs in the position of a judge in each Tribunal, or any other inevitable reason exists, he/she may have the commissioner of a District Tribunal to act as a judge of the Korean Tribunal, and the judge of a District Tribunal to act as the judge of another District Tribunal.

(2) The commissioner of a District Tribunal shall perform the following duties:

1. He/she shall take charge of the general affairs of the District Tribunal, and direct and supervise the staff and personnel under his/her jurisdiction;

2. He/she shall organize an inquiry board in the District Tribunal and be a presiding judge.

(3) Judges shall perform the duties of inquiry.

(4) Where the commissioner of each Tribunal is unable to perform his/her duties due to any inevitable reason, a senior judge of the relevant Tribunal shall act on his/her behalf: Provided, That a chief investigator referred to in Article 16 (1) shall perform the commissioner's duties other than the duties of inquiry.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 12 (Independent Authority of Judges)

The presiding judges and judges shall perform their duties independently.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 13 (Status and Terms of Office for Judges)(1) The commissioners and judges shall be public officials in general service that are public officials in a fixed term position referred to in Article 26-5 of the State Public Officials Act. <Amended by Act No. 12547, Mar. 24, 2014>

(2) The terms of office for the commissioners and judges shall be three years, and may be renewed consecutively.

(3) Neither commissioners nor judges shall be subject to removal, reduction of pay or other disadvantageous disposition contrary to their intention without a criminal sentence, disciplinary action or provisions of any Acts.

(4) The State Public Officials Act shall apply to the retirement age for the commissioners and judges. <Amended by Act No. 10802, Jun. 15, 2011; Act No. 12547, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 13-2 (Transfer of Judges)

The Minister of Oceans and Fisheries may transfer the commissioner of a District Tribunal or judges of each Tribunal during his/her service under Article 13 (2) to a corresponding position in another Tribunal, only when it is deemed inevitable for carrying out the duties of an inquiry. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 14 (Non-Permanent Judges)(1) Each Tribunal shall have non-permanent judges who are commissioned by the commissioner of each Tribunal, from among those having knowledge and experience required for performing their duties.

(2) The non-permanent judges shall participate in an inquiry into a case in which it is very difficult to identify the causes of marine accidents.

(3) The non-permanent judges who participate in an inquiry shall have the same duties and powers as the judges.

(4) Necessary matters for the number of, qualifications for, etc. non-permanent judges to be assigned to each Tribunal shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 15 (Exclusion, Challenge and Evasion of Judges and Non-Permanent Judges)(1) Where any judge (including any presiding judge; hereafter the same shall apply in this Article) or non-permanent judge falls under any of the following subparagraphs, he/she shall be excluded from the execution of his/her duties:

1. Where he/she is or was a relative of a person involved in the marine accident;
2. Where he/she bears witness to or gives an expert opinion on the case concerned;
3. Where he/she takes part in the case concerned as an inquiry counsel or representative of the person involved in the marine accident;
4. Where he/she carries out the duties of an investigator in the case concerned;
5. Where he/she takes part in the inquiry of the previous trial;
6. Where he/she is the owner, operator or charterer of a ship which is subject to the inquiry.

(2) Any investigator, person involved in the marine accident and inquiry counsel may file a request for the challenge of a judge and non-permanent judge in any of the following cases:
1. Where the judge or non-permanent judge falls under any of subparagraphs of paragraph (1);

2. Where the judge or non-permanent judge is likely to make an unfair inquiry.

(3) A person who has already made a statement about the case concerned at the inquiry court is not allowed to file a request for a challenge for the reason referred to in paragraph (2) 2 only: Provided, That where he/she was not aware that a reason for challenge exists, or a reason for challenge occurs thereafter, the same shall not apply.

(4) Any judge or non-permanent judge may, if it is deemed that a reason under paragraph (2) exists, evade his/her duties.

(5) A decision on the exclusion, challenge or evasion of a judge or nonpermanent judge shall be made by the collegiate inquiry board of the Tribunal to which he/she belongs: Provided, That if a special inquiry division is established, such decision shall be made by the collegiate inquiry board of the District Tribunal in which the special inquiry division is established.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 16 (Investigators, etc.)(1) Each Tribunal shall have a chief investigator, investigators and other personnel assisting the investigation affairs.

(2) The chief investigator, investigators and other personnel assisting the investigation affairs referred to in paragraph (1) shall be appointed from among public officials in general service, and their fixed number shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 16-2 (Qualifications of Investigators)(1) A person who is qualified as the Chief Investigator of the Korean Tribunal (hereinafter referred to as "Chief Investigator of the Korean Tribunal") shall be any of the following persons:

1. A person falling under Article 9-2 (2) 1 and 2;

2. A person who has served as a state public official in general service of Grade III or higher in the administration of maritime affairs and fisheries for not less than three years (including a career served for affairs related to marine safety for not less than one year);

3. A person whose total period of career of subparagraphs 1 and 2 is not less than four years.

(2) A person who is qualified as an investigator of the Korean Tribunal and the chief investigator of a District Tribunal (hereinafter referred to as "chief investigator of a District Tribunal") shall be a person falling under Article 9-2 (3) 1 through 4: Provided, That qualifications as an investigator of a District Tribunal shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 17 (Duties of Investigators)

Any chief investigator and investigator shall take charge of the investigation of marine accidents, request for an inquiry, execution of judgment and other affairs prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 18 (Leadership and Supervision over Investigative Affairs)(1) An investigator shall follow the leadership and supervision by his/her superiors with respect to investigative affairs;

(2) If an investigator holds a different view on the lawfulness or legitimacy of the leadership and supervision under paragraph (1) over a specific case, he/she may raise an objection.

(3) The Chief Investigator of the Korean Tribunal shall lead and supervise all investigators in general as the supreme supervisor over investigative affairs, while he/she shall lead and supervise investigators of the Korean Tribunal and the Chief Investigator of each District Tribunal with respect to a specific case.

[This Article Wholly Amended by Act No. 10802, Jun. 15, 2011]

Article 18-2 (Delegation and Transfer of, and Succession to, Duties of Investigators)(1)

The Chief Investigator of the Korean Tribunal or the Chief Investigator of a District Tribunal may authorize an investigator under his/her control to carry out an affair within his/her jurisdiction.

(2) The Chief Investigator of the Korean Tribunal or the Chief Investigator of a District Tribunal may perform the duty of investigation under his/her control by him/herself or may assign the performance of such duty to another investigator.

[This Article Wholly Amended by Act No. 10802, Jun. 15, 2011]

Article 18-3 (Formation of Special Investigation Board)(1) Where the Chief Investigator of the Korean Tribunal deems it necessary to conduct a special investigation into any of the following marine accidents in order to prevent marine accidents in addition to investigations upon a request for inquiry, he/she may organize a special investigation board:

1. A marine accident that results in a loss of human life;
2. A marine accident that results in severe damage to a ship or any other facility to the extent that the ship or facility can no longer perform its essential functions;
3. A marine accident that results in serious marine pollution by oil leakage;
4. A marine accident or near-miss not specified in subparagraphs 1 through 3, but where international cooperation is necessary for investigations.

(2) A special investigation board under paragraph (1) (hereinafter referred to as "special investigation board") shall be comprised of not more than ten persons who fall under any of the following subparagraphs, and the head of the special investigation board shall be appointed by the Chief Investigator of the Korean Tribunal, from among investigators: Provided, That the Chief Investigator of the Korean Tribunal him/herself may serve as the head of a special investigation board, where a case is crucially important:

1. Investigators (including chief investigators; hereinafter the same shall apply);
2. Public officials from an agency related to marine accidents;
3. Experts that specialize in marine accidents.

(3) The head of a special investigation board shall prepare an investigation report and submit the report to the Minister of Oceans and Fisheries and the Chief Investigator of the Korean

Tribunal within ten days after he/she completes investigations, whereupon the Chief Investigator of the Korean Tribunal shall forward the submitted report to the heads of related administrative agencies and the International Maritime Organization (only if a marine accident shall be reported to the Organization pursuant to an international agreement that takes effect internationally in relation to investigation and inquiry into marine accidents).

(4) The Chief Investigator of the Korean Tribunal shall publish an investigation report under paragraph (3) to the public: Provided, That the foregoing shall not apply where such publishing is likely to undermine the national security.

(5) Where any significant evidence likely to change the outcomes of an investigation into a marine accident is discovered after the investigation by a special investigation board into a marine accident is completed, the Chief Investigator of the Korean Tribunal may investigate the marine accident again.

(6) Investigations by a special investigation board into a marine accident shall be independently carried out, separately from judicial proceedings for civil and criminal liabilities, procedures for conducting an investigation upon a request for inquiry, procedures for taking an administrative disposition, and the proceedings of administrative litigation, and Articles 18 and 18-2 shall not apply to investigators of a special investigation board.

(7) Information acquired in the course of conducting investigations by a special investigation board into a marine accident shall be disclosed to the public: Provided, That it is not required to disclose the information specified by Presidential Decree as information that is likely to have a negative impact on investigations into the relevant marine accident or investigations into marine accidents in the future or likely to undermine the national security or invade a person's privacy.

(8) Necessary matters concerning the operation of a special investigation board, including procedures for conducting an investigation into a marine accident and methods for preparing an investigation report, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10802, Jun. 15, 2011]

Article 19 (Direction and Supervision of General Affairs by Investigators)

The Commissioner of the Korean Tribunal and the commissioner of a District Tribunal shall direct and supervise the general affairs of the investigators. In such cases, he/she shall not take part in or give influence on the latter's proper affairs.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 20

Deleted. <by Act No. 5809, Feb. 5, 1999>

Article 20-2 (Training and Education of Judges, Investigators, etc.)

If deemed necessary for improving the quality of the judges, the Commissioner of the Korean Tribunal may have investigators and other personnel conduct training and education prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 21 (Instances)

The District Tribunals shall make inquiries in the first instance, and the Korean Tribunal, in the second instance.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 22 (Organization and Resolutions of Inquiry Board)(1) A District Tribunal shall make inquiries in a collegiate board comprised of three judges: Provided, That one judge may make an inquiry into a slight case specified by Presidential Decree or a summary inquiry case under Article 38-2. <Amended by Act No. 10802, Jun. 15, 2011>

(2) The Korean Tribunal shall make inquiries in a collegiate board which is comprised of five judges.

(3) Each Tribunal shall allow two non-permanent judges nominated by the commissioner to participate in cases referred to in Article 14 (2), notwithstanding the provisions of paragraphs (1) and (2).

(4) The collegiate inquiry board shall make a resolution by the consent of a majority of judges organizing a collegiate board (including the presiding judges and non-permanent judges).

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 22-2 (Establishment of Special Inquiry Division)(1) The Commissioner of the Korean Tribunal may, when he/she deems that high expertise is required for closely examining the cause of a marine accident falling under any of the following subparagraphs, organize a special inquiry division in the District Tribunal having jurisdiction over the case concerned:

1. A marine accident in which ten or more persons die or are injured;
2. A marine accident which causes remarkably serious damage to a ship and other facilities;
3. A marine accident which causes serious marine pollution due to the leakage of oil, etc.

(2) The special inquiry division under paragraph (1) shall be comprised of two judges having expert knowledge on the examination into the causes of marine accidents and the commissioner of the District Tribunal having jurisdiction over the case concerned, and the commissioner of the District Tribunal shall be the presiding judge.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 23 (Personnel of Inquiry Board)(1) An inquiry board shall have clerks, inquiry tribunal guards and inquiry assistant personnel.

(2) Clerks shall attend an inquiry, and take charge of preparing, keeping or serving documents under orders of the presiding judge and judges.

(3) Inquiry tribunal guards shall take charge of maintaining order in the inquiry tribunal under orders of the presiding judge.

(4) Inquiry assistant personnel shall take charge of assisting duties in inquires, except for the investigation of evidence and clerical work under orders of the presiding judge and judges.

(5) Clerks, inquiry tribunal guards and inquiry assistant personnel shall be designated or

appointed by the commissioner, from among the staff under his/her jurisdiction.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER II-2 JURISDICTION OF TRIBUNALS

Article 24 (Jurisdiction)(1) A case to be remitted to the inquiry shall come under the jurisdiction of the District Tribunal which has jurisdiction over the scene where a marine accident occurs: Provided, That where the scene of a marine accident is not ascertained, the jurisdiction shall belong to the Tribunal which has jurisdiction over the port in which the ship involved in the marine accident is registered.

(2) Where the same case is pending in two or more District Tribunals, the inquiry thereof shall be made by the District Tribunal which has received the initial request for inquiry.

(3) Where two or more cases relating to the same ship are pending in two or more District Tribunals, all cases shall be subject to the concurrent inquiry of the District Tribunal which has received the initial request for inquiry.

(4) Two or more cases relating to the same ship shall be subject to a concurrent inquiry.

(5) The jurisdiction over cases which occur outside the Republic of Korea shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 25 (Transfer of Cases)(1) Where a District Tribunal deems that a case does not belong to its jurisdiction, it shall transfer, by decision, the case to the competent District Tribunal.

(2) No District Tribunal to which the case was transferred under paragraph (1) may re-transfer the case to another District Tribunal.

(3) The case transferred under paragraph (1) shall be deemed pending originally in the District Tribunal to which it is transferred.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 26 (Request for Transfer of Jurisdiction)(1) If it is deemed inconvenient for a person involved in a marine accident to appear in the competent District Tribunal, an investigator or the person involved in the marine accident may request the Korean Tribunal to change jurisdiction, as prescribed by Presidential Decree. In such cases, the requester may submit an application to the competent District Tribunal, and the competent District Tribunal in receipt thereof shall promptly transmit it to the Korean Tribunal.

(2) Where a request is made under paragraph (1), if it is deemed convenient for the inquiry, the Korean Tribunal may change the jurisdiction, by decision.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER III INQUIRY COUNSELS

Article 27 (Appointment of Inquiry Counsels)(1) A person involved in a marine accident or an interested person may appoint an inquiry counsel.

(2) A legal representative, a spouse, lineal relatives and brothers and sisters of the person involved in a marine accident may appoint an inquiry counsel independently.

(3) Inquiry counsels shall be appointed, from among those registered as inquiry counsels

with the Korean Tribunal: Provided, That this shall not apply if they obtain permission from the commissioner of the each Tribunal.

(4) If two or more inquiry counsels are appointed by the persons involved in a marine accident or interested persons who have the same interests in the results of an inquiry, one representative inquiry counsel shall be appointed.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 28 (Qualifications for and Registration of Inquiry Counsels)(1) A person qualified as an inquiry counsel shall be any of the following persons: <Amended by Act No. 11690, Mar. 23, 2013>

1. A person who falls under Article 9-2 (3) 1 through 4;
2. A person who has served as a judge or an investigator;
3. A person who, having obtained a license for first-class mate, engineer or operator, has engaged in legal advice service relating to marine affairs for not less than five years or has obtained a doctorate in law in the field of marine affairs prescribed by Ordinance of the Ministry of Oceans and Fisheries;
4. A person who is admitted to the bar.

(2) A person who intends to engage in business of an inquiry counsel shall register with the Korean Tribunal, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 28-2 (Disqualifications for Inquiry Counsels)

No person falling under the following subparagraphs shall be an inquiry counsel:

1. A person who falls under any of the subparagraphs of Article 33 of the State Public Officials Act;
2. A person for whom three years have not passed since his/her registration was revoked.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 29 (Duties, etc. of Inquiry Counsels)(1) Inquiry counsels shall carry out the following duties:

1. Representation or vicarious execution of an application, request, statement, etc. made by a person involved in a marine accident or an interested person to each Tribunal under this Act;
2. Technical consultation relating to a marine accident given to a person involved in a marine accident, etc.

(2) The inquiry counsels shall conscientiously perform the duties delegated to them.

(3) No concurrent or former inquiry counsels may reveal any confidential information that they have learned in the course of performing their duties.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 30 (Selection of Tribunal-appointed Inquiry Counsels)(1) Where a person involved in a marine accident is not represented by an inquiry counsel in any of the following cases, the competent Tribunal shall select an inquiry counsel (hereafter the same shall apply in this Article) ex officio, within budgetary limits, from among persons registered pursuant to

Article 28 (2):

1. Where a person involved in a marine accident is a minor;
2. Where a person involved in a marine accident is not less than 70 years of age;
3. Where a person involved in a marine accident has an impediment in hearing or speech;
4. Where a person involved in a marine accident is suspected to be mentally or physically handicapped.

(2) Where a person involved in a marine accident cannot afford an inquiry counsel due to poverty or any other situation, the competent Tribunal may appoint an inquiry counsel for such person at the request of a person involved in the marine accident, within budgetary limits.

(3) Where a Tribunal deems it necessary to protect the rights of a person involved in a marine accident, with consideration given to the age, intelligence, and educational background of the person, it may appoint an inquiry counsel for the person, within budgetary limits.

(4) Necessary matters concerning the management of Tribunal-appointed inquiry counsels, including the selection of inquiry counsels under paragraphs (1) through (3), shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

Article 30-2 (Inquiry Counsels Association)(1) Inquiry counsels may establish the Inquiry Counsels Association (hereinafter referred to as the "Association") after obtaining permission from the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Association shall be a corporation.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 30-3 (Business)

The Association shall carry out the following business:

1. Inquiry aid of a person involved in a marine accident;
2. Business related to the prevention of marine accidents;
3. Arbitration of disputes between inquiry counsels and mandators;
4. Other business prescribed by Presidential Decree as related to inquiries.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 30-4 (Procedures, etc. of Incorporation)

Matters necessary for the procedures for incorporation of the Association, particulars to be specified in the articles of association, executives and supervision shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 30-5 (Application Mutatis Mutandis of the Civil Act)

Except as provided for in this Act, the provisions of the Civil Act concerning the incorporated association shall be applicable mutatis mutandis to the Association.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER IV PRE-INQUIRY PROCEDURES

Article 31 (Duties of Maritime Affairs and Fisheries Agency, etc.)(1) Where a maritime affairs and fisheries agency, national police official, Special Metropolitan City Mayor, Metropolitan City Mayor, the Mayor of a Special Self-Governing City, Do Governor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu recognizes that a marine accident has occurred, he/she shall promptly inform such fact to an investigator of the competent District Tribunal with a detailed statement thereof. <Amended by Act No. 12547, Mar. 24, 2014>

(2) Where an investigator requests the relevant agency to provide cooperation in order to collect the evidences of a marine accident, or makes an investigation thereof, the relevant agency shall comply therewith.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 31-2 (Informing of Marine Near-Misses)(1) In order to prevent marine accidents, the owner or operator of a ship shall inform the Chief Investigator of the Korean Tribunal of a near-miss that occurs in connection with the operation of the ship (excluding fishing vessels, defined in subparagraph 1 of Article 2 of the Fishing Vessels Act; hereafter the same shall apply in this Article), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the Chief Investigator of the Korean Tribunal discovers any possible risk factor that may cause a hazard to the safety of ships and people and the marine environment as a result of his/her analysis on information provided pursuant to paragraph (1), he/she shall notify such fact to the relevant persons, including the owner of a ship.

(3) The Chief Investigator of the Korean Tribunal shall not disclose the identity of a person who informs of a near-miss pursuant to paragraph (1), contrary to the person's intention.

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

Article 32 (Duties of Consuls)(1) Where any consul recognizes the fact that a marine accident has occurred outside the Republic of Korea, he/she shall promptly collect the evidence thereof and notify the Chief Investigator of the Korean Tribunal thereof.

(2) The Chief Investigator of the Korean Tribunal shall, upon receiving the notification under paragraph (1), promptly transmit it to the chief investigator of the competent District Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 33 (Request for Investigation of Fact)(1) A person who has an interest in a marine accident may request the competent investigator to investigate the fact with a detailed statement thereof.

(2) The investigator shall, upon receiving the request under paragraph (1), investigate the fact, make a decision as to whether to file a request for an inquiry, and notify the person who made such request of the results thereof.

(3) Where the investigator refuses the request for inquiry under paragraph (2), he/she shall obtain the prior approval of the Chief Investigator of the Korean Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 34 (Investigation and Settlement of Marine Accidents)(1) When an investigator finds that a marine accident has occurred, he/she shall promptly investigate such fact and collect evidences.

(2) An investigator shall, if it is deemed unnecessary to remit a case to an inquiry as a result of an investigation, take a disposition not subject to inquiry for such case.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 35 (Preservation of Evidences)(1) Where an investigator, a person involved in a marine accident, or an inquiry counsel deems it impracticable to admit a material as evidence, unless such material is preserved as evidence and files an application for the preservation of evidence, the competent Tribunal may conduct an inspection or hear expert opinions even before a request for inquiry is filed. <Amended by Act No. 10802, Jun. 15, 2011>

(2) The evidence shall be indicated in writing, and the reason why such evidence is to be preserved shall be stated in a request referred to in paragraph (1).

(3) No one shall conduct any of the following activities where a marine accident has occurred: Provided, That this shall not apply where it is necessary to perform the act referred to in subparagraph 5 in order to protect significant public interests or rescue human lives, such as securing safety of seafarers or a ship and protecting the marine environment: <Amended by Act No. 12547, Mar. 24, 2014>

1. Destruction or alteration of the following publications, documents, etc. which are kept, recorded or preserved in a ship involved in the marine accident (including electronic publications, documents, etc.; hereafter referred to as "records" in this paragraph):

(a) Publications for navigation the ship owner should keep in the ship pursuant to Article 32 of the Ship Safety Act;

(b) Documents the captain should keep in the ship pursuant to Article 20 (1) of the Seafarers Act and documents the captain should record and keep pursuant to paragraph (2) of the same Article;

2. Destruction or alteration of records, which are prepared and preserved or kept in a ship involved in the marine accident either by the owner of the relevant ship for which a safety control system under Article 46 (2) of the Maritime Safety Act should be established and implemented or by a safety control agency under Article 51 of the same Act, with respect to the establishment and implementation of the safety control system for the relevant ship;

3. Destruction or alteration of records, which are prepared and preserved either by the owner of a ship involved in the marine accident, other than the ship referred to in subparagraph 2, or by a ship manager referred to in subparagraph 2 of Article 2 of the Ship Management Industry Development Act, with respect to the operation and maintenance of the relevant ship and the management of its seafarers;

4. Destruction or alteration of records prepared and preserved with respect to vessel traffic control or marine traffic control between a ship involved in the marine accident and an institution performing either vessel traffic control referred to in Article 36 of the Maritime

Safety Act or marine traffic control referred to in Article 28 of the Public Order in Open Ports Act;

5. Repair of the damaged hull, engine and various instruments and meters or other damaged part of a ship.

(4) The captain of a ship in which a voyage date recorder prescribed by the standards for ship's facilities (hereafter "voyage date recorder" in this paragraph) is installed pursuant to Article 26 of the Ship Safety Act shall take measures, without delay, to preserve the information in the voyage date recorder, where any marine accident occurs in connection with the ship. <Newly Inserted by Act No. 12547, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 36 (Confidentiality)

Investigators or their assistants shall keep confidentiality while investigating facts and collecting evidences, and shall not impair the honor of related persons.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 37 (Authority of Investigators)(1) Any investigator may take the following dispositions, if required for performing their duties:

1. Having persons involved in a marine accident attend or asking questions to them;
2. Inspecting ships or other places;
3. Ordering persons involved in a marine accident to report or to present books, documents or other things;
4. Requesting public agencies to report, to submit materials and to provide cooperation;
5. Having a witness, expert witness, interpreter or translator appear or testify, give an expert opinion, interpret or translate.

(2) Any investigator may, if necessary, request a maritime affairs and fisheries agency to land the person subject to a disposition under paragraph (1) 1 for a period not exceeding 72 hours.

(3) When an investigator takes a disposition under paragraph (1) 2, he/she shall carry a certificate indicating his/her authority and produce it to a related person.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 38 (Requests for Inquiry)(1) Where an investigator deems that a case needs to be referred to an inquiry, he/she shall file a request for inquiry with the competent District Tribunal: Provided, That he/she shall not file a request for inquiry into a marine accident for which three years have passed since the marine accident occurred.

(2) A request under paragraph (1) shall be filed, in writing, stating the fact of a marine accident.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 38-2 (Requests for Summary Inquiry)(1) If an investigator deems it unnecessary to summon persons involved in any of the following slight marine accidents, he/she may file a request for summary inquiry: Provided, That such request shall not be made contrary to an intention expressly manifested by a person involved in a marine accident:

1. An accident with no loss of human life;
2. An accident by which no ship or other facility has lost its essential function;
3. An accident by which pollutants discharged to the ocean are not more than standards prescribed by Presidential Decree.

(2) A request for summary inquiry under paragraph (1) shall be filed along with a request for inquiry.

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

Article 39 (Designation and Notification of Persons Involved in Marine Accidents)(1)

Where an investigator files a request for inquiry pursuant to Article 38, he/she shall designate a person deemed to have a relation to the cause of such marine accident's occurrence as a person involved in the marine accident.

(2) Where an investigator designates a person involved in a marine accident pursuant to paragraph (1), he/she shall notify the details thereof to the person involved in the marine accident, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 39-2 (Application for Inquiry by Interested Persons)(1) If it is deemed necessary to examine the causes of a marine accident for which a disposition not subject to inquiry under Article 34 (2) has been taken, a person who has interests in such marine accident may make an application for inquiry to the competent District Tribunal as to whether such disposition is appropriate, as prescribed by Presidential Decree.

(2) Where an application for inquiry is made pursuant to paragraph (1), the competent District Tribunal shall, by decision, have an investigator initiate an investigation and request an inquiry if such application is deemed well-grounded, or reject it if such application is deemed groundless.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER V INQUIRY OF DISTRICT TRIBUNAL

Article 40 (Commencement of Inquiry)

A District Tribunal shall commence an inquiry upon an investigator's request for inquiry.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 41 (Public Inquiry)

The confrontation trials and judgments of an inquiry shall be made in an open inquiry court.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 41-2 (Remote Video Inquiry)(1) Where a person involved in a marine accident has difficulty appearing in an inquiry tribunal in person due to a traffic problem, etc, the commissioner of the Tribunal may carry out a remote video inquiry.

(2) Necessary matters concerning the procedures, etc. of remote video inquiry under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 41-3 (Procedures for Summary Inquiry)(1) A case for which a request for summary

inquiry has been filed pursuant to Article 38-2 (1) shall be examined in writing without the proceeding of commencing the inquiry: Provided, That a case on which judgment shall be notified of shall be examined in accordance with procedures prescribed in Article 55.

(2) When a case is examined by summary inquiry under paragraph (1), the presiding judge shall give persons involved in a marine accident an opportunity to file written arguments by a specified deadline.

(3) If a Tribunal deems it improper to examine a case by summary inquiry under paragraph (1), it may decide to examine the case by the proceeding of commencing the inquiry.

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

Article 42 (Power of Presiding Judge)(1) Any presiding judge shall supervise an inquiry while opening the court, and maintain order in the court.

(2) Any presiding judge may order any person interfering with the inquiry to leave the court, or take other measures necessary to maintain order in the court.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 43 (Designation and Change of Inquiry Date)(1) Any presiding judge shall determine the date of inquiry.

(2) Any person involved in a marine accident shall be summoned on the inquiry date: Provided, That the presiding judge may choose not to summon the person involved in a marine accident who has attended once or more times.

(3) The presiding judge shall notify the date of inquiry to investigators involved, inquiry counsels, interested parties permitted to intervene in the inquiry under Article 44-2, and persons involved in a marine accident but not summoned to the inquiry. <Amended by Act No. 10802, Jun. 15, 2011>

(4) The presiding judge may change the initial inquiry date ex officio or upon the application of a person involved in a marine accident, investigator or inquiry counsel on one occasion.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 43-2 (Concentrated Trial)(1) Where it takes two or more days to try, a Tribunal shall conduct a concentrated trial continuing holding a court every day as far as practicable.

(2) The presiding judge shall set the following inquiry date within ten days from the preceding inquiry date unless any special circumstance exists to the contrary.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 44 (Summon and Examination)

Any District Tribunal may summon and examine a person involved in a marine accident, witnesses and other interested persons on the inquiry date.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 44-2 (Interested Parties' Intervention in Inquiry)(1) An interested party may intervene in an inquiry and make statements with the presiding judge's permission.

(2) Where an interested party permitted to intervene in an inquiry under paragraph (1) fails to respond two or more times to the summons or examination by the competent Tribunal under Article 44 or is found to interfere with the proceedings of the inquiry, the presiding

judge may ex officio cancel the permit for the interested party to intervene in the inquiry.

(3) Where the presiding judge permits a person to intervene in an inquiry under paragraph (1) or cancels a permit to intervene in an inquiry under paragraph (2), he/she shall notify the permission or cancellation to persons involved in a marine accident and inquiry counsels.

(4) Necessary matters concerning procedures for intervention by interested parties in an inquiry shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

Article 45 (Necessary Oral Pleadings)(1) The judgment on an inquiry shall be made only through oral pleadings: Provided, That oral pleadings are not required for judgment in any of the following cases:

1. Where a person involved in a marine accident does not make an appearance on the inquiry date without any justifiable ground;
2. Where a person involved in a marine accident files a written pleading with permission from the presiding judge;
3. Where the presiding judge deems it unnecessary to summon persons involved in a marine accident in order to discover the cause of the accident on any ground, such as where oral pleadings by persons involved in a marine accident are unnecessary because investigations conducted by investigators into the accident are sufficient;
4. Where a case is examined by summary inquiry under Article 41-3.

(2) In cases falling under paragraph (1) 3, oral pleadings shall not be omitted contrary to an intention expressly manifested by a person involved in the relevant marine accident.

[This Article Wholly Amended by Act No. 10802, Jun. 15, 2011]

Article 46 (Identity Interrogation)

Any presiding judge shall verify the identity of a person involved in a marine accident by questioning his/her name, resident registration number and address, and by questioning the type, etc. of licenses if the person involved in a marine accident is a ship officer or a pilot.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 47 (Opening Statement of Investigator)

An investigator shall state the summary of the request for inquiry according to his/her written request for inquiry.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 48 (Investigation of Evidence)(1) Any District Tribunal may investigate necessary evidence, ex officio or upon the application of an investigator, person involved in a marine accident or inquiry counsel.

(2) Any District Tribunal may, before the initial inquiry day, make an investigation only by the following means:

1. Inspection of ships or other places;
2. Order to present books, documents and other things;
3. Request for reporting or presentation of materials to public agencies.

(3) The actions of the District Tribunals shall not result in the confinement, seizure, search or other compulsory actions against a person, thing or place.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 48-2 (Use of Hangul for Evidential Material)

Documents, such as logbooks, etc. presented as an evidence to each Tribunal shall be in principle produced in Korean (including the use of Korean and Chinese characters in combination), and where documents prepared in a foreign language are presented, a translation thereof shall be attached thereto.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 49 (Oath)

Where a District Tribunal has a witness, expert witness, interpreter or translator to testify, give an expert opinion, interpret or translate for investigation of evidences under Article 48 (1), it shall put him/her on his/her oath in such manner as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 49-2 (Change, etc. in Requests for Inquiry)(1) An investigator may change a case name entered in a request for inquiry or add, retract or change the occurrence of a marine accident or persons involved in a marine accident.

(2) A presiding judge may request, in writing, the investigator to add, retract or change persons involved in a marine accident as deemed necessary in light of the progress of a trial.

(3) Where any fact relevant to a marine accident or a person involved in a marine accident is added, retracted, or changed pursuant to paragraphs (1) and (2), the presiding judge shall promptly notify the addition, retraction, or change to persons involved in the marine accident, inquiry counsels, and interested parties permitted to intervene in the inquiry under Article 44-2. <Amended by Act No. 10802, Jun. 15, 2011>

(4) Matters necessary for the requirements, procedures, etc. for the addition to, retraction of or changes in a request for inquiry referred to in paragraphs (1) and (2) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 49-3 (Withdrawal of Request for Inquiry)

An investigator may withdraw an inquiry before a judgment in the first instance is made where the inquiry into a case for which a request for inquiry was made is made unnecessary and is prescribed by Presidential Decree: Provided, That this shall not apply to cases requested by the investigator by decision of the Tribunal pursuant to Article 39-2.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 50 (Principle of Evidential Inquiry)

The investigation shall be based on the evidence investigated on the inquiry day.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 51 (Principle of Strong Belief)

The probative force of evidence shall depend on the free judgment of judges.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 52 (Judgment on Rejection of Inquiry Request)

A District Tribunal shall reject, by judgment, any request for inquiry in the following cases:

1. Where it is not authorized to inquire into a case;
2. Where a request for inquiry is made in contravention of Acts and subordinate statutes;
3. Where it is impossible to make an inquiry under Article 7.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 53 (Specification of Reasons for Judgment)

In a judgment, the text and reason therefor shall be specified.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 54 (Judgment on Merits)

In making a judgment on the merits, the concrete fact of a marine accident and its causes shall be defined, and the reason why the fact is found on the basis of evidence shall be specified: Provided, That if it is found that the fact does not exist, the effect shall be specified.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 55 (Announcement of Judgment)

Judgment shall be announced by a presiding judge pursuant to the script of the judgment in an inquiry court.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 56 (Service of Judgment)

The commissioner of each Tribunal shall serve a certified transcript of judgment on the investigator and persons involved in the marine accident or inquiry counsel within ten days from the date on which judgment is announced pursuant to Article 55.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 56-2 (Method of Service)

Matters necessary for notice, notification or service of documents to persons involved in a marine accident, inquiry counsel or proxy shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 57 (Reference to Acts and Subordinate Statutes)

Except as otherwise provided for in this Act, matters necessary for the procedures for an inquiry shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER VI INQUIRIES BY KOREAN TRIBUNAL

Article 58 (Request for Second Instance)(1) Where an investigator or person involved in a marine accident is dissatisfied with the judgment (including the judgment of a special inquiry division) of a District Tribunal, he/she may request a second instance to the Korean Tribunal.

(2) An inquiry counsel may make a request under paragraph (1) on behalf of the person involved in the marine accident: Provided, That such request shall not be made against the express intention of the person involved in the marine accident.

(3) A request for a second instance shall be submitted, in writing, to the Tribunal which made

the original judgment, specifying the reason therefor.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 59 (Period for Request for Second Instance)(1) A request under Article 58 shall be made within 14 days from the date on which the certified transcript of a judgment is served.

(2) Where a person entitled to make a request for a second instance fails to do so within the period referred to in paragraph (1) due to a reason unattributable to himself/herself, the person may make a request in writing to the Tribunal which made the original judgment within 14 days from the date on which such reason ceases to exist.

(3) In cases under paragraph (2), the relevant reason shall be explained in detail.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 60 (Effect of Request for Second Instance)

The effect of a request for the second instance shall exert over the case concerned and all the relevant parties.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 61 (Withdrawal of Request for Second Inquiry)

A person who made a request for a second instance may withdraw his/her request until a judgment thereon is made.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 62 (Rejection of Request Due to Violation of Acts and Subordinate Statutes)

Where the procedures for a request for a second inquiry are in contravention of Acts and subordinate statutes, the Korean Tribunal shall, by judgment, reject the request.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 63 (Remand of Cases)

Where a District Tribunal rejects a request for inquiry in contravention of Acts and subordinate statutes, the Korean Tribunal shall, by judgment, remand the case to the District Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 64 (Rejection of Request Due to Causes of Rejection by District Tribunal)

Where a District Tribunal fails to reject a request for inquiry in disregard of the existence of a ground falling under any subparagraph of Article 52, the Korean Tribunal shall, by judgment, reject the request.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 65 (Judgment on Merits)

Except as provided for in Articles 62 through 64, the Korean Tribunal shall make a judgment on the merits.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 65-2 (Prohibition of Change to Disadvantages)

Where a ship officer or pilot involved in a marine accident requests a second instance or a request for second instance is made for the benefit of a marine engineer or pilot involved in

a marine accident, more serious disciplinary action than discipline judged at the first instance shall not be judged.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 66 (Provisions Applicable Mutatis Mutandis)

Except as provided for in this Chapter, the Korean Tribunal shall apply the provisions of Chapter V mutatis mutandis to inquiries: Provided, That Articles 41-3 and 49-2 (1) and (2) (limited to persons added, retracted, or changed, from among persons involved in a marine accident) shall not apply to such cases. <Amended by Act No. 10802, Jun. 15, 2011>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER VII OBJECTION

Article 67 (Objection to Decision)(1) A person against whom a judgment was made by a District Tribunal may raise an objection to the Korean Tribunal.

(2) An objection may be raised until the second instance is decided.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 68 (Procedures for Objection)(1) A request for objection shall be filed in writing with a District Tribunal.

(2) Where the District Tribunal deems that the objection is reasonable, it may rectify the original judgment.

(3) Where the District Tribunal deems that the objection is, in whole or in part, unreasonable, it shall send the request to the Korean Tribunal within three days after receiving it.

(4) No objection shall suspend the execution of the original judgment: Provided, That if the District Tribunal deems that a reasonable ground exists, it may suspend its execution after considering the opinions of an investigator.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 69 (Objection, Related Documents and Evidences)(1) Where an objection is raised, a District Tribunal shall, if necessary, send to the Korean Tribunal the original process-verbal, other related documents and evidences.

(2) The Korean Tribunal may demand the District Tribunal to send the original process-verbal, other related documents and evidences.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 70 (Suspension of Execution for Original Decision)(1) If a reasonable ground is deemed exist when an objection is raised, the Korean Tribunal may, by judgment, suspend the execution of the original judgment after considering the opinions of an investigator.

(2) In cases under paragraph (1), the Korean Tribunal shall send the certified transcript of its judgment to the District Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 71 (Decision on Objection)(1) The Korean Tribunal shall make a judgment on an objection after considering the opinions of an investigator.

(2) Where an objection is in contravention of the relevant procedures or is groundless, a judgment of rejection shall be made against it.

(3) In a judgment under paragraphs (1) and (2), the reason therefor shall be stated.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 72 (Notification of Decision to District Tribunal)

Any judgment of the Korean Tribunal on an objection shall be notified to the demurrant or the District Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 73 (Delegation Provisions)

Matters necessary for the judgment on an objection shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER VIII LITIGATION OVER JUDGMENT OF KOREAN TRIBUNAL

Article 74 (Jurisdiction, Period for Instituting Litigation and Restriction thereon)(1)

Any litigation over a judgment of the Korean Tribunal shall be exclusively subject to the jurisdiction of the high court having jurisdiction over the place of address of the Korean Tribunal. <Amended by Act No. 12660, May 21, 2014>

(2) The litigation referred to in paragraph (1) shall be instituted within 30 days from the date on which a certified transcript of judgment is served.

(3) The period referred to in paragraph (2) shall be the peremptory term.

(4) No litigation shall be instituted over the judgment of a District Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 75 (Defendant)

In a litigation prescribed in Article 74 (1), the Commissioner of the Korean Tribunal shall be the defendant.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 76

Deleted. <by Act No. 5809, Feb. 5, 1999>

Article 77 (Trial)(1) Where a court deems that the claim instituted pursuant to Article 74 is well-grounded, it shall revoke the judgment by court ruling. <Amended by Act No. 12660, May 21, 2014>

(2) Where a ruling on revocation of judgment has become final and conclusive pursuant to paragraph (1), the Korean Tribunal shall reconduct an inquiry and make a judgment.

(3) In the judgment of a court under paragraph (1), the decision which becomes a reason of revocation of judgment shall bind the Korean Tribunal with respect to such case.

(4) Except as expressly provided for in this Act, the Administrative Litigation Act shall apply mutatis mutandis to a lawsuit on judgment of the Korean Tribunal under this Act.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER IX EXECUTION OF JUDGMENT, ETC.

Article 78 (Time for Execution of Judgment)

A judgment shall be executed after it has become final and conclusive.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 79 (Authority to Execute Judgment)

A judgment of the Korean Tribunal shall be executed by the Chief Investigator of the Korean Tribunal, and those of District Tribunals, by the chief investigator of the competent District Tribunal.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 80 (Case of Judgment on Revocation of License)

When a judgment on the revocation of a license becomes final and conclusive, the investigator shall withdraw the license of a ship officer or pilot, and send it to the relevant maritime affairs and fisheries agency.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 81 (Case of Judgment on Suspension of Business)

When a judgment on the suspension of business operation becomes final and conclusive, the competent investigator shall seize the license of the relevant ship officer or pilot, keep it in custody, and return it after the period of business suspension ends: Provided, That such license shall not be seized if execution is suspended by judgment under Article 6-2.

[This Article Wholly Amended by Act No. 10802, Jun. 15, 2011]

Article 81-2 (Invalidation of Disciplinary Actions)

Where a ship officer or pilot against whom a disciplinary action of business suspension or reprimand under Article 5 has been taken has an accident-free navigation record for five or more years after the execution of a judgment on the disciplinary action is terminated, the disciplinary action is invalidated. In such cases, necessary matters concerning the procedures for the cancellation of the record on such disciplinary action shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 82 (Declaration of Invalidity of Licenses and Public Notice thereof)

Where a person against whom the revocation of license or suspension of business is decided fails to present his/her license of ship officer or pilot to the investigator, the Chief Investigator of the Korean Tribunal shall declare the invalidity of such license, and after giving public notice thereof in the Official Gazette, shall report it to the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 83 (Public Announcement of Adjudication)

Where the Chief Investigator of the Korean Tribunal has made a judgment recommending or ordering the correction and improvement referred to in Article 5 (3), he/she shall announce the details of the judgment in the Official Gazette and report it to the Minister of Oceans and Fisheries: Provided, That if deemed necessary, the public announcement may be made in newspapers. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 84 (Implementation of Judgment, etc.)(1) A person who falls under any of the

following subparagraphs shall take necessary measures according to the effect of the recommendation, and if the Chief Investigator orders him/her to inform the details of such measures, he/she shall promptly inform such details:

1. A person who has received a judgment ordering the correction or improvement pursuant to Article 5 (3);

2. A person who has been requested to take measures for the correction or improvement pursuant to Article 5-2.

(2) Where the chief investigator deems that such measures are inadequate, after examining the details of information referred to in paragraph (1), he/she may demand the implementation thereof.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

CHAPTER X SUPPLEMENTARY PROVISIONS

Article 85 (Payment of Allowance to Witnesses, etc.)

A witness, expert witness, interpreter or translator attending pursuant to the provisions of this Act may be paid travel expenses, per diem, accommodation charges, and expert opinion, interpretation or translation fees, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 85-2 (Prohibition of Disadvantageous Treatment, etc.)

No one shall be dismissed, transferred, given a disciplinary action, treated unfairly, or receive other disadvantages, in connection with his/her status and treatment for bearing witness, giving an expert opinion, making a statement, or submitting materials or articles under this Act with respect to investigation and inquiry into a marine accident.

[This Article Newly Inserted by Act No. 12547, Mar. 24, 2014]

Article 86 (Allowances for Non-Permanent Judges)

Non-permanent judges participating in an inquiry and Tribunal-appointed inquiry counsels selected pursuant to Article 30 may be reimbursed for allowances, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10802, Jun. 15, 2011]

Article 87 (Restriction on Administrative Appeal, etc.)

A judgment made under this Act shall not be subject to any administrative appeal or objection under the Administrative Appeals Act and other Acts and subordinate statutes.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 88 (Fees)

A person who intends to have a copy of a written judgment, decision, etc. under this Act, issued by each Tribunal, shall pay fees prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 88-2 (Legal Fiction of Regarding as Public Officials for Application of Penal Provisions)

Any of the following persons shall be regarded as a public official for the purposes of applying

any provision of Articles 129 through 132 of the Criminal Act:

1. A non-permanent judge participating in an inquiry under Article 14 (2);
2. An expert specializing in marine accidents and taking charge of an investigation in a special investigation board under Article 18-3.

[This Article Newly Inserted by Act No. 10802, Jun. 15, 2011]

CHAPTER XI PENAL PROVISIONS

Article 89 (Penal Provisions)

A person who reveals confidential information which he/she has learned in the performance of his/her duties in violation of Article 29 (3) shall be punished by imprisonment for not more than one year, or by a fine not exceeding ten million won.

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 90 (Administrative Fines)(1) Any person who gives disadvantages, such as dismissal, transfer, a disciplinary action, unfair treatment and other disadvantages in connection with the status and treatment, to a person who has borne witness, given an expert opinion, made a statement, or submitted materials or articles under this Act with respect to investigation and inquiry into a marine accident for doing so, in violation of Article 85-2, shall be punished by an administrative fine not exceeding ten million won. <Newly Inserted by Act No. 12547, Mar. 24, 2014>

(2) Any of the following persons shall be punished by an administrative fine not exceeding two million won: <Amended by Act No. 12547, Mar. 24, 2014>

1. A person who fails to implement a judgment ordering correction or improvement under Article 5 (3);
2. A person who violates Article 35 (3);
- 2-2. A person who violates Article 35 (4);
3. A person who fails to comply with a disposition of the investigator under of Article 37 (1) 1 through 3, or who interferes with a compliance with the disposition: Provided, That in cases falling under Article 37 (1) 1 and 3, a person who is not directly related to the cause of a marine accident shall be excluded therefrom;
4. A person who refuses, interferes with or evades an inspection conducted by each Tribunal under Article 48 (2) 1;
5. A person who fails to present books, documents or other things which he/she is ordered to present by each Tribunal under Article 48 (2) 2, or who presents books, documents or other things having any false content;
6. A person who makes a false statement, in contravention of the oath under Article 49.

(3) Any of the following persons shall be punished by an administrative fine not exceeding 500,000 won:

1. A person involved in a marine accident who has been summoned on two consecutive occasions by each Tribunal but fails to appear without a justifiable reason;
2. A witness, expert witness, interpreter or translator who has been summoned on two consecutive occasions by each Tribunal but fails to appear or fulfill his/her duty without a

justifiable reason;

3. A person who fails to obey an order by a presiding judge under Article 42 (2).

(4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by the commissioner of each Tribunal, as prescribed by Presidential Decree. <Amended by Act No. 12547, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 9854, Dec. 29, 2009]

Article 91

Deleted. <by Act No. 9854, Dec. 29, 2009>

7. Marine Scientific Research Act

[Enforcement Date 14. Nov, 2013.] [Act No.12091, 13. Aug, 2013., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to provide for procedures for marine scientific research conducted by foreigners or international organizations and contribute to advancing marine science and technology by efficiently managing and publishing research data which are the findings of marine scientific research conducted by nationals of the Republic of Korea, foreigners, or international organizations.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 2 (Definitions)

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

1. The term "marine scientific research" means conducting research, exploration, etc. into the seabed, subsoil, superjacent waters, and lower atmosphere to study and discover the natural phenomena of the sea;
2. The term "foreigner" means any of the following:
 - (a) An non-national of the Republic of Korea (including a holder of dual nationality under the Nationality Act);
 - (b) A corporation incorporated pursuant to the laws of a foreign country (including a corporation provided for in the proviso to subparagraph 3 (b));
 - (c) A foreign government;
3. The term "national of the Republic of Korea" means any of the following:
 - (a) A person who holds nationality of the Republic of Korea (excluding a holder of dual nationality under the Nationality Act);
 - (b) A corporation incorporated pursuant to the laws of the Republic of Korea: Provided, That a corporation which has its head office or principal office in a foreign country or a corporation, at least half the shares or equity stake of which is owned by foreigners shall be excluded;
4. The term "waters under the jurisdiction" means any of the following:
 - (a) Internal waters and territorial waters under the Territorial Sea and Contiguous Zone Act;
 - (b) Exclusive economic zones designated under the Exclusive Economic Zone Act;

(c) Continental shelves over which the Republic of Korea exercises its sovereign right and jurisdictional authority;

5. The term "research data" means the basic data and samples obtained through marine scientific research;

6. The term "basic data" means data organized so that users may use them universally among the data obtained in the field and related information essential for the interpretation and evaluation of such data.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 3 (Scope of Application)

This Act shall not apply to research, exploration, etc. related to projects for developing marine mineral resources.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

CHAPTER II MARINE SCIENTIFIC RESEARCH BY FOREIGNERS, ETC.

Article 4 (Principles of Conducting Marine Scientific Research)

Where any foreigner or international organization (hereinafter referred to as "foreigner, etc.") conducts marine scientific research, he/she/it shall follow the following principles:

1. Marine scientific research shall be conducted only for peaceful purposes;
2. Marine scientific research shall not unfairly interfere with other legitimate use of the sea;
3. Marine scientific research shall be conducted by scientific methods or means complying with international agreements related thereto;
4. Marine scientific research shall not violate related international agreements for the protection and preservation of the marine environment.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 5 (Promotion of International Cooperation)(1) The Minister of Oceans and Fisheries shall formulate policies necessary to promote international exchange of marine scientific research on the basis of mutual benefit.

(2) Where a foreigner, etc. that conducts marine scientific research makes a request, the Minister of Oceans and Fisheries may provide convenience for a vessel' s arrival in or departure from port, or take measures necessary for the protection, etc. of safe waters in consultation with the heads of related central administrative agencies.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 6 (Permission to Conduct Marine Scientific Research in Territorial Sea)(1) Any foreigner, etc. that intends to conduct marine scientific research in the territorial sea of the Republic of Korea shall obtain permission from the Minister of Oceans and Fisheries.

(2) Any foreigner, etc. that intends to obtain permission under paragraph (1) shall submit a research plan (hereinafter referred to as "research plan") including matters prescribed by Presidential Decree to the Minister of Oceans and Fisheries via the Minister of Foreign Affairs six months prior to the scheduled date of conducting marine scientific research.

(3) Upon receipt of an application for permission pursuant to paragraph (2), the Minister of Oceans and Fisheries shall decide whether to grant permission within four months from the

date of application in consultation with the heads of related central administrative agencies, and immediately inform the relevant applicant of his/her decision.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 7 (Consent to Marine Scientific Research in Exclusive Economic Zone or Continental Shelf)(1) Any foreigner, etc. that intends to conduct marine scientific research in the exclusive economic zone or continental shelf of the Republic of Korea shall obtain consent from the Minister of Oceans and Fisheries.

(2) Any foreigner, etc. that intends to obtain consent under paragraph (1) shall submit a research plan to the Minister of Oceans and Fisheries via the Minister of Foreign Affairs six months prior to the scheduled date of conducting marine scientific research.

(3) Upon receipt of an application for consent pursuant to paragraph (2), the Minister of Oceans and Fisheries shall decide whether to grant consent within four months from the date of application in consultation with the heads of related central administrative agencies, and immediately inform the relevant applicant of his/her decision.

(4) In any of the following cases, the Minister of Oceans and Fisheries may refuse to grant consent under paragraph (1):

1. Where the content of the research plan has a direct effect on the exploration and development of marine resources conducted by a national or government agency of the Republic of Korea (hereinafter referred to as "Korean national, etc.");
2. Where the content of research plan contains matters concerning drilling on the continental shelf, the use of explosives, or the input of substances harmful to the marine environment;
3. Where the content of the research plan contains the construction, operation, or use of artificial islands, installations, or structures;
4. Where the content of the research plan is unclear or violates a related law of the Republic of Korea or international agreement;
5. Where a government agency or national of a foreign country that has refused marine scientific research of a Korean national, etc. without justifiable grounds submits the research plan;
6. Where the content of the research plan violates the principles of conducting marine scientific research under Article 4;
7. Where a foreigner, etc. that has filed an application for consent to marine scientific research fails to perform his/her obligations toward the Republic of Korea in relation to other marine scientific research conducted pursuant to this Act.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 8 (Permission, etc. to Conduct Joint Research)(1) Where a foreigner, etc. and a Korean national, etc. intend to conduct joint marine scientific research (hereafter referred to as "joint research" in this Article) in waters under the jurisdiction of the Republic of Korea, excluding the internal waters, the foreigner, etc. or the Korean national, etc. participating in joint research shall jointly obtain permission under Article 6 (1) or consent under Article 7 (1).

(2) Article 6 (2) or (3), or Article 7 (2) through (4) shall apply mutatis mutandis to permission

or consent to conduct joint research under paragraph (1): Provided, That where a Korean national, etc. participating in joint research submits a research plan to the Minister of Oceans and Fisheries, he/she need not submit it via the Minister of Foreign Affairs.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 9 (Conditional Permission, etc.)

Where the Minister of Oceans and Fisheries grants permission or consent under Articles 6 through 8, he/she may attach conditions or impose burdens.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 10 (Obligations of Foreigner, etc.)(1) A foreigner, etc. that obtains permission or consent under Articles 6 through 8 shall perform the following obligations: Provided, That where a Korean national, etc. participating in joint research performs obligations under Article 21 (2), the Minister of Oceans and Fisheries may exempt the foreigner, etc. participating in joint research from obligations under subparagraph 3:

1. The foreigner, etc. shall ensure that a person designated by the Minister of Oceans and Fisheries will participate in marine scientific research;
2. The foreigner, etc. shall submit research reports, as prescribed by Presidential Decree, after he/she completes marine scientific research;
3. The foreigner, etc. shall submit all research data he/she has obtained from marine scientific research and provide opportunities to use the relevant data;
4. Where the Minister of Oceans and Fisheries makes a request, the foreigner, etc. shall provide research data and records of analysis and evaluation of the findings of research, or provide other necessary support;
5. Where any significant matter prescribed by Presidential Decree is changed, among the content of the research plan, the foreigner, etc. shall immediately notify the Minister of Oceans and Fisheries of such change;
6. The foreigner, etc. shall attach identification markings and warning signals to facilities or equipment used for marine scientific research;
7. The foreigner, etc. shall not install facilities or equipment used for marine scientific research on major sea routes where vessel traffic occurs frequently;
8. Where the foreigner, etc. has completed marine scientific research or suspended marine scientific research pursuant to Article 12 (2), he/she shall remove facilities or equipment installed and used marine scientific research;
9. The foreigner, etc. shall ensure the fair sharing of profits generated from the findings of marine scientific research.

(2) Where a foreigner, etc. fails to perform his/her obligations under paragraph (1), the Minister of Oceans and Fisheries may demand that the head of a country or the head of an international organization to which such foreigner, etc. belongs should perform such obligations.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 11 (Restrictions on Publication and Transfer of Research Data)(1) Where the

Minister of Oceans and Fisheries deems that the research data and findings of research obtained through marine scientific research conducted by a foreigner, etc. have a significant effect on the national interest of the Republic of Korea, he/she may request the foreigner, etc. to restrict the publication and transfer of such research data and the findings of such research.

(2) Where a foreigner, etc. fails to comply with a request for restrictions on the publication and transfer of research data and the findings of research under paragraph (1), the Minister of Oceans and Fisheries may demand that the head of a country or the head of an international organization to which such foreigner, etc. belongs should take measures for restrictions on the publication and transfer thereof.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 12 (Suspension and Discontinuance of Marine Scientific Research)(1) In any of the following cases, the Minister of Oceans and Fisheries may direct a foreigner, etc. to suspend marine scientific research: Provided, That where grounds for suspension cease to exist, the Minister of Oceans and Fisheries may allow the foreigner, etc. to resume marine scientific research:

1. Where marine scientific research is not conducted in accordance with a research plan;
2. Where the foreigner, etc. fails to perform obligations under Article 10 (1) 1 and 5 through 7;
3. Where the Minister of National Defense requests the Minister of Oceans and Fisheries to suspend marine scientific research to perform military operations.

(2) Where marine scientific research conducted by a foreigner, etc. falls under any of the following cases, the Minister of Oceans and Fisheries may direct the foreigner, etc. to discontinue marine scientific research:

1. Where significant grounds prescribed by Presidential Decree arise, such as conducting marine scientific research beyond the scope of permission or consent under Articles 6 through 8;
2. Where the non-fulfillment of obligations under paragraph (1) 2 is not corrected within the period for correction prescribed by the Minister of Oceans and Fisheries;
3. Where the head of a related central administrative agency requests the Minister of Oceans and Fisheries to discontinue marine scientific research for maintaining peace or public order and security of the Republic of Korea.

(3) Suspension under paragraph (1) or discontinuance under paragraph (2) shall become effective when the Minister of Oceans and Fisheries gives notice to a foreigner, etc.

(4) Where the Minister of Oceans and Fisheries gives notice under paragraph (3), he/she shall also give notice to the head of a country or the head of an international organization to which the foreigner, etc. belongs.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 13 (Unauthorized Research)(1) Where the head of a related agency suspects that a foreigner, etc. conducts marine scientific research without obtaining permission or consent

under Articles 6 through 8, he/she may stop, search, or seize a ship, issue necessary orders, or take necessary action.

(2) Where the head of a related agency has stopped, searched, or seized a ship, issued necessary orders, or taken necessary action pursuant to paragraph (1), he/she shall immediately notify the Minister of Oceans and Fisheries of such fact.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 14 (Relationship with other Treaties)(1) Marine scientific research conducted by a foreign government or international organization in accordance with a treaty or agreement concluded with the Republic of Korea shall be deemed to have obtained permission or consent under this Act.

(2) Where a foreign government or international organization conducts marine scientific research pursuant to paragraph (1), it shall submit a research plan to the Minister of Oceans and Fisheries via the Minister of Foreign Affairs one month prior to the scheduled date of conducting marine scientific research.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 15 (Emergency Research)

International joint research urgently conducted by mutual agreement between governments to discover the cause of a marine accident, marine pollution, etc. shall be deemed to have obtained permission under Article 6 or consent under Article 7.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 15-2 (Permitting Marine Scientific Research Vessel to Make Calls at Ports)(1)

Where a marine scientific research vessel of a foreigner, etc. that fails to obtain permission or consent under Articles 6 through 8 intends to make a call at a port of the Republic of Korea (excluding where it intends to make a call at the port due to emergency situations prescribed by Presidential Decree, such as a typhoon), he/she shall obtain permission from the Minister of Oceans and Fisheries: Provided, That where the Republic of Korea has agreed otherwise with the flag state of the relevant vessel in accordance with a treaty or agreement, such agreement shall apply thereto.

(2) A foreigner, etc. that intends to obtain permission to make a call at a port pursuant to paragraph (1) shall submit a plan for making a call at the port, including matters prescribed by Presidential Decree, to the Minister of Oceans and Fisheries via the Minister of Foreign Affairs two months prior to the scheduled date of making a call at the port.

(3) Upon receipt of an application for permission to make a call at a port pursuant to paragraph (2), the Minister of Oceans and Fisheries shall decide whether to grant permission within one month from the date of such application in consultation with the head of a related central administrative agency, and immediately inform the relevant applicant of his/her decision.

[This Article Newly Inserted by Act No. 12091, Aug. 13, 2013]

Article 16 (Compensation for Losses)

Where a foreigner, etc. causes a loss to a Korean national, etc. while conducting marine

scientific research under this Act, he/she shall compensate for such loss in accordance with related Acts of the Republic of Korea and international agreements.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 17 (Disapproval of Occurrence of Rights Related to Marine Scientific Research)

No foreigner, etc. shall assert his/her rights to exploration, development, etc. of the marine environment or natural resources in waters under the jurisdiction of the Republic of Korea based on research data he/she has obtained from marine scientific research.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 18 (Special Provisions in Time of National Emergency, etc.)

No foreigner, etc. shall unjustly interfere with the exercise of rights and legitimate use of the sea by the Republic of Korea related to security under a national emergency when he/she conducts marine scientific research.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 19

Deleted. <by Act No. 12091, Aug. 13, 2013>

CHAPTER III MARINE SCIENTIFIC RESEARCH BY NATIONALS OF THE REPUBLIC OF KOREA

Article 20 (Encouragement of Marine Scientific Research)(1) Except as otherwise expressly provided for in other Acts, the Government shall ensure that any national of the Republic of Korea may freely conduct marine scientific research and actively encourage him/her to conduct marine scientific research.

(2) To advance marine science and technology, the Minister of Oceans and Fisheries shall devise necessary supporting measures to efficiently disclose and provide research data.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 21 (Management and Publication of Research Data)(1) The head of a State agency or local government (hereinafter referred to as "State agency, etc.") or the representative of a corporation prescribed by Presidential Decree shall conscientiously manage research data obtained from marine scientific research conducted on the budget of the State agency, etc.: Provided, That where the State agency, etc. may entrust the management of research data to a management agency under Article 22, if deemed necessary.

(2) The head of a State agency, etc. and the representative of a corporation under paragraph (1) shall make public research data, and when a user requests him/her to provide basic data, he/she shall provide such data. In such cases, he/she may require the user to bear expenses incurred in providing basic data.

(3) Matters necessary for the management and publication of research data under paragraphs (1) and (2), or the scope of and procedures for providing research data shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 22 (Management Agencies)(1) Where the head of a related central administrative

agency deems it necessary for shared use of research data, he/she may designate and operate a management agency, as prescribed by Presidential Decree. In such cases, the head of the related central administrative agency shall provide close cooperation for sharing information and smooth communication related to marine scientific research.

(2) A management agency designated under paragraph (1) shall:

1. Manage research reports and research data submitted pursuant to Article 10 (1) 2 and 3 and providing them to users;
2. Manage a list of research data collected pursuant to paragraph (3) and provide such list to users;
3. Promote user convenience for the use of research data, and create conditions for the use thereof;
4. Other matters prescribed by the Minister of Oceans and Fisheries for the shared use and efficient management of research data.

(3) The head of a management agency designated under paragraph (1) may request the head of a State agency, etc. and the representative of a corporation under Article 21 (1) to provide a list of research data, as prescribed by Presidential Decree.

(4) The head of a State agency, etc., and the representative of a corporation in receipt of a request for providing a list of research data under paragraph (3) shall provide such list, except in extenuating circumstances.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

Article 23 (Advice on Performance)

The Minister of Oceans and Fisheries may advise a person who fails to perform his/her obligations under Article 21 without justifiable grounds to perform his/her obligations.

[This Article Wholly Amended by Act No. 12091, Aug. 13, 2013]

CHAPTER IV PENAL PROVISIONS

Article 24 (Penal Provisions)(1) A person who conducts marine scientific research in the territorial sea of the Republic of Korea without obtaining permission from the Minister of Oceans and Fisheries, in violation of Article 6 (1) or 8 (1), shall be punished by imprisonment for not more than five years, or by a fine not exceeding 200 million won.

(2) A person who conducts marine scientific research in the exclusive economic zone or continental shelf of the Republic of Korea without obtaining consent from the Minister of Oceans and Fisheries, in violation of Article 7 (1) or 8 (1), shall be punished by a fine not exceeding 100 million won.

(3) A foreigner, etc. that makes a call at a port of the Republic of Korea without obtaining permission from the Minister of Oceans and Fisheries, in violation of Article 15-2 (1), shall be punished by a fine not exceeding 10 million won.

(4) In cases falling under paragraphs (1) and (2), the Minister of Oceans and Fisheries may confiscate the relevant vessel, facilities, or equipment used for marine scientific research and research data obtained from such research.

[This Article Newly Inserted by Act No. 12091, Aug. 13, 2013]

Article 25 (Joint Penal Provisions)

Where the representative of a corporation, or an agent, employee, or other servant of a corporation or an individual commits an offence provided for in Article 24 (1) through (3) in relation to the affairs of the corporation or the individual, not only shall the offender be punished, but the corporation or individual also shall be punished by a fine under the relevant provision: Provided, That the foregoing shall not apply where such corporation or individual has not been negligent in giving due attention and supervision in relation to the relevant affairs to prevent such offence.

[This Article Newly Inserted by Act No. 12091, Aug. 13, 2013]

ADDENDA (Omitted)

8. Enforcement Decree of Marine Scientific Research Act

[Enforcement Date 19. Nov, 2014.] [Presidential Decree No.25751, 19. Nov, 2014., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters entrusted by the Marine Scientific Research Act (hereinafter referred to as the "Act") and matters necessary for the enforcement thereof.

CHAPTER II MARINE SCIENTIFIC RESEARCH BY FOREIGNER, ETC.

Article 2 (Procedures, etc. for Permission to Conduct Research within Territorial Sea of Republic of Korea)(1) Matters to be included in a research plan pursuant to Article 6 (2) of the Act shall be as specified in attached Table 1. <Amended by Presidential Decree No. 24840, Nov. 13, 2013>

(2) Any foreigner defined in subparagraph 2 (a) or (b) of Article 2 of the Act who intends to obtain permission to conduct marine scientific research pursuant to Article 6 (1) and (2) of the Act (hereinafter referred to as "permission") shall submit an application for permission and a research plan via the government of the country to which he/she belongs. <Amended by Presidential Decree No. 24840, Nov. 13, 2013>

(3) Upon receipt of an application for permission, the Minister of Oceans and Fisheries shall send the relevant application for permission and research plan to the Minister of Science, ICT and Future Planning, Minister of Foreign Affairs, Minister of Justice, Minister of National Defense, Minister of Trade, Industry and Energy, Minister of Environment, Minister of Land, Infrastructure and Transport, The Minister of Public Safety and Security, Administrator of Korea Meteorological Administration, Administrator of Cultural Heritage Administration, and Director of National Oceanographic Research Institute, and heads of other related central administrative agencies, and shall consult whether to grant permission with the head of each agency. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 17115, Jan. 29, 2001; Presidential Decree No. 20722, Feb. 29, 2008; Presidential

Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 25751, Nov. 19, 2014>

(4) Where the Minister of Oceans and Fisheries grants permission pursuant to Article 6 (3) of the Act, he/she shall issue a permit stating the following matters to the relevant applicant for permission, and notify the heads of related central administrative agencies referred to in paragraph (3) of such fact: <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24840, Nov. 13, 2013>

1. The name of the research organization and the name of the research person in charge;
2. The name of the research vessel;
3. The sea area for research;
4. The research period;
5. Conditions or burdens imposed under Article 9 of the Act;
6. The name and telephone number of the department of the agency which has issued the permit.

Article 3 (Procedures, etc. for Consent to Research in Exclusive Economic Zone or Continental Shelf)(1) Article 2 shall apply mutatis mutandis to procedures for consent to marine scientific research in the exclusive economic zone or continental shelf of the Republic of Korea under Article 7 (2) and (3) of the Act. In such cases, "permission" shall be construed as "consent". <Amended by Presidential Decree No. 24840, Nov. 13, 2013>

(2) The head of a related central administrative agency in receipt of an application for consent and a research plan submitted under paragraph (1) shall inform the Minister of Oceans and Fisheries of his/her opinion on whether to grant consent within two months. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24840, Nov. 13, 2013>

(3) Where the Minister of Oceans and Fisheries refuses consent pursuant to Article 7 (3) of the Act, he/she shall inform the relevant applicant for consent of his/her refusal, specifying grounds for refusal. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24840, Nov. 13, 2013>

Article 4 (Procedures for Permission for or Consent to Joint-Research, etc.)(1) With respect to the permission or consent to the joint-research under Article 8 (1) of the Act, paragraph (2) or (3) of this Decree shall apply mutatis mutandis respectively.

(2) Where the foreigner, etc., or the national, etc., who participate in the joint-research under Article 8 (2) of the Act submits a joint research plan, he/she shall append a written agreement which contains matters such as those concerning the distribution of research data and disposal of research results.

Article 5 (Display of Permit or Written Consent, etc.)

The foreigner, etc. who has received the permit or written consent under Articles 2 through 4 of this Decree shall display the permit or written consent in the research vessel, and at all

times present it at the request of the public officials concerned.

Article 6 (Reporting on Findings of Participation)

A national of the Republic of Korea who participates in marine scientific research conducted by a foreigner, etc. after he/she is designated by the Minister of Oceans and Fisheries pursuant to Article 10 (1) 1 of the Act (hereinafter referred to as "designated participant in research") shall conduct the following affairs, and report the findings thereof, as prescribed by the Ordinance of the Ministry of Oceans and Fisheries: <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24840, Nov. 13, 2013>

1. Acquiring and collecting technologies and information concerning the marine scientific research;
2. Checking the progress of the marine scientific research;
3. Verifying the obtained research data;
4. Verifying whether the marine scientific research is being performed in accordance with the research plan to which permission or consent has been granted;
5. Verifying whether a suspension or termination order is being obeyed;
6. Verifying whether obligations provided for in Article 10 (1) 6 through 9 of the Act are performed;
7. Other matters prescribed by the Minister of Oceans and Fisheries.

Article 7 (Research Reports)(1) Research reports provided for in Article 10 (1) 2 of the Act shall be classified into a preliminary report and a final report.

(2) A foreigner, etc. shall submit five copies of a preliminary report, each written in Korean and English, to the Minister of Oceans and Fisheries, within three months after the completion of research. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

(3) A preliminary report provided for in paragraph (2) shall contain:

1. A report (including navigation charts) on the marine research in the form determined by the Inter-Governmental Oceanography Committee;
2. Matters carried out differently from the research plan submitted pursuant to Article 6 (2), 7 (2), or 8 (1) of the Act;
3. A copy of the vessel logbook and research diary.

(4) A foreigner, etc., shall submit five copies of a final report, each written in Korean or English, to the Minister of Oceans and Fisheries, within two years after the completion of research. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

(5) Upon receipt of a preliminary report and a final report under paragraphs (2) and (4), the Minister of Oceans and Fisheries shall transfer them to a management agency designated under Article 22 (1) of the Act (hereinafter referred to as "management agency") without delay. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No.

20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

Article 8 (Submission of Research Data)(1) A foreigner, etc. shall submit the research data under Article 10 (1) 3 of the Act within two years after the completion of research, as determined by the Minister of Oceans and Fisheries. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall transfer the research data submitted under paragraph (1) to the management agency. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

Article 9 (Significant Changes in Research Plan)

"Where any significant matter prescribed by Presidential Decree is changed" in Article 10 (1) 5 of the Act means changes provided for in subparagraphs 1 (b) through (e), 2 (b), (d) and (e), 3 (a), 5 (a), and 8 of attached Table 1: Provided, That any change provided for in the subparagraphs of Article 10 shall be excluded.

[This Article Wholly Amended by Presidential Decree No. 24840, Nov. 13, 2013]

Article 10 (Significant Changes in Marine Scientific Research)

"Significant grounds prescribed by Presidential Decree" in Article 12 (2) 1 of the Act means engaging in the following activities beyond the scope of permission or consent obtained: <Amended by Presidential Decree No. 24840, Nov. 13, 2013>

1. An activity which has a direct effect on the exploration and development of natural resources;
2. Excavating the continental shelf, using explosives, or injecting materials harmful to the marine environment;
3. Constructing, using, or operating an artificial island, facility, or structure;
4. Conducting maritime scientific research in the sea area outside of the permitted or consented research sea area;
5. Participation by a research organization or support organization which fails to fulfill its duties to the Republic of Korea in connection with its previous performance of marine scientific research.

Article 11 (Notification of Suspension, etc.)(1) When the Minister of Oceans and Fisheries directs a foreigner, etc. to suspend, discontinue, or revoke the suspension of, marine scientific research (hereafter referred to as "suspension, etc." in this Article) under Article 12 of the Act, he/she shall immediately inform the head of the related central administrative agency and the designated research participant of such fact. In such cases, the head of the related central administrative agency shall immediately inform the head of the related agency of the suspension, etc. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

(2) The head of the related agency who is informed of the suspension, etc. under the latter

part of paragraph (1) shall verify whether the suspension or discontinuance order is being obeyed, and when the suspension or discontinuance order is not being carried out, he/she shall take appropriate action pursuant to the Acts and subordinate statutes related thereto.

Article 11-2 (Permitting Marine Scientific Research Vessel to Make Calls at Ports)(1)

"Emergency situations prescribed by Presidential Decree, such as a typhoon" in the main sentence of Article 15-2 (1) of the Act means:

1. Harsh weather conditions, such as a typhoon;
2. Where a marine scientific research vessel intends to make a call at a port to avoid a marine accident;
3. Other cases deemed emergency situations equivalent to those referred to in subparagraph 1 or 2.

(2) Matters to be included in a plan for a marine scientific research vessel to make a call at a port pursuant to Article 15-2 (2) of the Act shall be as specified in attached Table 2.

[This Article Newly Inserted by Presidential Decree No. 24840, Nov. 13, 2013]

CHAPTER III MARINE SCIENTIFIC RESEARCH BY NATIONALS OF THE REPUBLIC OF KOREA

Article 12 (Management and Publication of Research Data)

The term "the juristic person prescribed by the Presidential Decree" under Article 21 (1) of the Act means one under any of the following subparagraphs:

1. Any research institute being governed by the Specific Research Institutes Support Act;
2. Any university under the Education Act;
3. Any other non-profit juristic person in the field of marine scientific established by the Civil Act or other Acts.

Article 13 (Scope of Management of Research Data)(1) The scope of management of research data under Article 21 (3) of the Act shall be as specified in attached Table

3. <Amended by Presidential Decree No. 24840, Nov. 13, 2013>

(2) The head of a State agency, etc., and the representative of a corporation set forth in Article 21 (1) of the Act (hereinafter referred to as "head of a State agency etc., and the representative of a corporation") shall maintain the research data in the following manners:

1. The basic data shall be computerized and preserved permanently, but especially, in precaution against natural disasters or man-made accidents, it shall be preserved in a safe place: Provided, That the basic data inappropriate for computerization by its nature need not be computerized;
2. Testing materials shall be maintained as classified into things which are high in their natural or reusable value and those which are not: Provided, That the same shall not apply where any other Act expressly prescribes otherwise.

Article 14 (Management on Consignment)(1) When the head of a government agency, etc., or the representative of a juristic person intends to consign the research data to a management agency, a consignment note which contains the following items should be attached thereto:

1. The name of the consignor;
2. A list of the data of the consigned materials;
3. Information related to the consigned data.

(2) A management agency which is consigned to manage the research data under paragraph (1) of this Article shall do so research data fairly, and if requested by the head of a consignment agency, it shall take necessary measures for preferential use of consigned data and reduction of expenses for disseminating said data, etc..

Article 15 (Publication of Research Data, etc.)(1) The publication of the research data and dissemination of basic data under Article 21 (2) of the Act shall be subject to the research data under Article 13 (1): Provided, That in cases coming under any one of the following subparagraphs, the research data shall not be made public:

1. Where the publication of the research data is restricted by other Acts;
2. Where the head of a government agency, etc., and the representative of a juristic person restricts the publication of the research data thereof within a three year period after the completion of an annual project;
3. Where the head of an other ministry and agency concerned considers the publication of the research data inappropriate for national security and accordingly restricts the publication thereof for a specified period.

(2) The head of a government agency and the representative of a juristic person shall prescribe matters concerning publication of the research data and procedures for said date's access provision by taking into account the convenience of its users and preferential use by the participant in the marine scientific research.

Article 16 (Designation of Management Agency)(1) The organ to be designated as the management agency by the head of the ministry or agency concerned pursuant to Article 22 (1) of the Act shall be that coming under any one of the following subparagraphs which performs a marine scientific research:

1. A government agency;
2. Research institutes being governed by the Act on the Support of Specific Research Institutions.

(2) When the head of the ministry or agency concerned designates a management agency pursuant to Article 22 (1) of the Act, he/she shall make a public notification.

Article 17 (List of Research Data)(1) A request to provide a list of research data under Article 22 (3) of the Act shall be made regarding the research data gained from the completion of an annual project that includes marine scientific research, and the number of requests shall not exceed four times per year.

(2) In receipt of a request to provide a list of research data under paragraph (1), the head of a State agency, etc. or the representative of a corporation shall submit it to the relevant management agency within two months after the receipt thereof: Provided, That he/she may put the submission on hold where ten months have not yet passed since the completion of an annual project.

(3) The content and form of the list of research data shall be determined by the Minister of Science, ICT and Future Planning in consultation with the heads of the relevant ministries and agencies. <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

(4) The head of a management agency shall distribute a list of research data provided under paragraph (2) to other management agencies without delay.

Article 18 (Advice on Performance)

When the Minister of Science, ICT and Future Planning intends to give advice on performance of obligations under Article 23 of the Act, he/she shall first investigate the current status of management of research data, and recording of research data published or provided, and consider the findings thereof. <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

ADDENDA (Omitted)

9. Compensation for Oil Pollution Damage Guarantee Act

[Enforcement Date 15. Oct, 2014.] [Act No.12829, 15. Oct, 2014., Partial Amendment]

CHAPTER I

Article 1 (Purpose)The purpose of this Act is to promote the protection of victims and the sound development of oil shipment by clearly identifying liability of the shipowners and establishing the system guaranteeing compensation for oil pollution damage, in cases of pollution damage by oil spilled or discharged from ships, including oil tankers, etc.

Article 2 (Definitions)The terms used in this Act shall be defined as follows:

1. The term "oil tanker" means any sea-going vessel (including a barge) of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo: Provided, That a ship capable of carrying oil or other cargo shall be deemed an oil tanker under this Act only when it is actually carrying oil in bulk as cargo, or it is proved that it has residues of such carriage of oil in bulk aboard;

2. The term "general vessel" means any ship, except oil tankers and oil storage barges;

3. The term "oil storage barge" means a ship used for oil storage which is a floating maritime structure under subparagraph 1 of Article 2 of the Ship Safety Act;

4. The term "shipowner" means a person under the following classifications:

(a) Oil tankers and general vessels: Any person registered as the owner of a ship under Article 8 (1) of the Ship Act, Article 13 (1) of the Fishing Vessels Act, or foreign statutes (in the absence of registration, any person who owns an oil tanker or general vessel): Provided, That in cases of a ship owned by a foreign government, any corporation or association in that country registered as the operator of the oil tanker or general vessel shall be deemed the shipowner under this Act, and in cases of an oil tanker or general vessel of foreign registry chartered by a national of the Republic of Korea, both the person registered as the owner of the ship and the charterer shall be deemed the shipowners under this Act;

- (b) Oil storage barges: Any person who owns or rents an oil storage barge;
5. The term "oil" means any persistent hydrocarbon mineral oil such as crude oil, heavy oil, lubricating oil, etc. whether carried on board a ship as cargo or in the bunkers of such a ship, as prescribed by Presidential Decree;
6. The term "fuel oil" means hydrocarbon mineral oil that is used or can be used for operation or propulsion of a ship including lubricating oil.
7. The term "oil pollution damage" means the following damage or costs caused by an oil tanker, general vessel and/or oil storage barge:
- (a) Loss or damage caused outside the ship by contamination resulting from the spillage or discharge of oil from a ship, wherever such spillage or discharge may occur: Provided, That compensation for environmental damage, other than the loss of profit from such damage, shall be limited to the costs incurred for measures taken or to be taken for the recovery thereof;
- (b) The costs of preventive measures;
- (c) Additional loss or damage caused by preventive measures;
8. The term "incident" means any occurrence or a series of occurrences having the same origin, which causes oil pollution damage or creates a grave and imminent threat of causing such damage;
9. The term "preventive measure" means any and all reasonable measures taken by any party or a third party after an incident has occurred to prevent or mitigate oil pollution damage;
10. The term "insurer, etc." means any person who compensates the damage of the shipowner or guarantees the performance of compensatory obligation under an indemnity contract for compensation for oil pollution damage as provided for in this Act;
11. The term "limited claim" means any claim against the shipowner or the insurer, etc., for which such owner or insurer, etc. may limit his/her liability under this Act;
12. The term "beneficiary obligor" means any person who is an obligor to the limited claim in the relevant procedure for limiting liability, other than the person who applies for the initiation of the procedure for limiting liability;
13. The term "Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1992;
14. The term "International Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;
15. The term "International Fund" means the International Fund for Compensation for oil pollution damage under Article 2 (1) of the International Fund Convention.
16. The term "Additional Fund Convention" means the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;
17. The term "Additional Fund" means the international fund for compensation for oil pollution damage under Article 2 (1) of the Additional Fund Convention;
18. The term "Bunker Oil Convention" means the International Convention on Civil Liability

for Bunker Oil Pollution Damage, 2001.

Article 3 (Scope of Application)This Act shall apply to oil pollution damage caused in the territory (including the territorial sea: hereinafter the same shall apply) of the Republic of Korea and in the exclusive economic zone of the Republic of Korea: Provided, That this Act shall apply to preventive measures wherever taken to prevent or mitigate such oil pollution damage in the territory of the Republic of Korea and in the exclusive economic zone of the Republic of Korea.

Article 4 (Tonnage of Ships)The term "gross tonnage" referred to in this Act means the international gross tonnage pursuant to Article 3 (1) 1 of the Ship Act as to ships engaged in international voyages, and the gross tonnage pursuant to subparagraph 2 of the same paragraph of the same Article As for other cases.

CHAPTER II OIL TANKERS

SECTION 1 Liability of Oil Tankers for Oil Pollution Damage

Article 5 (Liability of Oil Tankers for Oil Pollution Damage)(1) Where an oil tanker causes oil pollution damage, the owner of the oil tanker as at the time of the incident shall be liable for the damage: Provided, That this provision shall not apply if the oil pollution damage falls under any of the following subparagraphs:

1. The incident is a result of an event of force majeure, such as war, insurrection, riot or an act of God;
2. The incident is wholly caused with intent to cause damage by a third party, other than the owner of the oil tanker or his/her employee;
3. The incident is wholly caused due to any defect in the maintenance of navigational marks or navigational aids by the State or a public organization.

(2) When an incident involving two or more oil tankers occurs, and it is uncertain that the oil pollution damage is caused by oil spilled or discharged from any particular ship, the owners of all the oil tankers concerned shall be jointly and separately liable for all such damage: Provided, That if the oil pollution damage falls under any of the subparagraphs of paragraph (1), the owner of the oil tanker concerned shall not be held liable for the damage.

(3) Where oil pollution damage is caused by a series of occurrences, the owner of the oil tanker as at the time of the first occurrence shall be deemed the shipowner at the time of the incident.

(4) Where pollution damage is caused by a ship of foreign registry chartered by a national of the Republic of Korea, the owner and the charterer of the oil tanker shall be jointly and separately liable for such damage.

(5) No claim for compensation under Chapter 2 of this Act may be made against any person falling under any of the following subparagraphs: <Amended by Act No. 11757, Apr. 5, 2013>

1. The agents, employees, or crew members of the owner of the oil tanker;
2. The pilot or any other person who, without being a member of the crew, performs services for the ship;
3. Any charterer (excluding a hull charterer under the proviso to item (a) of subparagraph 4

of Article 2), manager or operator of the oil tanker;

4. Any person performing salvage operations with the consent of the owner of the oil tanker or on the instructions of a competent public authority;

5. Any person taking preventive measures;

6. Any agent or employee of a person falling under any of subparagraphs 3 through 5.

(6) The shipowner who compensates for oil pollution damage caused by an oil tanker may exercise the right to indemnity from any third party related to the incident: Provided, That the exercise of the right to indemnity from any person falling under any subparagraph of paragraph (5) shall be limited to damage caused deliberately, or resulting from his/her personal act or omission committed recklessly with knowledge that such damage would probably result.

Article 6 (Consideration of Liability) Where oil pollution damage by an oil tanker is caused by the victims' willful intention or negligence, the court shall take such information into consideration when deciding upon liability for and the amount of compensation.

Article 7 (Limitation of Liability of Shipowner)(1) The owner of an oil tanker (including partners with unlimited liability in cases of a corporation) who is liable to compensate for oil pollution damage caused by an oil tanker under the main sentence, other than the subparagraphs of Article 5 (1) or the main sentence of paragraph (2) of the same Article, may limit liability for compensation for oil pollution damage caused by said oil tanker in accordance with the provisions of this Act: Provided, That this provision shall not apply to cases where oil pollution damage caused by the oil tanker resulting from his/her act committed with intent to cause such damage, or from act or omission committed recklessly with knowledge that such damage would probably result.

(2) Any owner of an oil tanker who intends to limit liability for oil pollution damage under the main sentence of paragraph (1) shall make an application for the initiation of the procedure for limiting liability to the court under Article 9 of the Act on the Procedure for Limiting the Liability of Shipowners, etc. within six months from the date when he/she receives a written claim for compensation by the claimant, which states the amount exceeding the limit of liability under Article 8.

Article 8 (Aggregate Amount of Liability)(1) Where the owner of an oil tanker is able to limit his/her liability under the main sentence of Article 7 (1), the aggregate amount of liability shall be as follows:

1. For an oil tanker with the gross tonnage not exceeding 5,000 units of tonnage: the amount equivalent to 4.51 million units of account;

2. For an oil tanker with the gross tonnage in excess of 5,000 units, the amount calculated by multiplying each additional unit of tonnage by 631 units of account shall be added to the amount mentioned in subparagraph 1, within the limit of the aggregate amount corresponding to 89.77 million units of account.

(2) The "units of account" referred to in paragraph (1) is the Special Drawing Right as defined by the International Monetary Fund, and the calculation of units of account in terms of the

Korean currency shall be made in accordance with the provisions of Article 11 (2) of the Act on the Procedure for Limiting the Liability of Shipowners, etc.

Article 9 (Scope of Limitation of Liability)For each oil tanker, the shipowner's limit of liability shall extend to all limited claims against the shipowner, the insurer, etc. related to the same incident involving the said ship.

Article 10 (Ratio of Payment for Limited Claimant)When the owner of an oil tanker limits his/her liability in accordance with Article 7, a limited claimant shall be paid according to the ratio of the amount of limited claims.

Article 11 (Extinction of Rights)Rights to claim for damages against the owner of an oil tanker under Article 5 (1) or (2) shall be extinguished unless a judicial claim is brought within three years from the date the oil pollution damage occurred, or within six years from the date of the initial incident which caused the oil pollution damage.

Article 12 (Jurisdiction over Actions for Compensation for Oil Pollution Damage against Owners of Oil Tankers)Any action against the owner of an oil tanker shall fall under the jurisdiction of the court prescribed by the Supreme Court Regulations unless its jurisdiction has been determined by other Acts.

Article 13 (Validity of Foreign Judgments)(1) Any final and conclusive judgment rendered by a foreign court with jurisdiction on an action seeking compensation for oil pollution damage caused by an oil tanker shall be valid under Article 9 (1) of the Liability Convention except in the following cases:

1. Where the judgment was obtained by fraud;
2. Where the defendant was not served with a summon or order necessary for the initiation of the trial, or was not given a fair opportunity to present his/her case.

(2) In the application of Article 27 (2) of the Civil Execution Act concerning execution of the final and conclusive judgment under paragraph (1), the phrase "when the foreign judgment fails to fulfill the conditions under Article 217 of the Civil Procedure Act" in the subparagraph 2 of the same paragraph shall be construed as "when the foreign judgment falls under any subparagraph of Article 13 (1) of the Compensation for Oil Pollution Damage Guarantee Act."

SECTION 2 Indemnity Contract for Compensation for Oil Pollution Damage by Oil Tankers

Article 14 (Conclusion of Indemnity Contract)(1) The owner of an oil tanker registered in the Republic of Korea and carrying not less than 200 tons of oil in bulk as cargo shall conclude an indemnity contract for compensation for oil pollution damage (hereinafter referred to as "indemnity contract").

(2) The owner of an oil tanker, other than those registered in the Republic of Korea, which carries not less than 200 tons of oil in bulk as cargo and enters or leaves a domestic port, or uses domestic mooring facilities, shall conclude an indemnity contract.

(3) The Minister of Oceans and Fisheries may order any oil tanker in violation of paragraph (1) to suspend its navigation and operation. <Amended by Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries may refuse any oil tanker which violates paragraph (2) to enter or leave a domestic port or may refuse to permit it to use domestic mooring facilities. <Amended by Act No. 11690, Mar. 23, 2013>

Article 15 (Indemnity Contracts)(1) Any indemnity contract shall be an insurance contract which compensates the damage suffered by the owner of an oil tanker due to fulfillment of his/her obligations for compensation, or a contract which guarantees the fulfillment of his/her obligation for compensation, where the owner of an oil tanker is liable to compensate for oil pollution damage caused by oil on board the ship.

(2) The owner of an oil tanker shall conclude an indemnity contract with an insurer, etc. prescribed by Ordinance of the Ministry of Oceans and Fisheries who has financial capability to compensate the damage of the owner of an oil tanker or guarantee the fulfillment of his/her obligation to compensate for damage. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The insured amount or the amount to guarantee the fulfillment of compensatory obligation under the indemnity contract concluded under paragraph (2) may not be less than the amount of liability provided for by Article 8 for each oil tanker.

(4) An indemnity contract shall be one which may lose its validity or alter its contents only when it falls under Article 7 (5) of the Liability Convention.

Article 16 (Claims for Compensation against Insurers, etc.)(1) A victim suffering oil pollution damage caused by an oil tanker may directly make claims against the insurer, etc. that concluded the indemnity contract with the owner of the oil tanker: Provided, That in cases of damage resulting from the intentional misconduct of the owner of the oil tanker, this provision shall not apply.

(2) The insurer, etc. may assert against the victim only those defenses which the owner of an oil tanker may assert against the victim.

(3) The provisions of Articles 5 (6) and 7 through 11 shall apply mutatis mutandis to compensation for damage by the insurers, etc.

Article 17 (Jurisdiction of Claims for Compensation for Pollution Damage against Insurers, etc.)A victim who files a claim for compensation for damage under the main sentence of Article 16 (1) may also institute an action against the insurer, etc. with the court having jurisdiction under Article 12.

Article 18 (Certificate of Indemnity Contract)(1) The Minister of Oceans and Fisheries shall issue a document (hereinafter referred to as "certificate of indemnity contract") attesting that an oil tanker (excluding oil tankers of foreign registration which are Contracting States to the Liability Convention) has concluded an indemnity contract in cases where the owner of the oil tanker who has concluded the indemnity contract with an insurer, etc. applies for such document. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Any person who intends to obtain a certificate of indemnity contract under paragraph (1) shall submit an application stating the name of the ship, type of indemnity contract, and other matters determined by Ordinance of the Ministry of Oceans and Fisheries to the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The application, issuance, re-issuance, period of validity, fees and other necessary matters concerning the certificate of indemnity contract shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 19 (Alteration of Entries in Certificate of Indemnity Contracts)(1) Any person who has been issued a certificate of indemnity contract shall, in cases of alteration of an entry in the certificate, report such altered matters to the Minister of Oceans and Fisheries within 15 days from the date of such alteration. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall, upon receipt of a report under paragraph (1), issue a new certificate of indemnity contract to the reporter. <Amended by Act No. 11690, Mar. 23, 2013>

Article 20 (Keeping of Certificates of Indemnity Contracts)(1) Any oil tanker of the Republic of Korea carrying not less than 200 tons of oil in bulk as cargo shall keep a certificate of indemnity contract on board.

(2) Any oil tanker, other than those of the Republic of Korea's registry, that carries not less than 200 tons of oil in bulk as cargo and enters or leaves a domestic port, or uses the domestic mooring facilities shall keep a document of the form described by the Annex to the Liability Convention by which any foreign Contracting State to the contract attests that any indemnity contract for such ship has been concluded, or a document filled out and issued by any foreign country under Article 7 (12) of the Liability Convention with respect to the ship.

SECTION 3 Claims, Contributions, etc. in respect of International Fund

Article 21 (Claims for Compensation by Victims from International Fund)Any victim suffering oil pollution damage caused by an oil tanker may claim for compensation under Article 4 (1) of the International Fund Convention in respect of the amount of compensation for damage the person has been unable to receive from the shipowner or the insurer, etc. of the oil tanker under the terms of the International Fund Convention.

Article 22 (Intervention by International Fund)(1) Where any action against the owner of an oil tanker or the insurer, etc. is pending, the International Fund may intervene in an action as a party.

(2) Article 79 of the Civil Procedure Act shall apply mutatis mutandis to cases under paragraph (1).

Article 23 (Notification of Litigation to International Fund)(1) Any party may notify the International Fund that a claim is pending.

(2) Article 85 of the Civil Procedure Act shall apply mutatis mutandis to cases under paragraph (1).

Article 24 (Jurisdiction over Claims to International Fund)(1) With respect to the jurisdiction over a claim to the International Fund for compensation under Article 4 (1) of the International Fund Convention, Article 17 shall apply mutatis mutandis.

(2) Notwithstanding the jurisdiction under paragraph (1), where a claim for compensation for damage to the owner of an oil tanker or the insurer, etc. is pending in the court of the first instance, or where a liability limitation case is pending, such court shall have exclusive

jurisdiction over any claim for compensation for damage to the International Fund concerning the same pollution damage.

Article 25 (Validity of Foreign Judgments) Article 13 shall apply mutatis mutandis to the validity of a final and conclusive judgement rendered by a foreign court with jurisdiction under Article 7 (1) or (3) of the International Fund Convention.

Article 26 (Report of Quantity of Contributing Oil)(1) Any person (hereinafter referred to as "oil receiver") who receives oil determined by Presidential Decree which is carried by sea and discharged into Korea (hereinafter referred to as "contributing oil") shall report the quantity of oil received to the Minister of Oceans and Fisheries in the next year as prescribed by Ordinance of the Ministry of Oceans and Fisheries, in cases where the aggregate quantity of contributing oil received in that year exceeds 150,000 tons. In such cases, any person who receives contributing oil on behalf of others, such as the owner of a leased tank, shall not be deemed the oil receiver, but any person who has another person receive contributing oil shall be deemed the oil receiver. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where any person governs the business activities of oil receivers, such person shall report the quantity of oil received by each oil receiver to the Minister of Oceans and Fisheries in the next year, as prescribed by Ordinance of the Ministry of Oceans and Fisheries when the annual aggregate quantity of contributing oil (the aggregate quantity added by the person governing the business activities of the oil receiver where he/she has received contributing oil) received by the oil receiver exceeds 150,000 tons. In such cases, paragraph (1) shall not apply to any of the oil receiver. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The scope of any person who governs the business activities of oil receivers under paragraph (2) shall be prescribed by Presidential Decree.

Article 27 (Communication of Data to International Fund)(1) The Minister of Oceans and Fisheries shall, upon receipt of a report under Article 26 (1) or (2), notify the Minister of Trade, Industry and Energy of the details of the report and submit a document stating the matters provided for in Article 15 (2) of the International Fund Convention to the International Fund. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall, where he/she submits the document to the International Fund under paragraph (1), inform the oil receivers stated therein of the quantity of contributing oil notified to the International Fund. <Amended by Act No. 11690, Mar. 23, 2013>

Article 28 (Payment of Contributions)(1) Any oil receiver, or a person governing the business activities of oil receiver who is to report the quantity of contributing oil under Article 26 (1) or (2) shall pay contributions (hereinafter referred to as "contributions") under Article 10 of the International Fund Convention to the International Fund in accordance with Articles 12 and 13 of the International Fund Convention.

(2) Where any person (hereinafter referred to as "obligated payer") who is liable to pay contributions under paragraph (1) falls into arrears, he/she shall pay interest at a rate determined by the General Assembly of the International Fund, in addition to the

contributions in arrears.

Article 29 (Notice of Demand for Defaulters of Contributions)Where any obligated payer falls into arrears, the Minister of Oceans and Fisheries shall demand the person to pay the contributions. <Amended by Act No. 11690, Mar. 23, 2013>

SECTION 4 Claims, Contributions, etc. in respect of Additional Fund

Article 30 (Claims for Compensation by Victims from Additional Fund)Any victim suffering oil pollution damage caused by an oil taker may claim for compensation under Article 4 (1) of the Additional Fund Convention from the Additional Fund under the terms of the Additional Fund Convention in respect of the oil pollution damage exceeding the compensation limit of the International Fund.

Article 31 (Application Mutatis Mutandis)With regard to any claim for compensation from the Additional Fund under Article 30, and any contribution, etc., Section 3 (excluding Article 21) shall apply mutatis mutandis. In such cases, "the International Fund" in Articles 22 through 24 and 28 shall be construed as "the Additional Fund"; "Article 4 (1) of the International Fund Convention" in Article 24 (1) as "Article 4 (1) of the Additional Fund Convention"; "Article 7 (1) or (3) of the International Fund Convention" in Article 25 as "Article 7 of the Additional Fund Convention"; "Article 15 (2) of the International Fund Convention" in Article 27 (1) as "Article 13 (1) of the Additional Fund Convention"; "Articles 12 and 13 of the International Fund Convention" in Article 28 (1) as "Articles 11, 12 (1) and 18 of the Additional Fund Convention"; and "Article 10 of the International Fund Convention" as "Article 10 of the Additional Fund Convention."

SECTION 5 Procedure for Limiting Liability

Article 32 (Application for Initiation of Procedure for Limiting Liability)(1) Any shipowner or insurer, etc. may apply for the initiation of procedure for limiting liability to the court under the Act on the Procedure for Limiting the Liability of Shipowners, etc. in order to place limits on liability for oil pollution damage.

(2) Any case filed for the initiation of procedure for limiting liability (hereinafter referred to as "liability limitation case") under paragraph (1) shall fall under the exclusive jurisdiction of the district court which has jurisdiction over the location where the oil pollution damage by an oil tanker took place.

(3) Any liability limitation case pertaining to preventive measures taken beyond the territory and the exclusive economic zone of the Republic of Korea in order to prevent damage in the territory and in the exclusive economic zone of the Republic of Korea shall fall under the jurisdiction of the court prescribed by the Supreme Court Regulations, if any court jurisdiction has not been determined under paragraph (2).

Article 33 (Transfer of Liability Limitation Cases)The court may transfer ex officio any liability limitation case to any other court jurisdiction, to the court which has universal jurisdiction over the limited claimant, or to the court where the liability limitation case concerning oil pollution damage caused by the same incident is pending, where it is deemed necessary to avoid serious damage or delay.

Article 34 (Order of Deposit)(1) Where the application for the initiation of procedure for limiting liability under Article 32 (1) is deemed appropriate, the court shall order the applicant to deposit the amount equivalent to the aggregate amount of liability under Article 8 plus interest on said amount calculated at an annual interest rate of six percent over the period from the date of the incident, or any other date designated by the court as the initial date, to the due date of deposit within a period not exceeding 14 days.

(2) Article 11 (2) and (3) of the Act on the Procedure for Limiting the Liability of Shipowners, etc. shall apply mutatis mutandis to the calculation of the aggregate amount of liability under paragraph (1), and service of the order for deposit.

(3) Any person applying for the initiation of procedure for limiting liability may submit a written guarantee of deposit in place of cash deposit prescribed in paragraph (1), with permission of the court.

(4) Articles 13 through 15 of the Act on the Procedure for Limiting the Liability of Shipowners, etc. shall apply mutatis mutandis to the document of a written guarantee of deposit prescribed in paragraph (3).

(5) An immediate appeal may be made against any decision referred to in paragraph (1).

Article 35 (Intervention of International Fund)The International Fund may intervene in the procedure for limiting liability, as prescribed by the Supreme Court Regulations.

Article 36 (Notification of Pending Procedure for Limiting Liability to International Fund)(1) Any person who applies for the initiation of procedure for limiting liability, beneficiary obligor, or intervener in the procedure for limiting liability may notify the pending procedure for limiting liability to the International Fund.

(2) Any person who intends to make a notification under paragraph (1) shall submit, to the court, a document stating the matters prescribed by each subparagraph of Article 21 (1) of the Act on the Procedure for Limiting the Liability of Shipowners, etc. applied mutatis mutandis under Article 41.

(3) The court shall serve the document submitted under paragraph (2) upon the International Fund.

Article 37 (Service of Notification, etc. on Cancellation of Decision to Initiate Procedure for Limiting Liability to International Fund)(1) The court shall serve a document stating any alterations in the matters as prescribed in Article 21 (1) of the Act on the Procedure for Limiting the Liability of Shipowners, etc. applied mutatis mutandis under Article 41 after the International Fund intervenes in the procedure or service has been made to the International Fund in accordance with Article 36 (3), and shall serve a document stating matters concerning notification to the International Fund when notification is made in accordance with Article 25 (1), 83 (1) and 85 (1) of the Act on the Procedure for Limiting the Liability of Shipowners, etc. applied mutatis mutandis under Article 41.

(2) Article 8 of the Act on the Procedure for Limiting the Liability of Shipowners, etc. shall apply mutatis mutandis to cases under paragraph (1).

Article 38 (Intervention in Procedure for Limiting Liability by Shipowner Who Takes

Preventive Measures)(1) A shipowner who takes preventive measures may intervene in the procedure for limiting liability as a person with limited claims concerning the expenses of the preventive measures.

(2) Articles 43, 45 and 48 of the Act on the Procedure for Limiting the Liability of Shipowners, etc. shall apply mutatis mutandis to cases under paragraph (1).

Article 39 (Suspension of Legal Proceedings)(1) Where an action between the claimant and the applicant or beneficiary obligor concerning limited claims reported under Article 43 of the Act on the procedure for Limiting the Liability of Shipowners, etc. applicable mutatis mutandis under Article 41, is pending, the court may order the suspension of legal proceedings ex officio or upon request by a plaintiff in cases of intervention in the procedure or receipt of the notification under Article 23 (1) by the International Fund, and in other cases the court may suspend the proceedings, upon request by a plaintiff.

(2) Where a report referred to in Article 43 of the Act on the Procedure for Limiting the Liability of Shipowners, etc. applicable mutatis mutandis under Article 38 (2) is made, the court may order ex officio the suspension of legal proceedings when a claim to the International Fund for compensation under Article 4 (1) of the International Fund Convention is pending.

(3) In cases under paragraph (1), when the court orders the suspension of legal proceedings upon request by the plaintiff, the court may cancel the suspension order upon request by the plaintiff.

Article 40 (Intervention, etc. of Additional Fund)@Articles 35 through 37, and Article 39 shall apply mutatis mutandis to matters such as intervention of the Additional Fund for limiting liability and notification of pending procedures for limiting liability to the Additional Fund. In such cases, the term “International Fund” in Articles 35 through 37, and 39 shall be construed as “Additional Fund,” and the term “International Fund Convention” in Article 39 (2) as “Additional Fund Convention.”

Article 41 (Application Mutatis Mutandis of the Act on the Procedure for Limiting Liability for Shipowners, etc.)The provisions of the Act on the Procedure for Limiting the Liability of Shipowners, etc. in addition to this Act shall apply mutatis mutandis to the procedure for limiting liability under this Act. In such case, "this Act" in Articles 4, 6 through 8, 27, 34 and 88 of the Act on the Procedure for Limiting the Liability of Shipowners, etc. shall be construed as "this Act made applicable mutatis mutandis under Article 41 of the Compensation for Oil Pollution Damage Guarantee Act." "The total amount of limited claims (excluding interest or delay penalty after the occurrence of the fact giving rise to them, or claims including penalty for breach of contract, etc. The same shall apply to subparagraph 1 of Article 18.) under Article 770 (1) of the Commercial Act exceeds the corresponding maximum amount of liability" in Article 10 of the same Act shall be construed "the amount of limited claims exceeds the maximum amount of liability of Article 8 of the Compensation for Oil Pollution Damage Guarantee Act." "Maximum amount of liability under each subparagraph of Article 770 (1) and (4) of the Commercial Act" in Article 11 (1) of the same Act shall be construed as "maximum amount of liability under Article 8 of the Compensation

for Oil Pollution Damage Guarantee Act," and "Article 776 (1) of the Commercial Act" in Article 17 (1) of the same Act shall be construed as "Article 7 (2) of the Compensation for Oil Pollution Damage Guarantee Act." "Article 770 (1) of the Commercial Act" in subparagraph 1 of Article 18 of the same Act shall be construed as "Article 8 (1) of the Compensation for Oil Pollution Damage Guarantee Act," and "proviso to Article 769 or the reasons of each subparagraph of Article 773 of the Commercial Act" in subparagraph 2 of the same Article shall be construed as "proviso to Article 7 (1) of the Compensation for Oil Pollution Damage Guarantee Act." "The content and assorting of limited claims under Article 770 (1) of the Commercial Act" in Articles 53, 56 and 57 (2) of the same Act shall be construed as "the content." "The next, according to the assorting of limited claims under each subparagraph of Article 770 (1) of the Commercial Act" in Article 66 (2) of the same Act shall be construed as "the next."

Article 42 (Supreme Court Regulations)Matters necessary for the procedure for limiting liability under this Act, other than those prescribed in this Act, shall be provided for by the Supreme Court Regulations.

CHAPTER III GENERAL VESSELS AND OIL STORAGE BARGES

SECTION 1 Liability of General Vessels and Oil Storage Barges for Oil Pollution Damage

Article 43 (Liability of General Vessels for Oil Pollution Damage)(1) The owner of a general vessel shall be liable for oil pollution damage caused by fuel oil from the general vessel: Provided, That this provision shall not apply if the oil pollution damage caused by fuel oil from the general vessel falls under any subparagraph of Article 5 (1). <Amended by Act No. 11757, Apr. 5, 2013>

(2) As for the liability of a general vessel for oil pollution damage caused by fuel oil from the general vessel, Article 5 (2) through (4), main sentence of paragraph (6) of the same Article and Article 6 shall apply mutatis mutandis. In such cases, "oil tanker" shall be deemed "general vessels," "oil" shall be deemed "fuel oil," and "the owner of an oil tanker" shall be deemed "the owner of a general vessel." <Amended by Act No. 11757, Apr. 5, 2013>

(3) As for the rights to claim for damage to the owners of general vessels, Article 11 shall apply mutatis mutandis. In such cases, the "owner of an oil tanker" shall be construed as the "owner of a general vessel."

Article 44 (Liability of Oil Storage Barges for Oil Pollution Damage)(1) The owner of an oil storage barge shall be liable for oil pollution damage caused by oil from the oil storage barge: Provided, That this provision shall not apply if the oil pollution damage falls under any subparagraph of Article 5 (1).

(2) As for the liability for oil pollution damage caused by oil storage barges, Article 5 (2) through (4), main sentence of paragraph (6) of the same Article and Article 6 shall apply mutatis mutandis. In such cases, "oil tanker" shall be deemed "oil storage barge," and "the owner of an oil tanker" shall be deemed "the owner of an oil storage barge."

(3) As for the rights to claim for damage to the owners of oil storage barges, Article 11 shall

apply mutatis mutandis. In such cases, the "owner of an oil tanker" shall be construed as the "owner of an oil storage barge."

Article 45 (Limitation of Liability of Owners of General Vessels)@Articles 9 and 10 shall apply mutatis mutandis, and Articles 769, 770 (1) and 771, subparagraph 4 of Article 773, and Articles 774 through 776 of the Commercial Act shall apply, to limitation of liability of the owner of a general vessel (including partners with unlimited liability such as the corporate owner of a general vessel) who is liable for compensation for oil pollution damage caused by fuel oil from a general vessel. Where Articles 9 and 10 apply mutatis mutandis, the term "oil tanker" shall be construed as "general vessel." <Amended by Act No. 11757, Apr. 5, 2013>

Article 46 (Limitation of Liability of Owners of Oil Storage Barges)@Articles 7 through 10, 32 through 34, 38, 39 and 40 shall apply mutatis mutandis to limitation of liability of the owner of an oil storage barge (including partners with unlimited liability such as the corporate owner of an oil storage barge) who is liable for compensation for oil pollution damage caused by fuel oil from an oil storage barge. In such cases, the term "oil tanker" shall be construed as "oil storage barge."

SECTION 2 Indemnity Contract for Compensation for Oil Pollution Damage by General Vessels and Oil Storage Barges

Article 47 (Conclusion of Indemnity Contracts)(1) The owner of the following vessels shall enter into an indemnity contract for compensation for oil pollution damage (hereinafter referred to as "indemnity contract for damage compensation") in order to guarantee the liability of compensation for oil pollution damage under the main sentences of Articles 42 (1) and Article 44 (1): <Amended by Act No. 11757, Apr. 5, 2013>

1. A general vessel (excluding general vessels prescribed by Ordinance of the Ministry of Oceans and Fisheries, not loaded with fuel oil) of a gross tonnage of over 1,000, registered in the Republic of Korea;

2. An oil storage barge storing more than 200 tons of oil.

(2) The owner of a general vessel of more than 1,000 gross tonnage which is registered in a foreign country and enters or leaves a domestic port, or uses domestic mooring facilities shall conclude an indemnity contract for damage compensation.

(3) The Minister of Oceans and Fisheries may order any general vessel in violation of paragraph (1) to suspend its navigation and operation. <Amended by Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries may refuse any general vessel which violates paragraph (2) to enter or leave a domestic port or may refuse to permit it to use domestic mooring facilities. <Amended by Act No. 11690, Mar. 23, 2013>

Article 48 (Indemnity Contract for Damage Compensation)(1) Any indemnity contract for damage compensation shall be an insurance contract which compensates damage suffered by the owner of a general vessel or oil tanker by fulfilling his/her obligation of compensation, or a contract which guarantees the fulfillment of his/her obligation of compensation, where

the shipowner is liable to compensate for oil pollution damage caused by the relevant vessel.

(2) As for the insurer, etc. with whom the owner of a general vessel or oil tanker may conclude an indemnity contract for damage compensation, Article 15 (2) shall apply mutatis mutandis. In such cases, "the owner of an oil tanker" shall be deemed "the owner of a general vessel or oil storage barge."

(3) The amount of the indemnity contract for damage compensation may not be less than each of the following subparagraphs.

1. The amount of insurance to compensate the damage suffered by the owner of a general vessel (including indirect damage resulting from oil pollution damage), or the amount to guarantee the fulfillment of compensatory obligation may not be less than the amount of liability provided for by Article 770 (1) 3 of the Commercial Act for each general vessel.

2. The amount of insurance to compensate the damage suffered by the owner of an oil storage barge (including indirect damage resulting from oil pollution damage), or the amount to guarantee the fulfillment of compensatory obligation may not be less than the amount of liability provided for by Article 8 for each oil storage barge.

Article 49 (Application Mutatis Mutandis)(1) As for the indemnity contract for damage compensation and the compensation for damage against the insurers, etc. of general vessels and oil storage barges, Articles 16 through 19 shall apply mutatis mutandis. In such cases, "oil tanker" shall be deemed "general vessel or oil storage barge," and "indemnity contract" shall be deemed "indemnity contract for damage compensation." "The owner of an oil tanker" shall be deemed "the owner of a general vessel or oil storage barge," and "any foreign Contracting State of the Liability Convention" shall be deemed "any foreign Contracting State of the Bunker Convention. <Amended by Act No. 11757, Apr. 5, 2013>

(2) Article 13 shall apply mutatis mutandis to a final and conclusive judgement on an action, seeking compensation for oil pollution damage caused by fuel oil from a general vessel, tried by a foreign court with jurisdiction under Article 9 (1) of the Bunker Convention. <Newly Inserted by Act No. 11757, Apr. 5, 2013>

Article 50 (Keeping of Certificate of Indemnity Contract for Damage Compensation)(1) Any general vessel of more than 1,000 gross tonnage registered in the Republic of Korea shall keep a certificate of an indemnity contract for damage compensation on board.

(2) Any oil storage barge shall keep a certificate of an indemnity contract for damage compensation on board or in the main office of the owner of the oil storage barge.

(3) Any general vessel of more than 1,000 gross tonnage registered in a foreign country which enters or leaves a domestic port, or intends to use domestic mooring facilities shall keep an indemnity contract for damage compensation on board

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 51 (Priority Rights of Ship)(1) As for the oil pollution damage of oil tankers, general vessels, and oil storage barges, limited claimants shall have priority rights upon the incident ship, parts and uncollected freight charges concerning limited claims.

(2) The priority rights under paragraph (1) shall follow rights under Article 777 (1) 4 of the

Commercial Act.

(3) Articles 777 through 786 of the Commercial Act shall apply mutatis mutandis to the priority rights under paragraph (1).

Article 52 (Effect of Limitation of Liability in Foreign Contracting State)(1) Where a limitation of liability is set in a foreign contracting state to the Liability Convention under subparagraph 3 of Article 5 of the Liability Convention, no claimant who holds limited claims for compensation from the maximum amount of liability of the shipowner may exercise his/her rights upon the properties of the shipowner or insurer, etc. other than the maximum amount of liability.

(2) Articles 28 through 30 of the Act on the Procedure for Limiting the Liability of Shipowners, etc. shall apply mutatis mutandis to paragraph (1).

Article 53 (Appraisal of Oil Pollution Damage)The requirements to be satisfied by any person who investigates damage caused by oil pollution, calculates the amount of damage and appraises oil pollution damage shall be prescribed by Presidential Decree, if necessary.

Article 54 (Information on Indemnity Contracts)(1) The captain of a specific vessel (an oil tanker used for transporting not less than 200 tons of oil in bulk, or a general vessel of more than 1,000 gross tonnage; The same shall apply hereafter in this Chapter) that intends to enter a domestic port from a port located in a foreign location shall notify the Minister of Oceans and Fisheries of matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, including the name of the specific vessel, port of loading, the indemnity contract under this Act, or whether the indemnity contract for damage compensation has been concluded (hereinafter referred to as "information on indemnity contract") in advance, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. The same shall apply where the information on indemnity contract that has been notified is to be changed. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Notwithstanding paragraph (1), the captain of a specific vessel shall, where the information on indemnity contract is unable to be notified to the Minister of Oceans and Fisheries before entry into the port due to unavoidable reasons, including bad weather, distress, and other reasons prescribed by Ordinance of the Ministry of Oceans and Fisheries, notify the information on indemnity contract immediately after entry into the port, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The notification of the information on indemnity contract under paragraphs (1) and (2) may be conducted by the owner of the specific vessel concerned or his/her agent.

Article 55 (Entrance and Exit for Inspections, Reports, etc.)(1) The Minister of Oceans and Fisheries may, when he/she deems necessary, order the presentation of pertinent documents under Articles 20, 26 or 50, or have public officials under his/her control enter the ship or the place of business and inspect or verify pertinent documents. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where a shipowner submits a copy of the certificate of the indemnity contract and other

pertinent documents provided in Article 20 (1) or 50 (1), he/she shall be deemed to have had his/her ship or workplace inspected by means of entrance and exit pursuant to paragraph (1): Provided, That when any question is raised about the submitted documents as a result of their examination, public officials under his/her control may be ordered to enter the ship for further inspection.

(3) The Minister of Oceans and Fisheries may operate a computerized processing system in order to select ships to be subject to an inspection referred to in paragraphs (1) and (2), announce their inspections in advance, and inquire about the results of their inspections. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Where the public officials enter and exit ships in order to inspect such ships pursuant to paragraphs (1) and (2), the relevant places of business and shipowners shall be notified by the Minister of Oceans and Fisheries of matters concerning inspectors, the inspection date, reasons for and contents of the inspection not later than seven days before the inspection is conducted and in advance, respectively, and the relevant places of business and shipowners shall be notified by the Minister of Oceans and Fisheries of the results of the inspection after the inspection is completed: Provided, That the same shall not apply to cases where it is necessary to conduct an inspection urgently, or it is deemed impossible to attain the objectives of the inspection or verification due to evidence destruction, etc. if they are notified of the inspection in advance. <Amended by Act No. 11690, Mar. 23, 2013>

(5) Any public official who intends to carry out the inspection or verification under paragraph (1) shall carry a certificate indicating his/her authority and produce it to related persons.

Article 56 (Ships for Public Use)This Act shall not apply to any ship owned by the Republic of Korea and is offered for public use.

Article 57 (Delegation and Entrustment of Authority)(1) The Minister of Oceans and Fisheries may delegate part of authority under this Act to the heads of affiliated institutions, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The duties described in the following subparagraphs may be entrusted to agencies specialized in maritime disaster prevention designated by the Minister of Oceans and Fisheries, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013>

1. Receipt and processing of reports of the quantities of contributing oil received under Article 26 (1) and (2);

2. Notification and presentation of documents under Article 27 (1) and notification of the quantities of contributing oil under paragraph (2) of the same Article;

3. Notice of demand for the payment of contributions under Article 29.

CHAPTER V PENALTY PROVISIONS

Article 58 (Bribery by Manager)(1) Where any manager appointed under Article 20 of the Act on the Procedure for Limiting the Liability of Shipowners, etc. applicable mutatis mutandis under Article 41 or any deputy manager appointed under Article 37 of the Act on the Procedure for Limiting the Liability of Shipowners, etc. accepts, demands or promises a

bribe in connection with his/her duty, such person shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won. <Amended by Act No. 12829, Oct. 15, 2014>

(2) In cases under paragraph (1), a bribe taken shall be confiscated. If it is impossible to confiscate all or part of the bribe, its equivalent value shall be collected.

Article 59 (Offer, etc. of Bribe)Any person who promises, offers or expresses his/her intention to offer a bribe under Article 58 (1) shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won. <Amended by Act No. 12829, Oct. 15, 2014>

Article 60 (Penalty Provisions)Any person falling under any of the following subparagraphs shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: <Amended by Act No. 12829, Oct. 15, 2014>

1. Any person who fails to conclude an indemnity contract, in violation of Article 14 (1) or Article 47 (1);
2. Any person who enters and leaves a domestic port or uses domestic mooring facilities without concluding the indemnity contract, in violation of Article 14 (2) or Article 47 (2);
3. Any person who has a certificate of the indemnity contract issued or reissued under Article 18 (including the cases where the provision is applied mutatis mutandis under Article 49) by fraud or other fraudulent means.

Article 61 (Penalty Provisions)Any person who fails to report or reports falsely, or who fails to submit documents or submits false documents, upon being requested for report or submission of documents under Article 34 (2) of the Act on the Procedure for Limiting the Liability of Shipowners, etc. applicable mutatis mutandis under Article 41, shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won. <Amended by Act No. 12829, Oct. 15, 2014>

Article 62 (Penalty Provisions)Any person falling under any of the following subparagraphs shall be punished by a fine not exceeding five million won:

1. Any person who fails to notify (including notification of change), in violation of Article 54 (1) or who notifies falsely;
2. Any person who fails to notify, in violation of Article 54 (2) or who notifies falsely;
3. Any person who fails to execute an order for submitting pertinent documents without justifiable grounds, in violation of Article 55 (1), or submits pertinent documents falsely;
4. Any person who refuses, interferes with or evades an inspection or verification by public officials of the Ministry without justifiable grounds, in violation of paragraph (1) or proviso to paragraph (2) of Article 55.

Article 63 (Joint Penalty Provisions)Where the representative of a corporation, or an agent or employee of, or any other person employed by, a corporation or individual commits a violation under Articles 60 through 62 in conducting the business affairs of the corporation or individual, in addition to punishing such violator, the corporation or individual shall also be punished by a fine under each relevant Article: Provided, That where the corporation or

individual has not been negligent in giving due attention and supervision in connection with the relevant business affairs to prevent such offense, this shall not apply.

Article 64 (Persons Deemed as Public Officials in Application of Penalty Provisions) Executive officers and employees of agencies specialized in maritime disaster prevention who are engaged in the activities entrusted by the Minister of Oceans and Fisheries under Article 57 (2) shall be deemed public officials for the purpose of the penalty provisions under Articles 129 through 132 of the Criminal Act. <Amended by Act No. 11690, Mar. 23, 2013>

Article 65 (Administrative Fines)(1) Any person falling under any of the following subparagraphs shall be punished by an administrative fine not exceeding five million won:

1. Any person who fails to report or reports falsely, in violation of the provisions of Article 19 (1);
2. Any person who fails to keep a certificate on board, in violation of Article 20 (1) or Article 50 (1);
3. Any person who enters and leaves a domestic port or uses domestic mooring facilities without keeping a certificate, etc. on board, in violation of Article 20 (2) or Article 50 (3);
4. Any person who fails to report under Article 26 (1) or (2), or reports falsely;
5. Any person who fails to keep a certificate in the oil storage barge or in the main office of the owner of the oil storage barge, in violation of Article 50 (2).

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Oceans and Fisheries (referring to the head of an institution delegated with the authority if such authority has been delegated under Article 57 (1)), as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

ADDENDA (Omitted)

10. Ocean Industry Development Act

[Enforcement Date 17. Mar, 2010.] [Act No.10122, 17. Mar, 2010., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prescribe matters concerning the ocean industry, thereby contributing to strengthening its competitiveness through the sustainable development of the ocean industry and the responsible management of fisheries and to improving the national economy by facilitating international cooperation and the stable security of marine resources in international waters.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "ocean industry" means engaging in the operation of the ocean fisheries referred to in subparagraph 2 and any business related to ocean fisheries referred to in subparagraph 3;

2. The term "ocean fisheries" means the business of capturing or collecting marine animals and plants by nationals of the Republic of Korea in international waters on their own or through collaboration with foreign nationals (limited to cases where the capital stock paid by nationals of the Republic of Korea, or their possessed voting rights, exceed criteria prescribed by Presidential Decree; hereinafter the same shall apply);

3. The term "business related to ocean fisheries" means the business of transportation, processing, distribution, sale, etc. of fisheries products produced by ocean fisheries by nationals of the Republic of Korea on their own or through collaboration with foreign nationals and fisheries products produced through investments using methods prescribed by Presidential Decree in a foreign territory (including aquaculture and its subsidiary business);

4. The term "ocean industry operator" means any person engaged in ocean fisheries under subparagraph 2 (hereinafter referred to as "ocean fishery operator") and any person engaged in any business related to ocean fisheries under subparagraph 3 (hereinafter referred to as "business operators related to ocean fisheries");

5. The term "international waters" means East Sea, West Sea, East China Sea, and sea areas excluding the Pacific Ocean areas between north of the 25 degrees north latitude and west of the 140 degrees east longitude;

6. The term "international observer" means any person who engages in embarkation activities to monitor or supervise compliance with international standards for fishing operations or to conduct scientific investigations as designated by the State;

7. The term "illegal, unreported, and unregulated fishing" means any fishing operation in violation of the relevant rules and regulations domestically and internationally and other duties concerning non-licensed fishery or fishing operations, a fishing operation that fails to implement the duty to report or files a false report to relevant countries or international fisheries organizations, or a fishing operation using stateless fishing vessels on the high seas or in the waters under the jurisdiction of international fisheries organizations or fishing operations that are inconsistent with the State responsibilities;

8. The term "coastal state" means a country possessing a coastline.

Article 3 (Relationship with other Acts)

Permission, etc. for ocean fisheries shall be governed by the Fisheries Act, except as otherwise provided for in this Act.

CHAPTER II FORMULATION OF COMPREHENSIVE PLAN FOR DEVELOPMENT OF OCEAN INDUSTRY

Article 4 (Formulation of Comprehensive Plan for Development of Ocean Industry)(1)

The Minister for Food, Agriculture, Forestry and Fisheries shall formulate a comprehensive plan concerning the development of ocean industry (hereinafter referred to as "comprehensive plan for development of ocean industry") as prescribed by Presidential Decree every five years. In such cases, he/she shall hold a prior consultation with the head of the relevant central administrative agency. <Amended by Act No. 8852, Feb. 29, 2008>

(2) A comprehensive plan for the development of ocean industry shall include the following matters:

1. Changes in the environment of marine resources in international waters and outlook therefor;
2. Objectives and strategies of national ocean industry and implementation plans by phase;
3. Matters concerning a planned survey of marine resources in international waters;
4. Matters concerning strengthening the competitiveness of ocean industry, and the advancement of and assistance to ocean industry;
5. Matters concerning the fostering of professional personnel related to ocean industry and the development of relevant technologies;
6. Matters concerning international cooperation with coastal states, international fisheries organizations, etc.;
7. Other matters necessary for the efficient promotion of ocean industry.

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall confirm the comprehensive plan for development of ocean industry following deliberation by the Committee for Deliberation on the Development of Ocean Industry under Article 5 and publicly announce such fact. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Necessary matters concerning the formulation, etc. of the comprehensive plan for the development of ocean industry shall be prescribed by Presidential Decree.

Article 5 (Establishment and Operation of Committee for Deliberation on Development of Ocean Industry)

(1) A Committee for Deliberation on the Development of Ocean Industry (hereinafter referred to as the "Deliberation Committee") shall be established under the control of the Ministry for Food, Agriculture, Forestry and Fisheries the purpose of which shall be to deliberate on the following matters concerning the development of ocean industry: <Amended by Act No. 8852, Feb. 29, 2008>

1. Matters concerning the formulation of a comprehensive plan for the development of ocean industry;
2. Matters concerning the balanced development of ocean industry;
3. Matters concerning decisions on permitted quotas for ocean fisheries;
4. Matters necessary for the structural improvement of ocean fisheries and the strengthening of their competitiveness, and laying the foundation for the development of ocean industry;
5. Matters concerning administrative and financial assistance for the development of ocean industry;
6. Other significant matters concerning the development of ocean industry presented for consideration by the Minister for Food, Agriculture, Forestry and Fisheries.

(2) The Deliberation Committee shall be comprised of no more than 20 members, including one Chairperson.

(3) Members shall be appointed or entrusted by the Minister for Food, Agriculture, Forestry and Fisheries from among the following persons: <Amended by Act No. 8852, Feb. 29, 2008>

1. Public officials at the Director General level of the relevant central administrative agency or other public officials corresponding thereto;
2. Persons having an abundant knowledge and experience in ocean industry;
3. Persons recommended by the competent Standing Committee under the control of the National Assembly.

(4) The Vice Minister for Food, Agriculture, Forestry and Fisheries shall be the Chairperson. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Members other than public officials shall be a majority of members on the register, and their tenure of office shall be two years, with the possibility of reappointed for an additional term.

(6) The Chairperson shall be the representative of the Deliberation Committee and shall preside over its business.

(7) Necessary matters concerning the composition and operation of the Deliberation Committee except as otherwise provided for by this Act shall be prescribed by Presidential Decree.

CHAPTER III OCEAN INDUSTRY

SECTION 1 Permission, etc. for Ocean Fisheries

Article 6 (Fishery Permission and Reporting)(1) A person who intends to engage in ocean fisheries shall obtain the permission of the Minister for Food, Agriculture, Forestry and Fisheries for each fishing vessel. The same shall also apply to any proposed amendment to permitted matters: Provided, That minor matters, as prescribed by Presidential Decree, shall be reported. <Amended by Act No. 8852, Feb. 29, 2008>

(2) A person who intends to engage in ocean fisheries as an overseas local subsidiary established through collaboration with a foreign national shall file a report with the Minister for Food, Agriculture, Forestry and Fisheries. Where such person intends to make any amendments to such reported matters, he/she shall file an amended report. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The types of ocean fisheries that require permission under paragraph (1) shall be prescribed by Presidential Decree, and any necessary matters concerning permission under paragraph (1), amended permission, reporting of minor matters, reporting under paragraph (2), and amended reporting shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The Minister for Food, Agriculture, Forestry and Fisheries may, where necessary, as determined by considering the state of fisheries resources, the number of ocean fishing vessels, other natural and social conditions, etc., prescribe numerical quotas for permission granted to ocean fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Necessary matters concerning the numerical quotas of fishery permission under paragraph (4) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 7 (Restrictions on Permission of Ocean Fisheries)(1) The Minister for Food,

Agriculture, Forestry and Fisheries may, where permission for ocean fisheries granted under Article 6 falls under any of the following subparagraphs, impose restrictions on such permission: <Amended by Act No. 8852, Feb. 29, 2008>

1. Where a resolution concerning resource preservation measures by international fisheries organizations exists;
2. Where permission for ocean fisheries fails to satisfy international standards related to high seas fisheries;
3. Where a request from a coastal state or an international fisheries organization exists;
4. Where necessary for the management, etc. of fisheries resources.

(2) Restrictions concerning fishing areas, age of ships, etc. may, if necessary, be imposed on the fishing vessels allocated when a new permission of ocean fisheries prescribed by Presidential Decree is granted and permitted fishing vessels are changed.

Article 8 (Grounds for Disqualification)

A person falling under any of the following subparagraphs may not receive a permission for ocean fisheries under Article 6 (1). The same shall also apply to cases where a person corresponding thereto from among such executives exists in regard to juristic persons: <Amended by Act No. 9627, Apr. 22, 2009>

1. A person declared incompetent or quasi-incompetent;
2. A person sentenced to imprisonment with prison labor or heavier punishment as declared by a court by reason of violating this Act, the Fisheries Act, or the Fishery Resources Management Act in whose case two years have not passed from the date on which the sentence was completed (including where the execution of such sentence is deemed completed) or the date on which an exemption from such sentence was made definite;
3. A person under the suspension of the execution of imprisonment with prison labor or heavier punishment as declared by a court by reason of violating this Act, the Fisheries Act, or the Fishery Resources Management Act;
4. A person in whose case two years have not passed from the date on which permission is cancelled under Article 11 (1).

Article 9 (Term of Validity of Permission for Ocean Fisheries)

The term of validity of permission for ocean fisheries under Article 6 shall be five years: Provided, That in cases prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, such as the use of chartered fishing vessels, the term of validity may be reduced. <Amended by Act No. 8852, Feb. 29, 2008>

Article 10 (Discontinuation, etc. of Permission for Ocean Fisheries)(1) Where a person who receives the permission for ocean fisheries under Article 6 discontinues such ocean fishing or becomes incompetent, he/she shall file a report with the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Matters concerning reporting of discontinuation under paragraph (1) and procedures thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 11 (Cancellation, etc. of Permission for Ocean Fisheries)(1) Where permission for ocean fisheries falls under any of the following subparagraphs, the Minister for Food, Agriculture, Forestry and Fisheries may, cancel such permission of ocean fisheries or order the suspension of ocean fisheries within a period not exceeding six months: Provided, That in cases where an offence under subparagraph 1 is committed, such permission of ocean fisheries shall be cancelled: <Amended by Act No. 8852, Feb. 29, 2008>

1. Where fishery permission is obtained by deceit or other fraudulent means;
2. Where particulars of permission under Article 6 are violated;
3. Where the grounds for disqualification under Article 8 are applicable;
4. Where an ocean fishery operator violates Article 12;
5. Where the matters to be complied with under Article 13 are violated.

(2) Where a person engaged in ocean fisheries violates this Act or orders imposed under this Act, the Minister for Food, Agriculture, Forestry and Fisheries may request the heads of the relevant administrative agencies to cancel or suspend a ship officer license or reprimand the ship officer. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Where any request under paragraph (2) exists, the heads of the relevant administrative agencies shall comply therewith.

(4) The criteria of a disposition under paragraph (1), procedures thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 12 (Reporting of Temporary Closure)(1) Where a person who has obtained the permission for ocean fisheries under Article 6 intends to continue to close his/her business for a continuous term exceeding one year, he/she shall fix the period for closure and file a report with the Minister for Food, Agriculture, Forestry and Fisheries in advance, and he/she may not continue such closure for a term exceeding two years. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Where a person who has filed a report under paragraph (1) intends to continue to engage in ocean fisheries before the period of closure reported is complete, he/she shall file a report to the Minister for Food, Agriculture, Forestry and Fisheries in advance. <Amended by Act No. 8852, Feb. 29, 2008>

Article 13 (Matters to be Complied with by Ocean Fishery Operators)(1) Ocean fishery operators shall faithfully conduct fishing operations within the extent of permitted matters, and comply with resolutions concerning resource preservation measures of international fisheries organizations and international standards related to high seas fisheries.

(2) Where ocean fishery operators conduct fishing operations in waters under the jurisdiction of international fisheries organizations or foreign countries, or conduct fishing operations for fish species managed in accordance with international conventions and agreements, they shall comply with the following matters:

1. Prohibitions on illegal, unreported, and unregulated fishing;
2. Prohibitions on transshipment of fish, joint fishing operations, assistance, and re-

- distribution with fishing vessels engaged in illegal, unreported, and unregulated fishing;
3. Guarantees of safety for the execution of duties, such as movement of international observers, embarkation, disembarkation, etc.;
 4. Permission for safe embarkation and disembarkation of port state control inspectors and embarkation inspectors on the high seas, the provision of conveniences, such as accommodation, vessel inspection, and telecommunications;
 5. Compliance with regulations on procedures for transshipment prescribed by international fisheries organizations;
 6. Restrictions on fishing activities for managed fish species;
 7. Faithful preparation and submission of statistical documents.

(3) Matters to be complied with by ocean fishery operators for the sake of the implementation of international conventions, sustainable use of fisheries resources, etc. in addition to matters to be complied with under paragraphs (1) and (2) may be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Where it is deemed necessary for the sake of resource preservation measures taken by international fisheries organizations, the Minister for Food, Agriculture, Forestry and Fisheries may order ocean fishery operators to cooperate with embarkation inspections or take other necessary measures in accordance with procedures prescribed by international fisheries organizations. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Matters necessary for measures taken under paragraph (4) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 14 (Port State Control Inspection)(1) Where a ship that loads a catch of fish species that is managed by international fisheries organizations intends to enter a domestic port, it shall submit documents, etc. verifying the name of the fish catch, the quantity thereof, a fish catch certificate, etc. 24 hours before the ship is due to enter the port to the Minister for Food, Agriculture, Forestry and Fisheries as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. In such case, the Minister for Food, Agriculture, Forestry and Fisheries may direct the relevant public officials to enter the ship and inspect the fish catch, account books, documents or other goods associated with illegal, unreported, and unregulated fishing or ask questions to relevant parties. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Where a relationship with illegal, unreported, and unregulated fishing is confirmed as the result of port state control inspections under paragraph (1), the Minister for Food, Agriculture, Forestry and Fisheries may place an embargo on the relevant ships or impose restrictions on any unloading and transshipment of the fish catch. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Public officials who enter and inspect ships under paragraph (1) shall carry a certificate indicating their authority and show it to relevant parties.

(4) Necessary matters concerning inspection and questioning under paragraph (1), the embargo under paragraph (2), etc. shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 15 (Installation of Vessel Monitoring Systems)(1) A fishing vessel which engages in fishing operations in waters under the jurisdiction of international fisheries organizations or engages in fishing for fish species managed pursuant to international conventions and agreements shall install a vessel monitoring system (including cases where coastal states require the installation of vessel monitoring systems).

(2) Requirements for vessel monitoring systems under paragraph (1), etc. shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 16 (Reporting of Results of Fishing Operations)(1) A person who obtains permission for ocean fisheries shall report the status of the fishing operations of the relevant fishery, the results of fish caught, and the amounts of unloading or sales results to the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Where ocean fishery operators and persons engaged in ocean fisheries have violated matters to be complied with under Article 13 internationally, they shall report such fact, the ground therefor, etc. to the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The fisheries that are subject to reporting under paragraphs (1) and (2), and other necessary matters concerning reporting, shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 17 (Trial, Research, and Practice Fishing)(1) A person who intends to engage in trial fishing aimed at developing new fishing gear, fishing methods or fishing grounds in international waters (hereinafter referred to as "trial fishing") shall formulate a plan for trial fishing and obtain approval for trial fishing from the Minister for Food, Agriculture, Forestry and Fisheries as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Where it is necessary to develop new fishing gear, fishing methods, or fishing grounds in view of the regulations, etc. imposed by international fisheries organizations and coastal states, the Minister for Food, Agriculture, Forestry and Fisheries may request any person who obtains approval for trial fishing to engage in trial fishing through collaboration with trial research institutions. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Where a person intends to engage in research fishing or practice fishing at trial research institutions designated by the Minister for Food, Agriculture, Forestry and Fisheries, institutions for the guidance and dissemination of fisheries technologies, training institutions or educational institutions, he/she may engage in research fishing or practice fishing notwithstanding the provisions of paragraphs (1), (2), and (6). <Amended by Act No. 8852, Feb. 29, 2008>

(4) Trial fishing under paragraphs (2) and (3) or necessary matters concerning research fishing or practice fishing shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

SECTION 2 International Cooperation, and Research and Development

Article 18 (Facilitation of and Assistance to International Fisheries Cooperation Projects)

(1) The Minister for Food, Agriculture, Forestry and Fisheries shall formulate policies to facilitate international fisheries cooperation, such as the establishment of a cooperative system for international fisheries and the securing of marine resources in international waters by an enterprise engaged in ocean industry. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister for Food, Agriculture, Forestry and Fisheries may fully or partially subsidize the necessary expenses incurred in implementing the following international fisheries cooperation projects within the budgetary limits, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008>

1. Negotiation with a foreign government and the conclusion of an agreement therewith in relation to ocean industry;
2. International exchange of information, technology, and human resources in relation to ocean industry;
3. International standardization of technology, joint research, research, and technological cooperation in relation to ocean industry;
4. Hosting international academic conferences and international exhibitions in relation to ocean industry;
5. Market research and analysis of overseas fisheries products and systematic dissemination of information collected in relation to ocean industry;
6. Education of foreign seamen and ship officers;
7. Other matters deemed necessary for the sake of international cooperation in ocean industry.

(3) The Minister for Food, Agriculture, Forestry and Fisheries may provide the necessary administrative and financial assistance for facilitating activities for international fisheries cooperation by international fisheries-related institutions or organizations. <Amended by Act No. 8852, Feb. 29, 2008>

Article 19 (Establishment of Comprehensive Information System on Ocean Industry)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may establish and operate a comprehensive information system on ocean industry to support the revitalization of ocean industry. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Where necessary for the efficient management and operation of the comprehensive information system on ocean industry stipulated in paragraph (1), such system may be entrusted to the Korea Overseas Fisheries Association under Article 28 (1).

Article 20 (Facilitation of Dissemination of New Technologies and Techniques concerning Ocean Industry)

(1) The Minister for Food, Agriculture, Forestry and Fisheries

shall endeavor to devise measures for managing and disseminating, relevant technological information in a systematic and comprehensive manner in order to facilitate the advancement of new technologies related to ocean industry. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister for Food, Agriculture, Forestry and Fisheries may recommend the introduction and application of new technologies and techniques related to ocean industries to ocean industry operators, and may provide the necessary administrative and financial assistance necessary for such. <Amended by Act No. 8852, Feb. 29, 2008>

Article 21 (Facilitation of Surveys and Research of Marine Resources in International Waters)

The Minister for Food, Agriculture, Forestry and Fisheries shall conduct the following projects, such as surveys of marine resources in international waters, and advancement of research and scientific technologies related to ocean fisheries: <Amended by Act No. 8852, Feb. 29, 2008>

1. International collaborative surveys and evaluation of fisheries resources;
2. Development of new fishing grounds in international waters;
3. Operation of international observer programs;
4. Surveys based on marine biodiversity.

Article 22 (Operation of Honorary Marine and Fisheries Officer System)(1) The Minister for Food, Agriculture, Forestry and Fisheries may commission persons engaged in ocean industry in major coastal states, etc. as honorary marine and fisheries officers to facilitate the efficient conduct of ocean industry. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The honorary marine and fisheries officer appointed under paragraph (1) may be paid allowances within budgetary limits.

(3) Necessary matters concerning the qualifications, duties, allowances, etc. of honorary marine and fisheries officers shall be prescribed by Ordinance of Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Where necessary for the efficient management and operation of the honorary marine and fisheries officer system under paragraph (1), the system may be entrusted to the Korea Overseas Fisheries Association under Article 28 (1).

SECTION 3 Fostering of Ocean Industry

Article 23 (Reporting of Business Plans concerning Ocean Fisheries)(1) A person who intends to engage in conducting a business related to ocean fisheries shall report his/her business plan to the Minister for Food, Agriculture, Forestry and Fisheries as prescribed by Presidential Decree. The same shall also apply to any proposed amendment to significant matters as so prescribed by Presidential Decree from among the reported matters. <Amended by Act No. 8852, Feb. 29, 2008>

(2) When a report is received in accordance with (1), the Minister for Food, Agriculture, Forestry and Fisheries may undertake necessary investigations as prescribed by Presidential Decree and recommend an adjustment or supplementation to the business plan,

if deemed necessary for the public good. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Subject matters to be investigated, detailed procedures therefor, necessary matters regarding adjustments of or recommendations to a business plan, etc. in accordance with paragraph (2) shall be prescribed by Presidential Decree.

Article 24 (Joint Reporting, etc.)(1) Two or more persons intending to jointly file a report on the same business related to ocean fisheries under Article 23 (hereinafter referred to as "joint reporters") shall stipulate their representative and file a report with the Minister for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The joint reporters shall designate as their representative a juristic person established by one member of such joint reporters or such joint reporters under laws of the Republic of Korea for the execution of the relevant business related to ocean fisheries.

(3) The representative under paragraph (2) shall represent the joint reporters in matters relating to the Government.

(4) Where two or more persons intending to engage in the same business related to ocean fisheries are competitors, the Minister for Food, Agriculture, Forestry and Fisheries may recommend the relevant persons in keen competition to carry out necessary matters to prevent overlapping investments, etc. <Amended by Act No. 8852, Feb. 29, 2008>

Article 25 (Assistance to Enterprises related to Distant Water Fisheries)(1) Where an ocean fishery operator belonging to the small and medium enterprises under Article 2 of the Framework Act on Small and Medium Enterprises establishes an additional enterprise to engage in any business related to ocean fisheries (hereinafter referred to as "related enterprises"), the Minister for Food, Agriculture, Forestry and Fisheries may provide assistance for the incorporation and operation of such enterprise as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Government may allow the related enterprise established by the ocean fishery operator to preferentially move in to the following facilities:

1. Logistics facilities among port hinterlands under the Harbor Act;
2. Other facilities prescribed by Presidential Decree.

(3) Where the related enterprise established by the ocean fishery operator satisfies requirements prescribed by Presidential Decree, such as the age of ships, the Minister for Food, Agriculture, Forestry and Fisheries may grant preferential permission to ocean fisheries under Article 6. <Amended by Act No. 8852, Feb. 29, 2008>

Article 26 (Subsidization and Financing)(1) Where necessary to facilitate the development of related enterprises, the Government may subsidize the following expenses as prescribed by Presidential Decree:

1. Expenses incurred in investigations for project implementation;
2. Expenses incurred for compliance with international standards and safety;
3. Expenses incurred in bolstering international cooperation and technological exchange with a foreign country necessary for project implementation;
4. Other expenses necessary for the facilitation of projects, as so prescribed by Presidential

Decree.

(2) Where an ocean industry operator carries out the following projects, the Government may partially subsidize required funds, grant a loan or provide assistance, etc. for securing sites: <Amended by Act No. 8852, Feb. 29, 2008>

1. Purchase of fishing vessels (including carriers) or fishing gear necessary for projects, and funds for the installation and operation of facilities;
 2. Funds for the lease or purchase of land necessary for the execution of projects;
 3. Facilitation of information-oriented, standardized or collaborative projects;
 4. Development and application of state-of-the-art technologies;
 5. Public relations for the facilitation of the sale of fisheries products produced by the project and penetration into overseas markets;
 6. Survey on resources in international fishing grounds and development projects for international aquaculture grounds;
 7. Other matters necessary for efficiently engaging in ocean industry, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.
- (3) Necessary matters concerning the subsidization of funds and loans under paragraph (2) shall be prescribed by Presidential Decree.

Article 27 (Special Taxation Examples)

The Government may grant income and corporate tax reductions or exemptions under the Restriction of Special Taxation Act or as prescribed by other relevant Acts and subordinate statutes to facilitate the advancement of ocean industry.

Article 28 (Establishment of Korea Overseas Fisheries Association)(1) A ocean industry operator may establish a Korea Overseas Fisheries Association (hereinafter referred to as the "Association") after obtaining authorization of the Minister for Food, Agriculture, Forestry and Fisheries to foster the sound development and shared benefits of ocean industry as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Association shall be established by registering the incorporation of the Association after obtaining the authorization for incorporation under paragraph (1).

(3) The Association shall be a juristic person.

(4) The provisions concerning incorporated associations under the Civil Act shall apply mutatis mutandis to the Association, except as otherwise provided for in this Act.

(5) The Minister for Food, Agriculture, Forestry and Fisheries may, in cases where necessary for the development of ocean industry, provide assistance to the Association. <Amended by Act No. 8852, Feb. 29, 2008>

(6) The duties of the Association and matters to be included in the Articles of Incorporation shall be prescribed by Presidential Decree.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 29 (Disposition of Penalty Surcharges)(1) Where a disposition for suspension of fisheries under Article 11 is likely to cause confusion to supply and demand of fisheries products, the Minister for Food, Agriculture, Forestry and Fisheries may impose a penalty

surcharge not exceeding 30 million won in lieu of a disposition for suspension of fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Matters necessary for the imposition of a penalty surcharge under paragraph (1) shall be prescribed by Presidential Decree.

(3) Unless the penalty surcharge under paragraph (1) is paid by the prescribed deadline, the Minister for Food, Agriculture, Forestry and Fisheries shall collect such penalty surcharge under the precedents of disposition on default of national taxes. <Amended by Act No. 8852, Feb. 29, 2008>

Article 30 (Delegation and Entrustment of Authority)(1) The Minister for Food, Agriculture, Forestry and Fisheries may partially entrust his/her authority under this Act to the head of his/her subordinate institution as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister for Food, Agriculture, Forestry and Fisheries may partially entrust his/her authority under this Act to the Association as prescribed by Presidential Decree. In such case, the Minister for Food, Agriculture, Forestry and Fisheries may partially subsidize expenses incurred in carrying out the duties of the Association. <Amended by Act No. 8852, Feb. 29, 2008>

Article 31 (Fees)

A person who files an application for permission under this Act or an amended application or reporting related to such shall pay a fee as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 32 (Hearings)

Where the Minister for Food, Agriculture, Forestry and Fisheries intends to cancel or suspend fishery permission under Article 11, he/she shall hold a hearing. <Amended by Act No. 8852, Feb. 29, 2008>

CHAPTER V PENAL PROVISIONS

Article 33 (Penal Provisions)(1) A person falling under any of the following subparagraphs shall be punished by imprisonment for a term not exceeding three years or a fine not exceeding 20 million won:

1. A person who engages in ocean fisheries without obtaining any permission for ocean fisheries, or an amended permission under Article 6 (1);
2. A person who obtains permission for ocean fisheries by deceit or other fraudulent means.

(2) A person falling under any of the following subparagraphs shall be punished by imprisonment for a term not exceeding two years or a fine not exceeding ten million won:

1. A person who violates measures pertaining to port state control inspections under Article 14;
2. A person who engages in ocean fisheries without filing reports or amended reports under Article 6 (2), or who engages in a business related to ocean fisheries without filing reports or amended reports under Article 23 (1);
3. A person who engages in projects for purposes other than the original purposes after filing

reports or amended reports under Article 6 (2), or who engages in projects for purposes other than the original purposes after filing reports or amended reports under Article 23 (1);

4. A person who files false reports or amended reports under Article 6 (2), or who files false reports or amended reports under Article 23 (1).

(3) A person who fails to install a vessel monitoring system in violation of Article 15 shall be punished by imprisonment for a term not exceeding one year or a fine not exceeding five million won.

(4) Imprisonment without prison labor shall be concurrently sentenced with fines in cases falling under paragraphs (1) through (3).

Article 34 (Joint Penal Provisions)

If a representative of a juristic person, or an agent, employee, or other employed person of a juristic person or individual commits an offense under Article 33 with regard to such juristic person or individual, not only shall such actor be punished accordingly, but also such juristic person or individual shall be punished by a fine prescribed in the relevant paragraph: Provided, That the foregoing shall not apply where such juristic person or individual has not been negligent in giving due care and supervision with respect to the relevant affairs to prevent such offense.

[This Article Wholly Amended by Act No. 10122, Mar. 17, 2010]

Article 35 (Confiscation)(1) In cases of Article 33, fish catch, manufactured goods, fishing vessels, fishing gear, explosives or poisonous substances which are possessed or carried by a criminal may be confiscated: Provided, That in cases where he/she has been punished two or more times within the past five years, the fish catch, fishing vessels, and fishing gear shall be confiscated.

(2) Where goods possessed or carried by the criminal under paragraph (1) are not to be fully or partially confiscated, the equivalent amount in price-value thereof may be collected.

Article 36 (Fines for Negligence)(1) A fine for negligence not exceeding five million shall be imposed against a person falling under any of the following subparagraphs:

1. A person who fails to file reporting under the proviso to Article 6 (1);
2. One who fails to file a report under Article 10;
3. A person who closes his/her business or manages ocean fisheries without filing a report under Article 12 (1) and (2);
4. A person who fails to comply with matters to be complied with under Article 13;
5. A person who fails to file a report statement under Article 16 or who files a false statement.

(2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister for Food, Agriculture, Forestry and Fisheries as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(3) A person who is dissatisfied with the disposition of a fine for negligence under paragraph (2) may file an objection with the Minister for Food, Agriculture, Forestry and Fisheries within 30 days from the date of notification of such disposition. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Where a person against whom a disposition of a fine for negligence has been imposed under paragraph (2) files an objection under paragraph (3), the Minister for Food, Agriculture, Forestry and Fisheries shall, without delay, notify the competent court, which, in turn, shall proceed to a trial on fines for negligence pursuant to the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 8852, Feb. 29, 2008>

(5) If neither an objection is raised nor a fine for negligence paid within the period prescribed in paragraph (3), the aforementioned fine for negligence shall be collected pursuant to the practices of dispositions on default of national taxes.

ADDENDA (Omitted)

11. Natural Environment Conservation Act

[Enforcement Date 27. Jan, 2016.] [Act No.13885, 27. Jan, 2016., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to seek sustainable utilization of the natural environment and to allow people to lead a leisurely and healthy life in a comfortable natural environment by systematically conserving and managing the natural environment, such as protection of the natural environment from artificial damage, conservation of the ecosystem, natural scenery, etc.

Article 2 (Definitions)

The definition of terms used in this Act shall be as follows: <Amended by Act No. 8045, Oct. 4, 2006; Act No. 11257, Feb. 1, 2012; Act No. 11671, Mar. 22, 2013>

1. The term "natural environment" means the state of nature (including the ecosystem and natural scenery) which includes all living things under the ground, on the surface of the earth (excluding the ocean) and on the ground, and the inanimate things surrounding these;
2. The term "conservation of the natural environment" means systematic conservation, protection or restoration of the natural environment, and development and management of nature for enhancement of biological diversity;
3. The term "sustainable use of nature" means to allow the present and future generation to utilize or benefit from the natural environment with equal opportunities;
4. The term "natural ecology" means the geographic or geologic environment realized in the state of nature and all of phenomena which living things subsist under such conditions;
5. The term "ecosystem" means a dynamic complex in which the communities of plants, animals and microorganisms and an abiotic environment interact with each other as a functional unit;
6. The term "sub-ecosystem" means a habitat for living things which is developed for the enhancement of biological diversity, enhancement of the continuity of an ecosystem, such as the possibility of mobility of wild fauna and flora between their habitats, etc. or the improvement of habitation condition of a particular species;

7. The term "biological diversity (or biodiversity)" means diversity among living things originating from all sources, such as terrestrial and aquatic ecosystems (excluding marine ecosystems), and the ecological complexes of all these ecosystems, and includes diversity within species, between species and of ecosystems;
8. The term "ecological axis" means an ecological habitation space that links ecologically important areas or areas that need upkeep of ecological functions for the enhancement of biological diversity and continuity of ecosystem functions;
9. The term "ecological corridor" means ecological space, such as artificial structures, vegetation, etc. established to prevent habitat of wild fauna or flora from being isolated, damaged or destroyed due to any road, dam, reservoir, estuary dam, etc., and to assist in the upkeep of the continuity of ecosystems, such as migration of wild fauna or flora, etc.;
10. The term "natural scenery" means an area, topography and elements of nature affiliated with them that have visual or aesthetic value in terms of the natural environment, or scenery of nature where things are harmonious in a complex way;
11. The term "alternative nature" means a nature that is developed to perform functions similar or supplemental to the functions of the existing natural environment;
12. The term "ecological and scenery conservation area" means an area worthy of special conservation as it is ecologically important having abundant biological diversity, or as it has beautiful natural scenery, and which is designated and declared by the Minister of Environment pursuant to Articles 12 and 13 (3);
13. The term "natural reservation area" means an area prescribed by Presidential Decree from among uninhabited islands which are not used for any particular purpose other than military, from among the areas whose ecosystems are spared from damage due to their difficulty of access by people, and also means the demilitarized zone for two years from the date when it falls under the jurisdiction of the Republic of Korea;
14. The term "ecological and natural map" means a map made pursuant to the provisions of Article 34 according to ratings based on ecological value, natural characteristics, scenic value, etc. of mountains, rivers, inland wetlands, lakes, farmlands, cities, etc.;
15. The term "natural resources" means all living and inanimate things in their natural condition that have material or immaterial value that can be utilized for people's livelihood or economic activities;
16. The term "biological resources" means biological resources referred to in subparagraph 3 of Article 2 of the Act on Conservation and Use of Biological Diversity;
17. The term "ecological village" means a village that has ecological functionality, beautiful natural scenery and the capability for sustainable conservation and utilization thereof, and is designated by the Minister of Environment or the head of a local government, pursuant to Article 42;
18. The term "ecotourism" means eco-friendly tourism through which the importance of the environment may be experienced through the conservation and wise utilization of natural assets in an area with a particularly excellent ecosystem or beautiful natural scenery.

Article 3 (Basic Principles of Conservation of Natural Environment)

The natural environment shall be conserved in accordance with the following basic principles:

1. The natural environment shall be conserved as a resource for all people in a way suitable for the public good, and shall be used so as to be sustained for the present and future generation;
2. Conservation of the natural environment shall be harmonious and balanced with the use of national land;
3. Natural ecology and natural scenery shall be conserved and managed so as to promote human activity, functionality of nature and ecological circulation;
4. Opportunities for all people to participate in the conservation of the natural environment and the sound use of the natural environment shall be increased;
5. Ecological equilibrium shall neither be destroyed nor depreciated when utilizing or developing the natural environment: Provided, That, where natural ecology or natural scenery is destroyed, damaged or encroached, an effort shall be made to restore and return to former condition to the utmost;
6. Burdens arising from conservation of the natural environment shall be borne fairly, and benefits obtained from the natural environment shall be preferentially enjoyed by residents of the region and by interested persons;
7. International cooperation for conservation of the natural environment and sustainable use of the natural environment shall be promoted.

Article 4 (Duties of State, Local Government, and Enterprisers)(1) The State and local government shall bear the responsibility of devising the following measures according to the basic principles of conservation of the natural environment pursuant to the purpose of Article 1 and the provisions of Article 3, and executing them:

1. Formulation and implementation of measures for conservation of the natural environment for prevention of damage to natural environment due to development, utilization, etc. of national land, and for the sustainable use of the natural environment;
2. Formulation and implementation of a plan of utilization and development of land, and development project of land that are harmonious with the natural environment, such as natural ecology, natural scenery, etc.;
3. Formulation and implementation of measures to maintain the continuity of ecosystems, such as construction of ecological corridors;
4. Formulation and implementation of measures to restore and recover areas whose natural environment has been damaged;
5. Formulation and implementation of measures necessary for the restoration of ecosystems, such as the development of ecological restoration technology, promotion of specialized institutions for ecological restoration, etc.;
6. Promotion of measures for private organizations, enterprisers, people, etc. to take an active part in the conservation of the natural environment, and creation of appropriate conditions therefor;

7. Promotion of scientific technology for conservation of the natural environment, such as the investigation, research and development of technology, training of specialized manpower, etc.;

8. Enhancement of people's awareness of the importance of conservation of the natural environment through education and public relations;

9. International cooperation regarding conservation of the natural environment and conservation of the global environment.

(2) In performing business activities, enterprisers shall abide by matters of the following subparagraphs:

1. To consider natural ecology and natural scenery first of all;

2. To take necessary measures such as restoration, recovery, etc. in person against damage to the natural environment arising from business activities;

3. To participate and cooperate in the measures of conservation of the natural environment, etc. of the State and local government pursuant to the provisions of paragraph (1).

Article 5 (Campaign for Conservation of Nature)

The Government shall support local governments, private organizations, etc. so that all citizens may participate in campaigns for the conservation of nature, and ensure that the campaigns for the conservation of nature are operated in consideration of ecological characteristics of each region.

Article 6 (Basic Policies for Conservation of Natural Environment)(1) The Minister of Environment shall establish basic policies for conservation of the natural environment (hereinafter referred to as "Basic Policies for Conservation of the Natural Environment") to implement the purposes of Article 1 and the basic principles of conservation of the natural environment referred to in Article 3 after hearing opinions of the heads of competent central administrative agencies, the Special Metropolitan City Mayor, Metropolitan City Mayor or Do governor (hereinafter referred to as the "Mayor/Do governor"), and after deliberation by the environmental policy committee (hereinafter referred to as "Central Environmental Policy Committee") referred to in Article 58 of the Framework Act on Environmental Policy and the State Council. <Amended by Act No. 10032, Feb. 4, 2010; Act No. 10893, Jul. 21, 2011>

(2) The Basic Policies for Conservation of the Natural Environment shall contain the following matters: <Amended by Act No. 8045, Oct. 4, 2006>

1. Systematic conservation and management of the natural environment, and sustainable use of the natural environment;

2. Selection of ecosystems requiring serious conservation, protection of endangered species or ecologically important species, and protection of biological resources;

3. Restoration and recovery of areas whose natural environment has been damaged;

4. Management of ecology and scenery conservation areas, and improvement of the quality of life of residents in the relevant area;

5. Improvement of the ecological soundness of mountains, rivers, inland wetlands, farmlands, islands, etc., and conservation of biological diversity through the creation, etc. of

ecological corridors, sub-ecosystems and alternative nature;

6. Promotion of national education and private initiatives regarding the natural environment;

7. International cooperation regarding conservation of the natural environment;

8. Other matters regarding conservation of the natural environment prescribed by Presidential Decree.

(3) When the Minister of Environment drafts the Basic Policy for Conservation of the Natural Environment, he/she shall inform the head of the competent central administrative agency and the Mayor/Do governor concerned thereof.

(4) The head of the competent central administrative agency and the Mayor/Do governor concerned shall draw up a promotion policy or action plan (limited to an action plan in the case of Mayor/Do governor) in accordance with the Basic Policy for Conservation of the Natural Environment and inform the Minister of Environment thereof.

Article 7 (Consultation, etc. on Important Policy)(1) When the head of central administrative agency intends to draft and execute an important policy or plan that has a direct relationship with the conservation of the natural environment, he/she shall consult with the Minister of Environment in advance: Provided, That where he/she has consulted with the Minister of Environment pursuant to another Act, this shall not apply.

(2) In drafting and executing a development plan and development project (hereinafter referred to as a "development project, etc."), the Minister of Environment may, after consultation with the head of a central administrative agency, draft a guideline to consider for the conservation of the natural environment and sustainable use of the natural environment, and make the guideline utilized.

(3) The kinds of important policy and plan that are liable for consultation pursuant to the provisions of paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

Article 8 (Formulation of Basic Plan for Conservation of Natural Environment)(1) The Minister of Environment shall draft a basic plan for conservation of the natural environment of the nation (hereinafter referred to as the "Basic Plan for Conservation of the Natural Environment") every ten years.

(2) The Basic Plan for Conservation of Natural Environment shall be set after deliberation by the Central Environmental Policy Committee. <Amended by Act No. 10032, Feb. 4, 2010>

(3) In drafting the Basic Plan for Conservation of the Natural Environment, the Minister of Environment shall consult with the head of the central administrative agency concerned in advance. In this case, the Basic Policy for Conservation of the Natural Environment, and the principles of promotion or action plan informed by the head of the central administrative agency concerned and the Mayor/Do governor concerned pursuant to the provisions of Article 6 (4) shall be considered.

(4) The Minister of Environment may request the head of the central administrative agency concerned and the Mayor/Do governor concerned to submit proposals on the policy and project of their concern to be reflected in the Basic Plan for Conservation of the Natural

Environment.

(5) Paragraphs (2) through (4) shall apply mutatis mutandis where modification of the Basic Plan for Conservation of the Natural Environment is intended: Provided, That in the case of modification of minor matters prescribed by Presidential Decree, the deliberation of the Central Environmental Policy Committee may be dispensed with. <Amended by Act No. 10032, Feb. 4, 2010>

Article 9 (Contents of Basic Plan for Conservation of Natural Environment.)

The Basic Plan for Conservation of the Natural Environment shall contain the following matters:

1. Matters regarding the current state of, and outlook for, the natural environment;
2. Matters regarding a basic course of conservation of the natural environment, and setting of conservation targets;
3. Matters regarding the main duties to promote conservation of the natural environment;
4. Matters regarding major policies for conservation of the natural environment to be promoted by each local government;
5. Matters regarding conservation and management of natural scenery;
6. Matters regarding construction and promotion of an ecological axis;
7. Matters regarding major projects for the restoration of ecosystems, such as construction of ecological corridors, restoration of damaged areas, etc.;
8. Matters regarding establishment and operation of comprehensive geographic information systems on the natural environment pursuant to the provisions of Article 11;
9. Matters regarding calculation of expenses necessary for the execution of projects, and plans for raising the funds therefor;
10. Other matters prescribed by Presidential Decree regarding conservation of the natural environment.

Article 10 (Execution of Basic Plan for Conservation of Natural Environment)(1) Where the Minister of Environment has set the Basic Plan for Conservation of the Natural Environment pursuant to the provisions of Article 8 (2), he/she shall inform the head of the central administrative agency concerned and the Mayor/Do governor concerned thereof without delay.

(2) The head of the central administrative agency concerned and the Mayor/Do governor concerned shall take necessary measures for the execution of the Basic Plan for Conservation of the Natural Environment, such as reflecting the contents of the Basic Plan for Conservation of the Natural Environment in the policy and plan relating to their own duties.

(3) The Minister of Environment shall analyze and evaluate the execution outcome of the Basic Plan for Conservation of the Natural Environment periodically, every two years, and reflect the result in the policy for conservation of the natural environment.

Article 11 (Establishment and Operation of Information Network on Natural Environment)(1) The Minister of Environment may establish and operate a comprehensive geographic information system on the natural environment (hereinafter referred to as the

"information network on the natural environment") computerized with ecological and nature maps, data on biological species, etc. for swift production and distribution of information regarding the natural environment.

(2) The Minister of Environment may request for submission of data necessary for establishment and operation of the information network on the natural environment to the head of relevant administrative agency. In this case, the head of the relevant administrative agency shall respond to this request insofar as there are no particular issues.

(3) Where necessary for effective establishment and operation of the information network on the natural environment, the Minister of Environment may entrust the establishment and operation of the information network on the natural environment to a specialized institution.

(4) Matters necessary for establishment and operation of the information network on the natural environment shall be prescribed by Presidential Decree.

CHAPTER II MANAGEMENT, ETC. OF ECOLOGICAL AND SCENERY CONSERVATION AREA

Article 12 (Ecological and Scenery Conservation Area)(1) The Minister of Environment may designate as an ecological and scenery conservation area any of the following areas whose natural ecology and natural scenery need particular conservation:

1. An area where the state of nature maintains primitiveness, or which greatly merits conservation and scientific research because of its abundant biological diversity;
2. An area that has peculiar topographic or geological features and thus needs conservation for academic research or maintenance of its natural scenery;
3. An area that can represent diverse ecosystems or an area that is a specimen of an ecosystem;
4. An area prescribed by Presidential Decree that has beautiful natural scenery, such as rivers, mountain valleys, etc. and thus needs particular conservation.

(2) The Minister of Environment may designate and manage ecological and scenery conservation areas by classifying such ecological and scenery conservation areas as follows in consideration of their ecological characteristics, natural scenery, topographical conditions, etc. for the sustainable conservation and management of ecological and scenery conservation areas:

1. Core ecological and scenery conservation area (hereinafter referred to as a "core area"): An area where special protection for the prevention of damage to the structure and function of an ecosystem is necessary, or where special protection is intended because of its beautiful natural scenery;
2. Buffer ecological and scenery conservation area (hereinafter referred to as a "buffer area"): An area bordering a core area, which is necessary for the protection of the core area;
3. Transition ecological and scenery conservation area (hereinafter referred to as a "transition area"): A community area surrounded by a core area or a buffer area, which is necessary for sustainable conservation and utilization.

(3) The Minister of Environment may revoke or change the designation of an area where it

has lost its value as an ecological and scenery conservation area, or has become needless to conserve it as an ecological and scenery conservation area pursuant to the provisions of paragraph (1) due to military purposes, natural disaster or other causes.

Article 13 (Procedure for Designation and Change of Ecological and Scenery Conservation Areas)(1) When the Minister of Environment intends to designate or change an ecological and scenery conservation area, he shall engage in consultation with the head of the relevant central administrative agency and go through deliberation of the Central Environmental Policy Committee after gathering opinions of the residents in the area concerned, interested persons and the head of the local government with a designation plan containing the following contents along with a topographical map prescribed by Presidential Decree: Provided, That for changes of minor matters prescribed by Presidential Decree, the deliberation of the Central Environmental Policy Committee may be dispensed with: <Amended by Act No. 10032, Feb. 4, 2010>

1. The reason and purpose of designation;
2. The area and scope of designation;
3. The present status and characteristics of the natural ecology and natural scenery;
4. The present status of land utilization;
5. An outline of the classification of core area, buffer area and transition area, and a management plan for each area.

(2) The head of a local government or the head of a central administrative agency shall submit the opinion to the Minister of Environment within 30 days from the date he/she has received the request for opinion or consultation pursuant to paragraph (1) insofar as there are no particular issues.

(3) When the Minister of Environment has designated or changed an ecological and scenery conservation area pursuant to the provisions of paragraph (1), he/she shall announce the details of the designation or change as prescribed by Ordinance of the Ministry of Environment in the Official Gazette without delay.

Article 14 (Basic Plan for Management of Ecological and Scenery Conservation Area)

The Minister of Environment shall draft and execute a basic plan for management of the ecology and scenery conservation area containing the following matters after consultation with the head of the relevant central administrative agency and Mayor/Do governor regarding the ecological and scenery conservation area:

1. Conservation and management of the natural ecology, natural scenery and biological diversity;
2. Improvement of the living standards of residents in the ecological and scenery conservation area and protection of the interests of interested persons;
3. Matters to contribute to the development of the community through management of natural resources and conservation of the ecosystem;
4. Other matters necessary for drafting and execution of the basic plan of management of the ecological and scenery conservation area, which are prescribed by Presidential Decree.

Article 15 (Restriction of Activities in Ecological and Scenery Conservation Area, etc.)(1) No one shall damage natural ecology or natural scenery, which falls under any of the following subparagraphs in any ecological and scenery conservation area: Provided, That if an ecological and scenery conservation area includes a park district designated pursuant to the Natural Parks Act, or cultural property (including a protection district) pursuant to the Cultural Heritage Protection Act, it shall be governed by the Natural Parks Act or the Cultural Heritage Protection Act:

1. Capturing, gathering, transplanting, damaging, or withering to death the wild fauna and flora, or laying any explosives, hook, snare, net, trap, etc., or scattering or pouring any poison, agricultural chemical, etc. to capture or to wither to death the wild fauna and flora in the core area;
2. Constructing and enlarging (limited to the case of enlargement by two times or more of the total construction area at the time of designation as an ecological and scenery conservation area) a building and other structures (hereinafter referred to as a "building, etc."), and change of form and quality of land;
3. Changing the form of a river, lake, etc. or causing any increase or decrease of water level or water volume;
4. Gathering soil and stone;
5. Other acts prescribed by Presidential Decree from among the acts acknowledged as harmful to the conservation of the natural environment.

(2) Where it falls under any of the following subparagraphs, paragraph (1) shall not apply: <Amended by Act No. 7678, Aug. 4, 2005; Act No. 9763, Jun. 9, 2009>

1. Where it is necessary for military purposes;
2. Where emergency measures are required due to a natural disaster or disaster corresponding thereto prescribed by Presidential Decree;
3. Where an act prescribed by Presidential Decree is performed, such as an act which is required to keep the mode of living or to improve standard of living of the residents in the ecological and scenery conservation area, or an act which is needed to continue farming that has been performed at the time of designation as an ecological and scenery conservation area;
4. Where the Minister of Environment permits as prescribed by Ordinance of the Ministry of Environment, in deeming that it does not cause inconvenience to the conservation of the area concerned;
5. Where the matters included in the basic plan for the management of ecological and scenery conservation area pursuant to the provisions of Article 14 from among the agricultural production infrastructure rearrangement projects pursuant to the provisions of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act are executed;
6. Where projects are executed according to the forest management plan pursuant to the Creation and Management of Forest Resources Act, and for the protection of forests and the conservation of an arboreal genetic resources protection district under the Forest

Protection Act, without deforestation or diversion of form and quality of land;

7. Where the head of the relevant administrative agency executes firsthand or the head of the relevant administrative agency authorizes, permits or approves, etc. (hereinafter referred to as "authorization, permission, etc.") pursuant to other Acts. In this case, the head of the relevant administrative agency shall consult with the Minister of Environment in advance;

8. Where the Minister of Environment performs an act and installs the necessary facility prescribed by Presidential Decree to protect and manage the ecological and scenery conservation area.

(3) Notwithstanding paragraph (1), the following acts may be performed in the buffer area: <Amended by Act No. 7678, Aug. 4, 2005; Act No. 9763, Jun. 9, 2009; Act No. 9774, Jun. 9, 2009; Act No. 12738, Jun. 3, 2014>

1. Erection of a building, etc. prescribed by Presidential Decree, which is for dwelling, livelihood, etc. on land which has categorized as a building site (limited to land, the category of which was building site before the designation as an ecological and scenery conservation area) pursuant to the Act on Establishment, Management, etc. of Spatial Data;

2. Installation of a facility prescribed by Presidential Decree for investigation into ecology, ecological studies, etc.;

3. Execution of forestry projects according to the forest management plan pursuant to the Creation and Management of Forest Resources Act and for the protection of forests and the conservation and management of an arboreal genetic resources protection district, etc. under the Forest Protection Act;

4. Installation of a facility for measuring streamflow and groundwater, and drainage, or erection of a building, etc. similar to these and annexed to agriculture, forestry and fishery;

5. Installation of a private grave pursuant to the provisions of Article 13 (1) 1 of the Funeral Services, etc. Act.

(4) Notwithstanding the provisions of paragraph (1), the following acts may be performed in the transition area:

1. Acts of each subparagraph of paragraph (3);

2. Erection of a building, etc. prescribed by Presidential Decree for maintenance of mode of life or improvement of the standard of living of persons who are residing in the transition area;

3. Installation of facilities for food, lodging, or shopping prescribed by Presidential Decree for persons visiting the ecological and scenery conservation area;

4. Installation of public facilities and facilities for convenient livelihood prescribed by Presidential Decree for local residents and visitors, such as road, water supply, drainage, etc.

(5) The Minister of Environment may restrict development projects prescribed by Presidential Decree, or limit farming notwithstanding the provisions of paragraph (2) 3 where it is particularly necessary for the conservation of weak natural ecology and natural scenery.

Article 16 (Prohibited Acts in Ecological and Scenery Conservation Area)

No one shall perform any act falling under any of the following subparagraphs in the ecological and scenery conservation area: Provided, That this shall not apply where it is necessary for military purposes, or emergency measures are required due to natural disaster, or other disaster equivalent thereto as prescribed by Presidential Decree: <Amended by Act No. 8466, May 17, 2007; Act No.11862, Jun. 4, 2013>

1. Dumping specified substances hazardous to water quality pursuant to the provisions of Article 2 of the Water Quality and Ecosystem Conservation Act, waste pursuant to the provisions of Article 2 of the Chemicals Control Act, or poisonous substances pursuant to the provisions of Article 2 of the Toxic Chemicals Control Act;
2. Possessing inflammables prescribed by Ordinance of the Ministry of Environment, or cooking or camping in any place other than that designated by the Minister of Environment (limited to the core area and buffer area);
3. Act of staining, damaging or moving signboards or other signposts regarding conservation of the natural environment;
4. Other acts, such as gathering of grass or trees, lumbering, etc., which are prescribed by Presidential Decree as acts prohibited for the conservation of an ecological and scenery conservation area.

Article 16-2 (Limited Access to Ecological and Scenery Conservation Areas)(1) The Minister of Environment may restrict or prohibit access to all or part of an ecological and scenery conservation area for a specified period in any of the following cases:

1. Where limited access is deemed particularly necessary in order to protect an ecological and scenery conservation area, such as a natural ecosystem and natural scenery;
2. Cases for recovery of the natural environment damaged due to natural or artificial factors;
3. Cases for safety of persons who enter an ecological and scenery conservation area.

(2) Notwithstanding paragraph (1), any of the following persons may enter an ecological and scenery conservation area:

1. A resident of a relevant region who enters the area to do daily work, such as carrying out ordinary business of agriculture, forestry or fisheries;
2. A person who enters the area to carry out business for conserving ecological and scenery conservation areas;
3. A person who enters the area for military purposes;
4. A person who enters the area to take actions necessary for activities, relief, etc., to prevent natural disasters referred to in subparagraph 2 of Article 2 of the Countermeasures against Natural Disasters Act, take emergency countermeasures, or perform restoration work, etc.;
5. A person who enters the area to administer or manage a state forest referred to in the State Forest Administration and Management Act;
6. A person who enters the area for the implementation of forest management plans and the protection of forests referred to in the Forest Resources Creation and Management Act or for the conservation and management of a forest gene resources protection area referred to in the Forest Protection Act;

7. Other persons who enter the area to carry out an act determined by Presidential Decree which does not obstruct the conservation or management of an ecological and scenery conservation area.

(3) Where the Minister of Environment intends to restrict or prohibit access pursuant to paragraph (1), he/she shall publicly notify the location and size of a relevant area, the period for limited or prohibited access, and other matters determined by Ordinance of the Ministry of Environment in advance.

(4) If the Minister of Environment deems the grounds for limited or prohibited access eliminated, he/she shall lift limits to, or prohibition of, access without delay, and publicly notify such fact.

[This Article Newly Inserted by Act No. 11671, Mar. 22, 2013]

Article 17 (Order of Suspension, etc.)

The Minister of Environment may order a person who has performed an act in violation of the provisions of Article 15 (1) in an ecological and scenery conservation area to suspend that act, or to restore the item to original state within a reasonable period of time that he/she has set: Provided, That he/she may order to take equivalent measures such as construction of alternative nature, etc. where restoration to the original state is difficult.

Article 18 (Securing Land, etc. for Conservation of Natural Ecology and Natural Scenery)

(1) Where land, buildings, or items fixed to land (hereinafter referred to as "land, etc.") owned by the State located in an ecological and scenery conservation area, or an area required to be designated as an ecological and scenery conservation area because it has remarkably high ecological value become unnecessary for military purposes or for the purpose of protection of cultural properties, etc., the Minister of Environment may request the head of a central administrative agency, such as the Minister of National Defence, the Administrator of the Cultural Heritage Administration, etc. having authority to manage such land, etc., for administrative conversion pursuant to the provisions of Article 2 (5) of the State Properties Act: Provided, That this shall not apply to land pursuant to the provisions of Articles 20 and 20-2 of the Act on Special Measures for Readjustment of Requisitioned Properties and Articles 2 and 3 of the Act on Special Measures for Readjustment of Expropriated or Used Lands under the Decree on Special Measures for Expropriation or Uses of Lands in Areas to be Mobilized pursuant to the Provisions of Article 5 (4) of the Act on Special Measures for National Integrity. <Amended by Act No. 9401, Jan. 30, 2009>

(2) The Minister of Environment may, as prescribed by Presidential Decree, perform an inspection after consultation with the head of a relevant central administrative agency, such as the Minister of National Defense, the Administrator of the Cultural Heritage Administration, etc. in order to select land, etc. to be subject for administrative conversion pursuant to the provisions of paragraph (1). <Amended by Act No. 9401, Jan. 30, 2009>

Article 19 (Procurement of Land, etc. in Ecological and Scenery Conservation Area, etc.)

(1) Where the Minister of Environment deems necessary for the conservation of the ecosystem in an ecological and scenery conservation area or natural reserve area, he/she

may purchase land, etc. in those areas after consultation with the owner.

(2) The purchase price of land, etc., when purchasing land, etc. pursuant to the provisions of paragraph (1), shall be based on the value calculated pursuant to the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor.

Article 20 (Support for Residents in Ecological and Scenery Conservation Area)(1)

Where a resident expands his house in an area (hereafter referred to as an "adjoining area" in this Article) which may directly affect water quality, etc. of an ecological and scenery conservation area, the Minister of Environment may support all or part of the expenses for installation of a private sewage treatment facility and excreta treatment facility pursuant to the Sewerage Act. <Amended by Act No. 8014, Sep. 27, 2006>

(2) The Minister of Environment shall, first of all, formulate plans to support treatment of sewage and waste water in the ecological and scenery conservation area and its adjoining area. In this case, he/she may request the head of the competent central administrative agency or head of the relevant local government to take measures necessary for the support and measures necessary for the promotion of eco-friendly agriculture, forestry, and fishing industry.

(3) Necessary matters, such as procedures, methods, etc. for support for ecological and scenery conservation areas and their adjoining areas, pursuant to the provisions of paragraph (1) shall be prescribed by Presidential Decree.

Article 21 (Priority Utilization of Ecological and Scenery Conservation Area, etc.)(1)

The Minister of Environment shall grant priority utilization to residents in the ecological and scenery conservation area after consultation with the head of the competent central administrative agency and the head of local government: Provided, That, where there is an interested person, such as an owner of land, etc., this shall apply only if an agreement has been made with him/her.

(2) Residents who utilize the ecological and scenery conservation area pursuant to the provisions of paragraph (1) shall make every effort for conservation thereof.

Article 21-2 (Support for Biosphere Reserves)

The head of a relevant administrative agency may provide necessary financial support to conserve and manage biosphere reserves selected by UNESCO.

[This Article Newly Inserted by Act No. 11671, Mar. 22, 2013]

Article 22 (Natural Reserve Area)(1) The Minister of Environment shall, regarding a natural reserve area, formulate a comprehensive plan or policy for the conservation of the ecosystem and sustainable use of the natural environment after consultation with the head of the competent central administrative agency and the Mayor/Do governor concerned.

(2) The provisions of Articles 15 (1), (2) and (5), 16 and 17 shall apply mutatis mutandis to the restriction of acts, orders of suspension in the natural reserve area, etc.: Provided, That this shall not apply to projects for peaceful use performed in the Demilitarized Zone (DMZ) in accordance with an agreement between South and North Korea, and projects relating to unification policies implemented by the Minister of Unification after consultation with the

Minister of Environment.

Article 23 (Designation and Conservation of City/Do Ecological and Scenery Conservation Areas)(1) The Mayor/Do governor may designate and manage an area which is equivalent to the ecological and scenery conservation area and thus deemed necessary to conserve as a City/Do ecological and scenery conservation area.

(2) The Minister of Environment may recommend that the Mayor/Do governor designate and manage an area in need of conservation of natural ecology and natural scenery which represents the area concerned as a City/Do ecological and scenery conservation area.

(3) The provisions of Article 12 shall apply mutatis mutandis to designation standards, classification of boundaries, revocation of designations, etc. of City/Do ecological and scenery conservation areas.

Article 24 (Procedures, etc. for Designation of City/Do Ecological and Scenery Conservation Areas)(1) When the Mayor/Do governor intends to designate or change a City/ Do ecological and scenery conservation area, he/she shall, with a designation plan containing the contents of each subparagraph of Article 13 (1) along with a topographical map prescribed by Presidential Decree, undergo the deliberation of the City/Do Environmental Policy Committee (hereinafter referred to as "Local Environmental Policy Committee") referred to in Article 58 of the Framework Act on Environmental Policy through consultation with the head of a competent basin environmental management office or the head of a subregional environmental management office (hereinafter referred to as "head of a local environmental management office"), and the head of a relevant administrative agency after collecting opinions of residents of the area concerned, interested persons and the head of a Si/Gun/Gu (including the head of an autonomous Gu; hereinafter the same shall apply): Provided, That in cases of changing minor matters that have been laid down by City/Do municipal ordinances, deliberation by the Local Environmental Policy Committee may be dispensed with. <Amended by Act No. 10032, Feb. 4, 2010; Act No. 10893, Jul. 21, 2011>

(2) The head of a relevant Si/Gun/Gu, head of a local environmental management office or head of a relevant administrative agency who has been requested to consider an opinion or consultation shall produce his/her opinion within 30 days from the date on which he/she receives such request, except in extenuating circumstances.

(3) When the Mayor/Do governor designates or changes a City/Do ecological and scenery conservation area pursuant to paragraph (1), he/she shall publicize the location and size of the area concerned, date of designation, and other matters prescribed by municipal ordinances of the local government concerned.

Article 25 (Management Plan for City/Do Ecological and Scenery Conservation Area)
The Mayor/Do governor shall draft and implement a basic plan for management of City/Do ecological and scenery conservation area pursuant to municipal ordinances laid down by the local government concerned in accordance with the provisions of Article 14.

Article 26 (Restriction, etc. of Acts in City/Do Ecological and Scenery Conservation Area)

The Mayor/Do governor may take measures necessary for the conservation and management of a City/Do ecological and scenery conservation area pursuant to municipal ordinances laid down by the local government concerned in accordance with the provisions of Articles 15 through 17.

Article 27 (Conservation of Natural Scenery)(1) The head of a relevant central administrative agency and the head of a local government shall endeavor to prevent major elements of scenery such as coastline, etc. with high scenic value from being damaged, or views thereof from being obstructed.

(2) The head of a local government shall, when executing various projects as prescribed by municipal ordinances, take necessary measures to conserve natural scenery.

(3) The Minister of Environment may set up guidelines necessary for conservation of natural scenery and notify the head of the administrative agency concerned and head of the local government.

Article 28 (Consultation, etc. on Impact on Natural Scenery)(1) When the head of a relevant administrative agency or the head of a local government intends to grant authorization, permission, etc. of plans subject to strategic environmental impact assessment referred to in Article 9 of the Environmental Impact Assessment Act, projects subject to environmental impact assessment referred to in Article 22 of the said Act, or projects subject to small-scale environmental impact assessment referred to in Article 43 of the said Act among the development projects, etc. prescribed in the following subparagraphs, he/she shall include impacts on the natural scenery by a relevant development project, etc., conservation plans, etc. in the details of consultations on strategic environmental impact assessment, environmental impact assessment, or small-scale environmental impact assessment, and consult with the Minister of Environment or the head of a local environmental management office: <Amended by Act No. 9037, Mar. 28, 2008; Act No. 10892, Jul. 21, 2011>

1. A development project, etc. in an area within the distance prescribed by Presidential Decree from any of the following areas:

- (a) A natural park referred to in subparagraph 1 of Article 2 of the Natural Parks Act;
- (b) A wetland protection area designated pursuant to Article 8 of the Conservation of Wetlands Act;
- (c) An ecological and scenery conservation area;

2. A development project, etc. other than projects referred to in subparagraph 1 prescribed by Presidential Decree as determined to have a substantial impact on the natural environment.

(2) Where the Minister of Environment or the head of a local environmental management office receives a request for consultation pursuant to paragraph (1), the Minister of Environment shall undergo deliberation of the Central Environmental Policy Committee, and the head of a local environmental management office shall undergo deliberation of the Natural Scenery Deliberation Committee referred to in Article 29 regarding impacts on the

natural scenery by the relevant development project, etc., conservation plans, etc. <Amended by Act No. 10032, Feb. 4, 2010>

(3) When the head of a local government intends to authorize, permit, etc. a development project, etc. which is not subject to consultations on environmental impact assessment or small-scale environmental impact assessment, or other development projects, etc. prescribed by municipal ordinances of the local government as determined to have a substantial impact on the natural environment, from among the development project, etc. of each subparagraph of paragraph (1), he/she shall abide by the examination standards regarding natural scenery laid down by Ordinance of the Ministry of Environment: Provided, That this shall not apply to cases prescribed by Presidential Decree, such as cases of undergoing deliberation of the local urban planning committee referred to in Article 59 of the National Land Planning and Utilization Act. <Amended by Act No. 10892, Jul. 21, 2011>

Article 29 (Organization and Operation of Natural Scenery Deliberation Committee)(1)

A natural scenery deliberation committee shall be established under the jurisdiction of the head of a local environmental management office to investigate and deliberate professionally and efficiently where he/she receives a request for consultation pursuant to Article 28.

(2) Necessary matters regarding organization, operation, etc. of the natural scenery deliberation committee pursuant to paragraph (1) shall be prescribed by Presidential Decree.

CHAPTER III CONSERVATION OF BIOLOGICAL DIVERSITY

Article 30 (Investigation of Natural Environment)(1) The Minister of Environment shall investigate the natural environment of the nation every five years in cooperation with the head of a relevant central administrative agency. <Amended by Act No. 11671, Mar. 22, 2013>

(2) The Minister of Environment may investigate the natural environment every two years in cooperation with the head of a relevant central administrative agency regarding areas which are classified as a first grade zone on ecological and natural maps and areas changes in the natural surroundings of which are deemed requiring special observation. <Amended by Act No. 11671, Mar. 22, 2013>

(3) The head of a local government may investigate the natural environment of an area under his/her jurisdiction, as laid down by municipal ordinances of the local government concerned.

(4) The head of a local government shall report investigation plans and findings of investigations to the Minister of Environment when he/she investigates the natural environment pursuant to paragraph (3).

(5) The details, methods of investigation referred to in paragraphs (1) and (2), and other necessary matters shall be prescribed by Presidential Decree.

Article 31 (Close Investigation, Observation, etc. of Changes in Ecosystem)(1) The Minister of Environment shall formulate and execute a plan for close investigation of the ecosystem concerned, where he/she deems it necessary to manage after a special investigation into the ecosystem which has been newly ascertained by findings on

investigation pursuant to the provisions of Article 30.

(2) The Minister of Environment may make a supplementary investigation into an area where change in the ecosystem is conspicuous due to natural or artificial causes, from among the areas that have undergone investigation pursuant to the provisions of Article 30.

(3) The Minister of Environment shall continuously observe changes in ecosystem due to natural or artificial causes.

(4) The head of a local government may perform investigations and observations pursuant to the provisions of paragraphs (1) through (3) into the area under his jurisdiction as prescribed by municipal ordinances of the local government concerned.

(5) Matters necessary for investigation and observation pursuant to the provisions of paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Environment.

Article 32 (Natural Environment Investigator)(1) The Minister of Environment or the head of a local government may, if necessary for performing an investigation into the natural environment pursuant to the provisions of Article 30, a close investigation and supplementary investigation pursuant to the provisions of Article 31 or other investigation into natural environment, employ natural environmental investigators during the investigation period (hereinafter referred to as an "investigator").

(2) Qualifications for an investigator and procedures of commissioning pursuant to the provisions of paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment or municipal ordinances of the local government concerned.

Article 33 (Entry into Lands Owned by Other Persons, etc.)(1) The Minister of Environment or the head of a local government may order a public official or investigator under his control to enter another person's land, or to change or remove trees, soil, stones, or other obstacles, if necessary in order to carry out an investigation into the natural environment pursuant to Article 30 or a close investigation and supplementary investigation pursuant to the provisions of Article 31.

(2) Anyone who intends to enter another person's land pursuant to the provisions of paragraph (1) shall notify the owner, occupant or manager of the land not later than three days prior to the date of entry.

(3) Anyone who intends to change or remove obstacles pursuant to the provisions of paragraph (1) shall obtain the consent of the owner, occupant or manager thereof: Provided, That where the owner, occupant or manager is not at the site, or if his address is not known, notification of change or removal shall be made on the bulletin board of the Eup/ /Dong that has jurisdiction over the area concerned, or shall be published in the daily newspaper. Consent shall be deemed to have been obtained when fourteen days have passed since the date of such notification or publication.

(4) The owner, occupant or manager of land shall not refuse, obstruct or evade the investigation pursuant to the provisions of paragraph (1) insofar as there are no reasonable grounds.

(5) Anyone who intends to enter another person's land pursuant to the provisions of

paragraph (1) shall carry credentials indicating his authority as prescribed by Ordinance of the Ministry of Environment, and show these to interested persons.

Article 34 (Drafting and Utilization of Ecological and Natural Maps)(1) For the purpose of use in the formulation and implementation of various development projects, the Minister of Environment shall draft an ecological and natural map of the natural environment of the nation in accordance with the following classifications on the basis of findings on the investigations referred to in Articles 30 and 31: <Amended by Act No. 10977, Jul. 28, 2011>

1. First grade zone: An area falling under the following:

- (a) An area which becomes a major habitat, place of visitation and major ecological axis, or ecological corridor for endangered wildlife referred to in subparagraph 2 of Article 2 of the Wildlife Protection and Management Act (hereinafter referred to as "endangered wildlife");
- (b) An area where the ecosystem is particularly excellent or scenery is especially spectacular;
- (c) An ecosystem area which is located on the boundary of geographical distribution of living things, or area which represents the types of major vegetation;
- (d) An area where biological diversity is particularly abundant, and where biological resources with high conservation value are distributed;
- (e) Other areas having ecological value corresponding to items (a) through (d) which meet standards prescribed by Presidential Decree;

2. Second grade zone: An area corresponding to those falling under the items of subparagraph 1 and worthy of conservation in the future, or an area outside a first grade zone and necessary to protect a first grade zone;

3. Third grade zone: An area other than one classified as a first grade zone, second grade zone, and separately managed zone, which is subject to development or utilization;

4. Separately managed zone: An area prescribed by Presidential Decree which has historical, cultural or scenic value, or is managed to conserve a green belt located in a city and for other reasons, from among areas conserved pursuant to the provisions of another Act.

(2) The Minister of Environment may draft an ecological and natural map by making detailed classification of the zones referred to in paragraph (1) 1 through 3 to efficiently utilize the map, as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment drafts an ecological and natural map, he/she may request the head of a relevant central administrative agency or the head of a local government for cooperation in providing with necessary data or specialized manpower. In such cases, unless it is inevitable to refuse due to military purposes, the head of the relevant central administrative agency or the head of the local government shall cooperate with the request for data, as prescribed by Presidential Decree.

(4) The ecological and natural map shall be drawn in solid lines at a scale of at least 1 to 25,000. Other matters necessary for drawing ecological and natural maps, such as drawing standards of ecological and natural maps, drawing methods, etc., and objects of utilization and methods of utilization of the ecological and natural map referred to in paragraph (1) shall

be prescribed by Presidential Decree.

(5) When the Minister of Environment drafts an ecological and natural map, he/she shall draw it up after making it available to public inspection for at least 14 days, and release the ecological and natural map after notifying of the map the head of a relevant central administrative agency and the head of a local government.

(6) A Mayor/Do governor may draft a detailed ecological and natural map of an urban area under his/her jurisdiction (hereinafter referred to as "urban ecological map") on the basis of the ecological and natural map drawn up by the Minister of Environment. Other matters necessary for drawing up an urban ecological map shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11671, Mar. 22, 2013>

Article 35 (Measures for Conservation of Ecosystems and International Cooperation)

(1) The Government shall formulate and implement measures for conservation and sustainable utilization of biological diversity and biological resources, proper management of biological resources, and implementation of the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Wetlands of International Importance, Especially as Waterfowl Habitat, etc. (hereinafter referred to as the "Convention on Biological Diversity, etc.") to which the State is a signatory: <Amended by Act No. 11257, Feb. 1, 2012>

1 through 6 Deleted. <by Act No. 11257, Feb. 1, 2012>

(2) The Government shall endeavor to exchange technology, information, etc. to conserve the natural environment in cooperation with international organizations and foreign governments related to the Convention on Biological Diversity, etc. <Amended by Act No. 11257, Feb. 1, 2012>

Article 36 (Research and Technology Development, etc. Regarding Ecosystems)

(1) The Government shall carry out research and technology development with regard to investigation into the natural environment, research on the structure, function and restoration of ecosystems, and changes in, and adaptation of, ecosystems caused by climate change, etc. <Amended by Act No. 10977, Jul. 28, 2011; Act No. 11257, Feb. 1, 2012>

(2) The Government shall conduct investigations of changes in, and adaptation of, ecosystems following climate change, management cases, an ecosystem, etc. vulnerable to climate change, etc. <Amended by Act No. 11257, Feb. 1, 2012>

(3) Deleted. <by Act No. 11257, Feb. 1, 2012>

(4) Objects and methods of investigation referred to in paragraph (2) and other necessary matters shall be prescribed by Presidential Decree.

Article 37 Deleted. <by Act No. 11257, Feb. 1, 2012>

CHAPTER IV MANAGEMENT OF NATURAL ASSET

Article 38 (Installation and Operation of Facilities for Conservation and Use of Natural Environment)

(1) For the purposes of conservation and sound utilization of the natural environment, the head of a relevant central administrative agency and the head of a local government may install the following facilities:

1. Facilities for conservation or prevention of damage to the natural environment;
2. Facilities for restoration or recovery of a damaged natural environment;
3. Facilities for use or observation of the natural environment, including facilities for providing information on the conservation of the natural environment and wooden platforms for the observation of ecology;
4. Facilities for education, public relations, or management for conservation or use of the natural environment, such as a museum of nature conservation and a nature study institute;
5. Other facilities for conservation of natural assets.

(2) Where the head of a relevant central administrative agency or the head of a local government intends to install or operate facilities for conservation and use of the natural environment pursuant to the provisions of paragraph (1), he/she shall formulate installation plans and notify them publicly as prescribed by Ordinance of the Ministry of Environment.

(3) The head of a relevant central administrative agency and the head of a local government may collect fees from those who use the facilities for conservation and use of the natural environment which have been installed pursuant to the provisions of paragraph (1): Provided, That any park area designated by the Natural Parks Act shall be governed by the provisions of the Natural Parks Act.

(4) Necessary matters concerning the amount of fees, collection procedures thereof, and exemption therefrom pursuant to the provisions of paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.

Article 39 (Designation and Management of Natural Resting Area)(1) The head of a local government may designate as natural resting areas an appropriate area which is of high ecological, scenic value, etc. and is suitable for investigation into nature, ecological education, etc. from among areas which are not designated by other Acts as parks, tourist facility complexes, natural recreation forests, etc. in accordance with Presidential Decree. In this case, the opinion of the owner, etc. of private land shall be heard with regard to private land.

(2) For the purpose of efficient management of natural resting areas designated pursuant to the provisions of paragraph (1), the head of a local government may collect fees from those who use natural resting areas as prescribed by municipal ordinances in consideration of the cost of maintenance, management, etc.: Provided, That this shall not apply where these have been designated by other Acts as parks, tourist facility complex, natural recreation forests, etc. after they have been designated as natural resting areas.

(3) Management of natural resting areas pursuant to the provisions of paragraph (1) and other necessary matters shall be prescribed by municipal ordinances of the local government concerned.

Article 40 (Prevention of Damage to Nature Used by General Public)

In the following cases, the head of a local government may restrict the lumbering of growing trees, change of form and quality of land, or access, cooking and camping in order to prevent damage to areas of ecological or scenic value, etc. as prescribed by municipal ordinances

of the local government concerned:

1. Where the value of a forest adjoining a place used by the general public, such as a beach, decreases substantially or is lost if it is damaged;
2. Where the scenic value decreases substantially if forests, large trees, etc. alongside a road or railroad are damaged;
3. Other cases that correspond to subparagraph 1 or 2 and satisfy the standards prescribed by Presidential Decree.

Article 41 (Promotion of Ecotourism)(1) The Minister of Environment may designate an area the environment of which has high conservation value and where it is possible to experience the importance of protecting the ecosystem and to provide education thereon in order to promote ecotourism, after consultation with the Minister of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11671, Mar. 22, 2013>

(2) The Minister of Environment may provide a local government exercising jurisdiction over an area designated pursuant to paragraph (1) (hereinafter referred to as "ecological tourism zone") with subsidies for all or some of the costs required for managing and operating the ecological tourism zone, within budgetary limits. <Newly Inserted by Act No. 11671, Mar. 22, 2013>

(3) The Minister of Environment may formulate and implement plans for the installation or management of facilities for education necessary for ecotourism, facilities for investigation and discovery of resources of ecotourism, and facilities for sound use by people, in cooperation with the Minister of Culture, Sports and Tourism and the head of a relevant local government, or may recommend the head of the local government as such. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11671, Mar. 22, 2013>

Article 42 (Designation, etc. of Ecological Village)(1) The Minister of Environment or the head of a local government may designate any of the following villages as an ecological village:

1. A village within an ecological and scenery conservation area;
2. A village that is outside the ecological and scenery conservation area, but has ecological functionality and beautiful natural scenery: Provided, That a village in a mountain village promotion area designated pursuant to Article 28 of the Framework Act on Forestry is excluded.

(2) The Minister of Environment or the head of a local government shall preferentially devise and implement installation of facilities for the convenience of residents of the area, such as public facilities, and a plan for increasing resident income, if he/she has designated an ecological village pursuant to paragraph (1).

(3) Where the ecological functions, beautiful natural scenery, etc. of an ecological village designated pursuant to paragraph (1) have been significantly damaged due to urban development, etc., the Minister of Environment or the head of a relevant local government may revoke the designation of the ecological village. <Newly Inserted by Act No. 11671, Mar. 22, 2013>

(4) Necessary matters for standards and procedures for designation, revocation, etc. of ecological villages referred to in paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11671, Mar. 22, 2013>

(5) If the Minister of Environment or the head of a local government intends to revoke the designation pursuant to paragraph (3), he/she shall hold a hearing. <Newly Inserted by Act No. 11671, Mar. 22, 2013>

Article 43 (Enhancement, etc. of Ecological Soundness of Cities)(1) The State or a local government shall recover urban areas which have been damaged or neglected, or endeavor to prevent the following areas from being damaged in order to enhance the ecological soundness of a city: <Amended by Act No. 11671, Mar. 22, 2013>

1. An ecological and scenery conservation area referred to in Article 12;
2. A first grade zone on an ecological and natural map referred to in Article 34 (1) 1;
3. A wetland protection area referred to in Article 8 of the Wetlands Conservation Act;
4. A wildlife protection area referred to in Article 33 of the Wildlife Protection and Management Act;
5. A natural park referred to in subparagraph 1 of Article 2 of the Natural Parks Act.

(2) To promote conservation of the natural environment, enhancement, etc. of ecological soundness of a city, the Minister of Environment may recommend to the head of a relevant administrative agency and the head of a local government guidelines and evaluation indexes on conservation of the natural environment and ecological soundness, such as establishing an ecological axis, conserving biological diversity, conserving natural scenery, securing a wind passage, restoring ecology, etc. in consultation with the head of a relevant central administrative agency. <Amended by Act No. 11671, Mar. 22, 2013>

(3) The Minister of Environment may recommend the development of technology that enables less consumption of water and energy or less generation of waste possible, or ecological technology that enhances biological diversity, the improvement of systems for these, and other matters to the head of a relevant central administrative agency or the head of a local government.

(4) For the purpose of improvement, etc. of biological diversity of a city, the Minister of Environment may request that the head of the competent central administrative agency or the head of a local government create green areas, sub-ecosystems, etc.

(5) When the head of a relevant central administrative agency or the head of a local government has received a recommendation or request from the Minister of Environment referred to in paragraphs (2) through (4), he/she shall endeavor to have the relevant matter accepted.

Article 44 (Restoration, etc. of Ecosystem Subject to Priority Protection)

In any of the following cases, the Minister of Environment may prepare and promote measures of protection and restoration of an ecosystem concerned in cooperation with the head of a relevant central administrative agency and Mayor/Do governor: <Amended by Act No. 10977, Jul. 28, 2011>

1. Where the continuation of species is threatened because the main habitat or place of visitation of endangered wildlife has been destroyed, damaged or disrupted;
2. Where an ecosystem with a particularly high level of natural characteristics or delicate nature has been partially destroyed, damaged or disturbed;
3. Where the natural environment with a particularly high level of biological diversity has been damaged.

Article 45 (Installation, etc. of Ecological Corridors)(1) In carrying out, authorizing or permitting a development project, etc., the State or a local government shall take necessary actions, such as the installation of an ecological corridor, or have such actions to be taken, in order not to sever the mobility of wildlife and ecological continuity. <Amended by Act No. 11671, Mar. 22, 2013>

(2) The State or a local government shall conduct investigations and research on areas where the mobility of wildlife and ecological continuity are severed, and formulate and implement ecological corridor installation plans for areas which require ecological corridors. In such cases, it may request the management entity of a road, railway, etc. located in an area requiring an ecological corridor to install an ecological corridor, and the person who has received such request shall install an ecological corridor, except in extenuating circumstances. <Amended by Act No. 11671, Mar. 22, 2013>

(3) A person who intends to install an ecological corridor pursuant to paragraphs (1) and (2) shall conduct the following investigations: <Amended by Act No. 11671, Mar. 22, 2013>

1. Species of wildlife which inhabit the relevant area;
2. Species of wildlife the habitats of which are likely to be severed due to the implementation of a development project, etc.;
3. Species of wildlife against which an accident, such as car accidents, is highly likely to occur;
4. Investigations into connection with a major ecological axis, such as Baekdudaegan referred to in subparagraph 1 of Article 2 of the Baekdudaegan Protection Act.

(4) Areas subject to the installation of ecological corridors and standards of installation referred to in paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 10977, Jul. 28, 2011>

Article 45-2 (Investigation, etc. of Ecological Corridors)(1) A person who is installing or managing an ecological corridor pursuant to Article 45 (1) or (2) (hereinafter referred to as "installer or manager of an ecological corridor") shall conduct investigations in accordance with the cycle and method determined by Ordinance of the Ministry of Environment so that an ecological corridor can be utilized in an appropriate manner.

(2) The Minister of Environment may request an installer or manager of an ecological corridor to submit materials related to the following matters. In such cases, the installer or manager of an ecological corridor shall submit the requested materials, except in extenuating circumstances:

1. The current state of installation and management of an ecological corridor;

2. Results of investigation referred to in paragraph (1).

(3) The Minister of Environment shall evaluate the materials referred to in paragraph (2) in accordance with the criteria prescribed by Ordinance of the Ministry of Environment, and if the ecological corridor is deemed functioning improperly, he/she may request the installer or manager of an ecological corridor to take actions to improve it. In such cases, the installer or manager of an ecological corridor shall take requested actions to improve the corridor, except in extenuating circumstances.

[This Article Newly Inserted by Act No. 11671, Mar. 22, 2013]

CHAPTER V COOPERATION CHARGE FOR ECOSYSTEM CONSERVATION

Article 46 (Cooperation Charge for Ecosystem Conservation)(1) To systematically conserve the natural environment and to manage and utilize natural resources, the Minister of Environment shall levy and collect the Cooperation Charge for the Ecosystem Conservation from an operator of development projects which have a substantial impact on the natural environment or ecosystem, or cause a decrease in biological diversity.

(2) Projects subject to the imposition of the Cooperation Charge for the Ecosystem Conservation referred to in paragraph (1) shall be as follows: Provided, That the projects subject to the imposition of the Cooperation Charge for the Conservation of Marine Ecosystems referred to in Article 49 (2) of the Conservation and Management of Marine Ecosystems Act shall be excluded: <Amended by Act No. 8045, Oct. 4, 2006; Act No. 8355, Apr. 11, 2007; Act No. 8468, May 17, 2007; Act No. 9037, Mar. 28, 2008; Act No. 9982, Jan. 27, 2010; Act No. 10892, Jul. 21, 2011; Act No. 11671, Mar. 22, 2013>

1. A development project with a development area of at least 30,000 square meters prescribed by Presidential Decree, among plans subject to strategic environmental impact assessment referred to in Article 9 of the Environmental Impact Assessment Act;

2. A project subject to environmental impact assessment referred to in Articles 22 and 42 of the Environmental Impact Assessment Act;

3. Opencut exploration or mining business the scale of which is larger than that prescribed by Presidential Decree among mining projects referred to in subparagraph 2 of Article 3 of the Mining Industry Act;

4. A project subject to small-scale environmental impact assessment referred to in Article 43 of the Environmental Impact Assessment Act the development area of which is at least 30,000 square meters;

5. Other projects prescribed by Presidential Decree among the projects which have a substantial impact on ecosystems, or utilize natural property.

(3) The Cooperation Charge for the Ecosystem Conservation referred to in paragraph (1) shall be calculated and levied by multiplying the damaged area of an ecosystem by the amount levied per unit area and the regional coefficient within the limit of five billion won: Provided, That for projects prescribed by Presidential Decree that are executed for the purpose of national defense, the Cooperation Charge for the Ecosystem Conservation may be reduced or exempted. <Amended by Act No. 11671, Mar. 22, 2013>

(4) The Cooperation Charge for the Ecosystem Conservation referred to in paragraph (1) and the additional dues referred to in Article 48 (1) shall become revenue in Special Accounts for Environmental Improvement referred to in the Framework Act on Environmental Policy. <Amended by Act No. 10893, Jul. 21, 2011>

(5) Where the Minister of Environment delegates his/her authority on the collection of the Cooperation Charge for the Ecosystem Conservation or additional dues to the Mayor/Do governor pursuant to Article 61 (1), the Minister of Environment may pay an amount prescribed by Presidential Decree from the collected Cooperation Charge for the Ecosystem Conservation and additional dues to the Mayor/Do governor having jurisdiction over the project area. In such cases, the Mayor/Do governor may use some of the payment for expenses necessary for imposing and collecting the Cooperation Charge for the Ecosystem Conservation, as prescribed by Presidential Decree.

(6) Procedures of collection, standards for reduction and exemption, amounts levied per unit of area and regional coefficients of the Cooperation Charge for the Ecosystem Conservation referred to in paragraph (1) and other necessary matters shall be prescribed by Presidential Decree. In such cases, the amount imposed per unit area shall be based on the value of the damaged ecosystem, and the regional coefficient shall be based on the use of land referred to in the National Land Planning and Utilization Act. <Amended by Act No. 8045, Oct. 4, 2006>

Article 47 (Report of Authorization, Permission, etc. of Project)(1) The head of an administrative agency who has authorized, permitted any project subject to levy of the Cooperation Charge for the Ecosystem Conservation pursuant to the provisions of Article 46 (2) and conducted other relevant business shall inform the Minister of Environment of the project operator, content and scale of the project and the terms of authorization, permission, and other content of authorization and permission prescribed by Presidential Decree within 20 days from such date.

(2) The Minister of Environment shall inform the project operator of matters regarding amount of levy, term for payment, etc. of the Cooperation Charge for the Ecosystem Conservation within one month from the date he received the information pursuant to the provisions of paragraph (1).

(3) Details, methods pursuant to the provisions of paragraphs (1) and (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 48 (Compulsory Collection of Cooperation Charge for Ecosystem Conservation)(1) Where a person liable to pay the Cooperation Charge for the Ecosystem Conservation pursuant to Article 46 fails to pay such charge within the period of payment, the Minister of Environment shall compel him/her to pay by fixing a period of at least 30 days. In such cases, an additional due regarding the Cooperation Charge for the Ecosystem Conservation in arrears, which is equivalent to 3/100, shall be imposed. <Amended by Act No. 11671, Mar. 22, 2013>

(2) Where a person who has been urged to pay pursuant to paragraph (1) has not paid the

Cooperation Charge for the Ecosystem Conservation and additional dues within the period, such amount may be collected in the same manner as delinquent national taxes are collected.

Article 49 (Use of Cooperation Charge for Ecosystem Conservation)

The collected Cooperation Charge for the Ecosystem Conservation and the amount paid pursuant to Article 46 (5) shall be used for the following purposes: Provided, That the Cooperation Charge for the Ecosystem Conservation raised from the projects, which are in the mining projects referred to in subparagraph 2 of Article 3 of the Mining Industry Act, focusing on forests and mountainous areas shall be used for projects to restore the ecosystem of damaged forests and mountainous areas: <Amended by Act No. 8045, Oct. 4, 2006; Act No. 8355, Apr. 11, 2007; Act No. 10977, Jul. 28, 2011; Act No. 11257, Feb. 1, 2012; Act No. 11671, Mar. 22, 2013>

1. Projects to conserve or restore ecosystems and biological species;
2. Support to ex-habitat conservation agencies referred to in Article 7 (2) of the Wildlife Protection and Management Act;
3. Execution of the basic plan for management of ecological and scenery conservation areas referred to in Article 14;
4. Securing of land, etc. for the conservation of the ecosystem referred to in Article 18;
5. Purchase of land, etc. of ecological and scenery conservation areas referred to in Article 19;
6. Assistance for installation of sewage treatment facilities referred to in Article 20 (1);
7. Conservation of the ecosystems of natural reserve areas referred to in Article 22;
8. Execution of contracts for biological diversity management referred to in Article 16 of the Act on Conservation and Use of Biological Diversity;
9. Installation and operation of facilities for conservation and use of the natural environment referred to in Article 38;
10. Protection and restoration of ecosystems subject to priority protection referred to in Article 44;
11. Projects for installation of ecological corridors referred to in Article 45;
12. Investigation, maintenance and management of a project the Cooperation Charge for the Ecosystem Conservation of which has been refunded pursuant to the main sentence of Article 50 (1);
13. Conservation and management of biosphere reserves selected by UNESCO;
14. Other projects necessary to conserve the natural environment, etc., which are prescribed by Presidential Decree.

Article 50 (Return and Assistance of Cooperation Charge for Ecosystem Conservation)(1) Where a person who has paid the Cooperation Charge for the Ecosystem Conservation or a person who has obtained consent on the execution of a natural environment conservation project and on the return of the Cooperation Charge for the Ecosystem Conservation from the person who has paid the Cooperation Charge for the

Ecosystem Conservation (hereinafter referred to as "proxy of environment conservation project") has executed a natural environment conservation project, such as creation of alternative nature, restoration of the ecosystem, etc. prescribed by Presidential Decree after receiving approval from the Minister of Environment, the Minister of Environment may refund an amount prescribed by Presidential Decree from the Cooperation Charge for the Ecosystem Conservation that he/she has paid: Provided, That with regard to the Cooperation Charge for the Ecosystem Conservation levied due to the projects executed in forests and mountainous areas referred to in Article 46 (2) 3, assistance to restoration projects of damaged areas for forests or mountainous areas executed pursuant to other Acts may be made within the extent of the refunded amount or amount to be refunded. <Amended by Act No. 8468, May 17, 2007; Act No. 11671, Mar. 22, 2013>

(2) Necessary matters regarding approval of the Minister of Environment, consent of the person who has paid the Cooperation Charge for the Ecosystem Conservation, qualification and extent of proxy of environment conservation project, and refund and assistance of the Cooperation Charge for the Ecosystem Conservation referred to in paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 8468, May 17, 2007>

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 51 (Cooperation of Relevant Administrative Agencies)(1) Where the Minister of Environment acknowledges as necessary for fulfillment of the purposes of this Act, he/she may request the head of a relevant central administrative agency or head of a local government to prepare necessary policies or measures on the matters prescribed by Presidential Decree. In this case, the head of the relevant central administrative agency or head of the local government shall comply therewith insofar as there are no particular issues.

(2) The Minister of Environment shall assess the value and function of biological diversity for conservation of the natural environment and sustainable utilization of nature, and have the head of a relevant central administrative agency and the head of a local government use the result outcome thereof.

Article 52 (Expropriation and Use of Land, etc.)(1) The State or a local government may, when deemed necessary for the installation of facilities for conservation and use of the natural environment pursuant to the provisions of Article 38, expropriate and use land, etc. necessary for the facilities for conservation and use of the natural environment.

(2) As for expropriation and use pursuant to the provisions of paragraph (1), the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis unless there are special provisions in this Act.

(3) Where the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects applies mutatis mutandis pursuant to the provisions of paragraph (2), project approval and a public announcement of project approval pursuant to the provisions of Articles 20 and 22 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall be deemed to have been made at the time when determination and public announcement of the plan for installation of facilities for conservation or use of the

natural environment pursuant to the provisions of Article 38 are made.

Article 53 (Compensation for Loss)(1) Anyone who suffers a loss of property because he is not able to continue, pursuant to the provisions of Article 15 (5), development project, farming activities, etc. which have already been in operation, or who has suffered loss a property pursuant to the provisions of Article 33 (1), may request the Minister of Environment or the head of a local government to make compensation for loss as prescribed by Presidential Decree.

(2) Where the Minister of Environment or the head of a local government is requested pursuant to the provisions of paragraph (1), he/she shall make a determination on the amount of compensation, etc. within three months after consultation with the applicant, and notify the applicant of the amount.

(3) If an agreement pursuant to the provisions of paragraph (2) is not reached, the Minister of Environment, the head of a local government, or the applicant may apply for adjudication to a competent land expropriation committee as prescribed by Presidential Decree.

Article 54 (Support from State Treasury, etc.)

The State may provide all or some of the expenses of the following projects within budgetary limits for relevant administrative agencies, local governments or organizations relating to the protection of nature which execute projects for the protection of nature: <Amended by Act No. 13885, Jan. 27, 2016>

1. Projects for providing assistance to campaigns for protection of nature pursuant to the provisions of Article 5;
2. Projects for providing assistance to residents of ecological and scenery conservation areas, their adjoining areas and ecological villages pursuant to the provisions of Articles 20 and 42;
3. Projects for the installation of facilities for conservation and utilization of the natural environment pursuant to the provisions of Article 38;
4. Projects for the installation of ecological corridors pursuant to the provisions of Article 45;
5. Projects under the subparagraphs of Article 49;
6. Other projects for conservation of the natural environment, which is prescribed by Presidential Decree.

(2) Local governments may subsidize organizations related to the conservation of nature with the whole or part of the expenses necessary for their activities and operation within budgetary limits. <Newly Inserted by Act No. 13885, Jan. 27, 2016>

Article 55 (Korean Association for Conservation of Nature)(1) The Korean Association for Conservation of Nature (hereinafter referred to as the "Association") shall be established in order to carry out the following projects for conservation of the natural environment:

1. Investigation and research into the actual conditions and plans for conservation of the natural environment;
2. Conservation of biological diversity, such as restoration of damaged ecosystems or species, creation of sub-ecosystems, etc.;

3. Education and public relations on nature, such as production, publication, etc. of videos on the conservation of the natural environment.

(2) The Association shall be incorporated as a juristic person.

(3) Funds needed for projects of the Association shall be raised from membership fees, earnings from projects, etc., and the State or a local government may provided with some of the necessary expenses within budgetary limits.

(4) The provisions of the Civil Act on incorporated associations shall apply mutatis mutandis to matters regarding the Association that are not prescribed in this Act.

Article 55-2 (Ecotourism Association)(1) Ecotourism business operators, organizations related to ecotourism, and other persons engaged in business relating to ecotourism may establish an ecotourism association after obtaining permission from the Minister of Environment in order to carry out the following:

1. Investigation and research on areas and tour programs appropriate for ecotourism;

2. International cooperation business related to ecotourism;

3. Other projects necessary to nurture ecotourism.

(2) An ecotourism association shall be a juristic person.

(3) If deemed necessary to foster ecotourism, the State or a local government may pay some of the expenses necessary for an ecotourism association, within budgetary limits.

(4) Except those provided for in this Act, the provisions of the Civil Act concerning incorporated associations shall apply mutatis mutandis to ecotourism associations.

[This Article Newly Inserted by Act No. 11671, Mar. 22, 2013]

Article 56 (Marks Symbolizing Nature and Symbolic Species of Local Government)(1)

The State may install marks symbolizing nature in an area requiring conservation of the natural environment, such as ecological and scenery conservation areas, according to the type of the area, and a local government may utilize the marks symbolizing nature after partial modification in consideration of the characteristics of the area under its jurisdiction.

(2) Any local government may designate as its symbol species or symbol ecosystem species of wild fauna or flora, or an ecosystem which are of importance and represent the area concerned, and conserve and utilize them.

Article 57 (Promotion of Private Associations for Conservation of Natural Environment)

In order to conserve the natural environment, the Minister of Environment may foster private associations for conservation of the natural environment which carry out any of the following activities: <Amended by Act No. 10977, Jul. 28, 2011>

1. Cooperation and exchange with international associations and organizations for conservation of the natural environment;

2. Protection of endangered wildlife;

3. Other conservation activities for the natural environment and natural resources.

Article 58 (Honorary Instructor of Conservation of Natural Environment)(1) For the purposes of instruction, education, etc. on the conservation of the natural environment, the

Minister of Environment or the head of a local government may entrust members of private associations for conservation of the natural environment, or persons who are carrying out activities of conservation of the natural environment with sincerity or persons recommended by the Association as honorary instructors on conservation of the natural environment.

(2) Certificates confirming identity shall be issued to honorary instructors on conservation of the natural environment as prescribed by Ordinance of the Ministry of Environment.

(3) Methods of entrustment of honorary instructor on conservation of the natural environment, the scope of their activities pursuant to the provisions of paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

Article 59 (Guides on Natural Environment)(1) The Minister of Environment or the head of a local government may employ and utilize, as a guide on the natural environment, a person who has taken training courses determined by Ordinance of the Ministry of Environment at a training institution for guides on the natural environment referred to in Article 59-2 (1), or may have him/her utilized.

(2) A guide on the natural environment shall provide explanations, public relations, education, guidance on ecological research, etc. professionally to persons who use ecological and scenery conservation areas, wetland protection areas prescribed in the Wetlands Conservation Act, natural parks prescribed in the Natural Parks Act, etc. in order to enhance their awareness of the conservation of the natural environment, etc.

(3) The Minister of Environment or the head of a local government may provide financial and other necessary support for activities of guides on the natural environment within budgetary limits.

[This Article Wholly Amended by Act No. 10979, Jul. 28, 2011]

Article 59-2 (Designation of Training Institutions for Guides on Natural Environment)(1) The Minister of Environment may designate a training institution for guides on the natural environment (hereinafter referred to as "training institution") in order to nurture guides on the natural environment.

(2) A person who intends to be designated as a training institution shall meet criteria for designation determined by Ordinance of the Ministry of Environment, such as facilities necessary for education and experts, and file an application for the designation to the Minister of Environment.

(3) Matters concerning designation procedures for, operation, etc. of a training institution shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 10979, Jul. 28, 2011]

Article 59-3 (Revocation of Designation)(1) Where a training institution designated pursuant to Article 59-2 (1) falls under any of the following cases, the Minister of Environment may revoke the designation; Provided, That in cases under subparagraph 1, it shall revoke such designation:

1. Where it has been designated by fraud or other wrongful means;
2. Where it comes to fail to meet the criteria referred to in Article 59-2 (2) and (3).

(2) Where the Minister of Environment intends to revoke designation pursuant to paragraph (1), he/she shall hold a hearing.

[This Article Newly Inserted by Act No. 10979, Jul. 28, 2011]

Article 60 (Natural Environment Learning Garden)(1) For the purposes of revitalization of campaigns for protection of the nature pursuant to the provisions of Article 5 and enhancement, etc. of understanding of the importance of conservation of the natural environment, the Mayor/Do governor may establish natural environment learning gardens that fulfill the functions of education, training, public relations, etc. on the natural environment under the control of the Mayor/Do governor.

(2) Necessary matters regarding installation and operation of natural environment learning gardens shall be laid down by municipal ordinances of a local government concerned.

Article 61 (Delegation and Entrustment of Authority)(1) The Minister of Environment may delegate part of his/her authority referred to in this Act to the head of an institution under his/her management or the Mayor/Do governor, as prescribed by Presidential Decree. <Amended by Act No. 8045, Oct. 4, 2006; Act No. 11671, Mar. 22, 2013>

(2) The Minister of Environment may entrust part of his/her duties referred to in this Act to a relevant specialized institution, as prescribed by Presidential Decree.

Article 62 Deleted. <by Act No. 8045, Oct. 4, 2006>

CHAPTER VII PENAL PROVISIONS

Article 63 (Penalty Provisions)

Anyone falling under any of the following subparagraphs shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding thirty million won: <Amended by Act No. 13168, Feb. 3, 2015>

1. Anyone who damages natural ecology and natural scenery in violation of the provisions of Article 15 (1) (including where the provisions of Article 22 (2) apply mutatis mutandis) within the core area;
2. Anyone who damages natural ecology and natural scenery in violation of the provisions of Article 15 (1) 2 through 5 within the buffer area;
3. Anyone who violates an order of suspension, order of restoration to original state or order of measures pursuant to the provisions of Article 17 (including where the provisions of Article 22 (2) apply mutatis mutandis).

Article 64 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than two years, or by a fine not exceeding twenty million won: <Amended by Act No. 11671, Mar. 22, 2013; Act No. 13168, Feb. 3, 2015>

1. A person who damages natural ecology or natural sceneries within a transition area, in violation of Article 15 (1);
2. A person who commits a prohibited act, in violation of subparagraph 1 of Article 16 (including cases where Article 22 (2) applies mutatis mutandis).

Article 65 (Joint Penal Provisions)

Where a representative of a juristic person, or agent, employer or other employee of a juristic person or individual commits an offence referred to in Article 63 or 64 in the service of the juristic person or individual, the juristic person or individual shall be punished by the respective fines in addition to the punishment of the offender: Provided, That this shall not apply where a juristic person or an individual has not been negligent in paying due attention and supervision for relevant business to prevent such offense. <Amended by Act No. 11671, Mar. 22, 2013>

Article 66 (Fines for Negligence)(1) Anyone who violates the measures of the Mayor/Do governor referred to in Article 26 shall be punished by a fine for negligence not exceeding ten million won.

(2) Any of the following persons shall be punished by a fine for negligence not exceeding two million won: <Amended by Act No. 11671, Mar. 22, 2013>

1. A person who commits a prohibited act in violation of subparagraphs 2 through 4 of Article 16 (including cases where Article 22 (2) applies mutatis mutandis);

2. A person who enters, in violation of Article 16-2, an ecological and scenery conservation area the access to which is limited or prohibited;

3. A person who refuses, obstructs or evades investigation activities without reasonable grounds, in violation of Article 33 (4);

4. A person who violates the restriction on lumbering of growing trees, change of form and quality of land, or of access, cooking and camping referred to in Article 40.

(3) Fines for negligence referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment or the head of a local government (hereinafter referred to as "person entitled to impose"), as prescribed by Presidential Decree.

(4) Anyone who is dissatisfied with the disposition of a fine for negligence referred to in paragraph (3) may raise an objection to the person entitled to impose.

(5) Where a person who was imposed a fine for negligence referred to in paragraph (3) has raised an objection pursuant to paragraph (4), the person entitled to impose shall inform the competent court of the fact without delay, and the informed court shall put the case of fine for negligence on trial in accordance with the Non-Contentious Case Litigation Procedure Act.

(6) Where an objection is not raised within the period of time referred to in paragraph (4) and the fine for negligence is not paid, it shall be collected in the same manner as delinquent national or local taxes are collected.

ADDENDA (Omitted)

12. Enforcement Decree of the Natural Environment Conservation Act

[Enforcement Date 01. Jan, 2017.] [Presidential Decree No.27751, 30. Dec, 2016., Amendment by Other Act]

Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Natural Environment Conservation Act and matters necessary for the enforcement thereof.

Article 2 (Matters to be Included in Basic Policy for Natural Environmental Conservation)

The term "matters prescribed by Presidential Decree" as referred to in Article 6 (2) 8 of the Natural Environment Conservation Act (hereinafter referred to as the "Act") means the matters listed in the following subparagraphs:

1. The upbringing of specialized manpower for the conservation of the natural environment and the expansion of research and investigation organizations;
2. The promotion of projects for the conservation of the natural environment and the raising of money for the expenses thereof.

Article 3 (Consultation on Principal Policy)

Principal policies or plans directly related to natural environment conservation on which the head of a central administrative agency has to consult with the Minister of Environment pursuant to Article 7 (3) of the Act shall be as follows: <Amended by Presidential Decree No. 19639, Aug. 4, 2006; Presidential Decree No. 19991, Apr. 4, 2007; Presidential Decree No. 20222, Aug. 17, 2007; Presidential Decree No. 20256, Sep. 10, 2007; Presidential Decree No. 22560, Dec. 29, 2010>

1. Plans for designation as inducement zones referred to in Article 23 of the Industrial Cluster Development and Factory Establishment Act;
2. The designation as free trade zones referred to in Article 4 of the Act on the Designation, etc. of Free Trade Zone;
3. Mining development plans and annual enforcement plans referred to in Article 85 of the Mining Industry Act;
4. The designation as natural recreation forests referred to in Article 13 of the Forestry Culture and Recreation Act;
5. The designation as a precious natural treasure referred to in Article 25 of the Cultural Heritage Protection Act and the designation as protection zones referred to in Article 27 of the same Act.

Article 4 (Minor Modifications to Basic Plan for Conservation of Natural Environment)

The term "insignificant matters prescribed by Presidential Decree" as referred to in the proviso to Article 8 (5) of the Act means those matters, exclusive of the matters in the following subparagraphs:

1. Matters regarding the setting of the basic direction and establishment of objectives for the conservation of the natural environment;
2. Matters regarding major promotional tasks for the conservation of the natural environment;
3. Matters regarding principal policies on nature conservation to be promoted by each local government;
4. Matters regarding crucial conservation and management of natural scenery;
5. Matters regarding the construction and promotion of ecological axis;

6. Matters regarding major projects for the restoration of ecosystems, such as the construction of ecological corridors, the restoration of damaged land;
7. Where 30/100 or more of the total amount is modified from among the matters regarding the calculation of expenses and plans for raising funds;
8. Matters regarding the construction and operation of the comprehensive geographic information system for natural environment pursuant to the provisions of Article 11 of the Act.

Article 5 (Matters to be Included in Basic Plan of Conservation of Natural Environment)

The term "matters prescribed by Presidential Decree" as referred to in subparagraph 10 of Article 9 of the Act means the matters in the following subparagraphs:

1. Matters regarding the promotion of campaigns for nature protection;
2. Matters regarding international cooperation for the conservation of the natural environment.

Article 6 (Entrusting Specialized Organization with Construction and Operation of Information Network on Natural Environment)

The Minister of Environment may entrust a specialized organization in the fields of the natural environment and ecology from among specialized organizations referred to in Article 12 (2) of the Enforcement Decree of the Framework Act on Environmental Policy with the duties of the construction and operation of an information network on the natural environment referred to in Article 11 (3) of the Act. <Amended by Presidential Decree No. 23967, Jul. 20, 2012>

Article 7 (Scope and Standards for Designation as Ecological and Scenery Conservation Areas)

(1) The term "area prescribed by Presidential Decree" as referred to in Article 12 (1) 4 of the Act means an area recommended by the head of the relevant administrative agency, Special Metropolitan City Mayor, Metropolitan City Mayor or Do governor (hereinafter referred to as the "Mayor/Do governor") to be in need of special conservation because of its splendid scenery.

(2) In designating as an ecological and scenery conservation area pursuant to the provisions of Article 12 (1) of the Act, the Minister of Environment may lay down detailed standards for designation after consultation with the head of the relevant central administrative agency if necessary for the designation as an area highly worth conserving when viewed objectively.

Article 8 (Topographic Map Used for Designation as Ecological and Scenery Conservation Areas)

The term "topographical map prescribed by Presidential Decree" as referred to in the main body of Article 13 (1) of the Act and the main body of Article 24 (1) of the Act refers to a topographic map with a scale of 1:5,000 or larger indicating the scope and size by zone of the relevant ecological and scenery conservation areas, which also indicates a cadastral map or upon which a cadastral map is drawn.

Article 9 (Minor Modifications to Ecological and Scenery Conservation Area)

The term "insignificant matters prescribed by Presidential Decree" as referred to in the proviso to Article 13 (1) of the Act means matters excluding the cases listed in the following

subparagraphs:

1. Where the whole area of an ecological and scenery conservation area is enlarged or reduced;
2. Where a transition area for ecological and scenery conservation (hereinafter referred to as a "transition area") is adjusted to a core area for ecological and scenery conservation (hereinafter referred to as a "core area") or to a buffer area for ecological and scenery conservation (hereinafter referred to as a "buffer area");
3. Where a buffer area is adjusted to a core area;
4. Where the adjusted area of a core area, buffer area or transition area is 10/100 or more of the total area (excluding cases falling under subparagraph 2 or 3).

Article 10 (Matters to be Included in Basic Plan for Management of Ecological and Scenery Conservation Area)

The term "matters prescribed by Presidential Decree" as referred to in subparagraph 4 of Article 14 of the Act means the matters contained in the following subparagraphs:

1. Matters regarding the observation of changes in the ecosystem and natural scenery within an ecological and scenery conservation area;
2. Matters regarding the disposal plan for sewage and waste water within an ecological and scenery conservation area and an assistance plan for the disposal of sewage and waste water pursuant to the provisions of Article 20 (2) of the Act;
3. Matters regarding the calculation of expenses needed for the execution of business included in a basic plan of management of an ecological and scenery conservation (hereinafter referred to as a "basic management plan") and plan for raising money therefor;
4. Matters regarding an assistance plan for increasing inhabitants' income and promoting their welfare, such as environmentally friendly farming, the promotion of ecological tourism pursuant to the provisions of Article 41 of the Act.

Article 11 (Acts Harmful to Conservation of Natural Environment)

The term "acts prescribed by Presidential Decree" as referred to in Article 15 (1) 5 of the Act means an act falling under any of the following subparagraphs:

1. The covering over and reclamation of the surface of water;
2. Lighting a fire.

Article 12 (Scope of Disaster)

The term "disaster prescribed by Presidential Decree" referred to in Article 15 (2) and the proviso other than the subparagraphs of Article 16 of the Act means a case falling under any of the following subparagraphs:

1. Where injury to human life or property loss has occurred due to collapse, explosion, etc. of a building, structure, etc.;
2. Where a fire has broken out;
3. Where it is necessary in order to rescue human life from other extant dangers.

Article 13 (Exclusion of Limitation on Activities, etc.)(1) The term "activities prescribed by Presidential Decree" as referred to in Article 15 (2) 3 of the Act means activities of

residents residing in an ecological and scenery conservation area or the vicinity thereof, or the owners, occupants or administrators of land or public waters within an ecological and scenery conservation area, namely, farming, fishing, collecting fisheries products, mushrooms, wild greens, etc. or other acts corresponding thereto that are deemed as ecologically sustainable.

(2) The term "acts prescribed by Presidential Decree and where the necessary facilities are installed" as referred to in Article 15 (2) 8 of the Act means those falling under any of the following subparagraphs:

1. Where the facilities, etc. included in the basic management plan pursuant to the provisions of Article 14 of the Act are installed;
2. Periodic surveys of the situation and scientific research on the ecosystem and natural scenery of ecological and scenery conservation areas, or where the facilities, etc. for observation necessary for the execution thereof are installed;
3. Where the facilities, etc. deemed necessary for the protection of ecological and scenery conservation areas and the prevention of damage to the natural environment from trespassing by outside persons are installed.

Article 14 (Acts Allowed within Buffer Areas)(1) The term "buildings, etc. prescribed by Presidential Decree" as referred to in Article 15 (3) 1 of the Act means the following facilities (including the auxiliary facilities and attached parking lots), which are below the scale prescribed by Ordinance of the Ministry of Environment: <Amended by Presidential Decree No. 25273, Mar. 24, 2014>

1. Those falling under any of the following prescribed in the attached Table 1 (hereafter referred to as the "same attached Table" in this paragraph) of the Enforcement Decree of the Building Act:

- (a) A detached house in subparagraph 1 (a) of the same attached Table;
- (b) A retail shop selling daily necessities, etc. in subparagraph 3 (a) of the same attached Table;
- (c) A resting restaurant in subparagraph 3 (b) of the same attached Table;

2. The facilities for keeping, storing or selling the agricultural, forestry or fisheries products.

(2) The term "facilities prescribed by Presidential Decree" as referred to in Article 15 (3) 2 of the Act means any of the following facilities, from among the facilities which are reflected in a basic management plan:

1. The facilities for the education, public relations or research on the natural environment, such as a center for learning about nature, an ecology museum, forest museum, arboretum, botanical garden, ecological forest, center for experiencing ecology, ecological research institution, etc.;
2. The youth training center or youth camp pursuant to Article 10 of the Juvenile Activity Promotion Act.

Article 15 (Acts Allowed within Transition Areas)(1) The term "buildings, etc. prescribed by Presidential Decree" as referred to in Article 15 (4) 2 of the Act means any of the following

buildings: <Amended by Presidential Decree No. 20791, May 26, 2008; Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 21621, Jul. 16, 2009>

1. Residential buildings below the scale prescribed by Ordinance of the Ministry of Environment;

2. Buildings below the scale prescribed by Ordinance of the Ministry of Environment, which falls under any of the following (limited to new construction, extension or remodeling):

(a) First class neighborhood living facilities (excluding resting restaurants, bakeries and bath houses) in subparagraph 3 of the attached Table 1 (referred to as the "same attached Table" in this paragraph and paragraph (2)) of the Enforcement Decree of the Building Act;

(b) Second class neighborhood living facilities (excluding general restaurants, resting restaurants, bakeries, indoor angling spots, golf driving ranges, firearms shops, bars and massage parlors) in subparagraph 4 of the same attached Table;

(c) Hospitals in subparagraph 9 (a) of the same attached Table;

(d) Animal sheds or crop farming sheds in subparagraph 21 (a) and (e) of the same attached Table;

(e) Charnel houses (limited to those for local residents) in subparagraph 26 (b) of the same attached Table;

(f) Elementary schools.

(2) The term "facilities for board, lodging or stores prescribed by Presidential Decree" as referred to in Article 15 (4) 3 of the Act means any of the following facilities, which are below the scale prescribed by Ordinance of the Ministry of Environment: <Amended by Presidential Decree No. 25273, Mar. 24, 2014>

1. Resting restaurants and bakeries in subparagraph 3 (b) of the same attached Table;

2. Resting restaurants and bakeries in subparagraph 4 (h) of the same attached Table;

3. General restaurants in subparagraph 4 (i) of the same attached Table;

4. Facilities for training in subparagraph 12 of the same attached Table.

(3) The term "public facilities and amenities prescribed by Presidential Decree" as referred to in Article 15 (4) 4 of the Act means any of the following facilities:

1. Transportation facilities, such as roads (including exploratory routes), parking lots, etc.;

2. Public facilities, such as waterworks, sewerage, power poles, etc., or amenities for regional residents, which are installed by the State, local governments, etc.

Article 16 (Restriction on Development Projects, etc.)(1) The term "development projects prescribed by Presidential Decree" referred to in Article 15 (5) of the Act means the following projects: <Amended by Presidential Decree No. 19639, Aug. 4, 2006; Presidential Decree No. 20763, Apr. 3, 2008; Presidential Decree No. 22449, Oct. 14, 2010>

1. Projects for construction of forest roads referred to in Article 9 of the Creation and Management of Forest Resources Act, and any project subject to permission or reporting, such as logging standing trees, referred to in Article 36 (1) and (4) of the same Act;

2. Projects for reclamation referred to in the Public Waters Management and Reclamation Act;

3. Projects subject to permission for or consultation on diverting the use of farmland referred to in Article 36 of the Farmland Act;
4. Projects subject to permission for or consultation on diverting the use of grassland referred to in Article 23 of the Grassland Act;
5. Projects that entail an act falling under any of the subparagraphs of Article 33 (1) of the River Act;
6. Projects subject to permission for aggregate picking referred to in Article 22 of the Aggregate Picking Act.

(2) Where the Minister of Environment intends to impose restrictions on development projects or farming activities pursuant to Article 15 (5) of the Act, he/she shall consult with the head of a relevant central administrative agency and the Mayor/Do governor. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

(3) Where the Minister of Environment imposes restrictions on development projects or farming activities referred to in Article 15 (5) of the Act, he/she shall announce the types of projects subject to restrictions, the locations and areas of restricted zones, the reasons for restrictions and other necessary matters to the public. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

Article 17 (Prohibited Acts)

The term "acts prescribed by Presidential Decree" referred to in subparagraph 4 of Article 16 of the Act means an act falling under any of the following subparagraphs: <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

1. Driving away wild animals by emitting sound, light, smoke, foul odor, etc.;
2. Damaging nests or habitats of wild fauna and flora;
3. Collecting, lumbering, withering to death grass, standing trees, or bamboo within buffer or transition areas, or sprinkling or injecting poisonous substances or agricultural chemicals so as to poison to death: Provided, That cultural properties pursuant to the Cultural Heritage Protection Act and activities within the protection areas thereof shall be governed by the Cultural Heritage Protection Act, and cases that fall under any of the following items and do not fall under the objects of restriction on acts pursuant to the provisions of Article 15 of the Act shall be excluded:
 - (a) Where it falls under Article 15 (2) 3 through 8 of the Act;
 - (b) Where it falls under Article 15 (3) 1 through 5 of the Act;
 - (c) Where it falls under Article 15 (4) 1 through 4 of the Act;
4. Grazing domestic animals;
5. Hunting animals or collecting eggs within buffer or transition areas, or installing explosives, snares, traps, nets, pitfalls, etc.: Provided, That cultural properties and activities within the protection zones thereof pursuant to the Cultural Heritage Protection Act shall be governed by the Cultural Heritage Protection Act;
6. Grazing animals: Provided, That this shall not apply where animals in distress are kept loose in the same area after they are rescued and given medical treatment, or the head of

the relevant administrative agency keeps animals loose after consulting with the Minister of Environment for the restoration of wild fauna and flora.

Article 17-2 (Exceptions to Limited Access)

The term "act determined by Presidential Decree" under Article 16-2 (2) 7 of the Act means academic investigation and research recognized by the Minister of Environment.

[This Article Newly Inserted by Presidential Decree No. 24762, Sep. 23, 2013]

Article 18 (Selection of Land, etc. subject to Administrative Conversion)(1) Where the Minister of Environment intends to qualify for an administrative conversion pursuant to the provisions of the main body of Article 18 (1) of the Act, he/she shall request the administrative conversion to the head of the relevant central administrative agency along with the documents stating the location and size of the relevant area, ecological and scenic value, etc. <Amended by Presidential Decree No. 21641, Jul. 27, 2009>

(2) Where it is necessary to ascertain state-owned land, buildings or other items attached to the land (hereafter referred to as "land, etc." in this Article) for which he/she intends to request an administrative conversion, the Minister of Environment may request cooperation in the matters in the following subparagraphs from the head of the relevant central administrative agency, such as the Minister of National Defense: <Amended by Presidential Decree No. 21641, Jul. 27, 2009>

1. Perusal or lending of data on the location, size, usage, etc. of state-owned land, etc. located in the area pursuant to the provisions of Article 18 (1) of the Act;
2. Access to the limited area where necessary for a field survey.

Article 19 (Assistance for Residents in Ecological and Scenery Conservation Area, etc.)(1) Assistance for residents pursuant to the provisions of Article 20 (1) of the Act shall be offered for the installation of purification facilities for filtering filthy water or excreta due to construction, remodeling or extension of a house (excluding apartment houses and tenement houses pursuant to the provisions of subparagraph 2 (a) and (b) of the attached

Table 1 of the Enforcement Decree of the Housing Act) within an ecological and scenery conservation area or the vicinity thereof.

(2) The bounds of the vicinity pursuant to the provisions of paragraph (1) shall be determined and announced by the Minister of Environment upon taking consideration of the source of pollution and volume of water pollutants, self-purification capability of rivers, etc.

(3) The standards for calculation of assistance with expenses pursuant to the provisions of Article 20 (1) of the Act shall be determined and announced by the Minister of Environment in consideration of the kinds and scale of purification facility, location of the area to install, etc.

(4) Those who intend to receive assistance pursuant to the provisions of Article 20 (1) of the Act shall make an application to the Mayor/Do governor along with the documents prescribed by Ordinance of the Ministry of Environment.

(5) The Mayor/Do governor shall formulate a plan for assistance for residents containing the matters in the following subparagraphs in accordance with the application for assistance

pursuant to the provisions of paragraph (4) and submit it to the Minister of Environment by not later than the end of April each year:

1. Project outline;
2. The area and number of households subject to assistance;
3. Plans for the promotion of assistance;
4. Total amount of assistance;
5. Other matters necessary for the promotion of assistance.

Article 20 (Object of Consultation, Examination of Impact on Natural Scenery, etc.)(1)

The term "distance prescribed by Presidential Decree" as referred to in Article 28 (1) 1 of the Act shall be as prescribed in the attached Table 1.

(2) The term "development project, etc. prescribed by Presidential Decree" as referred to in Article 28 (1) 2 of the Act shall be as prescribed in the attached Table 2.

(3) The term "cases prescribed by Presidential Decree" as referred to in the proviso to Article 28 (3) of the Act means those falling under any of the following subparagraphs:

1. Where it goes through the deliberation of the Local Urban Planning Committee pursuant to the provisions of Article 59 of the National Land Planning and Utilization Act;
2. Where it goes through the deliberation of the Local Building Committee pursuant to the provisions of Article 5 (4) of the Enforcement Decree of the Building Act.

Article 21 (Composition, etc. of Natural Scenery Deliberation Committee)(1)

The Natural Scenery Deliberation Committee (hereinafter referred to as the "Deliberation Committee") pursuant to the provisions of Article 29 (2) of the Act shall consist of 15 or less members, including one chairperson.

(2) The chairperson shall be appointed by the head of the local environmental management office from among the public officials in charge of dealing with affairs related to natural scenery under his/her jurisdiction. The members shall be commissioned by the head of the local environmental management office from among the persons who have abundant knowledge and experience in the conservation, management, evaluation, etc. of natural scenery, such as landscape, urban planning, construction, environment, agriculture, forestry, forest resources, ecology, etc.

(3) The term of office for the members shall be two years and may be extended for a further term.

(4) The Deliberation Committee shall deliberate upon the matters in the following subparagraphs:

1. Deliberation upon the impact on natural scenery caused by development projects, etc. for which a request for a consultation has been made pursuant to the provisions of Article 28 (1) of the Act;
2. Other matters for which the head of the local environmental management office makes a request for deliberation, in cases where they are deemed to have a substantial influence on the natural scenery.

(5) The Deliberation Committee shall examine the matters in the following subparagraphs in

deliberating upon the impact on natural scenery in paragraph (4) 1:

1. The current status of natural scenery resources (including the area for projects and surrounding areas thereof);
2. View axis linking major view points and major scenic attractions;
3. Whether or not natural scenery that deserves conservation has been damaged;
4. Suitability to surrounding natural scenery;
5. Plans to reduce impact on the scenery;
6. The prediction and evaluation of changes in scenery.

Article 22 (Operation, etc. of Deliberation Committee)(1) The chairperson shall call and preside over meetings.

(2) The meetings of the Deliberation Committee shall consist of the chairperson and five or more members designated by the chairperson for each meeting.

(3) The meetings of the Deliberation Committee shall convene with a majority of the constituent members present pursuant to the provisions of paragraph (2), and shall pass resolutions by a majority vote of the members present.

(4) The chairperson may hear the opinions of interested persons where it is deemed necessary for the matters of deliberation of the Deliberation Committee.

(5) Allowances and travel expenses within the extent of budget may be paid to those members present at the Deliberation Committee: Provided, That this shall not apply where a member who is a public official attends the Deliberation Committee upon business directly connected with his/her duty.

(6) Matters necessary for the operation of the Deliberation Committee, besides the matters prescribed in this Decree, shall be prescribed separately by the Minister of Environment.

Article 23 (Details, Method, etc. of Investigation into Natural Environment)(1) The details of the investigation into natural environmental conditions pursuant to the provisions of Article 30 (5) of the Act shall be as listed in the following subparagraphs: <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

1. The present status and distribution of biodiversity components, such as mountains, rivers, islands;
2. The peculiarity of geographical features, geological features and natural scenery;
3. The diversity and status of distribution of wild fauna and flora;
4. The grade of green area according to the methods of investigation and the standards for classification prescribed by the Minister of Environment;
5. The status of plant community;
6. The status quo of habitation of endangered wild fauna and flora, and indigenous living organisms in Korea;
7. The status quo of habitation of living species useful for economic or medical purposes;
8. The status quo of habitation of wild species genetically similar to agricultural products and livestock, etc.;
9. Soil characteristics;

10. Other matters recognized by the Minister of Environment as requiring a special investigation for the conservation of the natural environment.

(2) The investigation into the natural environment pursuant to the provisions of Article 30 (5) of the Act shall be made based on field investigations by natural environment investigators pursuant to the provisions of Article 32 of the Act in principle. However, remote sensing via aircraft, artificial satellites, etc., or indirect methods of investigation through hearings, data, documents, etc. may be employed.

(3) Where a natural environment investigator conducts on-the-spot investigations pursuant to the provisions of paragraph (2), the Minister of Environment or the Mayor/Do governor may request the head of the relevant administrative agency to cooperate in dealing with the matters falling under any of the following subparagraphs. In such cases, the head of the relevant administrative agency shall comply with such request unless any special ground exists otherwise: <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

1. Access to off-limits sites under his/her jurisdiction;
2. Perusal or lending of investigation-related materials.

(4) The Minister of Environment shall formulate a plan for the investigation of natural environment containing matters prescribed by Ordinance of the Ministry of Environment by not later than ten days before the commencement date of investigation, and notify the head of the relevant administrative agency and the Mayor/Do governor thereof. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

Article 24 (Areas Included in First Grade Zones of Ecology and Nature)

The term "areas which meet the standards prescribed by Presidential Decree" as referred to in Article 34 (1) 1 (e) of the Act means any of the following areas: <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

1. Natural virgin forests, forests close thereto, or alpine meadows;
2. Rivers, lakes and marshes, or estuaries in their natural state or a state close thereto.

Article 25 (Separately Managed Zones)

The term "area prescribed by Presidential Decree" referred to in Article 34 (1) 4 of the Act means any of the following areas: <Amended by Presidential Decree No. 19639, Aug. 4, 2006; Presidential Decree No. 19991, Apr. 4, 2007; Presidential Decree No. 22073, Mar. 9, 2010; Presidential Decree No. 22560, Dec. 29, 2010; Presidential Decree No. 24001, Jul. 31, 2012>

1. Forest conservation zones referred to in Article 7 (1) of the Forest Protection Act;
2. Natural parks referred to in subparagraph 1 of Article 2 of the Natural Parks Act;
3. Zones designated as a precious natural treasure (including the protection zone thereof) pursuant to Article 25 of the Cultural Heritage Protection Act;
4. Special protection districts for wildlife referred to in Article 27 (1) of the Wildlife Protection and Management Act or wildlife protection districts referred to in Article 33 (1) of the same Act;
5. Fisheries protection areas (excluding areas included in the ocean) referred to in Article 40

of the National Land Planning and Utilization Act;

6. Wetland protection areas (excluding coastal wetland protection areas) referred to in Article 8 (1) of the Conservation of Wetlands Act;

7. Baekdudaegan protection areas referred to in Article 6 of the Act on the Protection of Baekdu-Jiri Grand Mountain Ranges;

8. Ecological and scenery protection areas referred to in Article 12 of the Act;

9. City/Do ecological and scenery protection areas referred to in Article 24 of the Act.

Article 26 (Request for Cooperation in Provision of Data)

Pursuant to the provisions of Article 34 (3) of the Act, the Minister of Environment may request the following data from the head of the relevant central administrative agency and the head of the relevant local government: <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

1. Data regarding the natural environment, liberal arts or social sciences possessed by a relevant central administrative agency or a local government;

2. Ecology and nature maps drawn up by a local government, and the basic data thereon.

Article 27 (Methods of Drawing Ecology and Nature Maps, etc.)(1) The Minister of Environment shall lay down guidelines for drawing up ecology and nature maps in consultation with the head of the relevant central administrative agency and the Mayor/Do governor under the provisions of Article 34 (4) of the Act and draw up ecology and nature maps in accordance with the guidelines. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

(2) The head of the relevant central administrative agency and the Mayor/Do governor may request the Minister of Environment to correct or supplement zone classifications for ecology and nature maps drawn up in accordance with the provisions of paragraph (1). In such cases, the details of actual field confirmation or objective data, etc. shall be attached. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

(3) In drawing ecology and nature maps, the Minister of Environment may make green area nature maps showing the natural conditions, artificial changes, etc. in the green areas, etc. in order to utilize it as basic data.

(4) Any necessary matters for the preparation of green area nature maps pursuant to the provisions of paragraph (3) shall be laid down by the Minister of Environment.

Article 28 (Purposes of Utilization of Ecology and Nature Maps, etc.)(1) The purposes for utilization of ecology and nature maps referred to in Article 34 (4) of the Act shall be as follows: <Amended by Presidential Decree No. 21185, Dec. 24, 2008; Presidential Decree No. 23966 & 23967, Jul. 20, 2012>

1. The comprehensive plan for the national environment, the mid-term comprehensive plan for environmental conservation and the City/Do plan for environmental conservation referred to in Articles 14, 17 and 18 of the Framework Act on Environmental Policy;

2. Plans subject to consultations on strategic environmental impact assessment and projects subject to small-scale environmental impact assessment referred to in Articles 9 and 43 of

the Environmental Impact Assessment Act;

3. Projects subject to environmental impact assessment referred to in Article 22 of the Environment Impact Assessment Act;

4. Development plans that are especially feared to cause adverse effects on the ecosystems among the development plans formulated by the head of a central administrative agency or the head of a local government.

(2) Where the Minister of Environment, the head of a relevant central administrative agency or the head of a local government intends to draw up a plan referred to in subparagraphs of paragraph (1) or to hold a consultation about development projects, he/she shall consider the following standard for each classification zone in ecology and nature maps, and the Minister of Environment shall provide them with ecology and nature maps for this purpose:

1. First grade zones: Conservation and restoration of the natural environment;

2. Second grade zones: Minimization of the damage inflicted by the conservation, development and utilization of the natural environment;

3. Third grade zones: Systematic development and utilization.

Article 29 Deleted. <by Presidential Decree No. 21087, Oct. 20, 2008>

Article 30 (Matters to be Included in Conservation Measures for Biological Diversity and Biological Resources)

The term "matters prescribed by Presidential Decree" as referred to in Article 35 (1) 6 of the Act means those in the following subparagraphs:

1. Exchange of information and data, and technology cooperation on biodiversity components and the natural environment;

2. Public relations and education regarding the conservation of biodiversity;

3. Other matters necessary for the domestic implementation of the Convention on Biological Diversity, etc. pursuant to the provisions of Article 35 (1) of the Act.

Article 31 (Investigation, etc. into Biodiversity Components)(1) The objects of investigations pursuant to the provisions of Article 36 (2) of the Act shall be as listed in the following subparagraphs:

1. The present status on analysis, distribution and usage of domestic biodiversity components;

2. The ecological characteristics and role of living species;

3. The aspects of changes in the ecosystems following natural or artificial disturbances;

4. The development activities likely to cause adverse effects to the conservation of biodiversity and the sustainable use of the biodiversity components;

5. The condition of habitation and ecological characteristics of indigenous species and alien species;

6. Traditional knowledge on the utilization of biodiversity and the current condition of the habitation of living species utilized;

7. Other matters deemed necessary to investigate for the conservation of biodiversity and the sustainable use of the biodiversity components.

(2) Any investigation pursuant to the provisions of paragraph (1) shall be executed by the Minister of Environment. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

(3) In making an investigation pursuant to the provisions of paragraph (2), the Minister of Environment may have the relevant expert prescribed by Ordinance of the Ministry of Environment carry out the relevant investigation as proxy if it is necessary to have such expert carry out the said investigation. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

(4) Where any person who has been requested to carry out an investigation as proxy pursuant to the provisions of paragraph (3) intends to carry it out as proxy, he/she shall formulate a plan containing matters prescribed by Ordinance of the Ministry of Environment and submit it to the Minister of Environment. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

Article 32 (Conclusion, etc. of Contract for Biodiversity Management)(1) Where the Minister of Environment, the head of a relevant central administrative agency or the head of a local government (hereafter in this Article referred to as the "head of a relevant government agency") intends to enter into a contract for biodiversity management in accordance with Article 37 (1) of the Act, he/she shall announce the necessary matters, such as the major provisions of the contract, the area to be covered by the contract and the term of the contract, etc. in the official bulletin of the competent local government and in the bulletin board of Eup/Myeon/Dong having jurisdiction over the relevant area for a period of not less than 15 days.

(2) The owner, occupant, or manager of land or public waters who intends to enter into a contract for biodiversity management pursuant to the provisions of Article 37 (1) of the Act shall submit an application for a contract for biodiversity management as provided for in Ordinance of the Ministry of Environment to the head of the relevant government agency.

(3) Where the head of the relevant government agency has received an application for a contract for biodiversity management pursuant to the provisions of paragraph (2), he/she may adjust the necessary matters, such as the provisions of the contract, the time when the compensation for actual expenses is made, the method of calculating such compensation, etc. after consulting with the applicant, and shall enter into a contract with the applicant on the terms as consulted and adjusted.

(4) The Minister of Environment may determine and notify the Mayor/Do governor of the report of the provisions of contract and other detailed matters necessary for the implementation of the contract for biodiversity management.

Article 33 (Compensation Covering Actual Cost following Contract for Biodiversity Management)(1) The term "standards prescribed by Presidential Decree" as referred to in Article 37 (2) of the Act means those falling under any of the following subparagraphs:

1. Where the suspension of cultivation makes it impossible to harvest crops: the amount obtained by multiplying the area on which crops have become impossible to harvest by the loss per unit area;

2. Where yield is reduced due to changes in cultivation methods: the amount obtained by multiplying the area on which the yield has been reduced by the loss per unit area;
3. Where crops are not harvested for the purpose of feeding wild animals: the amount obtained by multiplying the area on which the crops are not harvested by the loss per unit area;
4. Where land is rented: the amount equivalent to the rent of land in the vicinity thereof;
5. Where a resting place for wild animals, such as a wetland is created: the amount necessary for the creation and management of the wetland;
6. Where loss occurs following the execution of a contract: the amount equivalent to the amount of such loss.

(2) The Minister of Environment may determine necessary matters regarding the detailed standards for compensation covering actual costs under paragraph (1), the amount of compensation per unit area, the method of payment, etc. and notify the Mayor/Do governor thereof.

Article 34 (Designation of Natural Repose Area)(1) Where the head of a local government intends to designate a natural repose area under the provisions of Article 39 (1) of the Act, he/she shall formulate a management plan for a natural repose area including matters in the following subparagraphs:

1. The name, location, and area of the natural repose area;
2. The purpose of designation;
3. The ecological and scenic value of the relevant area;
4. A plan for the installation of facilities for the conservation and utilization of the natural environment;
5. A plan for the management and utilization of the natural repose area;
6. Other matters necessary for the conservation and sound utilization of the natural repose area.

(2) Where a zone for which designation as a natural repose area is intended extends over another zone under the jurisdiction of another local government, it shall undertake a consultation with the head of the relevant local government.

(3) When the head of a local government designates a natural repose area, he/she shall publicly announce the matters in the following subparagraphs without delay:

1. The name, location, area, and scope of the natural repose area;
2. The purpose and grounds for designation of the natural repose area, and the date of such designation;
3. The name and location of the principal natural assets within the natural repose area;
4. The name of the local government which manages the natural repose area.

(4) Where necessary, the Minister of Environment or the Mayor/Do governor may recommend the Mayor/Do governor or the head of Si/Gun/Gu to take measures for the appropriate maintenance and management of the natural repose area.

Article 35 (Criteria for Restricting Lumbering, etc. of Standing Trees)

The term "cases that satisfy the standards prescribed by Presidential Decree" referred to in subparagraph 3 of Article 40 of the Act means those falling under any of the following subparagraphs:

1. Where the ecological value of the natural repose area is lost or serious impact is made on study on the natural conditions or ecological education by causing damage to forests or towering trees in the natural repose area;
2. Where standing trees are in harmony with the surrounding natural scenery, such as traditional temples, historic remains, traditional or ecological village, or they are highly worthwhile to preserve in terms of the sentiment of local residents;
3. Where the head of a local government deems it necessary to preserve an area containing the beautiful natural scenery, such as rocks, cliffs, waterfalls, coastlines.

Article 35-2 (Investigation of Ecological Characteristics and Inhabitation Conditions, etc. of Wild Fauna and Flora)(1) The investigation into the ecological characteristics, inhabitation conditions, etc. of wild fauna and flora referred to in Article 45 (2) of the Act shall be conducted in accordance with the method of preliminary investigation using an information network on the natural environment referred to in Article 11 (1) of the Act, hearings, materials, documents, etc. and the method of detailed on-site investigations by relevant experts.

(2) Investigation into the ecological characteristics, inhabitation conditions, etc. of wild fauna and flora referred to in Article 45 (2) of the Act shall include the following matters:

1. The actual conditions of inhabitation and vegetation of species of wild fauna and flora the mobility and ecological continuity of which are likely to be severed;
2. Ecological characteristics of wild animal species the mobility of which is likely to be severed, such as feed, breeding characteristics, a place to eat, a place to sleep, a place to hide, a migratory route;
3. Major factors threatening the survival of wild animal species the mobility of which is likely to be severed;
4. Environmental factors, such as geographical features, geological features and soil, which relate to inhabitation or vegetation of wild fauna and flora and to the structure or design of ecological corridors;
5. Areas where accidents, such as car accidents involving wild animals, occur frequently and wild animal species which suffer accidents;
6. Connection with a major ecological axis, such as Baekdudaegan referred to in subparagraph 1 of Article 2 of the Baekdu-daegan Protection Act.

(3) The details necessary for investigation of the ecological characteristics, inhabitation conditions, etc. of wild fauna and flora, other than those prescribed by paragraphs (1) and (2), shall be determined by the Minister of Environment.

[This Article Newly Inserted by Presidential Decree No. 23559, Jan. 26, 2012]

Article 36 (Business Subject to Imposition of Cooperation Charges for Ecosystem Conservation)(1) The term "business determined by Presidential Decree" under Article 46

(2) 1 of the Act means a business which is included in a master plan for development under Article 9 (2) 2 of the Environmental Impact Assessment Act among plans subject to strategic environmental impact assessment under Article 9 (1) of the same Act and which is executed without consultation procedures for strategic environmental impact assessment or small-scale environmental impact assessment thereon, such as omission of or exemption from environmental impact assessment thereon under the Acts related to environmental impact assessment or other individual Acts after the relevant plan is established and confirmed. <Newly Inserted by Presidential Decree No. 24762, Sep. 23, 2013>

(2) The term "opencut exploration or mining business, the scale of which is larger than that prescribed by Presidential Decree" referred to in Article 46 (2) 3 of the Act means a business, for which an area approved in a mining plan referred to in Article 42 of the Mining Industry Act is at least 100,000 square meters, and the area (where permission, etc. referred to in subparagraphs of Article 43 (1) of the same Act is obtained after a mining plan is approved, referring to the area adding up the permitted area) deemed granted permission, etc. pursuant to Article 43 of the same Act is at least 5,000 square meters. <Amended by Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24762, Sep. 23, 2013>

[This Article Wholly Amended by Presidential Decree No. 20386, Nov. 15, 2007]

Article 37 (Calculation of Damaged Area of Ecosystem)(1) The damaged area of an ecosystem pursuant to the main sentence of Article 46 (3) of the Act means the area of a district where any of the following damage occurs: <Amended by Presidential Decree No. 19991, Apr. 4, 2007; Presidential Decree No. 20386, Nov. 15, 2007>

1. Making changes in the characteristic form and quality of land by removing, excavating or banking up the topsoil of earth;
2. Removing or destroying the area of habitation where plant communities are formed;
3. Cultivating, dredging, filling-up, or reclaiming by drainage, an area with abundant biodiversity, such as wetlands.

(2) Notwithstanding paragraph (1), any of the following areas shall be excluded from the damaged area of ecosystem: <Amended by Presidential Decree No. 21881, Dec. 14, 2009; Presidential Decree No. 26302, Jun. 1, 2015>

1. Where the land category under the Act on the Establishment, Management, etc. of Spatial Data falls under buildings, factories, schools, roads, railways, gymnasiums or recreation parks, its area of land;
2. The area of land where facilities are installed among land besides those prescribed in subparagraph 1.

Article 38 (Imposition and Collection of Cooperation Charge for Ecosystem Conservation)(1) The amount to be imposed per unit area for the cooperation charge for the ecosystem conservation referred to in the main sentence of Article 46 (3) of the Act shall be 300 won per square meter. <Amended by Presidential Decree No. 25837, Dec. 9, 2014>

(2) The regional coefficient referred to in the main sentence of Article 46 (3) of the Act shall

be listed in the following subparagraphs. In such cases, the usage of land shall be deemed the usage of land at the time a disposition, such as authorization, permission, approval, etc. is granted with respect to a business subject to the imposition of the cooperation charge for the ecosystem conservation referred to in Article 46 (2) of the Act (referring to the usage of land before alteration, where the usage of the land is altered for the purpose of executing a project subject to imposition): <Amended by Presidential Decree No. 21881, Dec. 14, 2009; Presidential Decree No. 26302, Jun. 1, 2015>

1. Residential area, commercial area, industrial area or planned management area: 1, where the land category under the Act on the Establishment, Management, etc. of Spatial Data falls under dry paddy field, paddy field, forestry, saltern, river, marsh or park; 0, in the case of other land categories;

2. Greenbelt area: 2;

3. Production management area: 2.5;

4. Agriculture and forestry area: 3;

5. Conservation management area: 3.5;

6. Natural environmental conservation area: 4.

(3) Where the Minister of Environment intends to impose the cooperation charge for the ecosystem conservation, he/she shall issue a notice in writing by not later than five days prior to the commencement of payment within the designated payment period of no longer than one month. <Amended by Presidential Decree No. 20386, Nov. 15, 2007>

(4) Where a person obliged to pay the cooperation charge for the ecosystem conservation in excess of ten million won is deemed to face a difficulty in paying such charge in a lump sum due to any of the following reasons, the Minister of Environment may allow him/her to pay in installments over a specified period of not more than three years: Provided, That the period of payment by installments shall not exceed the period of the project: <Amended by Presidential Decree No. 20386, Nov. 15, 2007>

1. Where serious damage is inflicted on the property due to disasters, thefts, etc.;

2. Where the business faces a serious crisis as the business conditions worsen;

3. Where obvious difficulty has occurred to the cash flow due to disease or serious injury to the person obliged to pay or to his/her live-in family members;

4. Where any grounds exist corresponding to those prescribed in subparagraphs 1 through 3.

(5) Necessary matters regarding the number of installment payments, the deadline for payment, and procedure therefor, etc. referred to in paragraph (4) shall be prescribed by Ordinance of the Ministry of Environment.

Article 39 (Reduction of and Exemption from Cooperation Charge for Ecosystem Conservation)

The term "projects prescribed by Presidential Decree" referred to in the proviso to Article 46 (3) of the Act means projects for national defense and military facilities referred to subparagraph 1 (a) through (f) of Article 2 of the Act on National Defense and Military

Installations Projects, and such projects shall be exempted from the cooperation charge for the ecosystem conservation. <Amended by Presidential Decree No. 23529, Jan. 25, 2012>

Article 40 (Recalculation of Cooperation Charge for Ecosystem Conservation)(1)

Where the cooperation charge for the ecosystem conservation imposed or collected pursuant to the provisions of Article 38 falls under any of the following subparagraphs, the Minister of Environment shall recalculate and correct the levy of the cooperation charge for the ecosystem conservation, and where the amount already paid differs from the recalculated amount, he/she shall reimpose or refund the balance:

1. Where any error is made in deciding objects to impose the cooperation charge for the ecosystem conservation, or a person liable to pay the charge;
2. Where any error is made in the calculation of the cooperation charge for the ecosystem conservation;
3. Where the damaged area of the ecosystem of the relevant zone or complex is calculated by mistake or by fraudulent means.

(2) Where the Minister of Environment intends to reimpose or refund the cooperation charge for the ecosystem conservation pursuant to the provisions of paragraph (1), he/she shall give notice thereof in writing.

Article 41 (Application for Recalculation of Cooperation Charge for Ecosystem Conservation)(1)

Where a person who has received a notice for payment of the cooperation charge for the ecosystem conservation pursuant to the provisions of Article 38 (3) falls under any of the subparagraphs of Article 40 (1), he/she may apply for recalculation of the relevant cooperation charge for the ecosystem conservation within 30 days from the date of receipt of such notice.

(2) Where an application for recalculation pursuant to the provisions of paragraph (1) is filed, the Minister of Environment shall notify the applicant of the result of disposition within 30 days.

Article 42 (Settlement of Cooperation Charge for Ecosystem Conservation)(1)

Where there is a discrepancy in the cooperation charge for the ecosystem conservation already paid following any changes in the ecosystem damage areas within the relevant zone or complex after receiving an inspection, report, etc. upon completion of construction of the project (hereinafter referred to as the "inspection, etc. upon completion of construction") subject to the imposition of the cooperation charge for the ecosystem conservation, the Minister of Environment shall impose or refund the balance by settling the cooperation charge for the ecosystem conservation.

(2) A person who intends to receive the refund of the cooperation charge for the ecosystem conservation pursuant to paragraph (1) shall file an application for refund with the Minister of Environment along with the documents prescribed by Ordinance of the Ministry of Environment within 90 days after receiving inspection, etc. upon completion of construction.

(3) Where the Minister of Environment intends to impose or refund the cooperation charge for the ecosystem conservation by settling such charge pursuant to the provisions of

paragraph (1), he/she shall give written notice thereof.

Article 43 (Grant, etc. of Expenses for Imposition and Collection of Cooperation Charges for Ecosystem Conservation)(1) The term "amount prescribed by Presidential Decree" referred to in the former part of Article 46 (5) of the Act means an amount calculated by multiplying the amount under subparagraph 1 by the ratio under subparagraph 2: <Amended by Presidential Decree No. 24762, Sep. 23, 2013>

1. The collected cooperation charge for the ecosystem conservation and its additional dues;
2. The ratio determined and publicly announced by the Minister of Environment within the scope of 40% to 60%, taking into account the collection rates of the cooperation charge for the ecosystem conservation and its additional dues.

(2) Where the Mayor/Do Governor uses the grant of the cooperation charge for the ecosystem conservation to cover the expenses incurred in imposing and collecting the cooperation charge for the ecosystem conservation pursuant to the latter part of Article 46 (5) of the Act, he/she shall use it within an amount equivalent to ten percent of the collected cooperation charge for the ecosystem conservation and its additional dues. <Amended by Presidential Decree No. 24762, Sep. 23, 2013>

Article 44 (Details of Authorization, Permission, etc. of Projects to be Notified)

The term "details of authorization, permission, etc. prescribed by Presidential Decree" referred to in Article 47 (1) of the Act means those falling under any of the following subparagraphs:

1. Damaged area in an ecosystem, which form the basis for the calculation of the amount of charge;
2. Damaged area of land according to the purpose of use pursuant to the provisions of the National Land Planning and Utilization Act.

Article 45 (Other Usages of Cooperation Charges for Ecosystem Conservation)

The term "projects prescribed by Presidential Decree" referred to in subparagraph 14 of Article 49 of the Act means any of the following projects: <Amended by Presidential Decree No. 20386, Nov. 15, 2007; Presidential Decree No. 24762, Sep. 23, 2013>

1. Deleted; <by Presidential Decree No. 24762, Sep. 23, 2013>
2. Investigation or conservation projects of the natural assets of the specific islands and remote areas;
3. Projects to restore a damaged or severed ecological axis;
4. Projects to draw a map showing urban ecological conditions under Article 34 (6) of the Act.

Article 46 (Scope of Projects for Conservation of Natural Environment and Refund of Cooperation Charges for Ecosystem Conservation, etc.)(1) The term "project on the conservation of the natural environment prescribed by Presidential Decree" referred to in the main sentence of Article 50 (1) of the Act means any of the following projects: Provided, That the same shall not apply to any project implemented as part of a project subject to the imposition of the cooperation charge for the ecosystem conservation referred to in Article 46

(2) of the Act:

1. Projects for the creation of sub-ecosystems referred to in subparagraph 6 of Article 2 of the Act;
2. Projects for the creation of ecological corridors referred to in subparagraph 9 of Article 2 of the Act;
3. Projects for the creation of alternative nature referred to in subparagraph 11 of Article 2 of the Act;
4. Projects for the installation of facilities for the conservation and utilization of the natural environment referred to in Article 38 of the Act;
5. Other projects for the restoration of a damaged ecosystem.

(2) A person who intends to obtain approval from the Minister of Environment in accordance with Article 50 (1) of the Act shall file an application for approval with the Minister of Environment along with documents prescribed by Ordinance of the Ministry of Environment.

(3) The qualifications for the agent of the conservation of the natural environment project referred to in Article 50 (1) of the Act (hereinafter referred to as "agent of the conservation of the natural environment project") shall be listed in the attached Table 3. <Newly Inserted by Presidential Decree No. 20386, Nov. 15, 2007>

(4) Where an application for approval is filed pursuant to paragraph (2), the Minister of Environment shall decide on whether to grant such approval and notify the applicant thereof within 30 days. <Amended by Presidential Decree No. 20386, Nov. 15, 2007>

(5) Where a project for which an application for approval is filed in accordance with paragraph (2) is deemed to lack any effects and validity for the project's implementation as it causes damage to natural ecosystems, or yields an insignificant contribution to the restoration, the Minister of Environment may not grant approval thereto. <Amended by Presidential Decree No. 20386, Nov. 15, 2007>

(6) Where a business operator who has obtained approval pursuant to paragraph (4) or the agent of the conservation of the natural environment project intends to receive the refund of the cooperation charge for the ecosystem conservation pursuant to Article 50 (1) of the Act, he/she shall file an application therefor, along with documents prescribed by Ordinance of the Ministry of Environment, with the Minister of Environment after completing all or part of the project for which approval has been granted: Provided, That where he/she files an application for the refund after part of the project has been completed, the following requirements shall be satisfied: <Amended by Presidential Decree No. 20386, Nov. 15, 2007; Presidential Decree No. 24155, Oct. 29, 2012>

1. At least 30% of the working expenses approved has been executed;
2. The refunds are received less than twice.

(7) Where an application referred to in paragraph (6) is filed, the Minister of Environment shall notify the applicant of the results thereof within 30 days. <Amended by Presidential Decree No. 20386, Nov. 15, 2007>

(8) The amount of the cooperation charge for the ecosystem conservation, which is

refundable to a business operator who has obtained approval pursuant to paragraph (4) or the agent of the conservation of the natural environment project shall be the amount he/she actually invested in a project for which he/she obtained approval at the time he/she filed an application for the refund referred to in paragraph (6), within 50% of the cooperation charge for the ecosystem conservation paid pursuant to Article 46 (3) of the Act. <Amended by Presidential Decree No. 20386, Nov. 15, 2007; Presidential Decree No. 24155, Oct. 29, 2012>

(9) The Minister of Environment shall check whether a project, approval for which has been granted pursuant to paragraph (4), is appropriately executed, and if the approval conditions are not satisfied, he/she may take necessary measures, such as a partial reduction in the amount calculated under paragraph (8) in accordance with the standards prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 20386, Nov. 15, 2007; Presidential Decree No. 24762, Sep. 23, 2013>

Article 47 (Matters of Cooperation by Relevant Agencies)

The term "matters prescribed by Presidential Decree" referred to in the main sentence of Article 51 (1) of the Act means the following: <Amended by Presidential Decree No. 20680, Feb. 29, 2008; Presidential Decree No. 22560, Dec. 29, 2010; Presidential Decree No. 24451, Mar. 23, 2013>

1. Conservation of important habitats and prevention of habitat fragmentation, or the construction of ecological corridors or sub-ecosystems for the restoration of ecosystems already extinct or apprehended to be on the verge of extinction;
2. Full recovery of nature in the first grade zone on an ecology and nature map, which is being severely damaged or faces potential damage;
3. Conservation and promotion of biodiversity in natural parks and urban parks, or measures for the reasonable use of the nature;
4. Restrictions on the capture, gathering, etc. of fauna and flora designated as precious national treasures pursuant to Article 25 of the Cultural Heritage Protection Act (limited to endangered wild fauna and flora);
5. Restrictions on the activities in a zone designated as a precious national treasure (including the protection zone thereof) pursuant to Article 25 of the Cultural Heritage Protection Act (limited to ecological and scenery conservation areas);
6. Prevention of damage to and conservation of natural scenery in an area of ecological and scenic value;
7. Promotion of biodiversity in the management of rivers, roads, and cities, and the utilization of ecosystem technology;
8. Prevention of the influx of foreign fauna and flora which cause damage to the domestic ecosystem in the course of importing seeds, timbers, etc. from abroad;
9. Development and application of biological pesticides, reduction in the use of agrichemicals, and the development of highly productive environmental farming methods;
10. Development of nature-friendly methods for the destruction of vermin;
11. Designation of greenbelt areas and scenic zones;

12. Matters concerning dredging in public waters, such as changes in a plan for picking aggregate;
13. Betterment of the natural environment deteriorated due to environmental pollution and the installation of various kinds of facilities;
14. Revocation of permission to occupy and use rivers, suspension or alteration of river construction, or transfer or removal of structures;
15. Revocation of permission to occupy and use public waters, suspension of or restriction on the use of public waters, and reconstruction or removal of facilities, etc.;
16. Other matters requested by the Minister of Environment or the Minister of Land, Infrastructure and Transport for the conservation and sustainable use of the natural environment.

Article 48 (Claim for Compensation for Loss)(1) Any person who intends to claim compensation for loss pursuant to the provisions of Article 53 (1) of the Act shall submit to the Minister of Environment or the Mayor/Do governor a written claim for compensation for loss specifying the matters in the following subparagraphs along with documentary evidence concerning the loss cost filing: <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

1. The name and address of the claimant;
2. The time and place of loss;
3. The details of loss;
4. The amount and details of loss, and the method of calculation.

(2) Upon receiving a claim for compensation for loss pursuant to the provisions of paragraph (2), the Minister of Environment or the Mayor/ Do governor shall notify the claimant of the matters in the following subparagraphs: <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

1. The period and method of negotiations;
2. The time, method and procedures for compensation.

Article 49 (Application for Adjudication on Compensation for Loss)

Any person who intends to apply for adjudication to the Land Expropriation Committee pursuant to the provisions of Article 53 (3) of the Act shall submit to the competent Land Expropriation Committee a written application for adjudication in which the matters of the following subparagraphs are stated as prescribed by Ordinance of the Ministry of Environment: <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

1. The name and address of the applicant for adjudication;
2. The type of business;
3. The fact on the occurrence of the loss;
4. The amount and details of the loss;
5. The details of negotiation.

Article 50 (Honorary Instructors of Conservation of Natural Environment)(1) The term of office for an honorary instructor of conservation of the natural environment (hereinafter referred to as an "honorary instructor") pursuant to the provisions of Article 58 of the Act shall

be two years.

(2) The Minister of Environment or the head of a local government shall commission honorary instructors upon applications of persons who intend to be honorary instructors pursuant to the provisions of Article 58 of the Act or upon recommendations of the Korean Association for Conservation of Nature pursuant to the provisions of Article 55 of the Act. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

(3) The scope of activities of honorary instructors shall be as contained in the following subparagraphs:

1. Publicity and directions for the conservation of the natural environment;
2. Guidance on the activities damaging the natural environment and reporting them to the relevant agencies;
3. Suggestions for the operation of facilities for the conservation and use of the natural environment, and of natural repose area.

(4) The Minister of Environment or the head of a local government may help support the expenses incurred in the activities of honorary instructors within budgetary limits. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

Article 51 Deleted. <by Presidential Decree No. 23559, Jan. 26, 2012>

Article 52 (Delegation of Authority)(1) The Minister of Environment shall delegate his/her authority falling under the following to the Mayor/Do Governor pursuant to Article 61 of the Act: <Amended by Presidential Decree No. 24762, Sep. 23, 2013>

1. The purchase of land, etc. located in ecological and scenery conservation areas, etc. referred to in Article 19 of the Act;
2. The imposition and collection of the cooperation charge for the ecosystem conservation referred to in Article 46 (1) of the Act;
3. Receipt of notification on the details of authorization, permission, etc. under Article 47 (1) of the Act, and notification of the imposition amount, payment deadline, etc. of the cooperation charge for the ecosystem conservation under Article 47 (2);
4. The mandatory levy of the cooperation charge for the ecosystem conservation referred to in Article 48 of the Act.

(2) The Minister of Environment shall delegate the following authority to the heads of watershed environmental management offices or the heads of regional environmental management offices (hereinafter referred to as the "head of a regional environmental management agency") pursuant to Article 61 (1) of the Act: <Amended by Presidential Decree No. 23559, Jan. 26, 2012; Presidential Decree No. 24762, Sep. 23, 2013>

1. Consultations on major policies or plans referred to in Article 7 of the Act (limited to matters which the head of the relevant central administrative agency has delegated to the head of a local government or the head of a regional branch under the control of the relevant agency);
2. Formulation and execution of a basic plan for management of ecological and scenery conservation areas referred to in Article 14 of the Act;
3. Permission provided for in Article 15 (2) 4 of the Act;

4. Consultations referred to in Article 15 (2) 7 of the Act;
 5. Orders, such as the suspension of activities, restoration to the original state within an ecological and scenery conservation area, or the creation of alternation nature referred to in Article 17 of the Act;
 6. Observations on ecosystem changes referred to in Article 31 (3) of the Act;
 7. Compensation covering actual costs in accordance with a contract for biodiversity management referred to in Article 37 (2) of the Act;
 8. Designation of ecological villages and revocation thereof referred to in Article 42 of the Act;
 9. Formulation and implementation of measures for the protection and restoration of the ecosystem referred to in Article 44 of the Act;
 10. Appointment of honorary instructors for conservation of the natural environment referred to in Article 58 of the Act;
 11. Employment and utilization of guides on the natural environment referred to in Article 59 of the Act;
 12. Imposition and collection of fines for negligence referred to in Article 66 (2) 1 through 3 of the Act (excluding matters concerning the marine natural environment);
 13. Confirmation on whether a project under Article 46 (9) is executed appropriately.
- (3) Deleted. <by Presidential Decree No. 19991, Apr. 4, 2007>

Article 52-2 (Entrustment of Business)

The Minister of Environment shall entrust the following business to the National Institute of Ecology under the Act on the Establishment and Management of the National Institute of Ecology, pursuant to Article 61 (2) of the Act:

1. Investigation of the national environment referred to in Article 30 (1) and (2) of the Act;
2. Formulation and execution of a plan for close investigation referred to in Article 31 (1) of the Act and supplementary investigation referred to in Article 31 (2) of the Act;
3. Commission of a natural environment investigator referred to in Article 32 (1) of the Act;
4. Drafting of an ecological and natural map referred to in Article 34 (1) through (3) of the Act and public inspection of an ecological and natural map referred to in Article 34 (5) of the Act for the drafting thereof.

[This Article Newly Inserted by Presidential Decree No. 24997, Dec. 11, 2013]

Article 53 (Reports)

Where the Mayor/Do governor or the head of a regional environmental management agency has managed affairs delegated pursuant to the provisions of Article 52, he/she shall report the details thereof to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 19991, Apr. 4, 2007>

Article 53-2 (Management of Unique Identifying Information)

If deemed necessary to carry out the following business affairs, the Minister of Environment (including a person to whom the Minister of Environment has delegated his/her authority pursuant to Article 52) may handle materials containing a resident registration number or a

foreigner registration number referred to in subparagraphs 1 and 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act:

1. Business concerning permission for an act in an ecological and scenery conservation area referred to in Article 15 (2) 4 of the Act;
2. Business concerning purchase of land, etc. referred to in Article 19 of the Act;
3. Business concerning support for the installation of private sewage treatment facility and night soil treatment facility referred to in Article 20 (1) of the Act;
4. Business concerning the conclusion of a contract on biological diversity management referred to in Article 37 (1) of the Act;
5. Business concerning the imposition and collection of the cooperation charge for the ecosystem conservation referred to in Article 46 of the Act;
6. Business concerning notices of authorization and permission, etc. of projects subject to levy of the cooperation charge for the ecosystem conservation referred to in Article 47 of the Act;
7. Business concerning approval of projects subject to the return of the cooperation charge for the ecosystem conservation (including consent on the return of the cooperation charge for the ecosystem conservation) and business concerning assistance to the return of the cooperation charge for the ecosystem conservation referred to in Article 50 of the Act;
8. Business concerning compensation for losses and adjudication referred to in Article 53 of the Act.

[This Article Newly Inserted by Presidential Decree No. 23488, Jan. 6, 2012]

Article 53-3 (Review of Regulations)

The Minister of Environment shall review the propriety of objects of consultations or examinations of impacts on natural scenery under Article 20 every three years from January 1, 2017 (referring to a date before January 1 of every third year thereafter), and take improvement measures, etc.

[This Article Wholly Amended by Presidential Decree No. 27751, Dec. 30, 2016]

Article 54 (Criteria for Imposition of Fines for Negligence)

The criteria for the imposition of fines for negligence referred to in Article 66 (1) and (2) of the Act shall be shown in the attached Table 2.

[This Article Wholly Amended by Presidential Decree No. 22736, Mar. 29, 2011]

ADDENDA (Omitted)

13. Environment-Friendly Agriculture Fosterage Act

[Enforcement Date 01. Apr, 2009.] [Act No.9623, 01. Apr, 2009., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)The purpose of this Act is to increase the role of agriculture in environmental preservation, reduce environmental pollution caused by agriculture, foster farmers who practice environment-friendly agriculture, thereby pursuing sustainable and

environment-friendly agriculture.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 2 (Definitions)The definitions of terms used in this Act shall be as follows:

1. The term "environment-friendly agriculture" means agriculture producing safe agricultural, stockbreeding, or forest products (hereinafter referred to as "agricultural products") by using no chemical materials, such as synthetic agricultural chemicals, chemical fertilizers, antibiotics and antimicrobials, or minimizing use of such materials, and maintaining and preserving the agricultural ecosystem and environment by recycling byproducts of agriculture, stock breeding or forestry;
2. The term "environment-friendly agricultural products" means agricultural products produced in the course of managing environment-friendly agriculture;
3. The term "environment-friendly agricultural technology" means agricultural methods or theories used for the management of environment-friendly agriculture, or methods of producing materials.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 3 (Obligations of State and Local Governments) (1) The State shall implement a comprehensive policy aimed at promoting environment-friendly agriculture, including formulation of basic plans and policies on environment-friendly agriculture, and encouragement of voluntary participation from farmers, etc.

(2) Local governments shall formulate policies on environment-friendly agriculture in consideration of regional characteristics of districts under jurisdiction, and move aggressively to implement such policies.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 4 (Obligations of Farmers)Farmers shall endeavor to preserve the environment by reducing pollution caused by farming activities and manage agriculture producing environment-friendly agricultural products, by practicing environment-friendly agricultural methods, such as minimizing use of chemical materials.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 5 (Roles of Private Organizations)Private organizations (hereinafter referred to as "private organizations"), which have been formed for the purposes of research in environment-friendly agriculture and production, distribution, or promotion of consuming environment-friendly agricultural products, shall cooperate in implementing policies of the State and local governments on environment-friendly agriculture, and provide education, training, advanced technology, and farming guidance necessary for their members and farmers, etc., thereby contributing to the development of environment-friendly agriculture.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

CHAPTER II FOSTERAGE AND SUPPORT OF ENVIRONMENT-FRIENDLY AGRICULTURE

Article 6 (Plan to Foster Environment-Friendly Agriculture) (1) The Minister for Food, Agriculture, Forestry and Fisheries shall formulate a plan (hereinafter referred to as

"fosterage plan") to foster environment-friendly agriculture for the development of environment-friendly agriculture every five years, in consultation with the heads of the relevant central administrative agencies.

(2) A fosterage plan shall include the following matters:

1. Policy goals and basic directions for environmental preservation in the area of agriculture;
2. Actual conditions on environmental pollution from agriculture and measures to improve such conditions;
3. Measures to reduce synthetic agricultural chemicals, chemical fertilizers and chemical materials, such as antibiotics and antimicrobials;
4. Measures to develop various technologies for the development of environment-friendly agriculture;
5. Measures to foster a model environment-friendly agricultural complex;
6. Measures to boost the production and distribution of environment-friendly agricultural products and promote consumption of such products;
7. Measures to increase the function of agriculture to serve public interests;
8. Measures to strengthen international cooperation for the development of environment-friendly agriculture;
9. Measures to procure financial resources for implementing a fosterage plan;
10. Measures to foster civil certifying institutions;
11. Other matters prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries for the development of environment-friendly agriculture.

(3) The Minister for Food, Agriculture, Forestry and Fisheries shall inform a Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") of a fosterage plan established under paragraphs (1) and (2).

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 7 (Action Plans on Environment-Friendly Agriculture) (1) Mayor/Do Governor shall formulate and implement action plans of City/Do for the development of environment-friendly agriculture in accordance with a fosterage plan.

(2) Mayor/Do Governor shall, when he/she formulates action plans of City/Do under paragraph (1), submit such plans to the Minister for Food, Agriculture, Forestry and Fisheries, and notify the head of Si/Gun/autonomous Gu (hereinafter referred to as "the head of Si/Gun") of such fact.

(3) The head of Si/Gun shall formulate action plans of Si/Gun for the development of environment-friendly agriculture in accordance with action plans of City/Do and submit such plans to the Mayor/Do Governor, and actively promote such plans.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 8 Deleted. <by Act No. 9623, Apr. 1, 2009>

Article 9 (Prevention of Environmental Pollution Caused by Agriculture) (1) The State and local governments shall aggressively promote the implementation of policies on

compliance with standards for the safe and appropriate use of agricultural chemicals and maximum residue limits, compliance with the standard amount of sprayed fertilizers by crop, compliance with the effluent limits for livestock excretions and a ban on the dumping of agricultural waste, so as to prevent environmental pollution from agricultural activities, including agricultural chemicals, fertilizers, livestock excretions and agricultural waste materials.

(2) The implementation of policies under paragraph (1) shall be governed by standards pursuant to Article 23 of the Agrochemicals Control Act, Article 58 of the Water Quality and Ecosystem Conservation Act, and Article 13 of the Act on the Management and Use of Livestock Excreta.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 10 (Preservation of Agricultural Resources and Improvement of Agricultural Environment) (1) The State and local governments shall aggressively promote the implementation of policies to improve farmland, prevent pollution of agricultural water and minimize emissions of green house gases, so as to preserve agricultural resources, including farmland, agricultural water, and air, and improve the agricultural environment, including soil and quality of water.

(2) The implementation of policies under paragraph (1) shall be governed by standards pursuant to Articles 4-2 and 16 of the Soil Environment Conservation Act and Article 10 of the Framework Act on Environmental Policy.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 11 (Research on Actual Conditions of Agricultural Resources and Agricultural Environment) (1) The Minister for Food, Agriculture, Forestry and Fisheries or the heads of local governments shall periodically conduct research on the following matters, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, so as to preserve agricultural resources and improve the agricultural environment:

1. Changes in farmland fertility, heavy metals, agricultural chemicals, soil microbes, etc.;
2. Qualities of the surface water and underground water used as agricultural water;
3. Actual conditions on the use of materials involved in agriculture, such as agricultural chemicals and fertilizers;
4. Actual conditions on the function of agriculture to serve the public interests, such as the cultivation of water resources and soil preservation;
5. Other matters necessary for the preservation of agricultural resources and the improvement of the agricultural environment.

(2) The Minister for Food, Agriculture, Forestry and Fisheries may require the head of an organization belonging to the Ministry for Food, Agriculture, Forestry and Fisheries or persons prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries to conduct research on matters referred to in paragraph (1).

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 12 (Entry into and Exit from Land Owned by Third Parties) (1) The Minister for

Food, Agriculture, Forestry and Fisheries or the heads of local governments may require the relevant public officials to enter or exit land owned by other persons in the relevant region or regions adjacent thereto, or to collect minimum amounts of samples necessary for research, when it is deemed necessary for conducting an inspection of the actual conditions of the agricultural environment under Article 11.

(2) The owners, possessors or managers of land shall not refuse, obstruct or evade inspection pursuant to paragraph (1) without any justifiable ground.

(3) Any person who intends to enter or exit land owned by other persons under paragraph (1) shall carry a certificate indicating his/her authority to enter or exit the land, and show his/her certificate to the relevant persons.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 13 (Development and Dissemination of Environment-Friendly Agricultural Technology) (1) The Minister for Food, Agriculture, Forestry and Fisheries or the heads of local governments shall formulate policies necessary for the research and development, dissemination and direction of environment-friendly agricultural technologies, so as to develop environment-friendly agriculture.

(2) The Minister for Food, Agriculture, Forestry and Fisheries or the heads of local governments may subsidize necessary costs for persons who are in charge of the research and development, dissemination or direction of environment-friendly agricultural technologies and materials.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 14 (Education and Training on Environment-Friendly Agriculture) The Minister for Food, Agriculture, Forestry and Fisheries or the heads of local governments shall provide education and training to farmers or the relevant public officials for the development of environment-friendly agriculture.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 15 (Exchanges and Publicity of Environment-Friendly Agricultural Technology) (1) The State, local governments, civil organizations and farmers shall strive to develop environment-friendly agriculture by exchanging environment-friendly agricultural technologies.

(2) The Minister for Food, Agriculture, Forestry and Fisheries or the heads of local governments shall discover and publicize exemplary cases for the efficient promotion of environment-friendly agriculture.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

CHAPTER III DISTRIBUTION MANAGEMENT OF ENVIRONMENT-FRIENDLY AGRICULTURAL PRODUCTS

Article 16 (Classification of Environment-Friendly Agricultural Products) (1) Environment-friendly agricultural products shall be classified into organically grown agricultural products and pesticide-free agricultural products (referring to antibiotic-free stock farm products in cases of stock farm products), depending on methods of production

and materials used for agriculture, etc.

(2) Detailed standards for use, etc. of materials for production of environment-friendly agricultural products shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 17 (Certification of Environment-Friendly Agricultural Products) (1) The Minister for Food, Agriculture, Forestry and Fisheries may certify agricultural products as environment-friendly agricultural products under Article 16 (1), so as to foster environment-friendly agriculture and protect consumers.

(2) Figures or characters of environment-friendly agricultural products (hereinafter referred to as "labels of environment-friendly agricultural products") may be marked in packages or containers of environment-friendly agricultural products (hereinafter referred to as "certified products") certified as environment-friendly agricultural products under paragraph (1), as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) Matters necessary for certification standards for environment-friendly agricultural products under paragraph (1) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 17-2 (Designation of Certifying Institutions) (1) The Minister for Food, Agriculture, Forestry and Fisheries may designate persons, with human resources and facilities required for certification of environment-friendly agricultural products, as certifying institutions, and enable certifying institutions to certify environment-friendly agricultural products (hereinafter referred to as "certification of environment-friendly agricultural products") under Article 17 (1). In such cases, when the Minister for Food, Agriculture, Forestry and Fisheries intends to certify agricultural products, which are produced in nations, other than the Republic of Korea, and imported to the Republic of Korea, as environment-friendly agricultural products, he/she may designate persons with human resources and facilities required for certification of environment-friendly agricultural products in the relevant nations as certifying institutions.

(2) Any person who intends to be designated as a certifying institution under paragraph (1) shall file an application on such designation to the Minister for Food, Agriculture, Forestry and Fisheries, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) The term of validity for the designation of a certifying institution under paragraph (1) shall be five years from the date on which such designation is granted to the certifying institution.

(4) Any person who intends to continue to be engaged in certification duties even after the term of validity of designation under paragraph (3) expires, shall be re-designated as a certifying institution every five years before the term of validity expires.

(5) Matters necessary for designation standards for certifying institutions under paragraph (1), scopes of certification duties and requirements and procedures for re-designation under paragraph (4) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry

and Fisheries.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 17-3 (Application and Examination of Certification) (1) Any producer or importer of environment-friendly agricultural products or any person who repackages certified products for distribution shall, when he/she intends to obtain certification for environment-friendly agricultural products, file an application to the Minister for Food, Agriculture, Forestry and Fisheries or persons (hereinafter referred to as "certifying institutions") designated as certifying institutions under Article 17-2 (1), as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries: Provided, That no person who has been sentenced to a fine or heavier punishment (including declaration of suspension of execution) in violation of any of the provisions of the subparagraphs of Article 17-5 or no person whose certification has been cancelled under Article 18-2 may file an application for certification, unless one year lapses after the date on which the sentence is confirmed or the date on which certification is cancelled, respectively.

(2) The Minister for Food, Agriculture, Forestry and Fisheries or certifying institutions, upon receiving an application for certification under paragraph (1), shall examine whether such application for certification meets certification standards (hereinafter referred to as "certification standards") under Article 17 (3).

(3) Any one who raises an objection to outcomes of certification examinations under paragraph (2) may file an application for reexamination to the Minister for Food, Agriculture, Forestry and Fisheries or certifying institutions which have conducted such certification examinations.

(4) Necessary matters concerning the scope of repackaging under paragraph (1) and procedures and methods, etc. for examination and reexamination under paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 17-4 (Term of Validity of Certification) (1) The term of validity of certification of environment-friendly agricultural products shall be two years from the date on which such certification is granted: Provided, That the term of validity of certification of organically grown agricultural products shall be one year.

(2) The term of validity of certification pursuant to paragraph (1) may be extended within a period not exceeding two years (one year, in cases of organically grown agricultural products), as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 17-5 (Prohibition of Unlawful Acts) No person shall commit acts falling under any of the following subparagraphs:

1. Receiving certification for environment-friendly agricultural products by fraud or other wrongful means;

2. Labelling agricultural products, other than certified products, as environment-friendly agricultural products or similar products (including labels printed in foreign languages which are likely to be mistaken for labels of environment-friendly agricultural products; hereinafter the same shall apply) or attaching labels which are different from the details of certification of environment-friendly agricultural products, to certified products;
3. Selling products by mixing certified products with agricultural products which have not been granted certification, or keeping, transporting or displaying mixed products for the purpose of sale;
4. Selling agricultural products or keeping, transporting or displaying agricultural products for the purpose of sale, with the knowledge that products labelled as environment-friendly agricultural products or similar products are not certified products, or such products have labels different from the details of certification of environment-friendly agricultural products;
5. Advertising products, other than certified products, as environment-friendly agricultural products under Article 16 (1) or advertising certified products, the advertisements of which are different from the details of certification of environment-friendly agricultural products.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 17-6 (Revocation of Designation of Certifying Institutions) (1) The Minister for Food, Agriculture, Forestry and Fisheries shall, when certifying institutions fall under any of the following subparagraphs, revoke their designation or order such certifying institutions to suspend in whole or in part the collection of their duties for a specific period not exceeding six months: Provided, That when certifying institutions fall under subparagraph 1, their designation shall be revoked;

1. When certifying institutions have been designated by fraud or other wrongful means;
2. When certifying institutions have not granted certification to agricultural products for not less than one year without any justifiable ground;
3. When certifying institutions have failed to meet designation standards under Article 17-2 (5);
4. When it is recognized that certified products fail to satisfy certification standards as a result of examination or verification, etc. pursuant to Article 18 (1), which is attributable to intention or gross negligence of certifying institutions.

(2) When certifying institutions have granted certification to agricultural products during the period of business suspension, in violation of an order to suspend business under paragraph (1), the Minister for Food, Agriculture, Forestry and Fisheries may revoke their designation.

(3) No person for whom two years have not elapsed since designation of certifying institutions are revoked under paragraph (1) or (2), may be designated as a certifying institution.

(4) Detailed standards for administrative dispositions pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, in consideration of the types and degrees of violations.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 17-7 (Succession) (1) Any person who falls under any of the following subparagraphs shall succeed to the status of a person who has obtained certification of environment-friendly agricultural products or a certifying institution:

1. In cases where a person, who has obtained certification of environment-friendly agricultural products, dies, a successor who intends to continue to produce, import or distribute such certified products;

2. In cases where a person who has obtained certification of environment-friendly agricultural products or a certifying institution has made a transfer of such business, such transferee;

3. In cases where a corporation which has obtained certification of environment-friendly agricultural products or a certifying institution effects a merger, a corporation which has survived such merger or a corporation established by merger.

(2) Any person who has succeeded to the status of a certifying institution, or who has succeeded to the status of a person who has obtained certification of environment-friendly agricultural products under paragraph (1) shall report such fact to the Minister for Food, Agriculture, Forestry and Fisheries, or the relevant certifying institution (referring to the Minister for Food, Agriculture, Forestry and Fisheries, when designation of a certifying institution has been revoked), respectively.

(3) Matters necessary for reporting under paragraph (2) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 18 (Order to Change Labels) (1) The Minister for Food, Agriculture, Forestry and Fisheries may order any person who has obtained certification of environment-friendly agricultural products or any distributor of such certified products to take necessary measures, such as changing labels of environment-friendly agricultural products, stopping the use of such labels or banning sales of such products, when he/she recognizes that certified products fail to meet certification standards or unlawful acts have been committed in violation of Article 17-5, after examining certified products or verifying the processes of production or distribution.

(2) With respect to the examination of certified products or verification of the production or distribution process under paragraph (1), the provisions of Article 10 of the Agricultural Products Quality Control Act shall apply mutatis mutandis.

(3) Detailed standards for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 18-2 (Revocation of Certification) When any person who has obtained certification of environment-friendly agricultural products falls under any of the following subparagraphs, the Minister for Food, Agriculture, Forestry and Fisheries or certifying institutions may revoke such certification: Provided, That when he/she falls under subparagraph 1, such certification shall be revoked:

1. When a person has obtained certification by fraud or other wrongful means;
2. When certified products have failed to satisfy certification standards remarkably as a result of examination or verification under Article 18 (1);
3. When a person has failed to comply with orders, such as changing labels, the suspension of the use of labels or banning sales of products under Article 18 (1), without any justifiable ground.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 18-3 (Reporting or Inspection) (1) The Minister for Food, Agriculture, Forestry and Fisheries may enable certifying institutions or persons who have obtained certification of environment-friendly agricultural products to report matters on their duties or submit data, or enable the relevant public officials to enter and exit offices, etc. to inspect the relevant documents, facilities or equipment, when he/she deems it necessary for the enforcement of this Act.

(2) Certifying institutions or persons who have obtained certification of environment-friendly agricultural products shall possess and keep the relevant documents, such as data on certification examinations, the use of farming materials or transactions involving certified products, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

(3) Public officials who enter and exit offices to conduct an inspection under paragraph (1) shall carry certificates indicating their authority to enter or exit offices, and show them to interested parties.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 19 (Support for Production and Distribution of Environment-Friendly Agricultural Products) (1) The Minister for Food, Agriculture, Forestry and Fisheries or the heads of local governments may provide necessary support, such as funds for establishing facilities, to producers of environment-friendly agricultural products, producers' organizations, distributors or certifying institutions within budget.

(2) Support for the production and distribution of environment-friendly agricultural products may be provided, depending on the degree of contribution to environment-friendly agriculture.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 19-2 (Recommendation for Labelling Certified Products) The Minister for Food, Agriculture, Forestry and Fisheries may recommend persons who produce, import or distribute certified products to label such products, to ensure that consumers can gain a clear understanding of information on the methods of production and materials used for such certified products.

[This Article Newly Inserted by Act No. 9623, Apr. 1, 2009]

Article 20 (Preferential Purchase) (1) The Minister for Food, Agriculture, Forestry and Fisheries or the heads of local governments may request the heads of public institutions or the heads of agriculture-related organizations, etc. to preferentially purchase environment-

friendly agricultural products, so as to promote the purchase of environment-friendly agricultural products.

(2) The State or local governments may provide necessary support, such as funding within budget, to public institutions or agriculture-related organizations which make preferential purchases under paragraph (1), so as to promote the consumption of environment-friendly agricultural products.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

CHAPTER IV INTERNATIONAL COOPERATION

Article 21 (International Cooperation)The Government shall promote the exchange and sharing of information and technology concerning environment-friendly agriculture through international cooperation with international organizations related to environment or the relevant nations, cooperate in exchanges of human resources, joint surveys, research and development, etc. and actively take part in global efforts for the development of environment-friendly agriculture, such as controlling agricultural activities and trade in materials that cause substantial damage to the environment.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 22 (Establishment of Standards and Objectives of Domestic Environment-Friendly Agriculture)The Government shall establish the effective standards and objectives of domestic environment-friendly agriculture, by considering the international conditions, domestic resources, environmental and economic conditions, etc.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 22-2 (Fees) (1) Any person who falls under any of the following subparagraphs shall pay fees:

1. Any person who intends to obtain certification of environment-friendly agricultural products;
2. Any person who intends to be designated as a certifying institution under Article 17-2 (1);
3. Any person who intends to be re-designated as a certifying institution under Article 17-2 (4);
4. Any person who intends to extend the term of validity of certification under Article 17-4 (2).

(2) Necessary matters concerning the amount of fees under paragraph (1), the methods and periods of payment, etc. shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 23 (Delegation or Entrustment of Authority)The Minister for Food, Agriculture, Forestry and Fisheries may delegate a part of his/her authority under this Act to the Administrator of Rural Development Administration, Chief of Korea Forest Service, Mayor/Do Governor or the head of an institution belonging to the Ministry for Food, Agriculture, Forestry and Fisheries, or entrust such authority to civil organizations, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 24 (Hearings) (1) The Minister for Food, Agriculture, Forestry and Fisheries shall

hold a hearing, when he/she intends to revoke the designation of certifying institutions under Article 17-6 or revoke certification under Article 18-2.

(2) When certifying institutions intend to revoke certification under Article 18-2, such institutions shall provide the opportunity to submit a written opinion to a person who has obtained such certification of environment-friendly agricultural products.

(3) With respect to submission of opinions under paragraph (2), the provisions of Article 22 (4) through (6) and Article 27 of the Administrative Procedures Act shall apply mutatis mutandis. In such cases, "administrative agency" or "competent administrative agency" shall be deemed "certifying institution."

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 24-2 (Legal Fiction as Public Official in Application of Penal Provisions) Executives and employees of certifying institutions who are engaged in certification duties under the former body of Article 17-2 (1), or executives and employees of civil organizations who perform the entrusted duties under Article 23 shall be deemed public officials, when penal provisions under Articles 129 through 132 of the Criminal Act are applied.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

CHAPTER V PENAL PROVISIONS

Article 25 (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 30 million won:

1. Any person who obtains certification of environment-friendly agricultural products by fraud or other wrongful means, in violation of subparagraph 1 of Article 17-5;
2. Any person who attaches labels of environment-friendly agricultural products or similar products, or attaches labels which are different from details of certification of environment-friendly agricultural products, in violation of subparagraph 2 of Article 17-5;
3. Any person who sells products by mixing certified products with agricultural products which are not granted certification, or who keeps, transports or displays mixed products for the purpose of selling such products, in violation of subparagraph 3 of Article 17-5;
4. Any person who sells agricultural products, or keeps, transports or displays agricultural products for the purpose of selling them, with the knowledge that such products labelled as environment-friendly agricultural products or similar products are not certified products, or such products have labels different from details of certification of environment-friendly agricultural products, in violation of subparagraph 4 of Article 17-5;
5. Any person who advertises products, other than certified products, as environment-friendly agricultural products under Article 16 (1) or advertises certified products, the advertisements of which are different from details of certification of environment-friendly agricultural products, in violation of subparagraph 5 of Article 17-5.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 25-2 (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 10 million won:

1. Any person who is designated as a certifying institution by fraud or other wrongful means pursuant to Article 17-6 (1) 1, from among persons designated as certifying institutions under the former body of Article 17-2 (1);
2. Any person who grants certification to environment-friendly agricultural products, without being designated as a certifying institution under the former body of Article 17-2 (1);
3. Any person who grants certification to environment-friendly agricultural products during the period of business suspension under Article 17-6 (1), from among persons designated as certifying institutions under the former body of Article 17-2 (1);
4. Any person who fails to comply with measures, such as changing labels of environment-friendly agricultural products, the suspension of the use of such labels or banning sales of products under Article 18 (1).

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 26 (Joint Penal Provisions) If the representative of a corporation, or any agent, employee or other employed person of the corporation or any other private individual commits an offense pursuant to Article 25 or 25-2 in connection with the duties of the corporation or the individual, not only shall such offender be punished accordingly, but the said corporation or the private individual shall also be punished by the fine prescribed in the relevant Article: Provided, That the foregoing sentence shall not apply where the corporation or individual has not neglected to exercise due diligence and supervision over the relevant duties in order to prevent such violations from occurring.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

Article 27 (Fines for Negligence) (1) When any person falls under any of the following subparagraphs, he/she shall be punished by a fine for negligence not exceeding 3 million won.

1. Any person who refuses, obstructs or evades inspection in violation of Article 12 (2);
2. Any person who succeeds to the status of a certifying institution or the status of a person who obtains certification of environment-friendly agricultural products, but fails to report such fact in violation of Article 17-7 (2);
3. Any person who refuses, obstructs or evades inspection in violation of Article 10 of the Agricultural Products Quality Control Act applied mutatis mutandis in Article 18 (2);
4. Any person who fails to report or submit data, falsely reports or submits false data, or refuses, obstructs or evades inspection of facilities or equipment under Article 18-3 (1);
5. Any person who fails to possess and keep the relevant documents in violation of Article 18-3 (2).

(2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister for Food, Agriculture, Forestry and Fisheries, Mayor/Do Governor or the head of Si/Gun, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9623, Apr. 1, 2009]

ADDENDA (Omitted)

14. Act on Promotion of Development and Distribution of Environment-Friendly Motor Vehicles

Amended by Act No. 14315, Dec. 2, 2016

Article 1 (Purpose)

The purpose of this Act is to plan for the continuous development of the motor vehicle industry and for the improvement of living conditions of the citizens and to contribute to the national economy by establishing and implementing a comprehensive plan and policy to promote the development and distribution of environment-friendly motor vehicles.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 14315, Dec. 2, 2016>*

1. The term "motor vehicle" means a motor vehicle or construction machinery falling under any of the following items, prescribed by Presidential Decree:

(a) A motor vehicle defined in subparagraph 1 of Article 2 of the Motor Vehicle Management Act;

(b) Construction machinery defined in subparagraph 1 of Article 2 of the Construction Machinery Management Act;

2. The term "environment-friendly motor vehicle" means an electric vehicle, solar-powered vehicle, hybrid vehicle, fuel cell vehicle, or a vehicle that meets the environmental standards set by Ordinance of the Ministry of Trade, Industry and Energy among vehicles subject to permissible emission limits prescribed in Article 46 (1) of the Clean Air Conservation Act, and which is publicly announced by the Minister of Trade, Industry and Energy after consultation with the Minister of Environment, among the motor vehicles meeting the following requirements:

(a) Its energy efficiency shall meet the standards prescribed by Ordinance of the Ministry of Trade, Industry and Energy;

(b) It shall meet the standards for low-emission motor vehicles prescribed by Ordinance of the Ministry of Environment in accordance with subparagraph 6 of Article 2 of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area;

(c) Its technical specifications, such as the performance of a motor vehicle, shall meet the standards prescribed by Ordinance of the Ministry of Trade, Industry and Energy;

3. The term "electric vehicle" means a motor vehicle that uses electric energy charged up from an electric power supply as its power source;

4. The term "solar-powered vehicle" means a motor vehicle that uses solar energy as its power source;

5. The term "hybrid vehicle" means a motor vehicle that uses a combination of gasoline, diesel fuel, liquefied petroleum gas, natural gas or fuel prescribed by Ordinance of the Ministry of Trade, Industry and Energy and electric energy (including electric energy charged

from an electric power supply) as its power source;

6. The term "fuel cell vehicle" means a motor vehicle that uses electric energy generated by using hydrogen as its power source;

7 and 8. Deleted; <by Act No. 14315, Dec. 2, 2016>;

9. The term "hydrogen-fuel supply facility" means a facility that supplies hydrogen to fuel cell vehicles.

Article 3 (Master Plans for Development, etc. of Environment-Friendly Motor Vehicles)

(1) The Minister of Trade, Industry and Energy shall establish a master plan to promote the development and distribution of environment-friendly motor vehicles (hereinafter referred to as "master plan") every five years. In such cases, he/she shall hear the opinions of the heads of relevant central administrative agencies, such as the Minister of Environment, and the Special Metropolitan City Mayor, a Metropolitan City Mayor, Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as a "Mayor/Do Governor"), as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Master plans shall contain the following:

1. Basic direction-setting for the development and distribution of environment-friendly motor vehicles;

2. Medium- and long-term goals for the development and distribution of environment-friendly motor vehicles;

3. Matters concerning the research and development of environment-friendly motor vehicles and the construction of infrastructure relating to the research and development thereof;

4. Matters concerning the construction of infrastructure necessary to distribute the power sources of motor vehicles, such as hydrogen-fuel supply facilities;

5. Other matters necessary for the development and distribution of environment-friendly motor vehicles.

(3) Master plans shall be finalized after deliberation by the State Council: Provided, That where insignificant matters prescribed by Presidential Decree are to be revised, such as a partial revision of direction set for projects to develop detailed technologies related to environment-friendly motor vehicles, no deliberation on such modification by the State Council is required.

(4) The head of a relevant central administrative agency may, where deemed necessary, request the Minister of Trade, Industry and Energy to revise the master plans. In such cases, the Minister of Trade, Industry and Energy shall hear the opinions of the heads of other relevant central administrative agencies and the relevant Mayor/Do Governor if he/she intends to revise them. <Amended by Act No. 11690, Mar. 23, 2013>

(5) Paragraph (3) shall apply mutatis mutandis to any revision of master plans under paragraph (4).

Article 4 (Implementation Plans for Development of Environment-Friendly Motor Vehicles)

(1) In order to implement the master plans, the Minister of Trade, Industry and Energy shall

establish and promote an implementation plan for the development of environment-friendly motor vehicles (hereinafter referred to as "implementation plan for development") each year upon hearing the opinions of the heads of relevant central administrative agencies, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Implementation plans for development shall include the following:

1. Priority field of technology development;
2. Main goals of promotion in each field of technology development;
3. Schedule and methods of promotion of technology development;
4. Matters concerning construction of infrastructure necessary for the efficient promotion of technology development projects;
5. Other matters necessary for technology development.

Article 5 (Implementation Plans, etc. for Distribution of Environment-Friendly Motor Vehicles)

(1) In order to implement the master plans, the Minister of Environment shall establish and promote an implementation plan for the distribution of environment-friendly motor vehicles (hereinafter referred to as "implementation plan for distribution") each year upon hearing the opinions of the heads of relevant central administrative agencies and of the relevant Mayor/Do Governor, as prescribed by Presidential Decree. In such cases, the Minister of Environment shall consult with the Minister of Trade, Industry and Energy on the distribution of environment-friendly motor vehicles. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Implementation plans for distribution shall include the following:

1. Target areas in which environment-friendly motor vehicles are to be distributed;
2. Models of environment-friendly motor vehicles and quantity to be supplied of each model;
3. Matters concerning construction of infrastructure, such as hydrogen-fuel supply facilities;
4. Matters concerning funding plans and financial assistance standards;
5. Matters necessary for the distribution of environment-friendly motor vehicles.

(3) Each Mayor/Do Governor shall establish and implement a policy to accelerate the distribution of environment-friendly motor vehicles in accordance with master plans and implementation plans for distribution.

Article 6 (Technology Development Support Policies)

(1) In order to accelerate technology development related to environment-friendly motor vehicles, the State may establish and promote support policies for the following matters:

1. Collecting and providing information on development of environment-friendly motor vehicle technology at home and abroad;
2. Research and development and other activities concerning core environment-friendly motor vehicle technologies.

(2) The Minister of Trade, Industry and Energy may require any of the following entities to conduct research and development projects on environment-friendly motor vehicles in order to promote technology development pursuant to paragraph (1): <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14079, Mar. 22, 2016>

1. National or public research institutes;
2. Research institutes established under Article 8 of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, Etc.;
3. Specific research institutes defined in Article 2 of the Specific Research Institutes Support Act;
4. Specialized manufacturing technology institutes under Article 42 of the Industrial Technology Innovation Promotion Act;
5. Industrial technology research cooperatives under the Industrial Technology Research Cooperatives Support Act;
6. Universities, colleges, industrial colleges, junior colleges or technical colleges defined in Article 2 of the Higher Education Act;
7. Research institutes attached to enterprises under Article 14-2 (1) of the Basic Research Promotion and Technology Development Support Act;
8. Agencies, organizations or business entities relating to environment-friendly motor vehicles, as prescribed by Presidential Decree.

Article 7 (Promotion of Projects to Form Foundation for Technology)

In order to efficiently promote the technology development related to environment-friendly motor vehicles pursuant to Article 6 (1), the State may promote the following projects to form a foundation for technology:

1. Projects for forming a foundation for technology;
2. Projects for international technological cooperation;
3. Projects for nurturing industrial technical human resources;
4. Other projects prescribed by Presidential Decree.

Article 8 (Support for Fuel Manufacturers, etc.)

(1) The State or local governments may provide necessary funds, etc. to those who manufacture, supply or sell hydrogen which is the fuel for fuel-cell vehicles, or those who intend to install a hydrogen-fuel supply facility.

(2) Matters necessary for the standards, method, etc. of providing funds, etc. pursuant to paragraph (1) shall be prescribed by Presidential Decree.

Article 9 Deleted. <by Act No. 9686, May 21, 2009>

Article 10 (Support for Purchasers or Owners of Environment-Friendly Motor Vehicles)

The State or local governments may provide the purchasers or owners of environment-friendly motor vehicles with necessary support.

Article 10-2 (Obligation of Public Institutions to Purchase Environment-Friendly Motor Vehicles)

(1) When buying or leasing a vehicle for business use, the head of a public institution under the Act on the Management of Public Institutions and the head of a local public enterprise under the Local Public Enterprises Act shall make sure that environment-friendly motor vehicles account for at least a certain proportion of all vehicles purchased or leased, as prescribed by Presidential Decree.

(2) The Minister of Trade, Industry and Energy may make public a list of public institutions and local public enterprises that have failed to fulfill their obligations of purchase prescribed in paragraph (1).

Article 11 (Support for Operation of Environment-Friendly Motor Vehicles)

(1) Mayors/Do Governors may require each owner of an environment-friendly motor vehicle to place an eco-friendly motor vehicle mark outside his/her vehicle to make the mark easily noticeable.

(2) The State and local governments shall prepare necessary support measures for motor vehicles bearing the mark referred to in paragraph (1).

(3) Matters necessary for the specification, etc. of the mark referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

Article 11-2 (Charging Facilities, etc. for Environment-Friendly Motor Vehicles)

(1) The owner or manager of any of the following facilities prescribed by the relevant statutes and Presidential Decree shall install charging facilities for environment-friendly motor vehicles at the relevant facilities, as prescribed by Presidential Decree:

1. Public buildings and public-use facilities;
2. Multi-family housing;
3. Parking areas established by the Special Metropolitan City Mayor or a Metropolitan City Mayor, a Do Governor or a Special Self-Governing Province Governor, a Metropolitan Autonomous City Mayor, or the head of a Si/Gun/Gu;
4. Other buildings and facilities that need to have a charging facility installed to encourage the widespread use of environment-friendly motor vehicles, and any other facilities incidental thereto.

(2) The types and numbers of charging facilities required to be installed at each facility shall be determined by Presidential Decree, in consideration of the size and purpose of use of the relevant facility.

(3) The State and local governments may devise necessary measures, such as financial and technical assistance, in order to reduce the private sector's burden of installing charging facilities and to facilitate installation.

Article 12 (Publicity of Environment-Friendly Motor Vehicles)

The State or local governments may request organizations, etc. relating to motor vehicles to perform publicity activities necessary for expanding the distribution of environment-friendly motor vehicles.

Article 13 (Funding Resources)

Funds necessary to provide support prescribed in Articles 6 through 8, 10, 11 (2), and 11-2 (3) may be provided from the following financial resources: <Amended by Act No. 10893, Jul. 21, 2011; Act No. 12154, Jan. 1, 2014; Act No. 13871, Jan. 27, 2016>

1. Special accounts for projects related to energy and resources under the Act on the Special Accounts for Energy and Resources-Related Projects;

2. Funds for Small and Medium Enterprise Establishment and Promotion under Article 63 of the Small and Medium Enterprises Promotion Act;
3. Special accounts for environmental improvement under the Framework Act on Environmental Policy.

Article 14 (Requests, etc. for Provision of Data)

(1) Where deemed necessary to establish a master plan and an implementation plan for development, the Minister of Trade, Industry and Energy may request a relevant administrative agency and an agency or organization related to environment-friendly motor vehicles to provide necessary data or to present its opinions, etc. In such cases, upon receipt of such request, a relevant administrative agency and an agency or organization related to environment-friendly motor vehicles shall comply with such request, except in extenuating circumstances. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where deemed necessary to establish an implementation plan for distribution, the Minister of Environment may request Mayors/Do Governors to provide data on the outcomes, etc. of promotion of distribution of environment-friendly motor vehicles. In such cases, the Mayors/Do Governors shall comply with such request, except in extenuating circumstances.

Article 15 (Entrustment of Administrative Affairs)

The State or local governments may entrust the following administrative affairs to a relevant specialized agency:

1. Administrative affairs, such as assessment and management of projects necessary for promoting the projects prescribed in Articles 6 and 7;
2. Administrative affairs necessary for support prescribed in Article 10 and 11 (2);
3. Some of other administrative affairs prescribed by this Act, as prescribed by Presidential Decree.

ADDENDA (Omitted)

15. Enforcement Decree of the Act on Promotion of Development and Distribution of Environment-Friendly Motor Vehicles

[Enforcement Date 30. Jun, 2016.] [Presidential Decree No.27295, 30. Jun, 2016., Partial Amendment]

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Act on Promotion of Development and Distribution of Environment-Friendly Motor Vehicles and matters necessary for the enforcement thereof.

Article 2 (Types of Motor Vehicles)

"Motor vehicle prescribed by Presidential Decree" in subparagraph 1 of Article 2 of the Act on Promotion of Development and Distribution of Environment-Friendly Motor Vehicles (hereinafter referred to as the "Act") shall be as follows:

1. Passenger vehicles, motor vehicles for passengers and freight, freight motor vehicles, and special motor vehicles under Article 3 (1) of the Motor Vehicle Management Act:

Provided, That the foregoing shall not apply to towed motor vehicles under the main sentence of subparagraph 1 of Article 2 of the Motor Vehicle Management Act;

2. Dump trucks, concrete mixing transport trucks, and concrete pumps under Article 2 of the Enforcement Decree of the Construction Machinery Management Act.

Article 3 Deleted. <by Presidential Decree No. 21087, Oct. 20, 2008>

Article 4 Deleted. <by Presidential Decree No. 21087, Oct. 20, 2008>

Article 5 Deleted. <by Presidential Decree No. 21087, Oct. 20, 2008>

Article 6 Deleted. <by Presidential Decree No. 21087, Oct. 20, 2008>

Article 7 Deleted. <by Presidential Decree No. 21087, Oct. 20, 2008>

Article 8 Deleted. <by Presidential Decree No. 21087, Oct. 20, 2008>

Article 9 (Procedures for Formulation and Modification of Master Plans)

(1) Where the Minister of Trade, Industry and Energy intends to hear opinions from the heads of related central administrative agencies, such as the Minister of Environment, and the Special Metropolitan City Mayor, Metropolitan City Mayors, or Do Governors (hereinafter referred to as "Mayors/Do Governors") on a master plan for the promotion of development and distribution of environment-friendly motor vehicles (hereinafter referred to as "master plan") under the former part of Article 3 (1) of the Act, pursuant to the latter part of the aforesaid paragraph, he/she shall notify the heads of related central administrative agencies, such as the Minister of Environment, and Mayors/Do Governors, of data concerning the formulation schedule and details of a master plan and shall request for submission of their opinions. In such cases, the heads of the related central administrative agencies, such as the Minister of Environment, and the Mayors/Do Governors shall submit their opinions on the master plan to the Minister of Trade, Industry and Energy in writing within two months from the date they are requested to do so. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 21087, Oct. 20, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) Where a master plan is finalized pursuant to the main sentence of Article 3 (3) of the Act, the Minister of Trade, Industry and Energy shall notify the heads of related central administrative agencies, such as the Minister of Environment, and Mayors/Do Governors of the finalized master plan. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(3) Paragraphs (1) and (2) shall apply mutatis mutandis where a master plan is modified pursuant to Article 3 (4) and (5) of the Act. In such cases, "on a master plan" shall be deemed "on the modification of a master plan", "formulation schedule" shall be deemed "modification schedule", and "where a master plan is finalized" shall be deemed "where the modification of a master plan is finalized".

Article 10 (Minor Modifications to Master Plans)

"Where minor matters prescribed by Presidential Decree are to be modified" in the proviso to Article 3 (3) of the Act means any of the following cases: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

1. Where a modification is made to increase or reduce, by up to 10/100, subsidies based on the policies included in a master plan, such as a policy on technology development support for, and a policy on projects to form foundation for technology of, environment-friendly motor vehicles and a policy on promotion of distribution of such vehicles;
2. Where a modification is made to other matters determined and publicly notified by the Minister of Trade, Industry and Energy, which do not have an effect on the basic direction of the master plan.

Article 11 (Procedures for Formulation of Implementation Plans for Development of Environment-Friendly Motor Vehicles)

(1) The Minister of Trade, Industry and Energy shall formulate an implementation plan for the development of environment-friendly motor vehicles (hereinafter referred to as "implementation plan for development") under Article 4 of the Act before the date of commencement of each fiscal year. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) Article 9 (1) and (2) shall apply mutatis mutandis to cases under paragraph (1). In such cases, a "master plan" shall be deemed an "implementation plan for development", and the "heads of related central administrative agencies, such as the Minister of Environment" shall be deemed the "heads of related central administrative agencies".

Article 12 (Matters to Be Added in Technology Development Field in Implementation Plans for Development)

"Other matters necessary for technology development" in Article 4 (2) 5 of the Act means the following: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

1. Matters concerning a plan for the dissemination of technology development outcomes;
2. Other matters the Minister of Trade, Industry and Energy deems necessary for the technology development of environment-friendly motor vehicles.

Article 13 (Procedures for Formulation of Implementation Plans for Distribution of Environment-Friendly Motor Vehicles)

(1) The Minister of Environment shall formulate and publicly notify an implementation plan for the distribution of environment-friendly motor vehicles (hereinafter referred to as "implementation plan for distribution") under Article 5 of the Act, before the date of commencement of each fiscal year.

(2) The Minister of Environment may request the heads of related central administrative agencies and Mayors/Do Governors to submit their opinions on an implementation plan for distribution. In such cases, the heads of related central administrative agencies and the Mayors/Do Governors shall submit their opinions on an implementation plan for distribution to the Minister of Environment in writing within two months from the date they are requested to do so.

Article 14 (Procedures for Formulation of Policies on Promotion of Distribution and Details Thereof)

(1) Mayors/Do Governors shall formulate a policy on the promotion of the distribution of environment-friendly motor vehicles (hereinafter referred to as "policy on the

promotion of distribution") under Article 5 (3) of the Act and shall submit such policy to the Minister of Environment within three months after an implementation plan for distribution is publicly notified.

(2) A policy on the promotion of distribution shall include the following:

1. An environment-friendly motor vehicle purchase plan and the results of the purchase thereof;
2. A plan for the establishment of infrastructure necessary for the distribution of power sources for environment-friendly motor vehicles, such as facilities that supply hydrogen fuel under Article 17;
3. A plan to raise funds and a plan to provide financial support, for the implementation of matters referred to in subparagraphs 1 and 2;
4. Other matters the Minister of Environment deems necessary for the distribution of environment-friendly motor vehicles and publicly notifies.

Article 15 (Policies on Technology Development Support, etc.)

(1) Where the Minister of Trade, Industry and Energy formulates a support policy (hereinafter referred to as "technology development support policy") under Article 6 (1) of the Act, he/she shall publicly announce the policy. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy shall prescribe and publicly notify the operational regulations concerning technology development support policies. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(3) "Persons prescribed by Presidential Decree" in Article 6 (2) 8 of the Act means persons prescribed by the Minister of Trade, Industry and Energy, from among business entities that develop technology related to environment-friendly motor vehicles and are venture businesses under Article 2 of the Act on Special Measures for the Promotion of Venture Businesses. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

Article 16 (Plans for Implementation of Projects to Form Foundation for Technology)

(1) Where the Minister of Trade, Industry and Energy formulates a plan to implement projects to form a foundation for technology (hereinafter referred to as "plan for the implementation of projects to form a foundation for technology") under Article 7 of the Act, he/she shall publicly announce such plan. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy shall prescribe and publicly notify the operational regulations concerning projects to form a foundation for technology under Article 7 of the Act. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(3) "Other projects prescribed by Presidential Decree" in subparagraph 4 of Article 7 of the Act means the following projects: <Amended by Presidential Decree No. 20678, Feb. 29,

2008; Presidential Decree No. 24442, Mar. 23, 2013>

1. A project to form a foundation for the promotion of regional industries concerning environment-friendly motor vehicles;
2. A project to develop parts and materials concerning environment-friendly motor vehicles;
3. A new technology venture incubation project related to environment-friendly motor vehicles;
4. Other projects the Minister of Trade, Industry and Energy deems necessary to form a foundation for technology concerning environment-friendly motor vehicles.

Article 17 (Details, etc. of Support to Hydrogen Fuel Producers, etc.)

(1) The heads of related central administrative agencies or Mayors/Do Governors may provide the following kinds of support to persons (hereinafter referred to as "hydrogen fuel producers, etc.") who intend to produce, supply, or sell hydrogen that is fuel (hereinafter referred to as "hydrogen fuel") for fuel cell vehicles, or to construct a hydrogen fueling station, pursuant to Article 8 of the Act: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

1. Financial support for the adjustment of the selling price of hydrogen fuel;
2. Providing loans or helping provide loans for the expenses of constructing a hydrogen fueling station;
3. Providing or helping provide a site for constructing a hydrogen fueling station;
4. Financial support for the development of hydrogen fuel production technology, such as improvements in the production process of hydrogen fuel;
5. Other matters necessary for providing support to hydrogen fuel producers, etc. that are jointly prescribed and publicly notified by the Minister of Trade, Industry and Energy and the Minister of Environment.

(2) Where a person who produces, supplies, or sells hydrogen fuel intends to receive support under Article 17 (1) 1, he/she shall submit an application for support to the head of the related central administrative agency or the relevant Mayor/Do Governor, along with documents showing the selling price of hydrogen fuel.

(3) Where a person who intends to construct a hydrogen fueling station intends to receive support under Article 17 (1) 2, he/she shall submit an application for support to the Minister of Environment, along with a business plan specifying the amount of funds necessary for constructing a hydrogen fueling station and grounds for the calculation thereof.

(4) In addition to matters under paragraphs (2) and (3), necessary matters concerning standards for, methods of, procedures for, and the amount of, support under paragraph (1) shall be jointly prescribed and publicly notified by the Minister of Trade, Industry and Energy and the Minister of Environment, after hearing opinions from the heads of related central administrative agencies and Mayors/Do Governors. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

Article 18 (Support to Purchasers of Environment-Friendly Motor Vehicles)

(1) The head of related central administrative agencies or Mayors/Do Governors may

provide the following support to purchasers of environment-friendly motor vehicles pursuant to Article 10 of the Act:

1. Wholly or partially subsidizing the difference between the selling price of an environment-friendly motor vehicle and that of a motor vehicle which is not an environment-friendly motor vehicle;
2. Providing a loan or helping provide a loan for the purchase of an environment-friendly motor vehicle;
3. Other matters the heads of related central administrative agencies or Mayors/Do Governors deem necessary to promote the purchase of environment-friendly motor vehicles and publicly notify.

(2) Detailed matters concerning standards for, methods of, procedures for, and the amount of, support under paragraph (1) shall be prescribed and publicly notified by the Minister of Environment, after hearing opinions from the heads of related central administrative agencies and Mayors/Do Governors.

Article 18-2 (Percentage of Purchase of Environment-Friendly Motor Vehicles)

(1) Where the head of a public institution under the Act on the Management of Public Institutions (hereinafter referred to as "public institution") and a local public enterprise under the Local Public Enterprises Act (hereinafter referred to as "local public enterprise") makes a purchase of, or holds a lease on, (hereinafter referred to as "purchase") motor vehicles for business pursuant to Article 10-2 (1) of the Act, he/she shall purchase environment-friendly motor vehicles at least 50/100 of motor vehicles purchased per year. In such cases, at least 80/100 of the environment-friendly motor vehicles purchased shall be electric vehicles or fuel cell vehicles.

(2) Notwithstanding paragraph (1), the head of a public institution or local public enterprise need not purchase environment-friendly motor vehicles in consultation with the Minister of Trade, Industry and Energy, in any of the following cases:

1. Where the total number of the motor vehicles for business he/she owns, including motor vehicles newly purchased in the relevant year, is not more than five;
2. Where he/she purchases a motor vehicle for passengers and freight referred to in Article 3 (1) 2 of the Motor Vehicle Management Act or a special motor vehicle referred to in subparagraph 4 of the aforesaid paragraph;
3. Where he/she purchases a motor vehicle for purposes for which it is inappropriate to use an environment-friendly motor vehicle, such as purposes of transporting cargo.

(3) The rule of rounding to decimal places shall apply to the calculation of the number of environment-friendly motor vehicles, environment-friendly motor vehicles that are electric vehicles, and environment-friendly motor vehicles that are fuel cell vehicles under paragraph (1).

[This Article Newly Inserted by Presidential Decree No. 27295, Jun. 30, 2016]

Article 18-3 (Publication of Violations)

(1) The head of each public institution and each local public enterprise that should purchase

environment-friendly motor vehicles pursuant to Article 10-2 (1) of the Act shall submit the results of the purchase of environment-friendly motor vehicles to the Minister of Trade, Industry and Energy, within three months after each fiscal year ends.

(2) The Minister of Trade, Industry and Energy may make public a list of public institutions and local public enterprises that have failed to fulfill their obligations to purchase environment-friendly motor vehicles on the following Internet websites or in the following regular daily newspapers, pursuant to Article 10-2 (2) of the Act:

1. An Internet website operated by a provider of web portal services (services that provide search results for other internet protocol addresses, information, etc., and email, communities, etc.) falling under a provider of information and communications services defined in Article 2 (1) 3 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc., the average daily user number of which is at least ten million for the three months immediately preceding the end of the year before the year in which the date of publication falls;

2. A general daily newspaper registered for nationwide circulation pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, Etc.

[This Article Newly Inserted by Presidential Decree No. 27295, Jun. 30, 2016]

Article 18-4 (Facilities, etc. Required to Be Equipped with Charging Facilities)

"Facilities prescribed by Presidential Decree" in Article 11-2 (1) of the Act means the following facilities which are prescribed by ordinance of the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, or a Special Self-Governing Province in consideration of the current status of the distribution of, a plan for the distribution of, and the current status of the operation of, electric vehicles and the road conditions, among facilities with at least 100 parking bays defined in subparagraph 7 of Article 2 of the Parking Lot Act:

1. The following facilities among buildings for a specific use under Article 3-5 and attached Table 1 of the Enforcement Decree of the Building Act, which are public buildings and public facilities:

- (a) Class 1 neighborhood living facilities;
- (b) Class 2 neighborhood living facilities;
- (c) Cultural and convention facilities;
- (d) Sales facilities;
- (e) Transportation facilities;
- (f) Medical facilities;
- (g) Education and research facilities;
- (h) Sports facilities;
- (i) Commercial facilities;
- (j) Accommodation facilities;
- (k) Amusement facilities;
- (l) Facilities related to motor vehicles;

(m) Broadcasting and communications facilities;

(n) Power generation facilities;

(o) Tourist recreational and relaxation facilities;

2. The following facilities among multi-family housing under Article 3-5 and subparagraph 2 of attached Table 1 of the Enforcement Decree of the Building Act:

(a) An apartment building consisting of at least 500 units;

(b) A dormitory;

3. A parking lot defined in subparagraph 1 of Article 2 of the Parking Lot Act built by Mayors/Do Governors, the Special Self-Governing Province Governor, the Special Self-Governing City Mayor, or the heads of Sis/Guns/Gus.

[This Article Newly Inserted by Presidential Decree No. 27295, Jun. 30, 2016]

Article 18-5 (Types and Number of Charging Facilities)

(1) Charging facilities under Article 11-2 (2) of the Act shall be any of the following facilities:

1. Fast charging facilities: Facilities that charge electric vehicle batteries by variably supplying not less than 100 volt but not more than 450 volt DC or 380 volt AC through the charging cable connected to a charger;

2. Slow charging facilities: Facilities that charge electric vehicle batteries by supplying 220 volt AC through the charging cable connected to a charger.

(2) Detailed matters concerning the installation of charging facilities, such as the number of charging facilities to be installed in facilities under subparagraphs 1 and 2 of Article 18-4, shall be prescribed by ordinance of the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, or a Special Self-Governing Province in consideration of the current status of the distribution of, a plan for the distribution of, and the current status of the operation of, electric vehicles and the road conditions.

(3) The number of charging facilities to be installed in a parking lot under subparagraph 3 of Article 18-4 shall be at least the number obtained by dividing the total number of parking bays in the parking lot by 200.

(4) The rule of rounding to decimal places shall apply to the calculation of the number of charging facilities installed under paragraphs (2) and (3).

[This Article Newly Inserted by Presidential Decree No. 27295, Jun. 30, 2016]

Article 19 (Institutions Conducting Advertising Activities)

"Organizations, etc. relating to motor vehicles" in Article 12 of the Act means the following institutions: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 20977, Aug. 26, 2008; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 26439, Jul. 24, 2015>

1. Persons referred to in the subparagraphs of Article 6 (2) of the Act;

2. The Korea Energy Agency under Article 45 (1) of the Energy Use Rationalization Act;

3. The Eco-Friendly Products Promotion Agency established pursuant to Article 13 of the Act on the Encouragement of Purchase of Environment-Friendly Products;

4. Other organizations related to motor vehicles and clean air conservation that are

prescribed and publicly notified by the Minister of Trade, Industry and Energy or the Minister of Environment.

Article 20 (Types and Reporting of Entrusted Affairs)

(1) "Relevant specialized agency" in the main sentence of Article 15 of the Act means a person referred to in the subparagraphs of Article 6 (2) of the Act.

(2) "Affairs prescribed by Presidential Decree" in subparagraph 3 of Article 15 of the Act means affairs concerning standards for the energy efficiency ratio under subparagraph 2 (a) of Article 2 of the Act.

(3) The heads of related central administrative agencies or Mayors/Do Governors may require a relevant specialized agency entrusted with affairs pursuant to Article 15 of the Act to report the result of such affairs conducted.

ADDENDA (Omitted)

16. Act on the Promotion of the Conversion into Environment- Friendly Industrial Structure

[Enforcement Date 26. Jul, 2017.] [Act No.14839, 26. Jul, 2017., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the conservation of environment and sustainable development of the national economy by positively pushing forward industrial activities to economize energy and resources and to reduce environmental pollution through the promotion of the construction of environment-friendly industrial structure.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 9931, Jan. 13, 2010; Act No. 10717, May 24, 2011; Act No. 11020, Aug. 4, 2011>

1. The term "clean manufacturing technology" means the technology to remove or reduce environmental pollution in the course of manufacture, such as the design of goods, manufacturing process, etc. of products and the technology to manufacture green products;

1-2. The term "renewable resource" means any useful material that can be used as a raw material, part, etc. through all or some of the recycling processes defined in subparagraph 7 of Article 2 of the Wastes Control Act;

2. The term "environmental facility" means machinery or equipment for removing or reducing environmental pollution;

3. The term "remanufacture" means to make renewable resources defined in subparagraph 1 of Article 2 of the Act on the Promotion of Saving and Recycling of Resources into a state where they can keep their original performance after undergoing a series of processes, such as disassembly, cleansing, examination, repair, adjustment, recombination, etc. in the course of making them into a reusable and reclaimable state defined in subparagraph 7 of Article 2 of the Wastes Control Act;

4. The term "product servitization" means the provision of quality, function, etc. of products in the form of service in order to reduce environmental pollution caused by using products and to enhance the utilization efficiency thereof;
5. The term "green management" means green management defined in subparagraph 7 of Article 2 of the Framework Act on Low Carbon, Green Growth;
- 5-2. The term "environmental management" means management activities of an enterprise, public institution, organization, etc. (hereinafter referred to as "enterprise, etc.") through which its human and physical resources and management system are managed in a systematic and sustainable manner in compliance with standard procedures and techniques in order to achieve the environment-friendly management goals set by the enterprise, public institution, organization, etc.;
6. The term "ecological industrial complex" means an industrial complex designated under Article 21 among industrial complexes defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act, in order to minimize the burden to environment and to maximize the efficiency of resources by regenerating the remnants, such as by-products, etc. generated in the course of manufacture of products, and wastes into raw materials or energy;
7. The term "green management system" means a system that enables an enterprise, etc. to efficiently control environmental factors by adopting and implementing green management;
- 7-2. The term "environmental management system" means a system that enables an enterprises, etc. to efficiently control environmental factors by adopting and implementing environmental management;
8. and 8-2. Deleted; <by Act No. 13747, Jan. 6, 2016>
9. The term "international standards" means the international standards laid down by the International Organization for Standardization with regard to environmental management systems;
10. The term "green product" means any green product defined in subparagraph 5 of Article 2 of the Framework Act on Low Carbon, Green Growth.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

CHAPTER II CONVERSION INTO ENVIRONMENT-FRIENDLY INDUSTRIAL STRUCTURE

Article 3 (Comprehensive Policies)

- (1) The Minister of Trade, Industry and Energy shall establish comprehensive policies to promote conversion into an environment-friendly industrial structure (hereinafter referred to as "comprehensive policies") every five years, after consultation with the head of a related central administrative agency. <Amended by Act No. 9013, Mar. 28, 2008; Act No. 11690, Mar. 23, 2013>
- (2) Comprehensive policies shall include the following: <Amended by Act No. 9013, Mar. 28, 2008; Act No. 9931, Jan. 13, 2010>
 1. The present status and prospects of the industrial structure;

2. Establishment of goals to promote conversion into environment-friendly industrial structure;
3. Plans to establish environment-friendly industrial structure, such as the improvement of manufacturing processes and the development of clean manufacturing technologies;
4. Plans to foster the environmental facility industry, the remanufacturing industry and the product servitization industry to promote conversion into environment-friendly industrial structure;
5. Plans to promote green management;
6. Countermeasures to cope with the international environmental regulations;
7. Other matters necessary for the promotion of conversion into environment-friendly industrial structure and for the sustainable industrial development.

(3) When establishing goals referred to in paragraph (2) 2, the Minister of Trade, Industry and Energy may provide guidelines for promoting conversion into an environment-friendly industrial structure, such as the level of environmental friendliness and the degree of energy-consumption, the degree of industrial water-use and the recycling rate of resources of each business or of each item, after consultation with the Minister of Environment. <Amended by Act No. 9013, Mar. 28, 2008; Act No. 11690, Mar. 23, 2013>

(4) The Minister of Trade, Industry and Energy may request necessary data from a related central administrative agency, related local government, related research institution, or corporation or association involved in a national research and development project if necessary to establish comprehensive policies under paragraph (1). In such cases, any agency or institution in receipt of such a request shall comply therewith, except under extenuating circumstances. <Newly Inserted by Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013>

(5) The Minister of Trade, Industry and Energy may request the head of a related central administrative agency to take measures necessary to implement comprehensive policies. <Amended by Act No. 9013, Mar. 28, 2008; Act No. 11690, Mar. 23, 2013>

Article 3-2 (Investigation of Actual Status, such as Statistics of Industrial Environment)

(1) The Minister of Trade, Industry and Energy may conduct an actual status survey, looking into the statistics on an environment-friendly industrial environment, etc. in order to efficiently establish and implement comprehensive policies. In such cases, the Statistics Act shall apply mutatis mutandis to the preparation of the statistics in question. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters regarding the time, method, etc. of an actual status survey under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 9013, Mar. 28, 2008]

Article 4 (Tasks to Perform for Industrial Environment)

(1) The organization of enterprises of each business or of each item prescribed by Presidential Decree (hereinafter referred to as an "enterprises' organization") may find and carry out tasks for efficiently promoting a comprehensive policy (hereinafter referred to as

"tasks to perform for industrial environment").

(2) The tasks to perform for industrial environment shall include each of the following matters: <Amended by Act No. 9931, Jan. 13, 2010>

1. Matters concerning the reduction of negative impact on the environment at the stage of supplying raw materials and the enhancement of using recyclable resources;
2. Matters concerning the improvement of manufacturing processes, such as saving of energy and reduction of the emission of greenhouse gases, removal or reduction of environmental pollution, effective utilization of by-products, and enlarged recycling of water at the stage of manufacturing process;
3. Matters concerning rationalization of packing and products distribution to reduce negative impact on the environment at the stage of distribution;
4. Matters concerning development of green products;
5. Matters to be carried out together in cooperation with the industries in other fields in order to promote conversion into environment-friendly industrial structure.

(3) The organization of enterprises which found the tasks to perform for industrial environment pursuant to paragraph (1) may, for an enterprise or for an organization of enterprises to carry out such tasks, select the tasks for support and, in turn, request the Government to provide the necessary support, if deemed necessary.

(4) Where an organization of enterprises requests any support pursuant to paragraph (3), the Government shall prepare necessary measures concerning such support.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 4-2

[Previous Article 4-2 moved to Article 21 <by Act No. 10717, May 24, 2011>]

Article 5 (Subsidies for Equipment Funds, etc.)

(1) The Government may provide subsidies, from the following Fund, Accounts, or money, to a business entity in carrying out his/her project for the improvement of manufacturing processes and the replacement, installation, or addition of facilities to implement a comprehensive policy or initiatives for industrial environment: <Amended by Act No. 9685, May 21, 2009; Act No. 10893, Jul. 21, 2011; Act No. 13747, Jan. 6, 2016>

1. Special Accounts for Energy and Resources-Related Projects under the Act on the Special Accounts for Energy and Resources-Related Projects;
2. Fund for the Establishment and Promotion of Small and Medium Enterprises under the Small and Medium Enterprises Promotion Act;
3. Special Accounts for Environmental Improvement under the Framework Act on Environmental Policy;
4. Fund for Equipment Investment Support of the Korea Development Bank under the Korea Development Bank Act;
5. Other Funds prescribed by Presidential Decree.

(2) The Minister of Trade, Industry and Energy may request the head of a related agency in charge of the Accounts or the Funds referred to in paragraph (1) 3 through 5 to provide

cooperation necessary for subsidization under paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 6 (Support for Technological Development Projects)

(1) In order to promote conversion into environment-friendly industrial structure, the Government shall carry out the projects to develop the following technologies (hereinafter referred to as "technology development projects"): <Amended by Act No. 9931, Jan. 13, 2010; Act No. 10717, May 24, 2011>

1. Clean manufacturing technologies;
2. Technologies for which an organization of enterprises requests support pursuant to Article 4 (3);
3. Technologies for environmental facilities;
4. Technologies for the design and manufacture of green products;
5. Technologies for the construction of ecological industrial complexes;
6. Technologies for the fostering of the product servitization industry;
7. Technologies for the fostering of the remanufacturing industry;
8. Technologies for the shared use of resources and energy among enterprises.

(2) The Government may contribute funds, or provide other support, required for the technology development projects conducted by any of the following institutions, organizations, enterprises, etc.: <Amended by Act No. 11690, Mar. 23, 2013>

1. National or public research institutions;
2. Specific research institutions under the Specific Research Institutes Support Act;
3. Industrial Technology Research Association under the Industrial Technology Research Cooperatives Support Act;
4. Universities, junior colleges and open colleges under the Higher Education Act and other Acts;
5. Korea Institute of Industrial Technology established under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, Etc. and specialized industrial technology research institutes under the Industrial Technology Innovation Promotion Act;
6. The Support Center for the Clean Manufacturing Industry prescribed in Article 7;
7. Enterprises participating in technology development projects;
8. Other corporations, organizations, or enterprises which the Minister of Trade, Industry and Energy deems necessary to promote technology development projects.

(3) In order to promote the manufacturing of green products, the fostering of the product servitization industry, etc., the Minister of Trade, Industry and Energy may formulate policies to assist the following matters and may require the agencies prescribed by Ordinance of the Ministry of Trade, Industry and Energy to provide such assistance: <Amended by Act No. 9931, Jan. 13, 2010; Act No. 11690, Mar. 23, 2013>

1. Matters regarding assistance to the start-up of an enterprise, cultivation of domestic and

overseas markets, and promotion of exportation;

2. Matters regarding the provision of information, education, training, and public relations of industries;

3. Other matters prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 6-2 (Fostering, etc. of Green Management Consulting Business)

(1) In order to foster businesses (hereinafter referred to as "green management consulting business") that provide enterprises, etc. with services, such as investigation, analysis, diagnosis, consultation, provision of information, education, etc. which are necessary for the enterprises, etc. to introduce and conduct green management, the Government may promote any of the following projects: <Amended by Act No. 9931, Jan. 13, 2010>

1. Education and training for the cultivation of specialized manpower;

2. Research and dissemination of consulting techniques;

3. Other projects prescribed by Presidential Decree to foster the green management consulting business.

(2) The Minister of Trade, Industry and Energy may promote projects prescribed in the subparagraphs of paragraph (1) in order to foster the business (hereinafter referred to as "clean industrial technology consulting business") that provides enterprises, etc. with services, such as investigation, analysis, diagnosis, consultation, supply of information, education, etc. which are necessary for the enterprises, etc. to apply clean industrial technology to manufacturing process. In such cases, the "green management consulting business" in paragraph (1) 3 shall be deemed "clean industrial technology consulting business." <Amended by Act No. 9931, Jan. 13, 2010; Act No. 11690, Mar. 23, 2013>

(3) The procedures, methods and other matters necessary to conduct the projects in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 7 (Support Center for Clean Manufacturing Industry)

(1) To promote the proliferation of clean manufacturing technologies and the green management of enterprises, and to support the clean manufacturing technologies of small and medium enterprises, etc., the Minister of Trade, Industry and Energy may designate a research institution prescribed by Presidential Decree as the Support Center for the Clean Manufacturing Industry after consultation with the head of the relevant central administrative agency. <Amended by Act No. 9931, Jan. 13, 2010; Act No. 11690, Mar. 23, 2013>

(2) The Support Center for the Clean Manufacturing Industry shall implement the following projects, and may partially entrust such projects to a specialized institution prescribed by Presidential Decree: <Amended by Act No. 9931, Jan. 13, 2010; Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013>

1. Development and support of clean manufacturing technologies;

2. Exchange of clean manufacturing technologies and collaborative projects with domestic

and overseas research institutions;

3. Education and training related to clean manufacturing technologies;

4. Projects to support the construction of green management systems;

4-2. Projects to deal with international environmental regulations;

4-3. Projects to facilitate conversion into resource-circulating industrial structure referred to in subparagraphs of Article 20 (2);

5. Other projects prescribed by Ordinance of the Ministry of Trade, Industry and Energy related to the support of the clean manufacturing industry.

(3) The Minister of Trade, Industry and Energy may contribute funds necessary for implementing the projects referred to in paragraph (2), or provide other necessary supports, to the Support Center for the Clean Manufacturing Industry. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Matters necessary for the operation of the Support Center for the Clean Manufacturing Industry shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 8 (Transfer or Proliferation of Clean Industrial Technology)

(1) The Government shall prepare necessary policies in order to promote the transfer of clean industrial technology and the proliferation of its development results.

(2) The Minister of Trade, Industry and Energy may, in order to promote the transfer of clean industrial technology and the proliferation of its development results, have the institution prescribed by Ordinance of the Ministry of Trade, Industry and Energy, such as the agencies, etc. that professionally perform the business of clean industrial technology, carry out projects for the examination or guidance of manufacturing process for the practical use of clean industrial technology and projects for the proliferation of such technology, for enterprises. In such cases, it may contribute the funds required by the relevant institution, or render other necessary supports. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 8-2 [Previous Article 8-2 moved to Article 23 <by Act No. 10717, May 24, 2011>]

Article 8-3 [Previous Article 8-3 moved to Article 23-2 <by Act No. 10717, May 24, 2011>]

Article 8-4 [Previous Article 8-4 moved to Article 23-3 <by Act No. 10717, May 24, 2011>]

Article 8-5 [Previous Article 8-5 moved to Article 23-4 <by Act No. 10717, May 24, 2011>]

Article 9 (Promotion of International Cooperation)

(1) The Government shall prepare measures to promote international cooperation in the environmental facility industry and clean industrial technology between the local governments, enterprise, universities, research institutes and other institutions and organizations, and the international organizations or foreign governments, enterprise, colleges, research institutes, and other institutions and organizations.

(2) The Minister of Trade, Industry and Energy may carry out any of the following projects in order to promote the international cooperation as referred to in paragraph (1): <Amended

by Act No. 11690, Mar. 23, 2013>

1. Investigation and research for international cooperation in the environmental facility industry and clean industrial technology;
2. International exchange of personnel of and information on the environmental facility industry and clean industrial technology;
3. Holding of the exhibitions and seminars on the environmental facility industry and clean industrial technology or operation of the international markets of clean industrial technology;
4. Development of overseas markets of the environmental facility industry and clean industrial technology;
5. Other projects deemed necessary for the promotion of international cooperation.

(3) Where any institution, organization or enterprise provided for in Article 6 (2) carries out any project as prescribed in paragraph (2), the Minister of Trade, Industry and Energy may give necessary support. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 9-2 (Promotion of Countermeasures against International Environmental Regulations)

(1) In order to facilitate conversion into environment-friendly industrial structure and to prepare countermeasures against international environmental regulations, the Government may perform the following projects: <Amended by Act No. 10717, May 24, 2011>

1. Collection, analysis, and proliferation of information regarding international environmental regulations;
2. Construction of a system to deal with international environmental regulations and information network therefor;
3. Education, training, inspections, research, development, and public relations to deal with international environmental regulations;
4. Other projects prescribed by Presidential Decree to promote the countermeasures against the international environmental regulations.

(2) Where any institution, organization, enterprise, etc. referred to in Article 6 (2) performs any project provided for in paragraph (1), the Minister of Trade, Industry and Energy may contribute funds or grant subsidies necessary therefor, or provide other necessary support. <Newly Inserted by Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 10 [Previous Article 10 moved to Article 22 <by Act No. 10717, May 24, 2011>]

Article 11 [Previous Article 11 moved to Article 23-5 <by Act No. 10717, May 24, 2011>]

Article 12 (Payment of Subsidies)

(1) Where any public institution, organization of enterprises or research institution prescribed by Presidential Decree carries out any of the following projects, the Government may pay subsidies for expenses needed for such projects: <Amended by Act No. 9931, Jan. 13, 2010>

1. Research to establish a comprehensive policy;

2. Project to find tasks to perform for industrial environment;
3. Expenses incurred for the green management promoting headquarters prescribed in Article 13 to carry out the projects prescribed in Article 13 (2);
4. Research to promote green management prescribed in Article 15.

(2) The criteria for payment of subsidies referred to in paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 13 (Green Management Promoting Headquarters)

(1) In order to efficiently implement the projects to propagate and proliferate green management and promote conversion into environment-friendly industrial structure and to promote voluntary participation of the private sector, the Minister of Trade, Industry and Energy may designate an organization determined by Presidential Decree as the green management promoting headquarters (hereinafter referred to as "promoting headquarters"). <Amended by Act No. 9931, Jan. 13, 2010; Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013>

(2) The promoting headquarters shall perform the following projects: <Amended by Act No. 9931, Jan. 13, 2010; Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013>>

1. Campaigns for conversion into environment-friendly industrial structure;
2. Finding problems involved in carrying out the tasks for industrial environment of each business or each item, and suggestions about them;
3. Enhancement of capability to deal with the environmental regulations through the analysis of trends of environmental regulations, propagation to the relevant enterprises, voluntary agreements, etc.;
4. Publicity and education for the improvement of an industrial environment;
5. International exchange and cooperation with related foreign institutions in green management activities;
6. Surveys and analysis to invigorate start-up companies related to green industries as defined in subparagraph 4 of Article 2 of the Framework Act on Low Carbon, Green Growth and education related thereto;
7. Development and propagation of techniques to evaluate green management;
8. Provision of guidance, counseling, education, and public relations about green management to enterprises;
9. Other projects prescribed by Ordinance of the Ministry of Trade, Industry and Energy to proliferate green management.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 14 (Local Consultation Council)

The promoting headquarters may establish a local consultation council for each district and for each industrial complex which consists of persons related to enterprises, academic areas, research institutes, institutions supporting small and medium enterprises, etc., located in the relevant district, and, in turn, may perform activities to promote the exchange of information

and to efficiently improve the industrial environment, such as finding joint tasks and consultation about plans to support them.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

CHAPTER III PROMOTION OF GREEN MANAGEMENT

Article 15 (Formulation, etc. of Policies for Promotion of Green Management)

(1) The Government shall formulate policies to promote green management and induce its diffusion, and to support enterprises developing or utilizing the techniques for green management and enterprises producing or purchasing green products. <Amended by Act No. 9931, Jan. 13, 2010>

(2) The Minister of Trade, Industry and Energy may perform the following projects to support the green management of enterprises, etc.: <Newly Inserted by Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013>

1. Proliferating green management partnerships among enterprises;
2. Supporting the green management of Korean enterprises entering into overseas markets;
3. Other projects prescribed by Ordinance of the Ministry of Trade, Industry and Energy to support the establishment of green management systems.

(3) Where an institution, organization, enterprise, etc. referred to in Article 6 (2) performs any project referred to in paragraph (2), the Minister of Trade, Industry and Energy may contribute funds or grant subsidies necessary therefor, or provide other necessary support. <Newly Inserted by Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013>

(4) The organization of enterprises shall prepare and maintain information and relevant data for green products, and have them available to enterprises, etc. for inspection, in order to promote production or purchase of green products. <Amended by Act No. 9931, Jan. 13, 2010; Act No. 10717, May 24, 2011>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Articles 16 through 16-4 Deleted. <by Act No. 13747, Jan. 6, 2016>

Article 17 (Creation of Information Network for Industrial Environment)

(1) The Minister of Trade, Industry and Energy shall create and operate an information network for industrial environment containing the following information, and provide it to enterprises, etc.: <Amended by Act No. 9931, Jan. 13, 2010; Act No. 11690, Mar. 23, 2013>

1. Information on the clean industrial technology;
2. Information on green management;
3. Information on the exchange of by-products under subparagraph 3 of Article 2 of the Act on the Promotion of Saving and Recycling of Resources;
4. Information on enterprise producing environment facilities and remanufactured products and their products;
5. Information on the domestic and overseas industrial environments.

(2) The Minister of Trade, Industry and Energy may have an institution prescribed by Ordinance of the Ministry of Trade, Industry and Energy perform as proxy the affairs for creation and operation of the information network for industrial environment under paragraph

(1). In such cases, he/she may render such support as the funds, etc. required by the relevant institution. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 18 (Education, Public Relations, etc. for Green Management)

(1) The Government may promote projects of education and public relations for green management in cooperation with the organization of enterprises, colleges and universities, research institutes, etc., in order to diffuse the knowledge, information and technology concerning green management. <Amended by Act No. 9931, Jan. 13, 2010>

(2) The Government may prepare policies for such supports as finding excellent enterprises of green management and awarding them, etc., in order to promote green management. <Amended by Act No. 9931, Jan. 13, 2010>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 19 (Examination and Guidance for Green Management)

The Minister of Trade, Industry and Energy may, if deemed necessary for green management of small and medium enterprises, perform the examination or guidance for green management, as prescribed by Presidential Decree. <Amended by Act No. 9931, Jan. 13, 2010; Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

CHAPTER IV ESTABLISHMENT OF RESOURCE-CIRCULATING INDUSTRIAL STRUCTURE

Article 20 (Facilitating Conversion into Resource-Circulating Industrial Structure)

(1) The Minister of Trade, Industry and Energy shall formulate and implement policies to facilitate the conversion into the resource-circulating industrial structure. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy may perform the following projects to facilitate the conversion into the resource-circulating industrial structure: <Amended by Act No. 11690, Mar. 23, 2013>

1. Surveys and analysis of overall status of demand for, and supply of, natural resources and renewable resources;
2. Research and development and standardization to add higher value to natural resources and renewable resources;
3. Establishing a system to facilitate exchanges of natural resources, renewable resources and energy among enterprises and evaluating economic feasibility;
4. Invigorating ecological industrial complexes and fostering the remanufacturing industry and the product servitization industry;
5. Other projects prescribed by Ordinance of the Ministry of Trade, Industry and Energy to facilitate conversion into the resource-circulating industrial structure.

(3) Where any institution, organization, enterprise, etc. referred to in Article 6 (2) performs any project provided for in paragraph (2), the Minister of Trade, Industry and Energy may contribute funds or grant subsidies necessary therefor, or provide other necessary

support. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 10717, May 24, 2011]

Article 21 (Designation, etc. of Ecological Industrial Complexes)

(1) The Minister of Trade, Industry and Energy shall designate ecological industrial complexes through consultation with the Minister of Environment and the authority to designate industrial complexes provided for in Article 8-2 (1) of the Industrial Sites and Development Act (hereafter referred to as “authority to designate industrial complexes” in this Article). <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy may perform the following projects with respect to ecological industrial complexes. In such cases, the Government may contribute funds necessary for performing the relevant projects or provide other necessary support: <Amended by Act No. 11690, Mar. 23, 2013>

1. Developing and propagating technologies for joint use of resources and energy among enterprises within an ecological industrial complex;
2. Building up a comprehensive management system of resources and energy within an ecological industrial complex;
3. Training and educating experts in construction of ecological industrial complexes;
4. Cooperation with local communities to construct ecological industrial complexes;
5. Other projects prescribed by Presidential Decree to construct ecological industrial complexes.

(3) The Minister of Trade, Industry and Energy may designate an exclusive organization prescribed by Presidential Decree to take charge of affairs concerning operation, etc. of ecological industrial complexes. <Amended by Act No. 11690, Mar. 23, 2013>

(4) If necessary for efficiently constructing an ecological industrial complex, the Minister of Trade, Industry and Energy may request the relevant authority to designate industrial complexes to review an industrial complex development plan to ensure that major business to be located in the industrial complex, the land utilization plan, and the major infrastructure plan can maximize efficiency in the use of resources and energy by enterprises located therein when establishing the industrial complex development plan under Article 6, 7, or 7-2 of the Industrial Sites and Development Act. <Amended by Act No. 11690, Mar. 23, 2013>

(5) Matters necessary for performing projects, methods and procedures for providing support under paragraph (2) and other matters shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy in consultation with the Minister of Environment. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

[Moved from Former Article 4-2 <by Act No. 10717, May 24, 2011>]

Article 22 (Quality Certification, etc. for Environmental Facilities and Remanufactured Products)

(1) In order to strengthen the quality and technological competitiveness of environmental facilities and remanufactured products, the Minister of Trade, Industry and Energy may

certify the quality of environmental facilities and remanufactured products after the evaluation of their quality and performance, and factory inspection: Provided, That where the quality standards and certification regarding remanufactured products are prescribed by other Acts, he/she shall consult with the head of the relevant central administrative agency prescribed by such Acts about quality certification of such products. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy may request a public institution defined in subparagraph 2 of Article 2 of the Act on the Promotion of Purchase of Green Products, which purchases environmental facilities and remanufactured products, to preferentially purchase environmental facilities and remanufactured products which have obtained quality certification pursuant to paragraph (1). <Amended by Act No. 10550, Apr. 5, 2011; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Trade, Industry and Energy may have the relevant institution or organization prescribed by Ordinance of the Ministry of Trade, Industry and Energy conduct the evaluation of quality and performance, and factory inspection pursuant to paragraph (1) as proxy. In such cases, he/she may subsidize funds necessary therefor to such institution or organization. <Amended by Act No. 11690, Mar. 23, 2013>

(4) The Minister of Trade, Industry and Energy may request the institution or organization pursuant to paragraph (3) to submit data on the evaluation of quality and performance, and factory inspection. <Amended by Act No. 11690, Mar. 23, 2013>

(5) In carrying out quality certification under paragraph (1), the Minister of Trade, Industry and Energy shall determine and publicly announce the detailed standards, procedures, post-management and other matters of such quality certification. In such cases, the quality certification standards for remanufactured products shall be determined through consultation between the Minister of Trade, Industry and Energy and the Minister of Environment. <Newly Inserted by Act No. 13870, Jan. 27, 2016>

(6) Matters necessary for quality certification under paragraph (1) shall be determined by Presidential Decree. <Amended by Act No. 13870, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 23 (Products Eligible for Remanufacture)

(1) Products eligible for remanufacture shall be jointly chosen and publicly announced by the Minister of Trade, Industry and Energy and the Minister of Environment among products or parts thereof which meet requirements and criteria prescribed by Presidential Decree, and other necessary matters, such as remanufacture processes of each product shall be prescribed and publicly announced by the Minister of Trade, Industry and Energy. <Amended by Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013>

(2) The warranty period, repair, exchange, refund, or other compensation methods of remanufactured products that have been quality-certified under Article 22, and matters necessary for quality guarantee shall be prescribed by Presidential Decree. <Amended by Act No. 10717, May 24, 2011>

(3) Enterprises, etc. that design or produce products eligible for remanufacture shall design or produce the structure or quality of such products or parts thereof in a manner that resources can be easily circulated and used through remanufacture, etc. after use of such products. <Newly Inserted by Act No. 10717, May 24, 2011>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 23-2 (Indication, etc. of Remanufactured Products)

(1) Remanufacturing enterprises that have obtained the quality certification of remanufactured products pursuant to Article 22 shall attach a label to a remanufactured product, and indicate the matters prescribed by Ordinance of the Ministry of Trade, Industry and Energy, such as a quality certification mark, in such label. <Amended by Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013>

(2) No person, other than a remanufacturing enterprise that has obtained the quality certification of remanufactured products pursuant to Article 22, shall indicate quality certification or other similar marks thereto. <Amended by Act No. 10717, May 24, 2011>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 23-3 (Designation, Operation, etc. of Specialized Research Institutions)

In order to support the following matters regarding the quality certification of remanufactured products, the Minister of Trade, Industry and Energy may designate and operate a specialized research institution prescribed by Ordinance of the Ministry of Trade, Industry and Energy after consultation with the Minister of Environment: <Amended by Act No. 11690, Mar. 23, 2013>

1. The technological development of remanufactured products;
2. The development of methods and standards for quality evaluation of remanufactured products;
3. Other matters prescribed by Ordinance of the Ministry of Trade, Industry and Energy related to the quality certification of remanufactured products.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 23-4 (Subsidization of Funds, etc. for Remanufacture)

Where any remanufacturing enterprise implements research and development projects for remanufacture, etc., the State or local governments may subsidize or finance funds necessary therefor.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 23-5 (Mutual Aid Projects for Environmental Facilities)

(1) To reduce the possible early-stage risk which can be created as a result of practical use of the domestically developed environmental facility and to provide a guarantee against the defects of the environmental facility, the Government may assign an organization determined by Presidential Decree to carry out a mutual aid project.

(2) The Government may contribute funds to a mutual aid project carried out by an organization referred to in paragraph (1).

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 24 Deleted. <by Act No. 6600, Jan. 14, 2002>

Article 25 (Measures to Reduce Emissions of Greenhouse Gases)

Where the Minister of Trade, Industry and Energy deems it necessary to promote conversion into environment-friendly industrial structure and to follow the United Nations Framework Convention on Climate Change, he/she may request the person who is required to present an energy use plan to the Minister of Trade, Industry and Energy pursuant to Article 8 of the Energy Use Rationalization Act, to take necessary measures, such as adjustment or supplementation of such plan in order to reduce the emissions of greenhouse gases, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 26 Deleted. <by Act No. 6600, Jan. 14, 2002>

Article 27 (Revocation, etc. of Designation of Support Center for Clean Manufacturing Industry, etc.)

(1) Where the Support Center for the Clean Manufacturing Industry established under Article 7 (1) and a specialized research institution designated under Article 23-3 fall under any of the following cases, the Minister of Trade, Industry and Energy may revoke the designation thereof or order the suspension of business for a fixed period of up to one year: Provided, That in cases falling under subparagraph 1, he/she shall revoke the designation thereof: <Amended by Act No. 10717, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13747, Jan. 6, 2016>

1. Where it has been designated by fraudulent or other improper means;
2. Where it fails to conduct business for at least one year without good cause;
3. Deleted. <by Act No. 13747, Jan. 6, 2016>

(2) Deleted. <by Act No. 13747, Jan. 6, 2016>

(3) Where the Minister of Trade, Industry and Energy intends to revoke designation pursuant to paragraph (1), he/she shall hold a hearing. <Amended by Act No. 11690, Mar. 23, 2013>
[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 28 (Delegation or Entrustment of Authority)

(1) Part of the authority of the Minister of Trade, Industry and Energy under this Act may be delegated to the heads of agencies under his/her jurisdiction, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(2) Part of the authority of the Minister of Trade, Industry and Energy under this Act may be entrusted to the Minister of SMEs and Startups, as prescribed by Presidential Decree. <Newly Inserted by Act No. 14839, Jul. 26, 2017>

(3) The Minister of Trade, Industry and Energy may entrust the organization of enterprises prescribed by Presidential Decree with the business of examination and guidance for green management of small and medium enterprises under Article 19. <Amended by Act No. 9931, Jan. 13, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

CHAPTER VI PENALTY PROVISIONS

Article 29 (Penalty Provisions)

Any person who indicates a quality certification mark or a similar mark in violation of Article 23-2 (2) shall be punished by imprisonment with labor for up to two years or by a fine of up to 20 million won.

[This Article Wholly Amended by Act No. 13747, Jan. 6, 2016]

Article 30 (Joint Penalty Provisions)

(1) When the representative of a corporation, agent, employee or other worker of a corporation commits an act prescribed in Article 29 in connection with the affairs of the said corporation, not only shall such an actor be punished accordingly, but the corporation shall be punished by a fine under the same Article: Provided, That the same shall not apply where the corporation is not negligent in paying due care or supervision to the relevant businesses in order to prevent such a violation.

(2) When an agent, employee or other worker of an individual commits such an act as prescribed in Article 29 in connection with the affairs of the said individual, not only shall such actor be punished accordingly, but the individual shall be punished by a fine under the same Article: Provided, That the same shall not apply where the individual is not negligent in paying due care or supervision to the relevant businesses in order to prevent such a violation.

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 31 (Deemed Public Officials for Purposes of Penalty Provisions)

Any executive or employee of an organization engaged in proxy business pursuant to Article 22 (3) shall be deemed a public official for the purposes of penalty provisions under Articles 129 through 132 of the Criminal Act. <Amended by Act No. 10717, May 24, 2011; Act No. 13747, Jan. 6, 2016>

[This Article Wholly Amended by Act No. 9013, Mar. 28, 2008]

Article 32 Deleted. <by Act No. 13747, Jan. 6, 2016>

ADDENDA (Omitted)

17. Enforcement Decree of the Environmental Technology and Industry Support Act

[Enforcement Date 17. Jan, 2014.] [Presidential Decree No.25083, 14. Jan, 2014., Partial Amendment]

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Environmental Technology and Industry Support Act and other matters necessary for the enforcement thereof. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 2 Deleted. <by Presidential Decree 23267, Oct. 28, 2011>

Article 3 (Establishment of Growth Promotion Plans for Environmental Technology

and Environmental Industry) (1) When the Minister of Environment establishes a plan for developing environmental technologies and promoting the growth of the environmental industries (hereinafter referred to as “growth promotion plan”) pursuant to Article 3 (1) of the Environmental Technology and Industry Support Act (hereinafter referred to as the "Act"), he/she shall notify the heads of relevant central administrative agencies of such plan. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

(2) The Minister of Environment may request the heads of relevant central administrative agencies to provide the current status and estimate data of technologies and industries under their jurisdiction, which are necessary for the establishment of the growth promotion plan in accordance with Article 3 (3) of the Act. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

[This Article Wholly Amended by Presidential Decree 21544, Jun. 16, 2009]

Article 4 (Establishment, etc. of Annual Implementation Plan) (1) The heads of relevant central administrative agencies shall establish an annual implementation plan for the relevant year (hereinafter referred to as "implementation plan") by February 15 each year in accordance with the growth promotion plan and then submit such annual implementation plan to the Minister of Environment, along with implementation records of the preceding year. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

(2) The Minister of Environment shall integrate and report both implementation plans and implementation records of the preceding year submitted pursuant to paragraph (1) to the National Science and Technology Council established in accordance with Article 9 of the Framework Act on Science and Technology. <Amended by Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 24474, Mar. 23, 2013>

[This Article Wholly Amended by Presidential Decree 21544, Jun. 16, 2009]

Article 5 Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009>

Article 6 Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009>

Article 7 Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009>

Article 8 Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009>

Article 9 (Implementation of Project for Development of Environmental Technology) (1) The Minister of Environment shall, in order to undertake a project for developing environmental technologies under his/her jurisdiction in accordance with Article 5 (1) of the Act (hereinafter referred to as "development project"), establish a detailed plan for promoting such development project and then notify it to the public.

(2) The Minister of Environment shall, when he/she intends to carry out a development project in accordance with a detailed plan for promoting the development project under paragraph (1), select a person to implement such development project from among institutions, organizations or business operators under Article 5 (1) of the Act (hereinafter referred to as "research institutions, etc.") and have him/her carry out such development project by entering into an agreement with research institutions, etc. selected (hereinafter referred to as "research institutions in charge"). In such cases, an institution which has no

representative authority among research institutions in charge may enter into an agreement with the representative of a corporation to which such institution belongs.

(3) The agreement under paragraph (2) shall contain the matters falling under each of the following subparagraphs:

1. Research tasks and people in charge;
2. Costs necessary for the development project under Article 5 (2) of the Act and methods of paying such costs;
3. Utilization of the results of the development project;
4. Collection of technical royalties accrued from the utilization of the results of the development project;
5. Matters on the amendment or cancellation of the agreement and the violation thereof;
6. Others related to the implementation of the development project.

(4) The heads of research institutions in charge may entrust part of the implementation of the development project to other research institutions, etc.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 10 Deleted. <by Presidential Decree No. 18880, Jun. 23, 2005>

Article 11 (Adjunct Laboratories to Enterprises)

"Adjunct laboratories to enterprises meeting the standards prescribed by Presidential Decree" in Article 5 (1) 5 of the Act means laboratories affiliated to enterprises which are always staffed with full-time researchers in the environmental field among research institutes affiliated to enterprises under Article 14 (1) 2 of the Basic Research Promotion and Technology Development Support Act. <Amended by Presidential Decree No. 22977, Jun. 24, 2011>

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 11-2 (Institutions in Charge of Undertaking Development Projects)

The term "foreign research institutions meeting the standards prescribed by Presidential Decree" under the main sentence of Article 5 (1) 9 of the Act means any institution recognized by the Minister of Environment as a research institute which is always staffed with five or more full-time researchers with a bachelor's degree or higher in relevant fields and more than three years of research experience and which is equipped with independent research facilities.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 12 (Research Institutions in Environmental Field)

The term "institutions, organizations or business operators prescribed by Presidential Decree" in Article 5 (1) 10 of the Act means institutions, organizations or business operators falling under each of the following subparagraphs:

1. The Korea Environment and Resources Corporation established under the Korea Environment and Resources Corporation Act (hereinafter referred to as the "Korea Environment and Resources Corporation Act");
2. The Sudokwon Landfill Site Management Corporation established under the Act on the

- Establishment and Management of Sudokwon Landfill Site Management Corporation;
3. The Korea Institute of Advancement of Technology, the Korea Evaluation Institute of Industrial Technology, the Korea Institute of Ceramic Engineering and Technology, the Korea Testing Laboratory, and the specializing industrial technology research institutes established under the Industrial Technology Innovation Promotion Act;
 4. Venture companies in the environmental area incorporated under Article 2 (1) of the Act on Special Measures for the Promotion of Venture Businesses (hereinafter referred to as the "environment venture company");
 5. Research institutions established for the purpose of developing the environmental technology under the Civil Act or other Acts.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 13 (Contributions, etc. to Development Projects)

Where contributions from persons, other than the Government or other research and development expenses of enterprises under Article 5 (2) of the Act are included in the expenses necessary for development projects, the heads of research institutions in charge shall enter into an agreement on contributions, etc., in advance, with persons who bear such expenses.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 14 (Payment and Management of Contributions) (1) The heads of research institutions in charge shall, when they receive the contributions from the Government or persons, other than the Government, or research and development expenses of enterprises under Article 5 (2) of the Act, manage them in separate accounts designated.

(2) The contributions made by the Government under Article 5 (3) of the Act shall be paid in installments, taking into account the progress of the development project: Provided, That the contributions may, if necessary, be paid in lump sum, taking into account the size or start time of the development project.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 15 (Use of Contributions) (1) The heads of research institutions in charge which receive the contributions from the Government pursuant to Article 14 (1) in order to implement a development project shall use such contributions only to cover expenses directly related to the implementation of the relevant development project, such as labor cost, cost of materials, data-processing cost, production cost of prototype, etc., as prescribed by the Minister of Environment.

(2) The Minister of Environment may, if any research institution in charge uses contributions for any purpose, other than those under paragraph (1) without any justifiable ground, retrieve such contributions in whole or in part.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 16 (Collection and Use of Royalties) (1) Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

(2) The heads of research institutions in charge shall use technical royalties for the purposes

falling under each of the following subparagraphs pursuant to Article 5 (5) of the Act and report the results of use in the relevant year to the Minister of Environment by the end of February in the following year: <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

1. Enhancement of research efficiency of researchers, etc. participating directly or indirectly in the relevant development project;
2. Appropriation of royalties to research and development costs;
3. Management and utilization of the outcomes of research and development.

(3) The heads of research institutions in charge shall pay an amount corresponding to the rates pursuant to the classification set forth in the subparagraphs of Article 22 (1) of the Regulation on the Management, etc of National Research and Development Projects to the Korea Environmental Industry and Technology Institute under Article 5-3 of the Act (hereinafter referred to as the “Korea Environmental Industry and Technology Institute”) in accordance with Article 5 (5) of the Act. <Amended by Presidential Decree No. 21544, Jun. 16, 2009; Presidential Decree No. 25083, Jan. 14, 2014>

(4) The president of the Korea Environmental Industry and Technology Institute (hereinafter referred to as "president of the Korea Environmental Industry and Technology Institute") may use technical royalties received pursuant to paragraph (3) for the purposes falling under each of the following subparagraphs after obtaining an approval from the Minister of Environment: <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

1. Re-investment in development projects;
2. Projects for technical support to the persons who intend to use the results of research and development;
3. Projects for exchange of human resources in environmental technology at home and abroad for encouraging development projects;
4. Rewards and welfare promotion projects for the persons who have developed excellent environmental technologies;
5. Projects for exchange of information on environmental technology;
6. Projects for support to authentication of new technology or verification of technology;
7. Other projects recognized by the Minister of Environment for the promotion of environmental technologies.

(5) Detailed matters concerning collection and use, etc. of technical royalties other than the matters prescribed by this Decree shall be prescribed by the Minister of Environment. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

Article 16-2 (Restriction, etc. on Participation in National Research and Development Projects, etc.) (1) Article 27 (1) through (5), and (7) through (10), of the Regulations on Management, etc. of National Research and Development Projects shall apply to the standards for the period of restriction on participation in national research and development projects and the recovery of project costs pursuant to Article 5-2 (1) and (3) of the Act as well as to the formation and operation of an evaluation board therefor.

(2) A person who becomes subject to the restriction on participation in national research

and development projects pursuant to Article 5-2 (5) of the Act may file an objection to a person who has placed the restriction within 30 days from the receipt of such notification: Provided, That where the person who has placed the restriction is the head of central administrative agencies other than the Minister of Environment and is operating a system for objection application pursuant to Article 27 (6) of the Regulations on Management, etc. of National Research and Development Projects, such system shall apply.

[This Article Newly Inserted by Presidential Decree No. 25083, Jan. 14, 2014]

[Former Article 16-2 Moved to Article 16-3 by Presidential Decree No. 25083, Jan. 14, 2014]

Article 16-3 (Projects of Korea Environmental Industry and Technology Institute)

"Projects prescribed by Presidential Decree" referred to in Article 5-3 (4) 13 of the Act means any of the following projects: <Amended by Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 25083, Jan. 14, 2014>

1. Examination and research on policies and technologies for promoting environmental technologies and environmental industry;
2. Identification of and support to a promising environmental industry;
3. Business of facilitating investment in the environmental industry and supporting therefor, such as financing;
4. Business of promoting demands for environmental services, such as environmental technologies, environmentally-friendly facilities, environmentally-friendly products, environment-related financial products, and environment-related consulting;
5. Support, survey and research for the practical use of domestic environmental technologies in foreign countries;
6. Businesses concerning the support for education and promotion of responses to climate change;
7. Business prescribed by the articles of incorporation as necessary for efficiently conducting business under Article 5-3 (4) 1 through 12 of the Act and subparagraphs 1 through 6 of this Article.

[This Article Wholly Amended by Presidential Decree 44, Jun. 16, 2009]

[Moved from Article 16-2 by Presidential Decree No. 25083, Jan. 14, 2014]

Article 17 (Projects of Facilitating Practical Use of Environmental Technologies)

"Projects prescribed by Presidential Decree" in Article 6 (2) 5 of the Act means the following:

1. Projects designed, where a local government has saved a budget subsidized by the State or other local governments by utilizing a new technology as prescribed by Article 7 (1) of the Act (hereinafter referred to as "new technology"), to pay part of the amount saved as grants of encouragement to facilitate the practical use of new technologies by such local government;
2. Projects designed, where, after the State or a local government installed environmental facilities using a new technology, the new technology is deemed successful, to cover the costs required for the installation of such environmental facilities;
3. Projects designed to discover, foster, and support environment venture companies;

4. Projects designed to provide necessary human resources, information, facilities, funds and technologies to facilitate the practical use of excellent environmental technologies.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 18 (Application for Authentication of New Technology or Verification of Technology) (1) A person who intends to obtain a new technology certification or technology verification pursuant to Article 7 (1) through (3) of the Act shall submit an application for a new technology certification or technology verification containing each of the following matters (hereinafter referred to as "application") to the Minister of Environment: <Amended by Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 25083, Jan. 14, 2014>

1. Documents specifying the development background, history, principle, validity, etc. of the technology;
2. Documents describing performance and economical efficiency of the technology;
3. Design drawings and operating manual of the facilities subject to appraisal;
4. Documents describing the details appraised by the applicant, such as items of appraisal, frequency of appraisal, method of appraisal, kinds of raw materials, materials and samples related to the appraisal and the result of a domestic pilot test;
5. Documents describing the details (including the substance of the new technologies and details of novelty and excellency thereof) of the new technology;
6. Documents evidencing that the applicant is a technology holder, such as the results of use in Korea and overseas (limited to cases where the results of use are available) and domestic or foreign patent or authentication;
7. Investigation report on advanced technology performed by a specialized institution designated under Article 58 (1) of the Patent Act;
8. Documents specifying the matters subject to verification and method of field appraisal (limited to verification of technology);
9. Others publicized by the Minister of Environment as recognized necessary for the authentication of new technology or verification of technology.

(2) "Environmental technologies which are prescribed by Presidential Decree including the sewage water or wastewater treatment technology, water purification technology, etc." in the former part of Article 7 (3) of the Act means any of the following technologies: <Newly Inserted by Presidential Decree No. 25083, Jan. 14, 2014>

1. Technologies for sanitizing or treating livestock excreta provided for in subparagraph 2 of Article 2 of the Act on the Management and Use of Livestock Excreta;
2. Technologies for purifying raw water provided for in subparagraph 1 of Article 3 of the Water Supply and Waterworks Installation Act;
3. Technologies for treating wastewater referred to in subparagraph 4 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act or rainfall outflow water referred to in subparagraph 5 of the same Article;
4. Technologies for treating sewage referred to in subparagraph 1 of Article 2 of the

Sewerage Act or foul waste referred to in subparagraph 2 of the same Article.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 18-2 Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

Article 18-3 (Criteria of Appraisal of Authentication of New Technology or Verification of Technology)

Technologies subject to authentication of new technology or verification of technology under Article 7 (1) through (3) of the Act shall comply with Acts and subordinate statutes related to environment and the criteria of appraisal therefor shall be as follows: <Amended by Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 25083, Jan. 14, 2014>

1. Novelty: Technologies in the method of construction in environmental fields, which have been developed for the first time in Korea or been improved through the introduction of main parts of domestic or foreign technologies, and technologies related thereto;
2. Excellency in technical performance: Technologies with high efficiency, perfectness, importance and possibility of development;
3. Excellency in application to the field: Technologies with economical efficiency, safety, and conveniences in maintenance and management, compared with existing technologies.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 18-4 (Method of and Procedure for Appraisal of Authentication of New Technology or Verification of Technology)

(1) When the Minister of Environment receives an application for authentication of new technology or verification of technology pursuant to Article 18, he/she shall publicize the main details of the technologies on the Internet website, etc. for at least 30 days and hear opinions from interested parties.

(2) After hearing opinions from interested parties pursuant to paragraph (1), the Minister of Environment shall conduct an appraisal of authentication of new technology or verification of technology under Article 7 (1) through (3) of the Act. <Amended by Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 25083, Jan. 14, 2014>

(3) The appraisal of the authentication of new technology under paragraph (2) shall be conducted through a field investigation (referring to confirmation on whether technological details, field applicability, etc. are identical to the details of the application; hereinafter the same shall apply) and documentary examination, and the appraisal for the verification of technology shall be conducted through a field investigation, documentary examination, field assessment (referring to the assessment of the functions of the facilities installed in the field subject to appraisal, after undertaking tests and analyses, etc. for a certain period; hereinafter the same shall apply) and overall assessment.

(4) Specific procedures for a field investigation, documentary examination, field assessment, and overall assessment under paragraph (3) and other necessary matters shall be prescribed and publicized by the Minister of Environment.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 18-5 (Public Announcement and Management of Authentication of New Technology or Verification of Technology)

(1) When the Minister of Environment issues

a certificate for authentication of new technology or verification of technology pursuant to Article 7 (4) of the Act after undertaking an appraisal for the authentication of new technology or verification of technology under Article 18-4 (2), he/she shall publicly announce the details of authentication or verification through the Internet website, etc. and notify the Korea Environmental Industry and Technology Institute of details of such issuance. <Amended by Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 25083, Jan. 14, 2014>

(2) When the president of the Korea Environmental Industry and Technology Institute receives notification of the details of issuance of a certificate for authentication of new technology or verification of technology pursuant to paragraph (1), he/she shall preserve the details of such issuance for ten years. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 19 (Small and Medium Enterprises in Environmental Field)

"Small and medium enterprise meeting the standards prescribed by Presidential Decree" in Article 7 (6) 1 of the Act means a small or medium company incorporated under Article 2 of the Framework Act on Small and Medium Enterprises, which runs an environmental business. <Amended by Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 25083, Jan. 14, 2014>

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 19-2 Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

Article 19-3 (Preferential Use of New Technologies or Verified Technologies) (1) and (2) Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

(3) Institutions or business operators under Article 7-2 (3) of the Act may, when they place an order for construction or design of environmental facilities, take preferential measures, such as granting additional points in a tender to any new technologies or verified technologies, as prescribed and publicized by the Minister of Environment. <Amended by Presidential Decree No. 21544, Jun. 16, 2009; Presidential Decree No. 25083, Jan. 14, 2014>

(4) Where an institution or business operator who establishes and operates environmental facilities pursuant to Article 7-2 (3) of the Act intends to utilize a new technology or verified technology, the Minister of Environment may provide funds necessary to utilize the new technology or verified technology to such institution or business operator. <Amended by Presidential Decree No. 21544, Jun. 16, 2009; Presidential Decree No. 25083, Jan. 14, 2014>

[This Article Newly Inserted by Presidential Decree No. 18157, Dec. 11, 2003]

[Title of this Article Amended by Presidential Decree No. 25083, Jan. 14, 2014]

Article 19-4 (Term of Validity and Application for Extension of Authentication of New Technology and Verification of Technology) (1) Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

(2) A person who intends to extend the term of validity under Article 7-3 (2) of the Act shall apply for extension of the term of validity of authentication of new technology and verification of technology (hereinafter referred to as "application for extension"), along with the following

documents, to the Minister of Environment by not later than 120 days prior to expiry of the term of validity: <Amended by Presidential Decree No. 21544, Jun. 16, 2009; Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 23934, Jul. 4, 2012>

1. Documents stating the improved matters after the authentication of new technology or verification of technology;

2. Documents stating the records of utilization in Korea and overseas and the results of application, etc. after the authentication of new technology or verification of technology;

3. Documents stating the current status of development of similar technology and the present level of such technology.

(3) The Minister of Environment shall notify a person who has obtained authentication of new technology or verification of technology, of the application procedure for extension of the term of validity by 150 days before the validity of authentication of new technology or verification of technology expires. In such cases, the said notification may be sent by means of a mobile phone text message, e-mail, fax, telephone, document, etc. <Newly Inserted by Presidential Decree No. 23934, Jul. 4, 2012>

(4) When the Minister of Environment has received an application for extension of the term of validity of authentication of new technology and verification of technology under paragraph (2), he/she shall determine whether the said term of validity shall be extended through the appraisal of the following matters: <Amended by Presidential Decree No. 21544, Jun. 16, 2009; Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 23934, Jul. 4, 2012>

1. Results of utilization from when the authentication of new technology or verification of technology is received to when an application for extension of the term of validity is made;

2. Whether performance of technology is satisfactory after the application of new technology or verified technology as prescribed by Article 7 (2) of the Act (hereinafter referred to as “verified technology”), compared with the performance at the time of authentication of new technology or verification of technology;

3. Whether economical efficiency, safety, eco-friendliness, conveniences in maintenance and management are satisfactory after the application of new technology or verified technology, compared with those at the time of authentication of new technology or verification of technology;

4. Whether the related Acts and subordinate statutes are complied with.

(5) Appraisal for extension of the term of validity under paragraph (4) shall be conducted through a field investigation and documentary examination. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

(6) Specific procedures for a field investigation and documentary examination under paragraph (5) and other necessary matters shall be prescribed and publicized by the Minister of Environment. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

[This Article Newly Inserted by Presidential Decree No. 18157, Dec. 11, 2003]

Article 19-5 (Procedures for Cancellation of Authentication of New Technology or

Verification of Technology) (1) When the Minister of Environment intends to cancel any authentication of new technology or verification of technology under Article 7-4 of the Act, he/she shall give prior notice to the relevant person of the intended cancellation, specifying the reasons of such cancellation.

(2) Any person who receives prior notice of cancellation under paragraph (1) may submit an explanation within 30 days from the date when he/she receives such prior notice.

(3) After investigating (including a field investigation if necessary) and reviewing an explanation submitted under paragraph (2), the Minister of Environment shall determine whether to cancel authentication of new technology or verification of technology. In such cases, where any person who has received prior notice of cancellation under paragraph (2) fails to submit an explanation referred to in paragraph (2), he/she shall be deemed to have acknowledged the fact that constituted the ground for cancellation.

(4) When the Minister of Environment cancels authentication of new technology or verification of technology, he/she shall give notice to the relevant person or any interested person without delay and post such cancellation at the website of the Ministry of Environment on the Internet.

[This Article Wholly Amended by Presidential Decree No. 23267, Oct. 28, 2011]

Article 19-6 (Designation of Excellent Environmental Enterprises) (1) “ Criteria prescribed by Presidential Decree ” in Article 7-5 (1) of the Act means each of the following: <Amended by Presidential Decree No. 25083, Jan. 14, 2014>

1. Excellence in business performance, such as domestic and overseas sales;
2. The level of practical use of a technology owned by an enterprise;
3. Potential use of green products and environmental technologies and their marketability under Article 5-3 (1) of the Act of an environmental enterprise provided for in Article 5 (1) 8 of the Act (hereinafter referred to as “ environmental enterprise ”);
4. Potential for new job creation;
5. Potential for further development of an environmental technology.

(2) Where an environmental enterprise falls under any of the following subparagraphs, the Minister of Environment shall exclude such enterprise from designation as an excellent environmental enterprise under paragraph (1):

1. Where an enterprise breaches any other's intellectual property rights;
2. Where an enterprise is restricted from participating in national research and development projects under Article 11-2 of the Framework Act on Science and Technology;
3. Where an enterprise has arrears in tax, or its business has been suspended or closed;
4. Where for the last three consecutive years, the debt to asset ratio of an enterprise has been at least 500 percent, or its interest expense has exceeded its operating income.

(3) The criteria for designation referred to in paragraph (1) and detailed criteria for exclusion from designation referred to in paragraph (2) shall be determined and publicly announced by the Minister of Environment.

[This Article Newly Inserted by Presidential Decree No. 23267, Oct. 28, 2011]

Article 19-7 (Installation and Operation of Environmental Technology and Database Network) (1) The Minister of Environment may provide information on dissemination of environmental technologies, etc. to central administrative agencies, local governments, pertinent education and research institutions, companies and organizations, which are related with environmental technologies or environmental industries, by installing and operating an environmental technology and database network under Article 9 (2) of the Act. (2) Among information referred to in paragraph (1), any research and development information pertaining to national research and development projects in the environmental field shall be provided in connection with the national science and technology information system provided for in Article 25 of the Regulation on the Management, etc of National Research and Development Projects.

[This Article Newly Inserted by Presidential Decree No. 23267, Oct. 28, 2011]

Article 19-8 (Status Quo Investigation of Environmental Technology and Industry) (1) A status quo investigation on environmental technologies and industries conducted under Article 9-2 (1) of the Act (hereinafter referred to as “status quo investigation”) shall include the following matters:

1. The current state and development trend of environmental technologies in Korea and abroad;
2. The balance of trade related to environmental technologies including the current state of import and export of environmental technologies;
3. The change in and forecast of the environmental market in Korea and abroad;
4. The current state of exports of the environmental industries;
5. The current state of supply and demand of human resources related to environmental technologies and industries;
6. The current state of business distribution related to environmental technologies and industries by business category;
7. The current state of business management of environmental enterprises;
8. Other matters necessary for establishing and enforcing polities pertaining to environmental technologies and industries.

(2) A status quo investigation shall be conducted once a year, but when the Minister of Environment deems it necessary to conduct an investigation on a specific area in connection with paragraph (1), a special investigation may be conducted.

(3) When the Minister of Environment conducts a status quo investigation, he/she shall give prior notice to a person subject to investigation, of a plan of investigation stating a period of investigation, purposes of investigation, details of investigation, etc.

(4) The Minister of Environment may use electronic media, such as communication networks and e-mails for an efficient status quo investigation.

[This Article Newly Inserted by Presidential Decree No. 23267, Oct. 28, 2011]

Article 20 (Designation and Operation of Green Environment Support Centers) (1) The following institutions or organizations may be designated as green environment support

centers under Article 10 (1) of the Act: <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

1. National and public research institutions or research institutions subject to the application of the Support of Specific Research Institutes Act;
2. Schools established under Article 2 of the Higher Education Act;
3. The Environmental Management Corporation;
4. Corporations established after obtaining approval from the Minister of Environment for developing the environmental technology;
5. Institutions or organizations meeting the criteria for designation prescribed by the Minister of Environment among institutions or organizations specialized in business, such as resolving current environmental problems in local communities, laying the foundation for green growth, and facilitating green growth pursuant to Article 10 (1) of the Act (hereinafter referred to as "green growth").

(2) The Minister of Environment may request any green environment support center to furnish necessary data for efficiently operating such center and providing necessary support thereto, as prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 20-2 (Criteria for Appraisal, etc. for Green Environment Support Centers) (1)

The criteria for regular appraisal referred to in Article 10-2 (1) 1 of the Act shall be as follows:

1. The ratio of the amount of funds provided by the Minister of Environment pursuant to Article 10 (2) of the Act to total business expenses;
2. The appropriateness in management of business expenses;
3. The business performance and records pursuant to each subparagraph of Article 10 (2) of the Act;
4. The level of facilitation of the operation of a green environment support center;
5. Other matters determined and publicly announced by the Minister of Environment in order to appraise the business records, etc. of the preceding year.

(2) The criteria for comprehensive appraisal referred to in Article 10-2 (1) 2 of the Act shall be as follows:

1. The business performance and records in accordance with the results of regular appraisals for the preceding four years;
2. The level of contribution to laying the foundation for green growth and facilitating green growth as well as resolution of environmental problems in local communities;
3. Other matters determined and publicly announced by the Minister of Environment for overall appraisal of operation of green environment support centers.

(3) When the Minister of Environment intends to conduct an appraisal as prescribed by paragraph (1) or (2), he/she shall notify the green environment support center subject to appraisal of detailed criteria, time, etc. of appraisal by three months prior to the scheduled date for appraisal.

[This Article Newly Inserted by Presidential Decree No. 23267, Oct. 28, 2011]

Article 20-3 (Establishment of Environmental Industry Association)

“Persons prescribed by Presidential Decree” in Article 11 (1) of the Act means the following enterprises or organizations: <Amended by Presidential Decree No. 24638, Jun. 28, 2013>

1. A construction company specializing in environment-friendly construction referred to in Article 15 of the Act;
2. An environment-related consulting company referred to in Article 16-4 of the Act;
3. An enterprise related to environmental technology or industry among venture businesses provided for in Article 2 (1) of the Act on Special Measures for the Promotion of Venture Businesses;
4. An enterprise related to environmental technology or industry among small and medium-sized enterprises provided for in Article 2 of the Framework Act on Small and Medium Enterprises;
5. An enterprise related to environmental technology or industry among enterprises that have made registration for incorporation under Article 172 of the Commercial Act and that have made business registration under Article 168 of the Income Tax Act and Article 8 of the Value-Added Tax Act.

[This Article Newly Inserted by Presidential Decree No. 23267, Oct. 28, 2011]

Article 21 (Facilities Subject to Technical Support, etc.) (1) Facilities subject to technical support under Article 12 of the Act shall be as follows: <Amended by Presidential Decree No. 22224, Jun. 28, 2010; Presidential Decree No. 23267, Oct. 28, 2011>

1. Facilities installed to prevent or reduce environmental pollution in advance during the course of production activities;
2. Facilities in need of technical support because of a lack of technical capability to operate and manage environmental facilities;
3. Facilities which have been operated in excess of permissible discharge standards under Article 16 of the Clean Air Conservation Act, Article 32 of the Water Quality and Aquatic Ecosystem Conservation Act or Article 7 of the Noise and Vibration Control Act, or discharged water quality standards under Article 7 of the Sewerage Act or Article 13 of the Act on the Management and Use of Livestock Excreta at least three times within two years and which are designated by heads of local governments, heads of basin environmental offices or heads of regional environmental offices as being in need of technical support in order to achieve the effect of environmental improvement;
4. Facilities subject to investigation of the discharged amount of chemical substances under Article 17 of the Toxic Chemicals Control Act.

(2) A person who intends to receive technical support for facilities under paragraph (1) shall file an application to the Minister of Environment.

(3) When the Minister of Environment receives an application for technical support pursuant to paragraph (2), he/she shall confirm a plan for technical support and then notify the

applicant of such plan by seven days prior to the date on which the technical support commences. In such cases, in confirming the technical support plan, the Minister of Environment may, if deemed necessary depending on the types and characteristics of the facilities subject to technical support, consult with the heads of relevant local governments, the heads of basin environmental offices, the heads of regional environmental offices, green environment support centers established in accordance with Article 10 of the Act or relevant specialized institutions. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

(4) The Minister of Environment shall, where a person who has filed an application for technical support requires him/her to protect data or information worth being protected with respect to the relevant facilities and production process, manufactured products, etc., prevent disclosure or divulgence of such data or information. In such cases, the Minister of Environment shall decide the methods of protecting data or information and the period of protection by entering into a separate contract with the applicant.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 21-2 (Projects subject to Support)

"Projects prescribed by Presidential Decree" in Article 13-3 (2) 4 of the Act means the following:

1. Projects to support domestic environmental technologies for acquisition of international certifications;
2. Survey and research projects for installation and operation of environmental facilities in foreign countries and to obtain orders for foreign environmental projects.

[This Article Newly Inserted by Presidential Decree No. 23267, Oct. 28, 2011]

Article 21-3 Deleted. <by Presidential Decree No. 20297, Sep. 28, 2007>

Article 22 Deleted. <by Presidential Decree No. 23999, Jul. 31, 2012>

Article 22-2 Deleted. <by Presidential Decree No. 20297, Sep. 28, 2007>

Article 22-3 Deleted. <by Presidential Decree No. 20297, Sep. 28, 2007>

Article 22-4 (Registration Criteria for Business Specializing in Environment-Friendly Construction) (1) A person who intends to make a registration of business specializing in environment-friendly construction under the former part of Article 15 (1) of the Act shall be equipped with the following technical abilities: <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

1. Technical experts in charge under the following items:
 - (a) Atmosphere: At least four persons;
 - (b) Water quality: At least four persons;
 - (c) Noise and vibration: At least three persons;
2. Test apparatus to measure and analyze pollutants of water quality (limited to water quality field, and where concluding a contract for joint use or for vicarious execution of measurement and analysis with the person possessing the same test apparatus (excluding other business operators specializing in environment-friendly construction), it shall be deemed to have been equipped with the same test apparatus).

(2) Detailed criteria for registration of business specializing in environment-friendly construction, such as the qualifications of technical experts in charge and test apparatus under each subparagraph of paragraph (1), shall be provided for in Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

(3) When a person files an application for registration under Article 15 (1) of the Act, the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, and Governor of a Special Self-Governing Province (hereinafter referred to as “Mayor/Do Governor”) shall allow registration except in any of the following cases: <Newly Inserted by Presidential Decree No. 23267, Oct. 28, 2011>

1. Where he/she falls under any subparagraph of Article 15 (4) of the Act;
2. Where he/she is unequipped with the technical abilities provided for in paragraph (1);
3. Where such registration is in violation of restriction imposed under this Act and subordinate statutes or other Acts and subordinate statutes.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-5 (Alteration of Registration Matters of Business Specializing in Environment-Friendly Construction)

"Matters prescribed by Presidential Decree" in the latter part of Article 15 (1) of the Act shall be as follows:

1. Representative or trade name;
2. Location of business places;
3. Location of test apparatus (limited to water quality field);
4. Matters of concluding a contract for a joint use of test apparatus or a vicarious execution of measurement and analysis (limited to cases of concluding a contract for a joint use of test apparatus or a vicarious execution of measurement and analysis);
5. Technical experts in charge.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-6 (Preferential Treatment for Green Companies)

"Preferential measure prescribed by Presidential Decree" in Article 16-2 (5) 3 of the Act means funds and technical support needed to improve the environment of companies and places of work. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-7 (Revocation of Designation of Green Companies)

"Cases prescribed by Presidential Decree" in subparagraph 3 of Article 16-3 of the Act shall be as follows: <Amended by Presidential Decree No. 22124, Apr. 13, 2010; Presidential Decree No. 22224, Jun. 28, 2010; Presidential Decree No. 23267, Oct. 28, 2011>

1. Where a person has been subjected to any of the following disposition, or has been sentenced to a punishment equivalent to or heavier than a fine of at least one million won or imprisonment without prison labor in violation of the relevant Acts: Provided, That the same shall not apply where a person has been subjected to any of the following disposition, but recognized by the Minister of Environment as not having polluted the surrounding

environment:

(a) Any order for improvement, order for suspension of operation, disposition on cancellation of permission, disposition taken to impose penalty surcharges, order for suspension of use, or order for closure under Article 33, 34, 36, 37, or 38 of the Clean Air Conservation Act;

(b) Any order on the enforcement of prevention measures, order for improvement, order for suspension of operation, disposition on cancellation of permission, order for suspension of use, or order for closure under Article 15 (3), 39, 40, 42, or 44 of the Water Quality and Aquatic Ecosystem Conservation Act;

(c) Any order for improvement, order for suspension of operation, disposition on cancellation of permission, order for suspension of use, or order for closure under Articles 15 through 18 of the Noise and Vibration Control Act;

(d) Any disposition on cancellation of permission, order for business suspension or order to take measures under Article 27 or 48 of the Wastes Control Act;

(e) Any order for suspension of sales, order for suspension of use, order for improvement, order for business suspension, disposition on cancellation of registration or cancellation of permission under Article 16, 23, 27, or 36 of the Toxic Chemicals Control Act;

(f) Any disposition on cancellation of permission, order for business suspension, disposition taken to impose penalty surcharges or disposition on cancellation of registration under Article 18, 32, 33 or 35 of the Act on the Management and Use of Livestock Excreta;

(g) Any order for suspension or order for restoration under Article 17 of the Natural Environment Conservation Act;

(h) Any order to take measures or order for suspension of use under Articles 14 (1) and (3), and 15 (3) of the Soil Environment Conservation Act;

(i) Any order to take measures or to suspend construction under Article 26 (3) and (4) or 28 (3) of the Environmental Impact Assessment Act;

(j) Any order for improvement, order for suspension of use, disposition taken to impose penalty surcharges or order for closure under Articles 10 through 13 of the Malodor Prevention Act;

(k) Any order for business suspension, disposition on cancellation of permission, disposition taken to impose penalty surcharges, or disposition on cancellation of registration under Article 49, 50, or 54 of the Sewerage Act;

2. Where the designation as a green company has not been revoked pursuant to the proviso to subparagraph 1, but the person has been subjected to the disposition falling under each item of the same subparagraph at least three times for two years;

3. Where the location is changed by relocation of a company and its place of work;

4. Other cases corresponding to subparagraphs 1 and 3 as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-8 (Registration Criteria for Environment Consulting Firm) (1) The requirements on qualified personnel under the former part of Article 16-4 (1) of the Act with

the exception of its subparagraphs are as provided for in attached Table 1.

(2) "Important matters prescribed by Presidential Decree, such as trade name or technical human resources" in the latter part of Article 16-4 (1) of the Act with the exception of its subparagraphs means the following:

1. Trade name or the location of business place;
2. Representative and executives;
3. Technical human resources;
4. Purpose of business (referring to the purpose of business stipulated in the articles of incorporation).

(3) Any registration of changes under Article 16-4 (1) of the Act shall be made within 30 days from the date on which any ground for changes arises.

(4) When an application for registration is filed under Article 16-4 (1) of the Act, the Mayor/Do Governor shall allow registration except in any of the following cases: <Newly Inserted by Presidential Decree No. 23267, Oct. 28, 2011>

1. Where the business of a company applying for registration does not fall under any subparagraph of Article 16-4 (1) of the Act;
2. Where any executive falls under any subparagraph of Article 16-4 (2) of the Act;
3. Where the company fails to satisfy the requirements on personnel provided for in paragraph (1);
4. Where such registration is in violation of restriction imposed under this Act and subordinate statutes or other Acts and subordinate statutes.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-9 (Disclosure of Environmental Information)

“Public institutions prescribed by Presidential Decree and companies, etc. that have substantial influence on the environment” in Article 16-8 (1) of the Act shall be as follows:

1. Central administrative agencies as prescribed by Article 2 of the Government Organization Act;
2. Local governments as prescribed by Article 2 of the Local Autonomy Act;
3. Institutions designated under Article 4 of the Act on the Management of Public Institutions (excluding other public institutions as prescribed by Article 5 (4) of the same Act, the fixed number of personnel of which is less than 100 persons);
4. National universities and public universities as prescribed by Article 3 of the Higher Education Act;
5. Institutions in attached Table 2, among local government-invested public corporations as prescribed by Article 49 of the Local Public Enterprises Act and local government public corporations as prescribed by Article 76 of the same Act;
6. Controlled entities as prescribed by Article 42 (5) of the Framework Act on Low Carbon, Green Growth.

[This Article Newly Inserted by Presidential Decree No. 23267, Oct. 28, 2011]

Article 23 (Application for Environment Mark Certification) (1) Any person who intends

to obtain certification of environment mark pursuant to Article 17 (2) of the Act shall submit an application for environment mark certification to the Minister of Environment, along with the data falling under each of the following subparagraphs:

1. Data related to the environmentally-friendliness of the relevant product;
2. Data related to the quality of the relevant product;
3. Deleted. <by Presidential Decree No. 25083, Jan. 14, 2014>

(2) The Minister of Environment shall, when he/she grants certification of environment mark, issue a certificate of environment mark to the applicant, clearly stating the reasons therefor.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 24 (Selection of Products Subject to Environment Mark) (1) Any person who intends to present a proposal for selection of products subject to certification of environment mark under Article 17 of the Act (hereinafter referred to as "product subject to environment mark") shall submit a written proposal for such selection to the Minister of Environment.

(2) Food under the Food Sanitation Act, medicines and therapeutic devices under the Pharmaceutical Affairs Act, agricultural chemicals under the Pesticide Control Act and wood crafts designated as forest products (excluding forest products prescribed by Article 2 (5) 6 of the Enforcement Decree of the same Act) under the Creation and Management of Forest Resources Act shall not be selected as a product subject to environment mark. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

(3) When the Minister of Environment selects a product subject to environment mark, he/she shall establish and publicize standards for certification of environment mark by product.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 25 (Repeal of Selection of Product Subject to Environment Mark) (1) In cases of any product that has no need to obtain environment mark, from among products subject to environment mark pursuant to Article 17 (3) of the Act, the Minister of Environment may repeal the selection of the product subject to environment mark.

(2) The Minister of Environment shall, when he/she repeals the selection of a product subject to environment mark pursuant to paragraph (1), announce the fact to the public.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 25-2 (Reporting on Change by Authenticating Institution)

The term "matters prescribed by Presidential Decree, such as name and location, etc. of authenticating institution" in Article 18 (6) of the Act means those falling under any of the following subparagraphs:

1. Location of the authenticating institution;
2. Name of the authenticating institution;
3. Representative.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 26 (Selection and Repeal of Product Subject to Environment Grade Mark) (1) Any person who intends to present a proposal on the selection of materials and products subject to authentication of environment grade mark pursuant to Article 20 (1) of the Act

(hereinafter referred to as "product subject to environmental grade mark") shall submit a written proposal to the Minister of Environment.

(2) The Minister of Environment shall deliberate over such matters proposed pursuant to paragraph (1), determine whether to choose products subject to environment grade mark, draw up guidelines concerning the method of assessment for environment grade for chosen products subject to environment grade mark and the mark thereof, and then notify them to the public.

(3) The provisions of Article 25 shall apply mutatis mutandis to matters concerning the repeal of the product subject to environment grade mark. In such cases, "products subject to environment mark" shall be deemed "products subject to environment grade mark".

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 27 (Qualification Standards, etc. for Examiner of Authentication) (1) Any person falling under any of the following subparagraphs may become an examiner of authentication pursuant to Article 21 (2) of the Act:

1. A person who received the education under Article 21 (1) of the Act and for whom three years have not yet passed;

2. A person who has a career record publicized by the Minister of Environment and who graduated from college after completing subjects prescribed and publicized by the Minister of Environment, taking into account the types and characteristics of a product subject to environment grade mark.

(2) The Minister of Environment shall, when a person satisfying the qualification criteria under paragraph (1) file an application, issue a certificate of examiner of authentication of environment grade mark.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 27-2 (Regulations for Affairs)

Matters to be included in the regulations necessary for the affairs of authentication or education under Article 21-2 (2) of the Act shall be as follows:

1. Matters to be included in the regulations necessary for the affairs of authentication:

(a) Matters on the procedures of authentication and methods thereof for environment mark under Article 17 of the Act or environment grade mark under Article 18 of the Act (hereinafter referred to as "environment mark, etc.");

(b) Matters on the period of authentication of environment mark, etc. and post management of authenticated products;

(c) Other matters recognized by the Minister of Environment as necessary for the authentication of environment mark, etc.;

2. Matters to be included in the regulations necessary for education affairs:

(a) Matters on the procedures for application for education and methods of assessment;

(b) Matters on the management of persons completing the education;

(c) Other matters recognized by the Minister of Environment as necessary for the education for examiners of authentication.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 28 (Grounds for Cancellation of Authentication of Environment Mark, etc.) (1)

The term "cases prescribed by Presidential Decree" in Article 23 (1) 4 of the Act means cases falling under any of the following subparagraphs:

1. Where manufacturing of the products which obtained authentication of environment mark has been de facto suspended due to dishonor, closure or any other grounds similar thereto;
2. Where any product failing to satisfy the authentication criteria under Article 17 (3) of the Act is distributed.

(2) The term "cases prescribed by Presidential Decree" in Article 23 (2) 4 of the Act means cases falling under any of the following subparagraphs:

1. Where manufacturing of the products which obtained authentication of environment grade mark has been de factosuspended due to dishonor, closure or any other grounds similar thereto;
2. Where any material or product different from the details of the authentication under Article 20 (3) of the Act is distributed.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 28-2 (Announcement of Cancellation of Authentication of Environmental Marks, etc.)

The Minister of Environment shall, when he/she cancels authentication of environment mark, etc. pursuant to Article 23 of the Act, publicly announce the matters falling under each of the following subparagraphs:

1. Materials or name of product, the authentication of which is cancelled;
2. Manufacturing company or manufacturer of materials or products, the authentication of which is cancelled;
3. Grounds for cancellation of authentication;
4. Date of cancellation of authentication.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 28-3 (Support, etc. for Mutual Recognition of Environment Mark, etc. between States) (1)

The Government may, when it enters into an agreement with a foreign government with respect to the mutual recognition of environment mark, etc. pursuant to Article 24-2 of the Act, specify the provisions of such agreement stipulating that the same effect as provided for in this Act shall be granted to the authentication of environment mark, etc. granted by any foreign authenticating institution.

(2) The Minister of Environment shall, when he/she intends to enter into an agreement under paragraph (1), consult with heads of relevant central administrative agencies in advance.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 29 (Use of Fees, etc.)

The term "expenses as prescribed by Presidential Decree" in Article 25 (2) of the Act means expenses required for post management, such as pilot test of products which obtained authentication for environment mark, etc.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 30 (Criteria, etc. for Collection of Fees, etc.) (1) The Minister of Environment shall determine fees for application under Article 25 (1) of the Act based on the expenses required to examine the application for authentication of environment mark, etc. and usage fees based on the types, unit price, endurance period, and sales of materials or products, after hearing opinions from authenticating institutions or institutions entrusted with authentication of environment mark, etc. persons who obtained authentication of environment mark, etc. and other interested persons.

(2) The Minister of Environment shall, when he/she determines application fees and usage fees pursuant to paragraph (1), publicly announce such details.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 31 Deleted. <by Presidential Decree No. 18863, Jun. 13, 2005>

Article 32 (Establishment, etc. of Environmental Technical Personnel Nurturing Plan)

The plan for nurturing environmental technical personnel under Article 27 of the Act shall contain the matters falling under each of the following subparagraphs:

1. A mid and long outlook on supply and demand of environmental technical personnel;
2. A plan for nurturing and securing the environmental technical personnel;
3. A plan for providing education on environmental technology and technical training;
4. Matters on the attraction and utilization of environmental technical personnel.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 33 (Delegation and Entrustment) (1) Deleted. <by Presidential Decree No. 25083, Jan. 14, 2014>

(2) The Minister of Environment shall delegate the following authority to heads of river basin environmental office or heads of regional environmental office pursuant to Article 31 (1) of the Act: <Amended by Presidential Decree No. 21544, Jun. 16, 2009; Presidential Decree No. 25083, Jan. 14, 2014>

1. Designation, and cancellation of the designation, of a green enterprise under Articles 16-2 and 16-3 of the Act;
2. Request for the presentation of data, investigation, inspection or collection under Article 28 (2) of the Act;
3. Hearings under subparagraph 5 of Article 30 of the Act;
4. Imposition and collection of administrative fines under Article 37 (2) 2 of the Act.

(3) Deleted. <by Presidential Decree No. 23999, Jul. 31, 2012>

(4) Deleted. <by Presidential Decree No. 25083, Jan. 14, 2014>

(5) The Minister of Environment may entrust the following business affairs to the head of the Korea Environmental Industry and Technology Institute in accordance with Article 31 (2) 1, 1-2 through 1-4, and 4 of the Act: <Amended by Presidential Decree No. 21544, Jun. 16, 2009; Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 23934, Jul. 4, 2012; Presidential Decree No. 25083, Jan. 14, 2014>

1. Designation of excellent environmental enterprises under Article 7-5 of the Act;

2. Verification of environmental information under Article 16-9 of the Act;
3. Formation and operation of an evaluation board under Article 16-2 (1);
4. Receipt of an application for objection under the main sentence of Article 16-2 (2);
5. Receipt of application under Article 18;
6. Public announcement and hearing of opinions from interested parties, etc. under Article 18-4 (1);
7. Assessment of authentication of new technology or verification of technology under Article 18-4 (2);
8. Financial support necessary for utilization of new technologies under Article 19-3 (4) and receipt and assessment of application for extension under Article 19-4 (2) and (4);
9. Investigation and review of explanations under Article 19-5 (3).

(6) The Minister of Environment shall entrust the following business affairs to the head of the Korea Environment Corporation in accordance with Article 31 (2) 2 and 3 of the Act: <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

1. Support for environmental technologies under Article 12 of the Act and support for necessary expenses thereof;
2. Diagnosis of technologies under Article 13 of the Act and support for necessary expenses thereof.

(7) Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009>

(8) "Institution or organization prescribed by Presidential Decree" in Article 31 (2) 5 of the Act means the Korea Environmental Industry and Technology Institute. <Amended by Presidential Decree No. 21544, Jun. 16, 2009; Presidential Decree No. 23934, Jul. 4, 2012>

(9) "Institution or organization prescribed by Presidential Decree" in Article 31 (2) 6 of the Act means the Korea Environmental Preservation Association under Article 59 of the Framework Act on Environmental Policy. <Amended by Presidential Decree No. 21544, Jun. 16, 2009; Presidential Decree No. 23934, Jul. 4, 2012; Presidential Decree No. 23967, Jul. 20, 2012>

Article 34 (Processing of Personally Identifiable Information)

The Minister of Environment (including persons to whom the authority of the Minister of Environment has been delegated or entrusted under Article 33) or the Mayor/Do Governor (where the relevant authority has been delegated or entrusted, including persons to whom the authority has been delegated or entrusted) may, if inevitable to conduct the following affairs, process data including resident registration numbers as prescribed by subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act:

1. Affairs pertaining to authentication of new technology and verification of technology under Article 7 of the Act;
2. Affairs pertaining to designation and support of excellent environmental enterprises under Article 7-5 of the Act;
3. Affairs pertaining to registration, reporting, etc. of business specializing in environment-friendly construction under Article 15 of the Act;

4. Affairs pertaining to designation, etc. of green companies under Article 16-2 of the Act;
5. Affairs pertaining to registration of environmental consulting firms under Article 16-4 of the Act;
6. Affairs pertaining to certification for eco-labelling and environmental declaration of products, and designation of a certification agency for environmental declaration of products under Articles 17 and 18 of the Act.

[This Article Newly Inserted by Presidential Decree No. 23488, Jan. 6, 2012]

Article 34-2 (Reexamination of Regulations) (1) The Minister of Environment shall review the appropriateness of each of the following matters and take measures for improvement, etc. every three years (referring to a period until the day before the base date of every third year) from the base date in each of the following:

1. Research institutions in the environmental field provided for in Article 12: January 1, 2014;
2. Collection and use of royalties provided for in Article 16: January 1, 2014;
3. Registration criteria for businesses specializing in environment-friendly construction provided for in Article 22-4: January 1, 2014;
4. Registration criteria for environment consulting firms provided for in Article 22-8 and attached Table 1: January 1, 2014.

[This Article Newly Inserted by Presidential Decree No. 25050, Dec. 30, 2013]

Article 35 (Criteria for Imposing Fines for Negligence)

The criteria for imposing fines for negligence pursuant to Article 37 of the Act shall be as provided for in attached Table 3. <Amended by Presidential Decree No. 23267, Oct. 28, 2011>

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

ADDENDA (Omitted)

18. Act to Promote the Purchase of Environmentally-Friendly Products

[Enforcement Date 04. Feb, 2010.] [Act No.10030, 04. Feb, 2010., Partial Amendment]

Article 1 (Purpose)

The purpose of this Act is to conserve resources, prevent environmental pollution, and contribute to the sustainable development of the national economy by encouraging the purchase of environment-friendly products.

Article 2 (Definitions)

The definition of terms used in this Act shall be as follows: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 8947, Mar. 21, 2008; Act No. 9584, Apr. 1, 2009; Act No. 9931, Jan. 13, 2010>

1. The term “environment friendly product” means products falling under any of the following items, which are designated as a green product under Article 2(5) of the Framework Act on Low Carbon, Green Growth:

(a) Products subject to certification of environmental marks under Article 17(1) of the

Development of and Support for Environmental Technology Act, which have obtained such certification, or products which meet certification standards by item, as determined and published by the Minister of Environment under Article 17(3);

(b) Products subject to quality certification of recycled products as determined and published by the Minister of Knowledge Economy under Article 33 of the Act on the Promotion of Saving and Recycling of Resources and Article 15 of the Industrial Technology Innovation Promotion Act, which have obtained such certification or meet certification standards;

(c) Other green products which meet determination standards by item, published by the Minister of Environment following the consultation with the Minister of Knowledge Economy.

2. The term “public institutions” means State agencies, local governments, and public institutions designated under Articles 4 through 6 of the Act on the Management of Public Institutions, and other institutions prescribed by Presidential Decree.

Article 3 (Duty to Encourage the Purchase of Environment Friendly Products)

(1) The heads of public institutions shall actively promote the formulation and implementation of plans related to data survey, education, publication and training of the human resources necessary to encourage the procurement of environment friendly products.

(2) Business operators shall endeavor to produce environment friendly products; improve the quality thereof; and use environment friendly materials or parts.

(3) Nationals of the Republic of Korea shall endeavor to use environment friendly products.

Article 4 (Basic Plans for Encouraging Purchase of Environment-Friendly Products)

(1) The Minister of Environment shall formulate basic plans (hereinafter referred to as “basic plan”) for encouraging purchase of environment-friendly products, following consultation with the heads of the relevant central administrative agencies every five years, after undergoing deliberation by the Central Environmental Preservation Advisory Committee under Article 37 (1) of the Framework Act on Environmental Policy. <Amended, Feb. 4, 2010>

(2) Basic plans shall include the following matters:

1. Policy directions and promotion plans to encourage the purchase of environment-friendly products:

2. Important matters about items subject to environment-friendly product requirements and determination standards under each item of subparagraph 1 of Article 2;

3. Analysis of records of environment-friendly products purchased by public institutions and measures to increase such purchases;

4. Matters on international cooperation with regard to environment-friendly products; and

5. Other matters recognized by the Minister of Environment as necessary to encourage the purchase of environment-friendly products.

(3) The Minister of Environment may, if deemed necessary for formulation of basic plans, request the heads of the relevant public institutions to submit data. The heads of public institutions who are requested to provide data shall cooperate with such requests, unless there exist special grounds otherwise.

(4) The provisions of paragraphs (1) and (3) shall apply mutatis mutandis to changes in basic plans already formulated.

Article 5 Deleted <Feb. 4, 2010>

Article 6 (Public Institutions' Obligation to Purchase Environment Friendly Products)

The heads of public institutions shall purchase environment friendly products, when they intend to purchase any product provided that this shall not apply in cases falling under any of the following subparagraphs:

1. When environment friendly products are not available for the item intended to be purchased;
2. When the supply of environment-friendly products is unstable;
3. When it is difficult to achieve the purposes of the law, due to grounds such as substantially inferior quality of environment friendly products;
4. When the heads of public institutions intend to purchase products so as to comply with provisions on the preferential purchase under other Acts, such as the Welfare of Disabled Persons Act, etc.;
5. When the heads of public institutions conclude that it is difficult to purchase environment friendly products, due to unavoidable reasons, such as urgent demand, etc.

Article 7 (Guidelines for Purchasing of Environment Friendly Products)

Every year, the Minister of Environment shall establish guidelines for the purchase of environment friendly products for the coming year, as prescribed by Presidential Decree, and notify the heads of public institutions of such guidelines.

Article 8 (Implementation Plans for Purchasing Environment Friendly Products)

(1) The heads of public institutions shall formulate and announce implementation plans for purchasing environment friendly products (hereinafter referred to as "implementation plan") for the relevant fiscal year in accordance with the guidelines under Article 7 before each fiscal year begins.

(2) The heads of public institutions shall, when they formulate and announce implementation plans, submit such plans to the Minister of Environment without delay provided that the head of a Si/Gun/Gu (hereinafter the same shall apply and refer to the head of an autonomous Gu) shall submit implementation plans to the Special Metropolitan City Mayor, Metropolitan City Mayor or Do Governor (hereinafter referred to as the "Mayor/Do Governor"), and the Mayor/Do Governor shall integrate implementation plans of each Si/Gun/Gu (hereinafter the same shall apply and refer to an autonomous Gu) and submit such plans.

Article 9 (Purchase Records of Environment Friendly Products)

(1) The heads of public institutions shall consolidate the purchase records of environment friendly products under implementation plans and make known the purchase records within two months after each fiscal year ends. <Amended by Act No. 8947, Mar. 21, 2008>

(2) The heads of public institutions shall, when they consolidate and make known the purchase records as provided in paragraph (1), submit such records to the Minister of Environment without delay provided that the head of each Si/Gun/Gu shall submit the

purchase records to the Mayor/Do Governor, and the Mayor/Do Governor shall integrate the purchase records of each Si/Gun/Gu and submit such records to the Minister of Environment.

Article 10 (Request for Cooperation to Encourage the Purchase of Environment Friendly Products)

If deemed necessary to encourage the purchase of environment friendly products, the Minister of Environment may request heads of the relevant public institutions to take necessary measures concerning matters falling under each subparagraph. In such cases, the heads of public institutions shall cooperate with such requests, unless any special ground exists to the contrary:

1. Reflection of applicable provisions for the use of environment friendly products in construction specifications, etc.;
2. Reflection of purchase records of environment friendly products in items for performance assessment by central administrative agencies or local governments;
3. Other matters necessary for encouraging the purchase of environment friendly products.

Article 11 (Encouraging Local Governments to Purchase Environment-Friendly Products)

(1) The Special Metropolitan City, Metropolitan Cities and Dos (hereinafter referred to as “City/Do) or each Si/Gun/Gu may, if deemed necessary to encourage the purchase of environment friendly products, prescribe the following matters as Municipal Ordinances and implement such Municipal Ordinances:

1. Matters necessary for fulfilling obligations to purchase environment friendly products under Article 6;
2. Establishment and application of standards for determining whether items other than those subject to environment friendly products are environment-friendly products;
3. Other matters necessary for encouraging the purchase of environment friendly products.

(2) Each City/Do or Si/Gun/Gu shall, when it establishes or amends Municipal Ordinances under paragraph (1), submit such Municipal Ordinances to the Minister of Environment, without delay.

Article 12 (Role of Administrator of Public Procurement Service)

(1) When the products requested for purchase by the heads of public institutions can be replaced with environment friendly products, the Administrator of the Public Procurement Service shall adjust purchase plans to ensure that the public institutions purchase environment friendly products, after consulting with the heads of said public institutions.

(2) The Minister of Environment and heads of the relevant central administrative agencies may request the Administrator of the Public Procurement Service to take necessary measures to encourage the purchase of environment friendly products, such as expanding the foundation for the electronic procurement of environment friendly products, designating environment friendly products as exemplary procurement goods, etc.

Article 13 Deleted (by Act No. 9335, Jan. 7, 2009).

Article 14 (Request for Information on Environment Friendly Products)

(1) The Minister of Environment may request heads of public institutions to submit data on a selection of items subject to environment friendly products or establishment of determination standards for environment friendly products.

(2) The heads of public institutions that are requested to provide data under paragraph (1) shall cooperate with such request, unless any special ground exists to the contrary.

Article 14-2 (Establishment and Operation of Data Management System of Environment Friendly Products)

(1) The Government shall be equipped with a comprehensive data distribution system (hereinafter referred to as “data management system”) on the production, distribution, quality, safety, and environment friendliness of environment friendly products and take measures necessary to encourage the purchase of environment friendly products.

(2) The submission of implementation plans and purchase records under Article 9 may be substituted with the transmission of such plans and purchase records via the data management system.

[This Article was newly inserted by Act No. 8947, Mar. 21, 2008]

Article 15 (Support for Encouragement of Purchase of Environment-Friendly Products, etc.)

(1) The Government may lend each of the following support to business operators and the relevant organizations which contribute to encouraging the purchase of environment-friendly products: <Amended, Sept. 27, 2006, Feb. 4, 2010>

1. Provision of data to encourage purchase of environment-friendly products;
2. Support for fostering specialists to encourage purchase of environment-friendly products;
3. Support for sales of environment-friendly products in Korea and foreign countries;
4. Support for obtaining certification concerning environment-friendly products in Korea and foreign countries;
5. Financial assistance for production, distribution, and sales of environment-friendly products;
6. Support for technology transfers among companies to facilitate production and distribution of environment-friendly products;
7. Support for improving the quality of environment-friendly products;
8. Support for cooperative movement projects under the Promotion of Small and Medium Enterprises and Encouragement of Purchase of Their Products Act;
9. Support for publicity and education of environment-friendly products; and
10. Other support necessary to encourage purchase of environment-friendly products

(2) The Government may grant rewards to public institutions, business operators, appropriate organizations, etc. that have excellent purchase records of environment-friendly products or have contributed to encouraging the purchase of environment-friendly products, as prescribed by President Decree. <Newly Inserted, Sept. 27, 2006>

Article 15-2 (Fostering of Associations for Promotion of Environment-Friendly Products)

(1) Any association involved in promotion of environment-friendly products established with permission by the Minister of Environment under Article 32 of the Civil Act may conduct any of the following projects:

1. Investigative project such as collection and analysis of information about technology development, production, and sales volume, etc. of environment-friendly products;
2. Project for publicity of environment-friendly products and consumer education; and
3. Mutual aid project for development and sales of new environment-friendly products

(2) To conduct a mutual aid project under paragraph 3 of Article 1, mutual aid provisions shall be drafted and approved by the Minister of Environment. The same shall apply to any change to the provisions.

(3) The provisions under paragraph (2) shall prescribe the scope of a mutual aid project, mutual aid fund, mutual aid fee, and other matters necessary to conduct the project.

(4) The Minister of Labor may provide support like financial assistance to an association involved in promotion of environment-friendly products and engaged in any project under each subparagraph of paragraph (1).

[Newly Inserted, Feb. 4, 2010]

Article 16 (Preferential Support of Subsidies)

The Minister of Environment may grant or support environment-related subsidies under Article 75 of the Water Supply and Waterworks Installation Act, Article 56 of the Wastes Control Act, Article 35 of the Sewerage Act, etc, to local governments which have excellent purchase records of environment friendly products, in preference to other local governments. <Amended by Act No. 8371, Apr. 11, 2007>

Article 17 (Education of Persons in Charge of Purchase, etc.)

The Minister of Environment may provide education to persons in charge of purchase in public institutions, business operators, consumers, etc., as prescribed by Presidential Decree, so as to encourage purchase of environment-friendly products. <Amended, Feb. 4, 2010>

[Title Amended, Feb. 4, 2010]

Article 17-2 (Fostering of Specialists)

To foster specialists for production and distribution of environment-friendly products, the Minister of Environment may designate universities, research institutions, and other specialized organizations as organizations to foster specialists and subsidize all or part of costs of education and training, as prescribed by Presidential Decree.

[Newly Inserted, Feb. 4, 2010]

Article 18 (Establishment and Operation of Stores Selling Environment Friendly Products)

(1) Business operators who manage discount stores, departments stores or shopping centers, which fall under superstores under Article 2(3) of Distribution Industry Development Act, and who manage an integrated distribution center of agricultural and fishery products, the size of which is not less than that prescribed by Presidential Decree, under Article 2(12)

of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products shall establish and operate stores selling environment friendly products (including recycled products under Article 2(5) of the Act on the Promotion of Saving and Recycling of Resources), so as to encourage the purchase of environment friendly products.

(2) The size of the stores or formulation and assessment of operation plans under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

[This Article was newly inserted by Act No. 8013, Sep. 27, 2006]

Article 18-2 (Reporting, Inspections, etc.)

(1) The Minister of Environment, the Mayor/Do Governor or the head of each Si/Gun/Gu may order business operators falling under Article 18(1) to make reports or submit data, in order to verify whether stores selling environment friendly products are established and operated, and grant the relevant public officials access to their places of business to inspect the relevant documents or facilities.

(2) Public officials who access places of business for inspection under paragraph (1) shall carry certificates indicating their legitimate authority and present them to the relevant persons.

[This Article was newly inserted by Act No. 8947, Mar. 21, 2008]

Article 19 (Delegation or Entrustment of Authority or Tasks)

(1) The Minister of Environment may delegate part of his/her authority under this Act to the Mayor/Do Governor or the heads of local environmental government agencies, as prescribed by Presidential Decree.

(2) The Minister of Environment may entrust part of his/her tasks under this Act to the relevant specialized institutions, such as the Korea Environmental Industry & Technology Institute under Article 5-2 of the Development of and Support for Environmental Technology Act, as prescribed by Presidential Decree. <Newly inserted by Act No. 8947, Mar. 21, 2008; Act No. 9335, Jan. 7, 2009>

Article 20 (Fines for Negligence)

Any person who fails to establish and operate stores selling environment friendly products, in violation of Article 18 (1) shall be punished by fines for negligence not exceeding three million won.

[This Article was newly inserted by Act No. 8013, Sep. 27, 2006]

Article 21 (Imposition and Collection of Fines for Negligence)

(1) Fines for negligence under Article 20 shall be imposed and collected by the Minister of Environment or the head of each Si/Gun/Gu (referring to the head of an autonomous Gu hereinafter referred to as “imposing authority”), as prescribed by Presidential Decree.

(2) Any person dissatisfied with a judgment of a fine for negligence under paragraph (1) may raise an objection to the imposing authority within 30 days after he/she is notified of the aforementioned judgment.

(3) If any person subject to a judgment of a fine for negligence under paragraph (1) raises an objection under paragraph (2), the imposing authority shall, without delay, notify the

competent courts of the fact, which, in turn, shall proceed to a trial on the fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.

(4) If neither an objection is raised nor is a fine for negligence paid within the period under paragraph (2), the aforementioned fine for negligence shall be collected by referring to the practices on judgments in cases involving default of national or local taxes.

[This Article was newly inserted by Act No. 8013, Sep. 27, 2006]

ADDENDA (Omitted)

19. Development of and Support for Environmental Technology Act

[Enforcement Date 13. Oct, 2010.] [Act No.10250, 12. Apr, 2010., Amendment by Other Act]

Article 1 (Purpose)

The purpose of this Act is to contribute to environmental conservation and the sustainable development of the national economy by promoting the development, support, and spread of environmental technologies and by fostering the environmental industry.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 2 (Definitions)

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

1. The term "environmental technologies" means the technologies under the following subparagraphs necessary for environmental conservation and control, such as the prevention or reduction of environmental pollution or the restoration of polluted and damaged environment, etc.: as the technologies that improve the ability of the environment to cleanse itself by controlling or eliminating the factors that causes damage to nature and humans:

(a) Technologies that reduce and treat the followingsubstances, etc. (hereinafter referred to as "environmental pollutants") and technologies thatprevent noise and vibration:

(i) Air pollutants under Article 2(1) of the Clean Air Conservation Act;

(ii) Malodor under Article 2(1) of the Malodor Prevention Act;

(iii) Pollutants under Article 2(3)of the Indoor Air Quality Control in Public Use Facilities, etc. Act;

(iv) Water pollutants under Article 2(7) of the Water Quality and Ecosystem Conservation Act; and

(v) Soil pollutants and wastes under Article 2(2) of the Soil Environment Conservation Act;

(b) Technologies that prevent and reduce environmental pollution, technologies for the development of products which control the causes of pollution, and technologies for recycling and recovery;

(c) Technologies for the conservation, restoration, and improvement of the natural environment, the assessment of environmental harm and its control, and technologies for the assessment of environmental impacts;

(d) Technologies that measure and analyze environmental pollutants, noise, vibration or environmental conditions;

(e) Technologies for the purification, treatment, and to prevent pollution of the water supply
(f) Technologies that apply or utilize (hereinafter referred to as "practical use") the technologies under provisions (a) through (e);

2. The term "environmental facilities" means the facilities, machinery, apparatus, and other objects prescribed by Ordinance of the Ministry of Environment natural and living environment to prevent or reduce the harm to be caused by environmental pollutants, etc., or inappropriate disposal of environmental pollutants, or recycling of wastes, etc.; and

3. The term "environmental industry" means the industries prescribed by Presidential Decree as the industries that design, manufacture, and install environmental facilities or the measuring apparatus under Article 9 of the Environmental Examination and Inspection Act or provide services concerning environmental technologies for environmental conservation and control.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 3 (Formulation of Comprehensive Plan for the Development of Environmental Technologies)

(1) The Minister of Environment shall put the plans for the development of environmental technologies of the relevant central administrative agencies together and make a comprehensive plan for the development of environmental technologies (hereinafter referred to as "development plan") every five years through the deliberation of the National Science and Technology Council under Article 9 of the Framework Act on Science and Technology (hereinafter referred to as the "National Science and Technology Council" in this Article).

(2) The development plan shall include the matters concerning the following:

1. The present status and a long-term prospect of the level of environmental control based on the long-term comprehensive plan for environmental conservation at the national level under Article 12 of the Framework Act on Environmental Policy;

2. The objective of the development plan by stages and measures to reach the objective;

3. Promoting the advancement of the environmental industry, such as strengthening the competitiveness of environmental technologies, etc.;

4. Promoting the widespread and practical uses of environmental technologies;

5. Investment and promotion plans for the projects by year concerning the development of environmental technologies promoted by the Government;

6. Introduction and transfer of environmental technologies;

7. Supporting research on environmental technologies for schools, scientific organizations, research institutions, etc.;

8. Collection, classification, processing, and diffusion of the information on environmental technologies; and

9. Other matters relating to the development of environmental technologies and fosterage of the environmental industry.

(3) For the purpose of formulating the development plan, the Minister of Environment may request the heads of the relevant central administrative agencies to submit necessary data

as prescribed by Presidential Decree.

(4) When formulating the development plan, the Minister of Environment shall take necessary measures for the promotion of joint research by industry, academia and research labs, and international collaboration in environmental technologies.

(5) The Minister of Environment shall, after the submission of the promotion results of the development plan reviewed by the competent heads of the relevant central administrative agencies, report to the National Science and Technology Council.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 4 Deleted (by Act No. 9335, Jan. 7, 2009).

Article 5 (Promotion of Environmental Technology Development Projects)

(1) For the purposes of environmental conservation and the sustainable development of the national economy, the Government may require institutions, organizations, or business operators (hereinafter referred to as "research institutions, etc." in this Article) falling under any of the following subparagraphs to perform environmental technology development projects (hereinafter referred to as "development projects") as prescribed by Presidential Decree:

1. National research institutions and public research institutions;
2. Research institutions governed by the Support of Specific Research Institutes Act;
3. Government-subsidized research institutions established under the Act on the Establishment, Operation and Fostering of Government-subsidized Research Institutions or government-subsidized research institutions of science and technology established under the Act on the Establishment, Operation and Fostering of Government-subsidized Research Institutions of Science and Technology;
4. Schools under Article 2 of the Higher Education Act;
5. Adjunct laboratories to enterprises meeting the standards prescribed by Presidential Decree;
6. Industrial technology research cooperatives under the Act on the Support of the Industrial Technology Research Cooperatives;
7. Environmental technology development centers under Article 10;
8. Business operators managing the environmental industry (hereinafter referred to as "environmental industrial enterprises");
9. Foreign research institutions meeting the standards prescribed by Presidential Decree provided that they shall be limited to those conducting joint research and development with domestic institutions, organizations, or business operators; and
10. Other institutions, organizations, or business operators prescribed by Presidential Decree.

(2) Expenses necessary for development projects shall be appropriated by contributions from the Government or contributions from persons other than the Government and other research and development expenses of enterprises.

(3) The Government may disburse contributions to research institutions, etc. performing

development projects under paragraph (1) for its promotion.

(4) The head of a research institution, etc. performing development projects with the contributions under paragraph (3) may collect technical royalties through the execution of a technology license agreement with a person who intends to use, transfer, lend, or export the results thereof upon completion of the development project.

(5) Technical royalties collected under paragraph (4) shall be used for the purposes prescribed by Presidential Decree, such as development projects, etc., and the amount of money equivalent to a fixed rate as prescribed by Presidential Decree shall be paid to the Korea Institute of Environmental Industry and Technology under Article 5-2 (Amended by Act No. 9335, Jan. 7, 2009).

(6) Matters necessary for the disbursement, use, and management of the contributions under paragraph (3), and the collection and use, etc. of technical royalties under paragraphs (4) and (5) shall be prescribed by Presidential Decree.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 5-2 (Korea Institute of Environmental Industry and Technology)

(1) The Korea Institute of Environmental Industry and Technology shall be established to effectively support the development of environmental technology and the purchase of environment friendly products under Article 2(1) of the Act on Encouragement of Purchase of Environment-Friendly Products (hereinafter referred to as "environment friendly products") and foster the environmental industry (Amended by Act No. 9335, Jan. 7, 2009).

(2) The Korea Institute of Environmental Industry and Technology shall be a juridical entity (Amended by Act No. 9335, Jan. 7, 2009).

(3) The Korea Institute of Environmental Industry and Technology shall be formed by registering its incorporation at the seat of its main office (Amended by Act No. 9335, Jan. 7, 2009).

(4) The Korea Institute of Environmental Industry and Technology shall perform the following functions (Amended by Act No. 9335, Jan. 7, 2009):

1. Planning, appraisal, and management of development projects;
2. Diffusion of environmental technologies that have been developed and the promotion of their practical use;
3. Support for research of environmental technologies and management;
4. Support for the start of an enterprise and the management of the industry of environment
5. Support for overseas expansion of the environmental industry;
6. Projects on the formation of a foundation for the environmental industry, such as the establishment of supporting facilities to stimulate the environmental industry;
7. Training and education for human resources specializing in the environmental industry, technology and management;
8. Development of criteria for evaluating environment friendly products;
9. Support for the promotion of the production, sales and distribution of environment friendly products;

10. Collection, utilization, education, and publicity of information related to the environmental industry, technology, and management as well as environment friendly products;

11. Projects entrusted by public agencies under Article 2(2) of the Act on Encouragement of Purchase of Environment-Friendly Products in connection with the development and utilization of environmental technologies, fosterage of the environmental industry, environmental management and promoting the purchase of environment friendly products; and

12. Other projects prescribed by Presidential Decree in order to achieve the purpose for establishing the Korea Institute of Environmental Industry and Technology.

(5) The Government may contribute expenses necessary for the establishment and operation of the Korea Institute of Environmental Industry and Technology within the extent of the budget (Amended by Act No. 9335, Jan. 7, 2009).

(6) The Government may, notwithstanding the provisions of the State Properties Act, lend state-owned property or allow the use and profit-taking thereof free of charge in cases where it is necessary for the establishment and operation of the Korea Institute of Environmental Industry and Technology (Amended by Act No. 9335, Jan. 7, 2009).

(7) The provisions concerning incorporated foundations of the Civil Act shall apply mutatis mutandis to the Korea Institute of Environmental Industry and Technology, except for the matters prescribed by this Act (Amended by Act No. 9335, Jan. 7, 2009).

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 6 (Practical Use of Environmental Technologies)

(1) The Government shall take necessary measures to support the following business operators, etc. provided that it shall support persons falling under subparagraph 4:

1. A business operator who develops environmental technologies or puts them to practical use;

2. A person whose principal business is investing in the development of environmental technologies;

3. A person who has obtained authentication of an environmental mark under Article 17;

4. A person who has obtained authentication of an environmental grade mark under Article 18;

5. A business operator opening up overseas markets of the environmental industry; and

6. Environmental industrial enterprises.

(2) The Government may perform the following projects to promote the practical use of the developed environmental technologies:

1. Support of specialized institutions supporting the practical use of environmental technologies;

2. Projects for practical use of patented technologies;

3. Support of human resources, facilities, information, etc. and technical guidance necessary for practical use of environmental technologies;

4. Projects to support opening of offices in foreign countries to open up overseas markets of

the environmental industry; and

5. Other projects prescribed by Presidential Decree to promote practical use of environmental technologies.

(3) A person who manages any of the financial resources under the following subparagraphs (hereinafter referred to as a "manager of financial resources") may provide funds from such financial resources to support a person falling under paragraph (1) (Amended, May 21, 2009):

1. Special accounts for environmental improvement under the Act on Special Accounts for Environmental Improvement;

2. Funds for the promotion of small and medium enterprises and industrial foundation under the Promotion of Small and Medium Enterprises Act; and

3. Funds for the promotion of science and technology under the Framework Act on Science and Technology.

[This Article was wholly amended, Mar. 21, 2008]

Article 7 (Authentication of New Technologies and Verification of Technologies)

(1) The Minister of Environment may authenticate new technology or verify technologies to promote the spread of excellent technology which have a great ripple effect economically and technically and practical use thereof. In such cases where an application for appraisal for technologies under the following subparagraphs has been made, the Minister of Environment may grant authentication of new technology if such technology has been authenticated (hereinafter referred to as the "new technology") and appraised as being novel and excellency compared with the existing technology., The Minister of Information may grant verification of technology if such technology is the technology the performance of which has been verified (hereinafter referred to as the "verified technology") through appraisal in the field, etc.:

1. Technologies, firstly developed at home, regarding the method of construction in the environmental field and technologies related to such technologies; and

2. New technologies in the method of construction in the environmental field by the improvement of introduced technologies and technologies related to such technologies.

(2) The Minister of Environment shall issue a note of authentication of new technology in cases where he/she has granted authentication of new technology, and a note of verification of technology in cases of verification of technology, respectively under paragraph (1).

(3) The Minister of Environment may require a person who makes an application for authentication of new technology or verification of technology under paragraph (1) bear the expenses required for appraisal of such technology as prescribed by Ordinance of the Ministry of Environment.

(4) In order to promote the authentication of new technologies, verification of technologies, and support the spread of new technologies, an operator of financial resources may subsidize preferentially all or part of expenses required for authentication of new technologies, verification of technologies and exhibition projects, etc. to a person falling

under any of the following subparagraphs from the financial resources of the subparagraphs of Article 6(3):

1. A person who obtains authentication of new technology as a small and medium enterprise meeting the standards prescribed by Presidential Decree;
2. A person who executes an exhibition project of environmental technology which has obtained authentication of new technology; and
3. A person who puts the environmental technology to practical use, which is recognized by the Minister of Environment as necessary to spread for the public purpose as the technology which has obtained authentication of new technology.

(5) Procedures for application, standards for appraisal, and methods of appraisal of authentication of new technology or verification of technology, and other matters necessary for authentication or verification, etc. shall be prescribed by Presidential Decree.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 7-2 (Method of Marking and Preferential Practical Use, etc. of New Technologies)

(1) A person who has obtained authentication of new technology under Article 7 may put a mark of new technology on the facilities installed by making use of the new technology or products, etc., or to use of it for advertisement as prescribed by Ordinance of the Ministry of Environment.

(2) Unless a person has obtained authentication of new technology under Article 7, he/she shall not put a mark of new technology or similar mark, or advertise thereon.

(3) The Minister of Environment may take proper measures so that agencies or business operators under the following subparagraphs who have installed and operated environmental facilities may preferentially put new technology to practical use:

1. State agencies or local governments;
2. Public agencies under Article 5 of the Act on the Management of Public Agencies; and
3. Agencies which have received contributions from the State or local governments.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 7-3 (Term of Validity for Authentication of New Technologies)

(1) The term of validity for authentication of new technology shall be three years from the date of authentication as new technology.

(2) The term of validity under paragraph (1) may be extended once and such extended period shall be within three years.

(3) Matters necessary for application, etc. for extension of authentication of new technology shall be prescribed by Presidential Decree.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 7-4 (Cancellation of Authentication of New Technology or Verification of Technology)

(1) The Minister of Environment shall cancel authentication of new technology or verification of technology when it falls under any of the following subparagraphs:

1. In cases where authentication of new technology or verification of technology has been obtained by deceitful or other unjust means; and

2. In cases where the Minister of Environment recognizes that it is not proper to spread the new or verified technology because there are significant defects in their contents.

(2) Matters necessary for procedures, etc. for cancellation under paragraph (1) shall be prescribed by Presidential Decree.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 8 (Promotion of International Joint Researches)

(1) The Government shall take measures to promote international joint researches on environmental technologies and the environmental industry for the sustainable and balanced development of the national economy.

(2) The Government may promote the projects of the following subparagraphs to facilitate international joint researches under paragraph (1):

1. Research and study for international collaboration on environmental technologies and the environmental industry;

2. International exchange of human resources and information on environmental technologies and the environmental industry;

3. Holding exhibitions and scientific conferences on environmental technologies and the environmental industry;

4. Opening up overseas markets for environmental technologies and the environmental industry;

5. Promotion of technical development for the global environmental conservation; and

6. Other projects recognized as necessary for the promotion of international joint researches.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 9 (Spread, etc. of Environmental Technologies and Information)

(1) The Government shall take specific measures for the spread of excellent environmental technologies and the collection and spread of information on environmental technologies.

(2) The Government may manage environmental technologies and information by computerizing them for the spread of environmental technologies and the collection and spread of information on environmental technologies under paragraph (1).

(3) The Minister of Environment may request the heads of related agencies to furnish the data necessary for the computerization of environmental technologies and information under paragraph (2).

(4) The Government may advise business operators and environmental industrial enterprises, etc. discharging environmental pollutants to develop environmental technologies, import excellent environmental technologies and exchange information on environmental technologies, etc.

(5) In cases where it is recognized as necessary to meet the environmental standards under Article 10 of the Framework Act on Environmental Policy, the Minister of Environment may advise the heads of the relevant central administrative agencies or local governments to use

and spread excellent environmental technologies.

[This Act was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 10 (Designation, Operation, Appraisal, and Cancellation of Designation of Environmental Technology Development Centers)

(1) The Minister of Environment may designate and operate environmental technology development centers to promote and support the development of environmental technologies and the collection and spread, etc. of the information on environmental technologies as prescribed by Presidential Decree.

(2) Environmental technology development centers under paragraph (1) shall perform the projects under the following subparagraphs, and the Minister of Environment may give necessary support, such as contribution of funds, etc., to environmental technology development centers:

1. Projects of development of and research on environmental technologies;
2. Projects of collection, classification, processing, and spread of the information on environmental technologies and of the basic data related to the environment, and projects related to the construction of computer networks thereon;
3. International exchange of environmental technologies;
4. Projects for support of and collaboration with environmental industrial enterprises; and
5. Other projects related to the development of environmental technologies recognized by the Minister of Environment.

(3) The Minister of Environment may appraise the results of operations, etc. of environmental technology development centers periodically to ascertain whether they smoothly perform the projects under paragraph (2) and have them substantially contribute to the solution of environmental problems of the region by enhancing the efficiency of such projects. In such cases where it is recognized that an environmental technology development center performs the projects unfaithfully as a result of the appraisal, the Minister of Environment may warn the relevant center and suspend the support under paragraph (2).

(4) In cases where an environmental technology development center falls under any of the following subparagraphs, the Minister of Environment may cancel the designation:

1. In cases where it has been warned under the latter part of paragraph (3) not less than twice within the latest three years; and
2. In cases where it is recognized difficult to attain the designated purpose of environmental technology development center because it has failed to meet the conditions of designation under paragraph (5).

(5) Matters necessary for the conditions, etc. of designation of environmental technology development centers shall be prescribed by Ordinance of the Ministry of Environment.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 11 (Fostering of Associations related to Environmental Industry)

(1) In order to promote the development of environmental technologies and advancement of the environmental industry, the Minister of Environment may provide support, such as funds, etc., to associations which performs the projects falling under any of the following

subparagraphs, from among the environmental industry-related associations incorporated with permission of the Minister of Environment under Article 32 of the Civil Act:

1. Projects of development of and research on environmental technologies;
2. Projects of investigation, such as collection and analysis, etc. of the information on market trends of the environmental industry, the development of environmental technologies, and the actual conditions of practical use thereof; and
3. Mutual aid projects for putting new environmental technologies to practical use.

(2) The Minister of Environment may, when promoting development projects in his/her competent field, preferentially promote tasks of research and development picked out by the environmental industry-related associations for fosterage of the environmental industry.

[This Article was wholly amended by ActNo. 8957, Mar. 21, 2008]

Article 12 (Support for Environmental Technologies)

(1) The Government may provide technical support to prevent or reduce environmental pollution arising from manufacturing activities of enterprises and the effective operation and management of environmental pollution control facilities (referring to air pollution control facilities under Article 2(12) of the Clean Air Conservation Act, noise and vibration control facilities under Article 2(4) of the Noise and Vibration Control Act, and water pollution control facilities under Article 2(12) of the Water Quality and Ecosystem Conservation Act; hereinafter the same shall apply) (Amended, Jun. 9, 2009).

(2) In cases where improvement of facilities is recognized to be necessary as a result of the technical support under paragraph (1), the Government may subsidize part of the expenses for the improvement of such facilities.

(3) Matters necessary for facilities subject to technical support under paragraph (1), and the method of support and expenses to be subsidized, etc. under paragraph (2) shall be prescribed by Presidential Decree.

[This Article Wholly Amended, Mar. 21, 2008]

Article 13 (Technical Diagnosis)

(1) The Minister of Environment may conduct a technical diagnosis for public environmental facilities in order to prevent them from failing and to promote their proper operation.

(2) In cases where the improvement of the facilities is recognized as necessary as a result of the technical diagnosis under paragraph (1), the Minister of Environment may subsidize part of the expenses required for the improvement of such facilities.

(3) The Minister of Environment may request the administrator of public environmental facilities to take necessary measures, such as complementation of facilities, according to the results of the technical diagnosis under paragraph (1).

(4) The administrator of public environmental facilities shall cooperate in the technical diagnosis under paragraph (1).

(5) Matters necessary for facilities subject to technical diagnosis, interval of the diagnosis, and expenses for the diagnosis, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 14 (Precision Control of Measurement and Analysis Agencies)

(1) The Minister of Environment may evaluate ability in measurement and analysis, provide education, and verify data related to measurement and analysis, etc. (hereinafter referred to as the "precision control" in this Article) for the persons prescribed by Presidential Decree (hereinafter referred to as the "measuring and analyzing agencies" in this Article) from among the persons measuring and analyzing environmental pollutants, noise and vibration, or environmental conditions, etc. as prescribed by Ordinance of the Ministry of Environment.

(2) If it is recognized to be necessary as a result of the precision control on measuring and analyzing agencies, the Minister of Environment may issue an order to improve and complement the related equipment and apparatus and take other necessary measures.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 15 (Registration of Pollution Control Facilities Business)

(1) A person who intends to conduct a business of design or construction of environmental pollution control facilities (hereinafter referred to as "pollution control facilities business") (excluding the cases prescribed by Ordinance of the Ministry of Environment) shall satisfy the conditions for the technical ability prescribed by Presidential Decree and register with the Mayor/Do governor. The same shall also apply in cases where it is intended to change the matters prescribed by Presidential Decree, from among the matters registered.

(2) A person who has reported to the Mayor/Dogovernor as prescribed by Ordinance of the Ministry of Environment as a person falling under any of the following subparagraphs shall be deemed as having registered a pollution control facilities business under paragraph (1) for the design of environmental pollution control facilities in the relevant field (Amended, Apr. 12, 2010):

1. A person who has registered the opening of an office of professional engineers to design noise and vibration control facilities under Article 6 of the Professional Engineers Act; and
2. A person who has reported as an engineering business operator to design noise and vibration control facilities under Article 21(1) of the Engineering Industry Promotion Act.

(3) When a person who has registered a pollution control facilities business under paragraph (1) (including a person deemed to have registered a pollution control facilities business under paragraph (2); hereinafter referred to as "pollution control facilities business operator") constructs environmental pollution control facilities, in cases where such construction falls under the construction works under Article 2(4) of the Framework Act on the Construction Industry, he/she may perform such construction notwithstanding Article 9(1) of the same Act.

(4) A person who falls under any of the following subparagraphs shall not register or report a pollution control facilities business under paragraph (1) or (2) (Amended, Jun. 9, 2009):

1. A minor, an incompetent, or a quasi-incompetent;
2. A person who was declared bankrupt but has not been reinstated;
3. A person in whose case two years have not passed since the revocation of his/her registration of a pollution control facilities business operator under paragraph (5);

4. A person in whose case two years have not passed since completion or complete remission of his/her sentence of imprisonment with labor, as ordered by a court for violation of this Act, the Clean Air Conservation Act, the Water Quality and Ecosystem Conservation Act, or the Noise and Vibration Control Act (including cases where it is deemed that the sentence of imprisonment has been completed); or

5. A juristic person in which there is an executive falling under any of subparagraphs 1 through 4.

(5) The Mayor/Do governor may, if a pollution control facilities business operator falls under any of the following subparagraphs, revoke such registration or order to suspend all or part of such business for a period of up to six months, provided that if it falls under subparagraph 1 or 2, he/she shall revoke such registration:

1. In cases where it falls under paragraph (4), provided that in cases where there is an executive falling under paragraph (4) from among the executives of a juristic person this shall not apply where such executive is replaced by a newly appointed executive within six months;

2. In cases where it has registered by fraudulent or other unlawful means;

3. In cases where it has received disposition of suspension of business not less than twice within a year;

4. In cases where it has failed to commence business within two years after registration or it has failed to attain actual results of business for more than two consecutive years;

5. In cases where it has failed to satisfy necessary conditions for registration under paragraph (1);

6. In cases where it has had another person conduct pollution control facilities business under its name or has lent its certificate of registration to another person;

7. In cases where it has failed to adequately perform design or construction of environmental pollution control facilities by intent or gross negligence;

8. In cases where it has subcontracted the entire project at once; and

9. In cases where it has conducted business during the period for suspension of business after having received an order for suspension of business.

(6) The registration fee for the pollution control facilities business shall be prescribed by Ordinance of the Ministry of Environment.

[This Article was wholly amended, Mar. 21, 2008]

[Moved from Article 18 (Mar. 21, 2008)]

Article 16 (Continued Construction, etc. by Pollution Control Facilities Business Operator Whose Registration Has Been Cancelled or Whose Business Has Been Suspended)

(1) A person whose registration has been cancelled or whose business has been suspended under Article 15(5) may only design or construct environmental pollution control facilities for a contract concluded before such disposition. In such cases, the Mayor/Do governor may designate a supervisor of construction and have him/her manage and supervise the

construction as prescribed by Ordinance of the Ministry of Environment.

(2) A person who continues to design or construct environmental pollution control facilities under paragraph (1) shall be deemed as a pollution control facilities business operator under this Act until he/she completes such design or construction.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 16-2(Designation, etc. of Eco-Friendly Enterprises)

(1) The Minister of Environment may designate an establishment that contributes greatly to environmental improvement through a remarkable decrease in discharge of pollutants, reduction in consumption of resources and energy, improvement in eco-friendliness of products, or establishment of environmental management systems, etc. as an eco-friendly enterprise and may re-designate it when the period of initial designation expires. In such cases, when designating eco-friendly enterprises, the Minister of Environment shall extend preferential treatment to an enterprise that has obtained authentication of environmental management systems under the Act on the Promotion of Conversion into Environment Friendly Industrial Structure.

(2) The period of designation for eco-friendly enterprises under paragraph (1) shall be three years and the period of re-designation shall be five years.

(3) In cases where a person who has been designated as an eco-friendly enterprise under paragraph (1) intends to modify the matters prescribed by Ordinance of the Ministry of Environment from among such matters designated, he/she shall make a report of the modification.

(4) Matters necessary for the standards and procedures for designation and re-designation and the operation of eco-friendly enterprises shall be prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall consult with the Minister of Knowledge Economy and the Minister of Land, Transport and Maritime Affairs.

(5) The Minister of Environment shall undertake measures falling under any of the following subparagraphs for each establishment designated as an eco-friendly enterprise (Amended, Jun. 9, 2009):

1. Report in lieu of permission under Article 23 of the Clean Air Conservation Act and Article 33 of the Water Quality and Ecosystem Conservation Act;
2. Exemption of the matters prescribed by Ordinance of the Ministry of Environment from the report and inspection under Article 82 of the Clean Air Conservation Act, Article 68 of the Water Quality and Ecosystem Conservation Act, Article 47 of the Noise and Vibration Control Act, Article 39 of the Wastes Control Act, Article 45 of the Toxic Chemicals Control Act, Article 41 of the Act on the Management and Use of Livestock Excreta, and Article 69 of the Sewerage Act; and
3. Other measures for preferential treatment prescribed by Presidential Decree.

[This Article was wholly amended, Mar. 21, 2008]

[Moved from Article 19-2, (Mar. 21, 2008)]

Article 16-3 (Cancellation of Designation of Eco-Friendly Enterprise)

If a person who has been designated as an eco-friendly enterprise falls under any of the following subparagraphs, the Minister of Environment may cancel such designation, provided that such designation shall be cancelled in cases where he/she falls under subparagraph 1:

1. In cases where he/she has been designated as an eco-friendly enterprise by deceitful or other unjust means;
2. In cases where he/she has failed to meet the standards for designation under Article 16-2(4); and
3. In cases where he/she has been prescribed by Presidential Decree as unsuitable as an eco-friendly enterprise due to reasons such as a violation, etc. of the Acts and subordinate statutes related to the environment.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 16-4 (Registration of Environment Consulting Firm)

(1) A firm under the Commercial Act that intends to receive the support under Article 16-5 as a firm performing the affairs of the following subparagraphs (hereinafter referred to as an "environment consulting firm") shall satisfy the necessary conditions for human resources prescribed by Presidential Decree and register with the Minister of Environment. The same shall also apply in cases where said firm intends to change important matters prescribed by Presidential Decree from among the matters registered, such as the name of the firm or the employment of technical human resources, etc.:

1. Survey, assessment, consultation, and provision of information on the environmental controls at home and abroad (hereinafter referred to as the "survey, etc.");
2. Consultation, provision of information, and vicarious execution for procedures for the environmental administration, such as registration, authorization, and permission, etc. related to the environment;
3. Assessment and survey, etc. on the environmental controls in connection with the location, construction, operation, and management, etc. of establishments and various facilities;
4. Assessment, survey, etc., and education for prevention and optimum treatment of environmental pollution;
5. Assessment, survey, etc., and education for the commencement and operation of an environmental industrial enterprise;
6. Assessment, survey, etc., and education for eco-friendliness of an establishment;
7. Assessment, survey, etc., and education for the development and practical use of environmental technologies; and
8. Other matters prescribed by Presidential Decree.

(2) A firm that has an executive falling under any of the following subparagraphs from among its executives shall not register as an environment consulting firm (Amended, Jun. 9, 2009):

1. A minor, an incompetent, or a quasi-competent;
2. A person who was declared bankrupt but has not been reinstated;
3. A person in whose case three years have not passed since completion or complete

remission of his/her sentence of imprisonment with labor, as ordered by a court for violation of this Act, the Clean Air Conservation Act, the Water Quality and Ecosystem Conservation Act, the Noise and Vibration Control Act, or the Soil Environment Conservation Act (including cases where it is deemed that the sentence of imprisonment has been completed); or

4. A person who was an executive of a firm at the time of the revocation of registration of such firm and two years have not passed since the revocation of registration under Article 16-6.

[This Article was wholly amended, Mar. 21, 2008]

[Moved from Article 19-4, (Mar. 21, 2008)]

Article 16-5 (Support to Environment Consulting Firm)

The Minister of Environment may provide the support under the following subparagraphs to the registered environment consulting firms:

1. Provision of information related to environmental consulting; and
2. Education for human resources engaged in environmental consulting.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 16-6 (Cancellation, etc. of Registrations of Environment Consulting Firms)

The Minister of Environment may, when a registered environmental consulting firm falls under any of the following subparagraphs, cancel its registration or suspend the support under this Act, provided that in cases where it falls under subparagraph 1 or 2, the Minister of Environment shall cancel its registration:

1. In cases where it has registered by deceitful or other unjust means;
2. In cases where its executive falls under any subparagraph of Article 16-4(2), provided that the same shall not apply in cases where such executive is replaced with a newly appointed executive within six months from the date when he/she falls under the reasons of disqualification;
3. In cases where it has failed to fulfill the necessary conditions for human resources under Article 16-4(1);
4. In cases where it has lent its certificate of registration; and
5. In cases where it has failed to commence the affairs of each of the subparagraphs of Article 16-4(1) within one year from the date of registration or has failed to attain actual results of business not less than one year continuously.

[This Article was wholly amended by Act No. 8957, Mar. 28, 2008]

Article 16-7 (Obligation of Observance of Secrecy)

A person who is or was an executive or an employee of an environment consulting firm registered under Article 16-4(1) and a person who has participated in the affairs under the subparagraphs of the same paragraph shall not leak or secretly use a secret obtained on his/her duties.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 17 (Authentication of Environmental Mark)

(1) The Minister of Environment may grant authentication of an environmental mark for the

products which may cause less environmental pollution or save resources compared with other products for the same use (including apparatus, materials and services affecting the environment; hereinafter the same shall apply).

(2) A person who intends to obtain authentication under paragraph (1) shall make an application to the Minister of Environment as prescribed by Presidential Decree.

(3) Matters necessary for selection and cancellation of the products subject to authentication of environmental mark under paragraph (1) shall be prescribed by Presidential Decree, and the standards for authentication by products shall be determined and announced by the Minister of Environment.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 18 (Authentication, etc. of Environmental Grade Mark)

(1) In order to enhance the eco-friendliness of materials and products, the Minister of Environment may have a specialized institution designated by the Minister of Environment in consultation with the Minister of Knowledge Economy (hereinafter referred to as an "authenticating institution") grant authentication of environmental grade mark indicating the information on the eco-friendliness quantitatively for the process, such as production stage, distribution stage, consumption stage, and disuse stage, etc. of materials and products.

(2) Standards for designation of authenticating institutions shall be as follows:

1. Each authenticating institution shall provide itself with an exclusive organization in charge of performing affairs of authentication of environmental grade mark.

2. Each authenticating institution shall have not less than two examiners under Article 21 and shall provide itself with a system controlling such examiners.

(3) The Minister of Environment may direct and supervise the affairs of an authenticating institution to attain the purpose designated under paragraph (1) within the necessary extent.

(4) A person who intends to be designated as an authenticating institution shall make an application for designation to the Minister of Environment.

(5) The Minister of Environment shall, in cases where he/she has designated an applicant under paragraph (4) as an authenticating institution, issue a written designation of authenticating institution for environmental grade mark to the applicant.

(6) Each authenticating institution shall, in cases where it modifies the matters prescribed by Presidential Decree, such as its name, seat, etc., make a report of modification within 30 days from the date of such modification.

(7) Detailed matters necessary for procedures for and methods, etc. of designation of authenticating institution shall be prescribed by Ordinance of the Ministry of Environment.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 19 (Cancellation, etc. of Designation of Authenticating Institution)

If an authenticating institution falls under any of the following subparagraphs, the Minister of Environment may cancel such designation or order the suspension of all or part of its business with a fixed period within one year, provided that such designation shall be cancelled in cases where it falls under subparagraph 1 or 7:

1. In cases where it has been designated by deceitful or other unjust means;
2. In cases where it has failed to perform affairs of authentication not less than one year consecutively from the date of designation without justifiable reasons;
3. In cases where it has failed to meet the standards for designation under Article 18(2);
4. In cases where it has failed to make a report of modification under Article 18(6);
5. In cases where it has performed affairs of authentication in violation of the standards and procedures for authentication under Article 20(3);
6. In cases where it has failed to cancel authentication notwithstanding the occurrence of reasons for the cancellation of authentication of environmental grade mark in violation of Article 23(2);
7. In cases where it has failed to investigate the production process of materials and products or to collect materials and products necessary for test and analysis in violation of Article 28(2); and
8. In cases where it has performed affairs of authentication after its business had been suspended.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 19-2

Article 19-3

Article 19-4

Article 19-5

Article 19-6

Article 19-7

Article 20 (Application, etc. for Authentication of Environmental Grade Mark)

(1) Matters necessary for selection and cancellation of materials and products subject to authentication of environmental grade mark under Article 18(1) shall be prescribed by Presidential Decree, and a preparation guide for environmental grade mark shall be as determined by the Minister of Environment.

(2) A person who intends to obtain authentication of environmental grade mark shall make an application for authentication of environmental grade mark to an authenticating institution.

(3) In cases where an authenticating institution has received an application for authentication under paragraph (2), it shall examine whether the relevant environmental grade mark has been prepared in compliance with a preparation guide for environmental grade mark under paragraph (1) according to the procedures prescribed by Ordinance of the Ministry of Environment, and shall grant authentication if it has been prepared in compliance with such preparation guide.

(4) In cases where an authenticating institution has authenticated environmental grade mark under paragraph (3), it shall report to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 21 (Examiner of Authentication)

(1) A person who performs affairs of examination for authentication of environmental grade mark (hereinafter referred to as an "examiner") or a person who intends to be an examiner shall receive the education provided by the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(2) Standards for qualifications, etc. for an examiner shall be prescribed by Presidential Decree.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 21-2 (Regulations of Affairs)

(1) An authenticating institution, an institution or an organization entrusted with the affairs of authentication of environmental mark and the affairs related to such authentication under Article 31(2) (hereinafter referred to as an "institution entrusted with authentication"), and an institution or an organization entrusted with the affairs of education for examiners shall establish the regulations necessary for the affairs of authentication or education and obtain the approval of the Minister of Environment for such regulations. The same shall also apply to any modifications thereof.

(2) Matters to be included in the regulations necessary for the affairs of authentication or education under paragraph (1) shall be prescribed by Presidential Decree.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 22 (Use of Environmental Mark, etc.)

(1) A person who has obtained authentication of environmental mark or environmental grade mark (hereinafter referred to as an "environmental mark, etc.") under Article 17(1) or 20(3) may put an environmental mark, etc. on packages, containers, etc. of materials and products as prescribed by Ordinance of the Ministry of Environment or advertise about authentication of environmental mark, etc.

(2) No person other than those who have obtained authentication of environmental mark, etc. under Article 17(1) or 20(3) shall put an environmental mark, etc. or other similar mark on packages, containers, etc. of materials and products or advertise about authentication of environmental mark, etc.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 23 (Cancellation of Authentication of Environmental Mark, etc.)

(1) In cases where a person who has obtained authentication of environmental mark under Article 17(1) falls under any of the following subparagraphs, the Minister of Environment may cancel such authentication, provided that in cases where he/she falls under subparagraph 1, the Minister of Environment shall cancel such authentication:

1. In cases where he/she has obtained authentication by deceitful or other unjust means;
2. In cases where he/she distributes products not meeting the standards for authentication under Article 17(3) with an environmental mark put thereon;
3. In cases where he/she fails to continuously distribute products which have obtained authentication of environmental mark for a period prescribed by Ordinance of the Ministry of Environment without force majeure or other unavoidable reasons; and

4. In cases where it is prescribed by Presidential Decree that there are other reasons that make it unsuitable for authentication of environmental mark.

(2) In cases where a person who has obtained authentication of environmental grade mark under Article 20(3) falls under any of the following subparagraphs, an authenticating institution may cancel such authentication, provided that in cases where he/she falls under subparagraph 1, it shall cancel such authentication:

1. In cases where he/she has obtained authentication by deceitful or other unjust means;
2. In cases where he/she distributes materials or products different from the contents of authentication under Article 20(3) with an environmental grade mark put thereon;
3. In cases where he/she fails to continuously distribute materials and products which have obtained authentication of environmental grade mark for a period prescribed by Ordinance of the Ministry of Environment without force majeure or other unavoidable reasons; and
4. In cases where it is prescribed by Presidential Decree that there are other reasons that make it unsuitable for authentication of environmental grade mark.

(3) In cases where an authenticating institution cancels authentication of environmental grade mark under paragraph (2), it shall report such fact to the Minister of Environment.

(4) In cases where authentication of environmental mark under paragraph (1) or environmental grade mark under paragraph (2) is cancelled, the Minister of Environment shall publicly make known such cancellation as prescribed by Presidential Decree.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 24 (Removal of Environmental Mark, etc.)

In cases where materials and products authentication have been cancelled under Article 23 are distributed, the Minister of Environment shall order a person subject to the disposition of cancellation of authentication to remove environmental mark, etc. therefrom.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 24-2 (Mutual Recognition of Environmental Mark Between States)

(1) The Government may conclude an agreement with a foreign government with respect to the mutual recognition of environmental mark, etc.

(2) The Minister of Environment shall, if an agreement has been concluded with a foreign government under paragraph (1), announce the contents of such agreement.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 25 (Fees, etc.)

(1) The Minister of Environment, authenticating institutions and institutions entrusted with the affairs of authentication may collect application fees from the persons who have applied for authentication of environmental mark, etc. under Article 17(2) or 20(2), and royalties from the persons who use environmental mark, etc. under Article 22. In such cases, the fees for application and royalties collected by an authenticating institution or an institution entrusted with the affairs of authentication shall be revenues for such authenticating institution or institution entrusted with the affairs of authentication.

(2) An authenticating institution or an institution entrusted with the affairs of authentication

collecting fees for application and royalties under paragraph (1) may use such revenues only for operating expenses and publicity expenses for authentication of environmental mark, etc. and other expenses as prescribed by Presidential Decree.

(3) Matters necessary for the standards for collection, etc. of fees for application and royalties under paragraph (1) shall be prescribed by Presidential Decree.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 26 (Support for Development, etc. of Standards for Authentication of Environmental Mark)

In cases where an authenticating institution or an institution entrusted with the affairs of authentication promotes projects under the following subparagraphs, the Government may contribute funds necessary therefor or provide other necessary support:

1. Development of the standards for authentication under Article 17 or 18;
2. Development of techniques for analysis of eco-friendliness in the process of production stage, distribution stage, consumption stage, and disuse stage, etc. of materials and products;
3. Construction and operation of information networks for the promotion of production and use of eco-friendly materials and products;
4. Diffusion of the development and spread of product design and production techniques by taking the environment into consideration; and
5. Enhancement of professionalism in the affairs of authentication of environmental mark, etc.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 27 (Fosterage of Environmental Technical Human Resources)

(1) In order to train human resources necessary for the advancement of environmental technologies, the Government shall make plans for the fosterage of environmental technical human resources every five years and shall take measures for strengthening education for environmental technical human resources, as well as securing and managing the stability of environmental technical human resources.

(2) Technical human resources engaged in pollution control facilities business shall receive specialized environmental education.

(3) A person who employs a person subject to the education under paragraph (2) shall have the latter receive specialized environmental education.

(4) A person who provides the education under paragraph (2) may collect educational expenses from the persons who employ persons subject to the education or the persons subject to the education (limited to the cases where pollution control facilities business operators are the persons subject to the education) under the conditions prescribed by Ordinance of the Ministry of Environment.

(5) Institutions providing education and the contents of education, etc. under paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 27-2

Article 28 (Ex Post Facto Administration)

(1) The head of the relevant central administrative agency may have a person who falls under any of the following subparagraphs report on the present status of the conduct of relevant business and have relevant public officials investigate necessary matters or question relevant persons to ascertain the use of the government-contributed funds:

1. Research institutions, etc. performing development projects under Article 5; and
2. Persons receiving expenses under Articles 6(3) and 7(4).

(2) The Minister of Environment or the Mayor/Do governor may, if prescribed by Ordinance of the Ministry of Environment, have a person who falls under any of the following subparagraphs submit necessary data or have relevant public officials have access to office, place of business, or other necessary place to inspect relevant documents, facilities, equipment, etc., and may have an authenticating institution or an institution entrusted with the affairs of authentication investigate the manufacturing process of materials and products or collect materials and products necessary for test and analysis for a person falling under subparagraph 3:

1. Environmental technology development centers under Article 10;
2. Pollution control facilities business operators; and
3. Persons who put an environmental mark, etc. or advertise about authentication of environmental mark, etc. under Article 22(1).

(3) Public officials and relevant personnel of authenticating institutions or institutions entrusted with the affairs of authentication who investigate and inquire under paragraph (1) or have access to, inspect, investigate, or collect under paragraph (2) shall carry a certificate showing their authority and produce such certificate to relevant persons.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 29 (Standards for Administrative Measures)

The standards for administrative measures under Articles 15(5), 16-6, and 19 shall be prescribed by Ordinance of the Ministry of Environment.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 30 (Hearing)

The Minister of Environment or the Mayor/Do governor shall hold a hearing in advance if he/she intends to take measures falling under any of the following subparagraphs:

1. Cancellation of authentication of new technologies or verification of technologies under Article 7-4;
2. Cancellation of designation of environmental technology development center under Article 10;
3. Cancellation of registration of pollution control facilities business under Article 15(5);
4. Cancellation of designation of eco-friendly enterprise under Article 16-3;
5. Cancellation of designation of environment consulting firm under Article 16-6;
6. Cancellation of designation of authenticating institution under Article 19; and

7. Cancellation of authentication of environmental mark, etc. under Article 23.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 31 (Delegation and Entrustment of Authority)

(1) Part of the authority of the Minister of Environment under this Act may be delegated to the President of the National Institute of Environmental Research, the head of an environmental local government office, or the Mayor/Dogovernor as prescribed by Presidential Decree.

(2)The Minister of Environment may entrust the institutions concerned, etc. with the affairs according to the classification of the following subparagraphs as prescribed by Presidential Decree (Amended, Feb. 6, 2009):

1. Affairs of authentication of new technologies or verification of technologies under Article 7: Specialized institutions prescribed by Presidential Decree as environmental institutions;
2. Affairs of supporting environmental technologies (including affairs of subsidizing expenses) under Article 12: The Korea Environment Corporation under the Korea Environment Corporation Act;
3. Affairs of assessment of technologies (including affairs of subsidizing expenses) under Article 13: The Korea Environment Corporation under the Korea Environment Corporation Act and the Korea Environment and Resources Corporation under the Korea Environment and Resources Corporation Act;
4. Affairs concerning authentication of environmental marks or environmental grade marks under Article 17 or 20: Environmental institutions or organizations, or institutions or organizations prescribed by Presidential Decree from among the institutions or organizations designated by the head of the competent central administrative agency; and
5. Affairs concerning education under Article 21: Environmental institutions or organizations, or institutions or organizations prescribed by Presidential Decree from among the institutions or organizations designated by the head of the competent central administrative agency.

[This Article was wholly amended, Mar. 21, 2008]

[Moved from Article 35, the previous Article 31 moved to Article 27 (Mar. 21, 2008)]

Article 32 (Legal Fiction as Public Official in Application of Penal Provisions)

An executive or an employee of an institution or an organization falling under any of the following subparagraphs shall be deemed as a public official when applying the penal provisions under the provisions of Articles 129 through 132 of the Criminal Act to the authority entrusted: (Amended, Feb. 6, 2009)

1. Specialized institutions assessing environmental technologies under Article 7 (2);
2. Authenticating institutions under Article 18;
3. The Environmental Management Corporation entrusted with the authority of the Minister of Environment under Article 31(2);
4. Environmental institutions and organizations entrusted with the authority of the Minister of Environment under Article 31(2); and
5. Institutions or organizations designated by the head of the competent central

administrative agency entrusted with the authority of the Minister of Environment under Article 31(2).

[This Article was wholly amended, Mar. 21, 2008]

[Moved from Article 36, the previous Article 32 moved to Article 28 (Mar. 21, 2008)]

Article 33 (Reward)

In order to promote the development and spread of environmental technologies and foster the environmental industry, the Government may award a person falling under any of the following subparagraphs a prize:

1. A person who has developed excellent products or has put them to practical use in the field of environmental technologies;
2. A person who has manufactured eco-friendly products in the process of introduction of product design techniques taking the environment into consideration, putting them to practical use and manufacturing stage, distribution stage, consumption stage, and disuse stage, etc.; and
3. A person who has contributed to the enhancement of efficiency and economical efficiency in the installation and operation of environmental facilities.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 34 (Penal Provisions)

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

1. A person who has put a mark of new technology or a similar mark, or has advertised about new technology without having obtained authentication of new technology in violation of Article 7-2(2);
2. A person who has leaked or secretly used a secret obtained through his/her duties in violation of Article 16-7;
3. A person who has put an environmental mark, etc. or a similar mark, or advertised about authentication of environmental mark, etc. without having obtained authentication of environmental mark, etc. in violation of Article 22; and
4. A person who has violated an order for removal of environmental mark, etc. under Article 24.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 35 (Penal Provisions)

A person who has carried on pollution control facilities business without registration or registration of modification in violation of Article 15(1) and (2) or a person who has carried on pollution control facilities business during the period of suspension of business shall be punished by imprisonment for not more than one year or a fine not exceeding five million won.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 36 (Joint Penal Provisions)

(1) In cases where the representative, an agent, an employee or any other employed person of a juristic person commits an act in violation of Article 34 or 35 with respect to the affairs of the juristic person, not only shall such an actor be punished, but also the juristic person shall be punished by a fine under the same Article, provided that this shall not apply when the juristic person has not neglected to pay reasonable attention to and supervise the affairs concerned to prevent such an act of violation.

(2) If an agent, an employee, or any other employed person of an individual commits an act in violation of Article 34 or 35 with respect to the affairs of the individual, not only shall such an actor be punished, but also the individual shall be punished by a fine under the same Article, provided, that this shall not apply when the individual has not neglected to pay reasonable attention to and supervise the affairs concerned to prevent such an act of violation.

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 37 (Fines for Negligence)

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

1. A person who has failed to receive education in violation of Article 27(2) or a person who has failed to have his/her personnel receive education in violation of paragraph (3) of the same Article; and

2. A person who has refused, hindered, or evaded presentation of data, access, inspection or investigation, or collection under Article 28(2).

(2) A fine for negligence under paragraph (1) shall be imposed and collected by the Minister of Environment or the Mayor/Do governor as prescribed by Presidential Decree.

(3) Deleted (by Act No. 9335, Jan. 7, 2009).

(4) Deleted (by Act No. 9335, Jan. 7, 2009).

(5) Deleted (by Act No. 9335, Jan. 7, 2009).

[This Article was wholly amended by Act No. 8957, Mar. 21, 2008]

Article 38-41 ADDENDA (Omitted)

20. Enforcement Decree of the Development of and Support for Environmental Technology Act

[Enforcement Date 01. Jul, 2010.] [Presidential Decree No.22224, 28. Jun, 2010., Amendment by Other Act]

Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Development of and Support for Environmental Technology Act and other matters necessary for the enforcement thereof.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 2 (Environmental Industry)

The environmental industries under subparagraph 3 of Article 2 of the Development of and

Support for Environmental Technology Act (hereinafter referred to as the "Act") shall be as follows:

1. The industries that provide facilities, materials, and services necessary for environmental preservation activities, such as the measurement of environmental damages to the air, water quality, noise, vibration, ecosystem, etc., prevention, minimization and restoration, etc. thereof;
2. The industries that conduct research and development on environmental technologies for applying and utilizing the results thereof;
3. Others providing facilities, materials or services necessary for the conservation and management of the environment.

[This Article Wholly Amended by Presidential Decree 21544, Jun. 16, 2009]

Article 3 (Establishment of Comprehensive Plan for Development of Environmental Technology) (1) The Minister of Environment shall, when he/she establishes a comprehensive plan for developing environmental technologies pursuant to Article 3 (1) of the Act (hereinafter referred to as "development plan"), notify heads of relevant central administrative agencies of such plan.

(2) The Minister of Environment may request the heads of relevant central administrative agencies to provide the current status and estimate data, etc. of technologies under their jurisdiction, which are necessary for the establishment of the development plan in accordance with Article 3 (3) of the Act.

[This Article Wholly Amended by Presidential Decree 21544, Jun. 16, 2009]

Article 4 (Establishment, etc. of Annual Implementation Plan) (1) The heads of relevant central administrative agencies shall establish an annual implementation plan for the relevant year (hereinafter referred to as "implementation plan") by February 15 each year in accordance with the development plan and then notify the Minister of Environment of such annual implementation plan, along with implementation records of the preceding year.

(2) The Minister of Environment shall integrate and report both implementation plan and implementation records of the preceding year notified pursuant to paragraph (1) to the National Science and Technology Council established in accordance with Article 9 of the Framework Act on Science and Technology.

[This Article Wholly Amended by Presidential Decree 21544, Jun. 16, 2009]

Article 5 Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009>

Article 6 Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009>

Article 7 Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009>

Article 8 Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009>

Article 9 (Implementation of Project for Development of Environmental Technology) (1) The Minister of Environment shall, in order to undertake a project for developing environmental technologies under his/her jurisdiction in accordance with Article 5 (1) of the Act (hereinafter referred to as "development project"), establish a detailed plan for promoting such development project and then notify it to the public.

(2) The Minister of Environment shall, when he/she intends to carry out a development project in accordance with a detailed plan for promoting the development project under paragraph (1), select a person to implement such development project from among institutions, organizations or business operators under Article 5 (1) of the Act (hereinafter referred to as "research institutions, etc.") and have him/her carry out such development project by entering into an agreement with research institutions, etc. selected (hereinafter referred to as "research institutions in charge"). In such cases, an institution which has no representative authority among research institutions in charge may enter into an agreement with the representative of a corporation to which such institution belongs.

(3) The agreement under paragraph (2) shall contain the matters falling under each of the following subparagraphs:

1. Research tasks and people in charge;
2. Costs necessary for the development project under Article 5 (2) of the Act and methods of paying such costs;
3. Utilization of the results of the development project;
4. Collection of technical royalties accrued from the utilization of the results of the development project;
5. Matters on the amendment or cancellation of the agreement and the violation thereof;
6. Others related to the implementation of the development project.

(4) The heads of research institutions in charge may entrust part of the implementation of the development project to other research institutions, etc.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 10 Deleted. <by Presidential Decree No. 18880, Jun. 23, 2005>

Article 11 (Adjunct Laboratories to Enterprises)

The term "adjunct laboratories to enterprises meeting the standards prescribed by Presidential Decree" under Article 5 (1) 5 of the Act means laboratories affiliated to enterprises which are always staffed with full-time researchers in the environmental field from among research institutes affiliated to enterprises under Article 7 (1) 2 of the Technology Development Promotion Act.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 11-2 (Institutions in Charge of Undertaking Development Projects)

The term "foreign research institutions meeting the standards prescribed by Presidential Decree" under the main sentence of Article 5 (1) 9 of the Act means any institution recognized by the Minister of Environment as a research institute which is always staffed with five or more full-time researchers with a bachelor's degree or higher in relevant fields and more than three years of research experience and which is equipped with independent research facilities.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 12 (Research Institutions in Environmental Field)

The term "institutions, organizations or business operators prescribed by Presidential

Decree" in Article 5 (1) 10 of the Act means institutions, organizations or business operators falling under each of the following subparagraphs: <Amended by Presidential Decree No. 18157, Dec. 11, 2003; Presidential Decree No. 18428, Jun. 11, 2004; Presidential Decree No. 18880, Jun. 23, 2005; Presidential Decree No. 19719, Oct. 27, 2006>

1. The Environmental Management Corporation established under the Environmental Management Corporation Act (hereinafter referred to as the "Environmental Management Corporation");
2. The Korea Environment and Resources Corporation established under the Korea Environment and Resources Corporation Act;
3. The Sudokwon Landfill Site Management Corporation established under the Act on the Establishment and Management of Sudokwon Landfill Site Management Corporation;
4. The Korea Institute of Advancement of Technology, the Korea Evaluation Institute of Industrial Technology, the Korea Institute of Ceramic Engineering and Technology, the Korea Testing Laboratory, and the specializing industrial technology research institutes established under the Industrial Technology Innovation Promotion Act;
5. Venture companies in the environmental area incorporated under Article 2 (1) of the Act on Special Measures for the Promotion of Venture Businesses (hereinafter referred to as the "environment venture company");
6. Research institutions established for the purpose of developing the environmental technology under the Civil Act or other Acts.

Article 13 (Contributions, etc. to Development Projects)

Where contributions from persons, other than the Government or other research and development expenses of enterprises under Article 5 (2) of the Act are included in the expenses necessary for development projects, the heads of research institutions in charge shall enter into an agreement on contributions, etc., in advance, with persons who bear such expenses.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 14 (Payment and Management of Contributions) (1) The heads of research institutions in charge shall, when they receive the contributions from the Government or persons, other than the Government, or research and development expenses of enterprises under Article 5 (2) of the Act, manage them in separate accounts designated.

(2) The contributions made by the Government under Article 5 (3) of the Act shall be paid in installments, taking into account the progress of the development project: Provided, That the contributions may, if necessary, be paid in lump sum, taking into account the size or start time of the development project.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 15 (Use of Contributions) (1) The heads of research institutions in charge which receive the contributions from the Government pursuant to Article 14 (1) in order to implement a development project shall use such contributions only to cover expenses directly related to the implementation of the relevant development project, such as labor cost,

cost of materials, data-processing cost, production cost of prototype, etc., as prescribed by the Minister of Environment.

(2) The Minister of Environment may, if any research institution in charge uses contributions for any purpose, other than those under paragraph (1) without any justifiable ground, retrieve such contributions in whole or in part.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 16 (Collection and Use of Royalties) (1) Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

(2) The heads of research institutions in charge shall use technical royalties for the purposes falling under each of the following subparagraphs pursuant to Article 5 (5) of the Act and report the results of use in the relevant year to the Minister of Environment by the end of February in the following year: <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

1. Enhancement of research efficiency of researchers, etc. participating directly or indirectly in the relevant development project;
2. Appropriation of royalties to research and development costs;
3. Management and utilization of the outcomes of research and development.

(3) The heads of research institutions in charge shall pay an amount determined by an agreement under Article 9 (2) within the extent of 60/100 of the amount equivalent to the contributions from the Government to the Korea Environmental Industry and Technology Institute under Article 5-2 of the Act in accordance with Article 5 (5) of the Act. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

(4) The president of the Korea Environmental Industry and Technology Institute (hereinafter referred to as "president of the Korea Environmental Industry and Technology Institute") may use technical royalties received pursuant to paragraph (3) for the purposes falling under each of the following subparagraphs after obtaining an approval from the Minister of Environment: <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

1. Re-investment in development projects;
2. Projects for technical support to the persons who intend to use the results of research and development;
3. Projects for exchange of human resources in environmental technology at home and abroad for encouraging development projects;
4. Rewards and welfare promotion projects for the persons who have developed excellent environmental technologies;
5. Projects for exchange of information on environmental technology;
6. Projects for support to authentication of new technology or verification of technology;
7. Other projects recognized by the Minister of Environment for the promotion of environmental technologies.

(5) Detailed matters concerning collection and use, etc. of technical royalties other than the matters prescribed by this Decree shall be prescribed by the Minister of Environment. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

Article 16-2 (Projects of Korea Environmental Industry and Technology Institute)

The term "projects prescribed by Presidential Decree" under Article 5-2 (4) 12 of the Act shall mean as follows:

1. Examination and research on policies and technologies for promoting environmental technologies and environmental industry;
2. Identification of and support to a promising environmental industry;
3. Business of facilitating investment in the environmental industry and supporting therefor, such as financing;
4. Business of promoting demands for environmental services, such as environmental technologies, environmentally-friendly facilities, environmentally-friendly products, environment-related consulting, etc.;
5. Business prescribed by the articles of incorporation as necessary for conducting business under Article 5-2 (4) 1 through 11 of the Act and subparagraphs 1 through 4 above in an efficient manner.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 17 (Projects of Facilitating Practical Use of Environmental Technologies)

The term "projects prescribed by Presidential Decree" under Article 6 (2) 5 of the Act means projects falling under each of the following subparagraphs:

1. Projects designed, where a local government has saved a budget subsidized by the State or other local governments by utilizing a new technology, to pay part of the amount saved as grants of encouragement to facilitate the practical use of new technologies by such local government;
2. Projects designed, where, after the State or a local government installed environmental facilities using a new technology, the new technology is deemed successful, to cover the costs required for the installation of such environmental facilities;
3. Projects designed to discover, foster, and support environment venture companies.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 18 (Application for Authentication of New Technology or Verification of technology)

A person who intends to obtain authentication of new technology or verification of technology pursuant to Article 7 (1) of the Act shall submit an application for authentication of new technology or verification of technology containing the matters falling under each of the following subparagraphs (hereinafter referred to as "application") to the Minister of Environment:

1. Documents specifying the development background, history, principle, validity, etc. of the technology;
2. Documents describing performance and economical efficiency of the technology;
3. Design drawings and operating manual of the facilities subject to appraisal;
4. Documents describing the contents appraised by the applicant, such as items of appraisal, frequency of appraisal, method of appraisal, kinds of raw materials, materials and samples

related to the appraisal and the result of a domestic pilot test, etc.;

5. Documents describing the contents (including the substance of the new technologies and details of novelty and excellency thereof) of the new technology;

6. Documents proving that the applicant is a technology holder, such as the results of use at home and abroad (limited to cases where the results of use are available) and domestic or foreign patent or authentication, etc.;

7. Investigation report on advanced technology performed by a specialized institution designated under Article 58 (1) of the Patent Act;

8. Documents specifying the matters subject to verification and method of field appraisal (limited to verification of technology);

9. Others publicized by the Minister of Environment as recognized necessary for the authentication of new technology or verification of technology.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 18-2 Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

Article 18-3 (Criteria of Appraisal of Authentication of New Technology or Verification of Technology)

Technologies subject to authentication of new technology or verification of technology under Article 7 (1) of the Act shall comply with Acts and subordinate statutes related to environment and the criteria of appraisal therefor shall be as follows:

1. Novelty: Technologies in the method of construction in environmental fields, which have been developed for the first time in Korea or been improved by introducing main parts of domestic or foreign technologies, and technologies related thereto;

2. Excellency in technical performance: Technologies with high efficiency, perfectness, importance and possibility of development;

3. Excellency in application to the field: Technologies with economical efficiency, safety, and conveniences in maintenance and management, compared with existing technologies.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 18-4 (Method of and Procedure for Appraisal of Authentication of New Technology or Verification of Technology)

(1) The Minister of Environment shall, when he/she receives an application for authentication of new technology or verification of technology pursuant to Article 18, publicize the main details of the technologies on the Internet website, etc. for more than 30 days and hear opinions from interested parties.

(2) The Minister of Environment shall, after hearing opinions from interested parties pursuant to paragraph (1), conduct an appraisal of authentication of new technology or verification of technology under Article 7 (1) of the Act.

(3) The appraisal of the authentication of new technology under paragraph (2) shall be conducted through field investigation (referring to confirmation on whether technological details, field applicability, etc. are identical to the contents of the application; hereinafter the same shall apply), documentary examination, and the appraisal for the verification of technology shall be conducted through field investigation, documentary examination, field

assessment (referring to the assessment of the functions of the facilities installed in the field subject to appraisal, after undertaking tests and analyses, etc. for a certain period; hereinafter the same shall apply) and overall assessment.

(4) Specific procedures for field investigation, documentary examination, field assessment, and overall assessment under paragraph (3) and other necessary matters shall be prescribed and publicized by the Minister of Environment.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 18-5 (Public Announcement and Management of Authentication of New Technology or Verification of Technology) (1) When the Minister of Environment issues a certificate for authentication of new technology or verification of technology pursuant to Article 7 (2) of the Act after undertaking an appraisal for the authentication of new technology or verification of technology under Article 18-4 (2), he/she shall publicly announce the contents of authentication or verification through the Internet website, etc. and notify the Korea Environmental Industry and Technology Institute of details of such issuance.

(2) The president of the Korea Environmental Industry and Technology Institute shall, when he/she receives the details of issuance of a certificate for authentication of new technology or verification of technology pursuant to paragraph (1), preserve the details of such issuance for six years.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 19 (Small and Medium Enterprises in Environmental Field)

The term "small and medium enterprise meeting the standards prescribed by Presidential Decree" in Article 7 (4) 1 of the Act means a small and medium company incorporated under Article 2 of the Framework Act on Small and Medium Enterprises, which runs the environmental industry.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 19-2 Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

Article 19-3 (Preferential Use of New Technology) (1) and (2) Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

(3) Institutions or business operators under Article 7-2 (3) of the Act may, when they place an order for construction or design of environmental facilities, take preferential measures, such as granting additional points in a tender to any new technologies, as prescribed and publicized by the Minister of Environment. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

(4) Where a business operator who establishes and operates environmental facilities pursuant to Article 7-2 (3) of the Act intends to utilize a new technology, the Minister of Environment may provide funds necessary to utilize the new technology to such business operator. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

[This Article Newly Inserted by Presidential Decree No. 18157, Dec. 11, 2003]

Article 19-4 (Application for Extension of Term of Validity of Authentication of New Technology) (1) and (2) Deleted. <by Presidential Decree No. 20165, Jul. 4, 2007>

(3) A person who intends to extend the term of validity under Article 7-3 (2) of the Act shall apply for extension of the term of validity of authentication of new technology (hereinafter referred to as "application for extension"), along with the following documents, to the Minister of Environment by not later than 120 days prior to expiry of the term of validity: <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

1. Documents stating the improved matters after the authentication of new technology;
2. Documents stating the records of utilization in Korea and overseas and the results of application, etc. after the authentication of new technology;
3. Documents stating the current status of development of similar technology and the present level of such technology.

(4) The Minister of Environment shall, when he/she has received an application for extension of the term of validity of authentication of new technology under paragraph (3), determine whether the said term of validity shall be extended through the appraisal of the matters of the following subparagraphs: <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

1. Results of utilization from when the authentication of new technology is received to when an application for extension of the term of validity is made;
2. Whether performance of technology is satisfactory after the application of new technology, compared with the performance at the time of authentication of new technology;
3. Whether economical efficiency, safety, eco-friendliness, conveniences in maintenance and management are satisfactory after the application of new technology, compared with those at the time of authentication of new technology;
4. Whether the related Acts and subordinate statutes are complied with.

(5) Appraisal for extension of the term of validity under paragraph (4) shall be conducted through field investigation and documentary examination. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

(6) Specific procedures for field investigation and documentary examination under paragraph (5) and other necessary matters shall be prescribed and publicized by the Minister of Environment. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

[This Article Newly Inserted by Presidential Decree No. 18157, Dec. 11, 2003]

Article 19-5 (Procedures for Cancellation of Authentication of New Technology or Verification of Technology) (1) The Minister of Environment may conduct field investigation, if necessary, to examine whether authentication of new technology or verification of technology under Article 7-4 of the Act shall be cancelled.

(2) The Minister of Environment shall, when he/she cancels authentication of new technology or verification of technology pursuant to Article 7-4 of the Act, publicly announce the matters falling under each of the following subparagraphs:

1. Issue number of a certificate for authentication of new technology or a certificate for verification of technology;
2. Name of technology;
3. A technology holder;

4. Scope of new technology.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 20 (Designation and Operation of Environmental Technology Development Center) (1) Institutions or organizations falling under each of the following subparagraphs may be designated as environmental technology development centers under Article 10 (1) of the Act: <Amended by Presidential Decree No. 18880, Jun. 23, 2005>

1. National and public research institutions or research institutions subject to the application of the Support of Specific Research Institutes Act;
2. Schools established under Article 2 of the Higher Education Act;
3. The Environmental Management Corporation;
4. Corporations established after obtaining approval from the Minister of Environment for the purpose of developing the environmental technology;
5. Institutions or organizations meeting the criteria for designation as prescribed by the Minister of Environment from among institutions or organizations that undertake other professional research related to the development of environmental technology.

(2) The Minister of Environment may request any environmental technology development center to furnish necessary data under the conditions as prescribed by Ordinance of the Ministry of Environment for the purpose of efficiently operating such center and providing necessary support thereto such center.

Article 21 (Facilities Subject to Technical Support, etc.) (1) Facilities subject to technical support under Article 12 of the Act shall be as follows: <Amended by Presidential Decree No. 22224, Jun. 28, 2010>

1. Facilities installed to prevent or reduce environmental pollution in advance during the course of production activities;
2. Facilities in need of technical support because of a lack of technical capability to operate and manage facilities to prevent environmental pollution;
3. Facilities which have been operated in excess of the permissible discharge standards under Article 16 of the Clean Air Conservation Act, Article 32 of the Water Quality and Ecosystem Conservation Act or Article 7 of the Noise and vibration Control Act, or discharged water quality standards under Article 7 of the Sewerage Act or Article 13 of the Act on the Management and Use of Livestock Excreta not less than three times within two years and which are designated by heads of local governments, heads of basin environmental offices or heads of regional environmental offices as being in need of technical support in order to achieve the effect of environmental improvement;
4. Facilities subject to investigation of the discharged amount of chemical substances under Article 17 of the Toxic Chemicals Control Act.

(2) A person who intends to receive technical support for facilities under paragraph (1) shall file an application to the Minister of Environment.

(3) The Minister of Environment shall, when he/she receives an application for technical support pursuant to paragraph (2), confirm a plan for technical support and then notify the

applicant of such plan seven days prior to the date on which the technical support commences. In such cases, in confirming the technical support plan, the Minister of Environment may, if deemed necessary depending on the types and characteristics of the facilities subject to technical support, consult with the heads of relevant local governments, the heads of basin environmental offices, the heads of regional environmental offices, environmental technology development centers established in accordance with Article 10 of the Act or relevant specialized institutions.

(4) The Minister of Environment shall, where a person who has filed an application for technical support requires him/her to protect data or information which are worth being protected with respect to the relevant facilities and production process, manufactured products, etc., prevent disclosure or divulgence of such data or information. In such cases, the Minister of Environment shall decide the methods of protecting data or information and the period of protection by entering into a separate contract with the applicant.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 21-2 Deleted. <by Presidential Decree No. 20297, Sep. 28, 2007>

Article 21-3 Deleted. <by Presidential Decree No. 20297, Sep. 28, 2007>

Article 22 (Measuring and Analyzing Agencies)

The term "persons prescribed by Presidential Decree" in Article 14 (1) of the Act means persons falling under any of the following subparagraphs:

1. Inspection agents under Article 13 of the Environmental Examination and Inspection Act;
2. Measuring agents under Article 16 of the Environmental Examination and Inspection Act;
3. Waste analysis agency, inspection agency, and measuring institution under Article 17 (3) 2, Article 30 (1) and Article 31 (2) of the Waste Control Act;
4. Inspection agency of pollution level of air quality under Article 22 (2) of the Enforcement Decree of the Clean Air Conservation Act;
5. Inspection institutions of pollution level of indoor air quality under Article 13 (2) of the Indoor Air Quality Control in Publicly Used Facilities, etc. Act;
6. Inspection institutions for drinking water quality under Article 43 of the Management of Drinking Water Act;
7. Specialized institutions related to soil under Article 23-2 (1) of the Soil Environment Conservation Act;
8. Inspection agency of pollution level under Article 68 (2) of the Water Quality and Ecosystem Conservation Act;
9. Wastewater and sewage terminal treatment facilities under Article 12 (1) of the Water Quality and Ecosystem Conservation Act;
10. Malodor inspection institutions under Article 18 (1) of the Malodor Prevention Act;
11. Institutions or organizations entrusted by the State or local governments to conduct the test and analysis of the air, water quality, drinking water, noise and vibration, etc.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-2 Deleted. <by Presidential Decree No. 20297, Sep. 28, 2007>

Article 22-3 Deleted. <by Presidential Decree No. 20297, Sep. 28, 2007>

Article 22-4 (Registration Criteria for Preventive Facilities Business) (1) A person who intends to make a registration of preventive facilities business under the former part of Article 15 (1) of the Act shall be equipped with the following technical abilities:

1. Technical experts in charge under the following items:
 - (a) Atmosphere: Four persons or more;
 - (b) Water quality: Four persons or more;
 - (c) Noise and vibration: Three persons or more;
2. Test apparatus to measure and analyze pollutants of water quality [limited to water quality field, and where concluding a contract for joint use or for vicarious execution of measurement and analysis with the person possessing the same test apparatus (excluding other preventive facilities business operator), it shall be deemed to have been equipped with the same test apparatus].

(2) Detailed criteria for registration of preventive facilities business, such as the qualifications of technical experts in charge and test apparatus, etc. under each subparagraph of paragraph (1), shall be provided for in Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-5 (Alteration of Registration Matters of Preventive Facilities Business)

The term "matters prescribed by Presidential Decree" in the latter part of Article 15 (1) of the Act shall be as follows:

1. Representative or trade name;
2. Location of business places;
3. Location of test apparatus (limited to water quality field);
4. Matters of concluding a contract for a joint use of test apparatus or a vicarious execution of measurement and analysis (limited to cases of concluding a contract for a joint use of test apparatus or a vicarious execution of measurement and analysis);
5. Technical experts in charge.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-6 (Preferential Treatment for Green Companies)

The term "preferential measure prescribed by Presidential Decree" in Article 16-2 (5) 3 of the Act means funds and technical support needed to improve the environment of places of work.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-7 (Revocation of Designation of Green Companies)

The term "cases prescribed by Presidential Decree" in subparagraph 3 of Article 16-3 of the Act means cases falling under each of the following subparagraphs: <Amended by Presidential Decree No. 22124, Apr. 13, 2010; Presidential Decree No. 22224, Jun. 28, 2010>

1. Where a person has been subjected to a disposition falling under any of the following items, or has been sentenced to a punishment equivalent to or heavier than a fine of one million won or more or imprisonment without prison labor in violation of the relevant Acts:

Provided, That the same shall not apply to cases where a person has been subjected to a disposition falling under any of the following items but recognized by the Minister of Environment as not having polluted the surrounding environment:

(a) Any order for improvement, order for suspension of operation, disposition on cancellation of permission, disposition taken to impose penalty surcharges, order for suspension of use, or order for closure under Article 33, 34, 36, 37, or 38 of the Clean Air Conservation Act;

(b) Any order on the enforcement of prevention measures, order for improvement, order for suspension of operation, disposition on cancellation of permission, order for suspension of use, or order for closure under Article 15 (3), 39, 40, 42, or 44 of the Water Quality and Ecosystem Conservation Act;

(c) Any order for improvement, order for suspension of operation, disposition on cancellation of permission, order for suspension of use, or order for closure under the provisions of Articles 15 through 18 of the Noise and Vibration Control Act;

(d) Any disposition on cancellation of permission, order for business suspension or order to take measures under Article 27 or 48 of the Wastes Control Act;

(e) Any order for suspension of sales, order for suspension of use, order for improvement, order for business suspension, disposition on cancellation of registration or cancellation of permission under Article 16, 23, 27, or 36 of the Toxic Chemicals Control Act;

(f) Any disposition on cancellation of permission, order for business suspension, disposition taken to impose penalty surcharges or disposition on cancellation of registration under Article 18, 32, 33 or 35 of the Act on the Management and Use of Livestock Excreta;

(g) Any order for suspension or order for restoration under Article 17 of the Natural Environment Conservation Act;

(h) Any order to take measures or order for suspension of use under Article 14 (1) and (3), and Article 15 (3) of the Soil Environment Conservation Act;

(i) Any order to take measures or to suspend construction under Article 26 (3) and (4) or Article 28 (3) of the Environmental Impact Assessment Act;

(j) Any order for improvement, order for suspension of use, disposition taken to impose penalty surcharges or order for closure under Articles 10 through 13 of the Malodor Prevention Act;

(k) Any order for business suspension, disposition on cancellation of permission, disposition taken to impose penalty surcharges, or disposition on cancellation of registration under Articles 49, 50, or 54 of the Sewerage Act;

2. Where the designation as a green company has not been revoked pursuant to the proviso to subparagraph 1 but the person has been subjected to the disposition falling under each item of the same subparagraph three or more times for two years;

3. Where the location is changed by workplace relocation;

4. Other cases corresponding to subparagraphs 1 and 3 as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 22-8 (Registration Standards for Environment Consulting Firm) (1) The requirements on qualified personnel under the former part of Article 16-4 (1) of the Act with the exception of its subparagraphs are as provided for in attached Table 1.

(2) The term "important matters prescribed by Presidential Decree, such as trade name or technical human resources, etc." in the latter part of Article 16-4 (1) of the Act with the exception of its subparagraphs means any of the following subparagraphs:

1. Trade name or the location of business place;
2. Representative and executives;
3. Technical human resources;
4. Purpose of business (referring to the purpose of business stipulated in the articles of incorporation).

(3) Any registration of changes under Article 16-4 (1) of the Act shall be made within 30 days from the date on which any reason for changes arises.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 23 (Application for Environment Mark Certification) (1) Any person who intends to obtain certification of environment mark pursuant to Article 17 (2) of the Act shall submit an application for environment mark certification to the Minister of Environment, along with the data falling under each of the following subparagraphs:

1. Data related to the environmentally-friendliness of the relevant product;
2. Data related to the quality of the relevant product;
3. Data proving whether the product satisfies the criteria for authentication by type under Article 17 (3) of the Act.

(2) The Minister of Environment shall, when he/she grants certification of environment mark, issue a certificate of environment mark to the applicant, clearly stating the reasons therefor.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 24 (Selection of Products Subject to Environment Mark) (1) Any person who intends to present a proposal for selection of products subject to certification of environment mark under Article 17 of the Act (hereinafter referred to as "product subject to environment mark") shall submit a written proposal for such selection to the Minister of Environment.

(2) Food under the Food Sanitation Act, medicines and therapeutic devices under the Pharmaceutical Affairs Act, agricultural chemicals under the Agrochemicals Control Act and wood crafts designated as forest products under the Creation and Management of Forest Resources Act shall not be selected as a product subject to environment mark.

(3) The Minister of Environment shall, when he/she selects a product subject to environment mark, establish and publicize standards for certification of environment mark by product.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 25 (Repeal of Selection of Product Subject to Environment Mark) (1) In cases of any product that has no need to obtain environment mark, from among products subject to environment mark pursuant to Article 17 (3) of the Act, the Minister of Environment may repeal the selection of the product subject to environment mark.

(2) The Minister of Environment shall, when he/she repeals the selection of a product subject to environment mark pursuant to paragraph (1), announce the fact to the public.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 25-2 (Reporting on Change by Authenticating Institution)

The term "matters prescribed by Presidential Decree, such as name and location, etc. of authenticating institution" in Article 18 (6) of the Act means those falling under any of the following subparagraphs:

1. Location of the authenticating institution;
2. Name of the authenticating institution;
3. Representative.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 26 (Selection and Repeal of Product Subject to Environment Grade Mark) (1)

Any person who intends to present a proposal on the selection of materials and products subject to authentication of environment grade mark pursuant to Article 20 (1) of the Act (hereinafter referred to as "product subject to environmental grade mark") shall submit a written proposal to the Minister of Environment.

(2) The Minister of Environment shall deliberate over such matters proposed pursuant to paragraph (1), determine whether to choose products subject to environment grade mark, draw up guidelines concerning the method of assessment for environment grade for chosen products subject to environment grade mark and the mark thereof, and then notify them to the public.

(3) The provisions of Article 25 shall apply mutatis mutandis to matters concerning the repeal of the product subject to environment grade mark. In such cases, "products subject to environment mark" shall be deemed "products subject to environment grade mark".

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 27 (Qualification Standards, etc. for Examiner of Authentication) (1) Any person falling under any of the following subparagraphs may become an examiner of authentication pursuant to Article 21 (2) of the Act:

1. A person who received the education under Article 21 (1) of the Act and for whom three years have not yet passed;
2. A person who has a career record publicized by the Minister of Environment and who graduated from college after completing subjects prescribed and publicized by the Minister of Environment, taking into account the types and characteristics of a product subject to environment grade mark.

(2) The Minister of Environment shall, when a person satisfying the qualification criteria under paragraph (1) file an application, issue a certificate of examiner of authentication of environment grade mark.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 27-2 (Regulations for Affairs)

Matters to be included in the regulations necessary for the affairs of authentication or

education under Article 21-2 (2) of the Act shall be as follows:

1. Matters to be included in the regulations necessary for the affairs of authentication:
 - (a) Matters on the procedures of authentication and methods thereof for environment mark under Article 17 of the Act or environment grade mark under Article 18 of the Act (hereinafter referred to as "environment mark, etc.");
 - (b) Matters on the period of authentication of environment mark, etc. and post management of authenticated products;
 - (c) Other matters recognized by the Minister of Environment as necessary for the authentication of environment mark, etc.;
2. Matters to be included in the regulations necessary for education affairs:
 - (a) Matters on the procedures for application for education and methods of assessment;
 - (b) Matters on the management of persons completing the education;
 - (c) Other matters recognized by the Minister of Environment as necessary for the education for examiners of authentication.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 28 (Grounds for Cancellation of Authentication of Environment Mark, etc.) (1)

The term "cases prescribed by Presidential Decree" in Article 23 (1) 4 of the Act means cases falling under any of the following subparagraphs:

1. Where manufacturing of the products which obtained authentication of environment mark has been de facto suspended due to dishonor, closure or any other grounds similar thereto;
2. Where any product failing to satisfy the authentication criteria under Article 17 (3) of the Act is distributed.

(2) The term "cases prescribed by Presidential Decree" in Article 23 (2) 4 of the Act means cases falling under any of the following subparagraphs:

1. Where manufacturing of the products which obtained authentication of environment grade mark has been de facto suspended due to dishonor, closure or any other grounds similar thereto;
2. Where any material or product different from the details of the authentication under Article 20 (3) of the Act is distributed.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 28-2 (Announcement of Cancellation of Authentication of Environmental Marks, etc.)

The Minister of Environment shall, when he/she cancels authentication of environment mark, etc. pursuant to Article 23 of the Act, publicly announce the matters falling under each of the following subparagraphs:

1. Materials or name of product, the authentication of which is cancelled;
2. Manufacturing company or manufacturer of materials or products, the authentication of which is cancelled;
3. Grounds for cancellation of authentication;
4. Date of cancellation of authentication.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 28-3 (Support, etc. for Mutual Recognition of Environment Mark, etc. between States) (1) The Government may, when it enters into an agreement with a foreign government with respect to the mutual recognition of environment mark, etc. pursuant to Article 24-2 of the Act, specify the provisions of such agreement stipulating that the same effect as provided for in this Act shall be granted to the authentication of environment mark, etc. granted by any foreign authenticating institution.

(2) The Minister of Environment shall, when he/she intends to enter into an agreement under paragraph (1), consult with heads of relevant central administrative agencies in advance.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 29 (Use of Fees, etc.)

The term "expenses as prescribed by Presidential Decree" in Article 25 (2) of the Act means expenses required for post management, such as pilot test of products which obtained authentication for environment mark, etc.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 30 (Criteria, etc. for Collection of Fees, etc.) (1) The Minister of Environment shall determine fees for application under Article 25 (1) of the Act based on the expenses required to examine the application for authentication of environment mark, etc. and usage fees based on the types, unit price, endurance period, and sales of materials or products, after hearing opinions from authenticating institutions or institutions entrusted with authentication of environment mark, etc. persons who obtained authentication of environment mark, etc. and other interested persons.

(2) The Minister of Environment shall, when he/she determines application fees and usage fees pursuant to paragraph (1), publicly announce such details.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 31 Deleted. <by Presidential Decree No. 18863, Jun. 13, 2005>

Article 32 (Establishment, etc. of Environmental Technical Personnel Nurturing Plan)

The plan for nurturing environmental technical personnel under Article 27 of the Act shall contain the matters falling under each of the following subparagraphs:

1. A mid and long outlook on supply and demand of environmental technical personnel;
2. A plan for nurturing and securing the environmental technical personnel;
3. A plan for providing education on environmental technology and technical training;
4. Matters on the attraction and utilization of environmental technical personnel.

[This Article Wholly Amended by Presidential Decree No. 21544, Jun. 16, 2009]

Article 33 (Delegation and Entrustment) (1) The Minister of Environment shall delegate his/her authority for imposing and collecting fines for negligence under Article 37 (1) 2 of the Act (limited to persons falling under Article 28 (2) 2 of the Act, who have refused, obstructed or evaded the presentation of data requested by the Minister of Environment) to the Mayor/Do Governor in accordance with Article 31 (1) of the Act. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

(2) The Minister of Environment shall delegate his/her authority falling under each of the following subparagraphs to heads of river basin environmental office or heads of regional environmental office pursuant to Article 31 (1) of the Act: <Amended by Presidential Decree No. 21544, Jun. 16. 2009>

1. Registration, registration of change and imposition on cancellation of registration of an environmental consulting firm under Article 16-4 (1) and 16-6 of the Act;
2. Request for the presentation of data, investigation, inspection or collection (excluding the authority under a person falling under subparagraph 2 of the same Article) under Article 28 (2) of the Act;
3. Hearing under subparagraph 5 of Article 30 of the Act;
4. Imposition and collection of fines for negligence under Article 37 (1) 2 of the Act (limited to persons falling under Article 28 (2) 1 and 3 of the Act who have refused, obstructed or evaded the presentation of data requested by the Minister of Environment).

(3) The Minister of Environment shall delegate precision control of measurement and analysis agencies under Article 14 (1) of the Act and his/her authority to issue an order and improvement, supplement and measures under paragraph (2) of the same Article to the president of the National Institute of Environmental Research in accordance with Article 31 (1) of the Act. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

(4) The term "specialized institutions prescribed by Presidential Decree" in Article 31 (2) 1 of the Act means the Korea Environmental Industry and Technology Institute. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

(5) The Minister of Environment may entrust the business falling under each of the following subparagraphs to the head of the Korea Environmental Industry and Technology Institute in accordance with Article 31 (2) 1 of the Act: <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

1. Receipt of application under Article 18;
2. Public announcement and hearing of opinions from interested parties, etc. under Article 18-4 (1);
3. Assessment of authentication of new technology or verification of technology under Article 18-4 (2);
4. Receipt and assessment of application for extension under Article 19-4 (3) and (4);
5. Field investigation for authentication of new technology or verification of technology and examination of cancellation thereof under Article 19-5 (1) and (2).

(6) The Minister of Environment shall entrust the head of Environmental Management Corporation with the affairs of the following subparagraphs under Article 35 (2) 2 and 3 of the Act: <Amended by Presidential Decree No. 20165, Jul. 4, 2007>

1. Affairs of support of environmental technologies and affairs of support of necessary expenses under Article 12 of the Act;
2. Affairs of diagnosis of technologies and affairs of support of necessary expenses under Article 13 of the Act.

(6) The Minister of Environment shall entrust the business falling under each of the following subparagraphs to the head of the Korea Environment Corporation in accordance with Article 31 (2) 2 and 3 of the Act: <Amended by Presidential Decree No. 21544, Jun. 16, 2009> <<Enforcement Date: Jan. 1, 2010>>

1. Support for environmental technologies under Article 12 and support for necessary expenses thereof;

2. Diagnosis of technologies under Article 13 of the Act and support for necessary expenses thereof.

(7) The Minister of Environment shall entrust to the president of Korea Environment and Resources Corporation under the Korea Environment and Resources Corporation Act with affairs of diagnosis of technologies and affairs of support of the necessary expenses as prescribed by Article 13 of the Act in accordance with Article 35 (2) 3 of the Act. <Amended by Presidential Decree No. 20165, Jul. 4, 2007>

(7) Deleted. <by Presidential Decree No. 21544, Jun. 16, 2009> <<Enforcement Date: Jan. 1, 2010>>

(8) The term "institution or organization prescribed by Presidential Decree" in Article 31 (2) 4 of the Act means the Korea Environmental Industry and Technology Institute. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

(9) The term "institution or organization prescribed by Presidential Decree" in Article 31 (2) 5 of the Act means the Korea Environmental Preservation Association under Article 38 of the Framework Act on Environmental Policy. <Amended by Presidential Decree No. 21544, Jun. 16, 2009>

Article 34 Deleted. <by Presidential Decree No. 18157, Dec. 11, 2003>

ADDENDA (Omitted)

21. Act on Special Measures for the Control of Environmental Offenses

[Enforcement Date 10. Dec, 2009.] [Act No.9774, 09. Jun, 2009., Amendment by Other Act]

Article 1 (Purpose)

The purpose of this Act is to contribute to the environmental preservation by punishing aggravatingly any act of causing environmental pollution or damages harmful to human life and body, sources of water supply, or natural ecosystem, etc. and by toughening administrative dispositions against such act.

Article 2 (Definitions)

The definition of terms used in this Act shall be as follows: <Amended by Act No. 6452, Mar. 28, 2001; Act Nos. 7167, 7168 & 7170, Feb. 9, 2004; Act Nos. 7291, 7292 & 7297, Dec. 31, 2004; Act No. 7459, Mar. 31, 2005; Act Nos. 8010 & 8014, Sep. 27, 2006; Act Nos. 8343, 8370 & 8371, Apr. 11, 2007; Act No. 8404, Apr. 27, 2007; Act No. 8466, May 17, 2007; Act No. 9313, Dec. 31, 2008; Act No. 9432, Feb. 6, 2009>

1. The term "pollutants" means materials falling under any of the following items:

- (a) Air pollutants under the provisions of subparagraph 1 of Article 2 of the Clean Air Conservation Act;
- (b) Water pollutants under the provisions of subparagraph 7 of Article 2 of the Water Quality and Ecosystem Conservation Act;
- (c) Soil pollutants under the provisions of subparagraph 2 of Article 2 of the Soil Environment Conservation Act;
- (d) Poisonous substances under the provisions of subparagraph 3 of Article 2 of the Toxic Chemicals Control Act;
- (e) Sewage and excreta under the provisions of subparagraphs 1 and 2 of Article 2 of the Sewerage Act and livestock excreta under the provisions of subparagraph 2 of Article 2 of the Act on the Management and Use of Livestock Excreta;
- (f) Wastes under the provisions of subparagraph 1 of Article 2 of the Wastes Control Act;
- (g) Agrochemicals and technical concentrates under the provisions of subparagraphs 1 and 3 of Article 2 of the Agrochemicals Control Act;

2. The term "illegal discharge" means the act falling under any of the following items. The act under the provisions of item (a) or (b), which is performed by a business operator operating illegal discharge facilities under the provisions of subparagraph 5 (a) or (b), shall be included:

- (a) The act falling under the provisions of Article 31 (1) 1, 2 or 5 of the Clean Air Conservation Act;
- (b) The act falling under Article 15 (1) 1 or any subparagraph of Article 38 (1) and (2) of the Water Quality and Ecosystem Conservation Act;
- (c) The act of dumping or burying wastes from business establishments in contravention of the provisions of Article 8 (1) or (2) of the Wastes Control Act;
- (d) The act of reclaiming wastes in contravention of the provisions of Article 13 of the Wastes Control Act or other act of collecting, transporting, keeping or treating wastes, polluting nearby environment in contravention of the provisions of the same Article;
- (e) The act of maintaining and managing waste treatment facilities in a manner inconsistent with management standards under the provisions of Article 31 (1) of the Wastes Control Act, polluting nearby environment;
- (f) The act of violating the provisions of Article 19 (2), 39 (1), or 43 (2) of the Sewerage Act or the provisions of Article 17 (1) or 25 (1) of the Act on the Management and Use of Livestock Excreta;
- (g) The act of violating the provisions of Article 15 (1) 2 or 4 of the Water Quality and Ecosystem Conservation Act;
- (h) The act of discharging and leaking poisonous substances through management of poisonous substances in contravention of the provisions of Article 24 of the Toxic Chemicals Control Act;
- (i) The act of violating the provisions of Article 15 of the Malodor Prevention Act;
- (j) The act of discharging pollutants in excess of levels set in the provisions of Article 16 or

29 (3) of the Clean Air Conservation Act;

(k) The act of discharging pollutants in excess of levels set in the provisions of Article 32 of the Water Quality and Ecosystem Conservation Act;

(l) The act of discharging pollutants in excess of levels set in the provisions of Article 7 of the Sewerage Act and Article 13 of the Act on the Management and Use of Livestock Excreta;

3. The term "discharge facilities" means facilities falling under any of the following items:

(a) Facilities for discharging air pollutants under the provisions of subparagraph 11 of Article 2 of the Clean Air Conservation Act;

(b) Wastewater discharge facilities under subparagraph 10 of Article 2 of the Water Quality and Ecosystem Conservation Act and discharge facilities that do not discharge wastewater under subparagraph 11 of the same Article;

(c) Facilities for treating wastes under the provisions of subparagraph 8 of Article 2 of the Wastes Control Act;

(d) Facilities for discharging livestock excreta under the provisions of subparagraph 3 of Article 2 of the Act on the Management and Use of Livestock Excreta;

(e) Facilities subject to specific soil contamination control under the provisions of subparagraph 4 of Article 2 of the Soil Environment Conservation Act;

4. The term "business" means the business falling under any of the following items:

(a) The business of treating wastewater under the provisions of Article 62 (1) of the Water Quality and Ecosystem Conservation Act;

(b) The business of poisonous substances under the provisions of Article 20 of the Toxic Chemicals Control Act and the business of handling-restricted/prohibited substances under the provisions of Article 34 of the same Act;

(c) The business of treating wastes under the provisions of Article 25 (4) of the Wastes Control Act;

(d) The business of collecting and transporting excreta and the business of managing the facilities for private sewage treatment under the provisions of Articles 45 (1) and 53 (1) of the Sewerage Act, and the business related to livestock excreta under the provisions of Article 28 (2) of the Act on the Management and Use of Livestock Excreta;

(e) The business of running skiing grounds and golf courses under the provisions of Article 10 (1) 1 of the Installation and Utilization of Sports Facilities Act;

(f) The business of running restaurants under the provisions of Article 36 (1) 3 of the Food Sanitation Act;

(g) The business of lodging under the provisions of Article 2 (1) 2 of the Public Health Control Act;

(h) The business of tourist lodging under the provisions of Article 3 (1) 2 of the Tourism Promotion Act;

(i) The business of collecting aggregate under the provisions of subparagraph 2 of Article 2 of the Aggregate Picking Act;

5. The term "illegal discharge facilities" means facilities falling under any of the following

items:

(a) Facilities subject to permission, approval or a report under the Acts of each item of subparagraph 3, which discharge pollutants without obtaining such permission or approval, or filing a report;

(b) Facilities which discharge pollutants after the permission or approval for them (including the case where their permission or approval is suspended) has been revoked under the Acts of each item of subparagraph 3 or the operator of such facilities has been ordered to shut down them;

(c) Buildings or facilities, the operator of which does business without obtaining permission or making registration, or filing a report under the Acts of each item of subparagraph 4;

(d) Buildings and other facilities, the operator of which does business after the permission for them has been revoked (including the case where such permission is suspended) or he has been ordered to shut down such buildings or facilities under the Acts of each item of subparagraph 4;

(e) Any discharge facilities installed in areas where such facilities are prohibited from being installed under any Act or buildings and other facilities, the operator of which does business in areas where he is prohibited from doing business;

(f) Facilities prescribed in the provisions of Article 31 (1) 2 of the Clean Air Conservation Act, Article 38 (1) 1 and 2 and any subparagraph of paragraph (2) of the same Article of the Water Quality and Ecosystem Conservation Act or Article 17 (1) 1 and 2 of the Act on the Management and Use of Livestock Excreta;

6. The term "business operator" means a person who installs and operates discharge facilities or illegal discharge facilities or who does business, making use of such facilities;

7. The term "environment protection area" means an area, region or an island falling under any of the following items:

(a) The areas requiring special countermeasures which is designated and published under the provisions of Article 22 of the Framework Act on Environmental Policy;

(b) Ecology and scenery conservation areas under the provisions of subparagraph 12 of Article 2 of the Natural Environment Conservation Act, natural reservation areas under the provisions of subparagraph 13 of Article 2 of the same Act, and City/Do ecology and scenery conservation areas which are designated and published under the provisions of Article 23 of the same Act;

(c) Specific islands which are designated and published under the provisions of Article 4 of the Special Act on the Preservation of the Ecosystem in Island Areas including Dokdo ;

(d) Natural parks prescribed in the provisions of subparagraph 1 of Article 2 of the Natural Parks Act;

(e) Water-supply source protection areas which are designated and published under the provisions of Article 7 of the Water Supply and Waterworks Installation Act;

(f) Wetland protection areas which are designated and published under the provisions of Article 8 of the Conservation of Wetlands Act;

(g) Special reservations for wild animals and plants designated under Article 27 of the Protection of Wild Fauna and Flora Act, City/Do reservations for wild animals and plants, and reservations for wild animals and plants under Article 33 of the same Act;

(h) Watershed areas which are designated and published under the provisions of Article 4 of the Act on the Improvement of Water Quality and Support for Residents of the Riverhead of the Han River System.

Article 3 (Aggravated Punishment for Illegally Discharging Pollutants)(1) Any person, who has put the lives and bodies of the public in danger by illegally discharging pollutants or put the drinking water of the public in danger by contaminating water-supply sources, shall be punished by imprisonment with prison labor for a fixed term of not less than 3 years.

(2) Any person, who has killed or injured other persons by committing the offense referred to in paragraph (1), shall be punished by a life imprisonment with prison labor or imprisonment with prison labor for a fixed term of not less than 5 years.

(3) Any person who has illegally discharged pollutants and falls under any of the following subparagraphs or other person who has discharged earth and sand, and falls under subparagraph 3 shall be punished by imprisonment with prison labor for not less than one year to not more than 7 years:

1. A person who has irrevocably damaged a land of not less than 300 square meters which was originally used for the purpose of agriculture, livestock, forestry or horticulture;

2. A person who has contaminated the sea, rivers and marshes, lakes or underground water beyond the scope and levels prescribed in the attached Table 1; and

3. A person who has caused fish and shells to die in a mass beyond the scope prescribed in the attached Table 2.

Article 4 (Aggravated Punishment for Act of Contaminating Environment Protection Area, etc.)(1) The punishment of any person who has committed the offense under Article 3 (1) through (3) in the environment protection area may be aggravated by up to half of the corresponding punishment.

(2) Any person who has altered the form and nature of a land of not less than 300 square meters in the environment protection area in violation of the provisions of Article 20 (1) 2 of the Natural Environment Conservation Act (including the case where application is made mutatis mutandis in Article 28 of the same Act), Article 8 of the Special Act on the Preservation of Ecosystem in Island Areas including Dok Island, Article 23 of the Natural Parks Act (limited to the case of the park nature preservation area and the park natural environment area among the park areas), Article 13 (1) 1 of the Wetlands Conservation Act, or Article 7 (4) of the Water Supply and Waterworks Installation Act shall be punished by imprisonment with prison labor for a fixed term of not less than 2 years. <Amended by Act No. 7456, Mar. 31, 2005; Act No. 8370, Apr. 11, 2007>

(3) Any person who has illegally discharged pollutants or damaged the environment protection area by committing the offense referred to in paragraph (2) to the extent that the purpose of setting up or designating the area is lost shall be punished by imprisonment with

prison labor for a fixed term of not less than 5 years.

Article 5 (Criminal Negligence)(1) Any person who has committed the offense referred to in Article 3 (1) through a malpractice or a serious negligence shall be punished by imprisonment with prison labor or without prison labor for not more than 7 years or a fine not exceeding 100 million won.

(2) Any person who has committed the offense referred to in Article 3 (2) or 4 (3) through a malpractice or a serious negligence shall be punished by imprisonment with prison labor or without prison labor for not more than 10 years or a fine not exceeding 150 million won.

(3) Any person who has committed the offense referred to in Article 3 (3) through a malpractice or a serious negligence shall be punished by imprisonment with prison labor or without prison labor for not more than 3 years or a fine not exceeding 30 million won.

Article 6 (Aggravated Punishment for Capture, etc. of Endangered Wild Animals and Plants)

Any person who has committed the offense referred to in Article 67, subparagraphs 1 through 3 of Article 68, or subparagraph 1 of Article 69 of the Protection of Wild Fauna and Flora Act for the purpose of trade shall be punished by imprisonment with prison labor prescribed in each corresponding Article of the same Act and also by a fine equivalent to not less than two times to not more than ten times the value he has acquired or may acquire as a result of such trade.

[This Article Wholly Amended by Act No. 7167, Feb. 9, 2004]

Article 7 (Aggravated Punishment for Illegal Treatment of Wastes)

Any organization or group which has committed the offense referred to in Article 63 of the Wastes Control Act for the purpose of making profits shall be punished by imprisonment with prison labor for not less than two years to not more than ten years and also by a fine equivalent to not less than two times to not more than ten times the value such organization or group has acquired as a result of dumping or burying wastes. <Amended by Act No. 8371, Apr. 11, 2007>

Article 8 (Aggravation of Cumulative Offense)

Any person who has been sentenced to imprisonment without prison labor or a heavier punishment for committing the offense referred to in Article 3 through 5 or 7 and commits the offense referred to in Article 3 (1), 4 (3) or 7 within 3 years after termination or exemption of the execution of the sentence shall be punished by a life imprisonment or imprisonment for a fixed term of not less than 5 years. In this case, any person who has committed the offense referred to in Article 7 shall also be punished by a fine equivalent to not less than two times to not more than ten times the value he has acquired as a result of dumping or burying wastes.

Article 9 (Punishment, etc. of Person Disobeying Order)(1) Any person who has disobeyed an order (excluding an order to remove) under the provisions of Article 13 (1) shall be punished by imprisonment with prison labor for not more than 5 years.

(2) Any person who has disobeyed an order to remove under the provisions of Article 13 (1)

or any person who has removed or damaged signs posted under the provisions of Article 13 (4) shall be punished by imprisonment with prison labor for not more than 2 years or a fine not exceeding 10 million won.

Article 10 (Joint Penal Provisions)

When the representative of a juristic person, or the agent, employee or other employed of a juristic person or an individual performs an act of violating Articles 5 through 7 in relation to the business of the juristic person or the individual, the juristic person or the individual shall be fined pursuant to the respective relevant Articles, in addition to the punishment of the actor.

Article 11 (Presumption)

Where a business operator illegally discharge pollutants to the extent that such pollutants cause dangers (including the case falling under any subparagraphs of Article 3 (3); hereinafter the same shall apply) to human lives and bodies, water-supply sources or the natural ecosystem, etc. (hereinafter referred to as the "human lives and bodies, etc."), and the pollutants of the same kind cause dangers to human lives and bodies, etc. in an area where the illegal discharge of pollutants may cause dangers and a considerable probability between the illegal discharge of pollutants and the dangers done exists, such dangers shall be presumed to have been caused by such pollutants discharged illegally by the business operator.

Article 12 (Penalty Surcharge)(1) Where a business operator illegally discharges (limited to subparagraph 2 (a) through (i) of Article 2; hereafter in this Article the same shall apply) pollutants as prescribed by the Presidential Decree (hereinafter referred to as the "specific pollutants"), the Minister of Environment shall impose and collect the amount equivalent to not less than two times to not more than ten times profits from the illegal discharge of such pollutants (referring to the cost of treating the relevant specific pollutants which is saved by illegally discharging the specific pollutants for a period ranging from the date on which the specific pollutants are discharged to the date on which the illegal discharge of the specific pollutants is uncovered; hereinafter the same shall apply) and other costs required to remove the illegally discharged specific pollutants and re store the original state (hereinafter referred to as the "purification costs") from the business operator as penalty surcharges.

(2) In calculating the profits from the illegal discharge of the specific pollutants referred to in paragraph (1), the business operator is presumed to have illegally discharged the specific pollutants for a period ranging from the date on which he installs and operates the illegal discharge facilities of the specific pollutants to the date on which such illegal discharge of the specific pollutants is discovered unless special reasons exist.

(3) Where the penalty surcharges are imposed in accordance with the provisions of paragraph (1), if discharge dues have been imposed in accordance with the provisions of Article 41 of the Water Quality and Ecosystem Conservation Act or Article 35 of the Clean Air Conservation Act, the amount of the discharge dues for the period ranging from the date on which the illegal discharge of the specific pollutants began to the date on which such

illegal discharge of the specific pollutants were discovered shall be deducted from the amount of the penalty surcharges. <Amended by Act No. 7459, Mar. 31, 2005; Act No. 8010, Sep. 27, 2006; Act No. 8404, Apr. 27, 2007; Act No. 8466, May 17, 2007>

(4) Where the fine under the provisions of Article 7 is imposed cumulatively on the same act, the provisions of paragraph (1) shall not be applied: Provided, That the same shall not apply to purification costs.

(5) The penalty surcharges referred to in paragraph (1) shall be computed, taking the frequency of violation, kinds of the specific pollutants, illegal discharge period, etc. into account, and specific methods of computation and other necessary matters shall be prescribed by the Presidential Decree.

(6) Where a person subject to a disposition taken to impose penalty surcharges in accordance with the provisions of paragraph (1) fails to pay such penalty surcharges within a fixed period, the Minister of Environment shall collect such penalty surcharges in question according to the example of a disposition taken to collect national taxes in arrears.

(7) The penalty surcharges under paragraph (1) shall be transferred as revenues into the environment improvement special accounts under the Act on the Special Accounts for Environment Improvement.

(8) Where the Minister of Environment delegates his authority with respect to the imposition and collection of penalty surcharges to the Special Metropolitan City Mayor, the Metropolitan City Mayor and Do governor (hereinafter referred to as the "Mayor/Do governor") in accordance with the provisions of Article 19, he may return part of the penalty surcharges collected as collection costs to the Mayor/Do governor under the conditions as prescribed by the Presidential Decree.

Article 13 (Vicarious Execution, etc.)(1) The Minister of Environment may order any owner or occupant of the illegal discharge facilities to halt using, remove or shut down such facilities.

(2) Where the illegal discharge facilities fall under the facilities used for doing business under the provisions of subparagraph 4 (f) through (h) of Article 2, the provisions of paragraph (1) shall apply only to the case where such illegal discharge facilities are located in an area falling under any of the following subparagraphs: <Amended by Act No. 7459, Mar. 31, 2005; Act No. 7643, Jul. 29, 2005; Act No. 8338, Apr. 6, 2007; Act No. 8466, May 17, 2007; Act No. 9774, Jun. 9, 2009>

1. Environment protection area;

2. Deleted; <by Act No. 7459, Mar. 31, 2005>

3. Rivers (referring to rivers under the provisions of subparagraph 1 of Article 2 of the River Act, and small rivers under the provisions of subparagraph 1 of Article 2 of the Small River Maintenance Act), lakes and marshes (referring to lakes and marshes under the provisions of subparagraph 13 of Article 2 of the Water Quality and Ecosystem Conservation Act) and sea (referring to areas outside coastlines under Article 6 (1) 4 of the Act on Land Survey, Waterway Survey and Cadastral Records), and areas within 500 meters in a beeline from the boundaries thereof.

(3) Where the owner or occupant of the illegal discharge facilities under the provisions of paragraph (1), upon receiving an order to remove such facilities, fails to follow such order, the Minister of Environment may vicariously execute the order as prescribed by the Administrative Vicarious Execution Act and collect costs from the owner or occupant.

(4) The Minister of Environment shall, when he issues an order to remove illegal discharge facilities under the provisions of paragraph (1), install post signs as prescribed by the Presidential Decree in the relevant illegal discharge facilities or the business establishment concerned.

Article 14 (Succession of Effect of Administrative Disposition)

Where a business operator transfers his illegal discharge facilities or dies, or a merger of juristic persons takes place, the effect of an administrative disposition taken against the previous business operator under the provisions of Article 13 shall be succeeded to by a transferee, an inheritor or a juristic person in existence after a merger or a juristic person newly established by a merger.

Article 15 (Prizes)

Any person who has tipped off investigative authorities, the Minister of Environment, heads of local environment agencies, the Mayor/Do governor or the head of Si/Gun/Gu (referring to the head of autonomous Gu) about the offenses prescribed by this Act before such offenses are discovered may be paid with prizes as prescribed by the Presidential Decree.

Article 16 (Visits, etc. to Business Establishments)(1) The Minister of Environment may get his officials in charge to visit any illegal discharge facilities used to discharge illegally pollutants or any business establishment to take samples of pollutants and inspect relevant documents, facilities, equipment, etc. with the aim of taking an administrative disposition under the provisions of Article 12 or 13.

(2) The Minister of Environment may, when his officials take samples of pollutants under the provisions of paragraph (1), entrust any inspection institution prescribed by the Presidential Decree to test the sampled pollutants for degree of their contamination.

(3) The officials making the visit and inspection under the provisions of paragraph (1) shall carry certificates showing their authority and produce them to persons concerned.

Article 17 (Cooperation from Other Agencies Concerned)

The Minister of Environment may ask the heads of other agencies concerned to furnish data necessary to take an administrative disposition in accordance with this Act. In this case, the heads of other agencies concerned shall comply with the request unless special reasons exist for not complying with the request.

Article 18 (Computer Management of Data)

The Minister of Environment may computer-manage data necessary to crack down and prevent offenses under the provisions of this Act.

Article 19 (Delegation of Authority)

The Minister of Environment may delegate part of his authority under this Act to the Mayor/Do governor or heads of local environment agencies as prescribed by the Presidential

Decree.
ADDENDA (Omitted)

22. Framework Act on Environmental Policy

[Enforcement Date 28. Mar, 2017.] [Act No.14494, 27. Dec, 2016., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to ensure that all citizens enjoy a healthy and pleasant life by preventing environmental pollution and environmental damage and by managing and preserving the environment in an appropriate and sustainable manner through defining the rights and duties of citizens and the obligations of the State with regard to environmental preservation and determining the fundamental matters for environmental policies.

Article 2 (Basic Idea)(1) The State, local governments, business entities and citizens shall ensure that the current generation of citizens can fully enjoy environmental benefits and future generations will continue to enjoy such benefits by endeavoring to maintain and create a better environment, by considering environmental preservation first while engaging in any activities utilizing the environment and by combining their efforts to prevent any environmental harms on the earth, in view of the fact that the creation of a delightful environment through a qualitative improvement and preservation of the environment and the maintenance of harmony and balance between human beings and the environment therethrough are indispensable elements for citizens' health and enjoyment of a cultural life, for the maintenance of the territorial integrity and for the everlasting development of the nation. <Amended by Act No. 11268, Feb. 1, 2012>

(2) The State and local governments shall pay due regard to ensuring balanced use of the environment-related goods and services among regions, classes, and groups. <Newly Inserted by Act No. 11268, Feb. 1, 2012>

Article 3 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 13894, Jan. 27, 2016>

1. The term "environment" means the natural environment and living environment;
2. The term "natural environment" means the natural conditions (including ecosystem and natural scenery) that include both all living things in the underground, on the earth's surface (including the seas) and above the ground and inanimate matter surrounding them;
3. The term "living environment" means the environment related to the daily life of human beings, such as air, water, soil, waste, noise, vibration, malodor, sunshine and artificial lighting;
4. The term "environmental pollution" means air pollution, water pollution, soil pollution, sea pollution, radioactive contamination, noise, vibration, malodor, sunshine obstruction, light pollution from artificial lighting and other similar pollution caused by industrial activities

and other human activities, which are such conditions as inflict damage on human health or the environment;

5. The term “environmental damage” means the conditions that inflict serious damage on intrinsic functions of the natural environment by overhunting or overgathering wild animals or plants, destroying their habitats, disturbing the order of the ecosystem, impairing the natural scenery, washing away the topsoil, etc.;

6. The term “environmental preservation” means any activity undertaken to protect the environment from pollution and damage and to improve any polluted or damaged environment, as well as to maintain and create more delightful environmental conditions;

7. The term “environmental capacity” means the limit to which the environment can keep its quality by absorbing, purifying and restoring environmental pollution or environmental damage on its own within a certain area;

8. The term “environmental standards” means desirable environmental conditions or quality levels that the State should achieve and maintain to protect the health of citizens and create a delightful environment.

Article 4 (Obligations of State and Local Governments)(1) In order to prevent any environmental pollution and environmental damage and any potential harms caused thereby and to properly manage and preserve the environment, the State shall have the obligation to develop and execute an environmental preservation plan.

(2) Every local government shall have the obligation to develop and execute its own plan according to the environmental preservation plan of the State, taking into consideration the regional characteristics of its jurisdictional area.

(3) Where the State and a local government develop an environmental preservation plan under paragraph (1) and a local government plan under paragraph (2) to maintain sustainable conditions of the national land, it shall devise a measure to implement such plan on a collaborative basis with a national land plan under the Framework Act on the National Land. <Newly Inserted by Act No. 13535, Dec. 1, 2015>

(4) Where it is necessary for the collaborative implementation of the environmental preservation plan and the national land plan under paragraph (3), the Minister of Environment may jointly determine matters, such as the scope of application and the method of and procedures for the collaborative implementation, with the Minister of Land, Infrastructure and Transport. <Newly Inserted by Act No. 13535, Dec. 1, 2015>

Article 5 (Obligations of Business Entities)

Any business entity shall voluntarily take measures required for preventing any environmental pollution and environmental damage that may result from his/her business activities and shall have the obligation to participate and cooperate in environmental preservation policies of the State or local governments.

Article 6 (Rights and Duties of Citizens)(1) All citizens shall have the right to live in a healthy and agreeable environment.

(2) All citizens shall cooperate in environmental preservation policies of the State and local

governments.

(3) All citizens shall endeavor to reduce any environmental pollution and environmental damage that may result from their daily lives and to preserve the national land and natural environment.

Article 7 (Principle of Liability of Persons Causing Pollution)

Any person who causes any environmental pollution or environmental damage due to his/her business or other activities shall, in principle, be liable to prevent the relevant pollution or damage and to recover and restore the polluted or damaged environment, as well as to bear expenses incurred in restoring the damage resulting from the environmental pollution or environmental damage.

Article 8 (Prior Prevention of Environmental Pollution, etc.)(1) The State and local governments shall exert preferential efforts for a prior preventive management of pollution through reducing pollutants and pollution sources of the environment at source and devise policies to promote voluntary efforts by business entities for the prevention of environmental pollution.

(2) Business entities shall endeavor to use raw materials with less environmental pollution and to improve their production processes at the entire phases of their business activities such as production, sale, distribution and destruction of products, and to reduce the generation of pollutants at source and to minimize any harmful impacts arising from the use and destruction of their products on the environment by means of saving resources and promoting recycling.

(3) The State, local governments and business entities shall endeavor to minimize any harmful impacts arising from their administrative plans and development projects on the environment with the aim of preventing such administrative plans and development projects from damaging the national land and natural environment.

Article 9 (Comprehensive Consideration of Environment and Economy, etc.)(1) The Government shall develop methods by which the environment and economy can be evaluated in a comprehensive manner and shall utilize those methods when it formulates different types of policies.

(2) The Government shall assist in minimizing any harmful impacts on the environment through consultations between industries, regions and businesses within the environmental capacity.

Article 10 (Saving of Resources, etc. and Promotion of their Cyclical Use)(1) The State and local governments shall develop policies necessary to economize on resources and energy and to promote the cyclical use of resources, including reuse and recycling of resources.

(2) Business entities shall cooperate with the State and local governments in implementing the policies under paragraph (1) when they conduct economic activities.

Article 11 (Reporting)(1) The Government shall submit each year to the National Assembly a report on the situation of promoting major environmental preservation policies.

(2) A report under paragraph (1) shall include the following:

1. Current status of environmental pollution and environmental damage;
2. Environmental trends at home and abroad;
3. Promotion status of environmental preservation policies;
4. Other important matters relating to environmental preservation.

(3) The Minister of Environment may request the head of a relevant central administrative agency to submit the data required for preparing a report under paragraph (1), and the head of the relevant central administrative agency shall comply with it unless there is a compelling reason not to do so.

CHAPTER II ESTABLISHMENT, ETC. OF ENVIRONMENTAL PRESERVATION PLANS

SECTION 1 Environmental Standards

Article 12 (Establishment of Environmental Standards)(1) The State shall establish environmental standards in consideration of the impact, etc. on the ecosystem or human health and ensure that such standards maintain appropriateness according to changes in environmental conditions. <Amended by Act No. 13894, Jan. 27, 2016>

(2) The environmental standards shall be determined by Presidential Decree.

(3) The Special Metropolitan City, a Metropolitan City, Do or Special Self-Governing Province (hereinafter referred to as “City/ Do”) may, by ordinance of the relevant City/Do, establish any separate environmental standards that are more expanded and strengthened than the environmental standards under paragraph (1) (hereinafter referred to as “ local environmental standards ”) or modify any existing environmental standards for such purposes, if deemed necessary in view of the environmental characteristics of the relevant area.

(4) If the Special Metropolitan City Mayor, a Metropolitan City Mayor, Do Governor or Special Self-Governing Province Governor (hereinafter referred to as “ Mayor/Do Governor ”) establishes or modifies any local environmental standards under paragraph (3), he/she shall, without delay, report the fact to the Minister of Environment.

Article 13 (Maintenance of Environmental Standards)

If the State or a local government enacts or amends any statute related to the environment, establishes any administrative plan, or executes any project, he/she shall ensure that the environmental standards under Article 12 are appropriately maintained, in consideration of the following:

1. Prevention of the environmental deterioration and elimination of the factors thereof;
2. Restoration to the original state of any area the environment of which is polluted;
3. Prevention of environmental pollution and environmental damage following the use of any new scientific technology;
4. Proper distribution of financial resources for the prevention of environmental pollution.

SECTION 2 Fundamental Policies

Article 14 (Development, etc. of Comprehensive National Environmental Plan)(1) The Minister of Environment shall develop a comprehensive plan to preserve the environment at

the national level (hereinafter referred to as “comprehensive national environmental plan”), every 20 years, after consultation with the heads of relevant central administrative agencies. <Amended by Act No. 13535, Dec. 1, 2015>

(2) If the Minister of Environment intends to develop or modify a comprehensive national environmental plan, he/she shall prepare a draft therefor and finalize it subject to deliberation by the State Council after hearing opinions from citizens, related experts, etc. through a public hearing, etc.

(3) If it is intended to modify any minor matters prescribed by Presidential Decree with respect to a comprehensive national environmental plan, the procedure under paragraph (2) may be omitted.

Article 15 (Contents of Comprehensive National Environmental Plan)

A comprehensive national environmental plan shall include the following: <Amended by Act No. 14494, Dec. 27, 2016>

1. Matters concerning the given conditions for environmental changes, such as population, industry, economy, and utilization of land and sea;
2. Predictions of the sources of environment pollution, environmental pollution level and pollutant discharge quantity, and prospects of changes in environmental quality due to environmental pollution and environmental damage;
3. Current status of and prospects for the environment;
4. Setting the targets of environmental preservation and the phased measures and project programs on the following matters to attain such targets:
 - (a) Matters concerning the preservation of the natural environment such as biological diversity, ecosystem and scenery;
 - (b) Matters concerning the preservation of the soil environment and groundwater quality;
 - (c) Matters concerning the preservation of the marine environment;
 - (d) Matters concerning the preservation of the national land environment;
 - (e) Matters concerning the preservation of the air environment;
 - (f) Matters concerning the preservation of water quality;
 - (g) Matters concerning the wider availability of waterworks and sewerage systems;
 - (h) Matters concerning the control and recycling of wastes;
 - (i) Matters concerning the control of toxic chemicals;
 - (j) Control of radioactive contaminants;
 - (k) Other matters concerning the management of the environment;
5. Computation of expenses required for executing projects, and methods to raise financial resources therefor;
6. Evaluation of the immediately preceding comprehensive plan;
7. Other matters incidental to those listed in subparagraphs 1 through 6.

Article 16 (Implementation of Comprehensive National Environmental Plan)(1) The Minister of Environment shall, without delay, notify the heads of relevant central administrative agencies of a comprehensive national environmental plan developed or

modified under Article 14.

(2) The heads of relevant central administrative agencies shall take measures necessary to implement a comprehensive national environmental plan.

Article 16-2 (Adjustment of Comprehensive National Environmental Plan)

The Minister of Environment shall re-examine the appropriateness of the comprehensive national environmental plan every five years, taking into consideration matters such as changes in environmental and social conditions, and shall adjust it if necessary.

[This Article Newly Inserted by Act No. 13535, Dec. 1, 2015]

Article 17 (Development, etc. of Mid-Term Comprehensive Plans for Environmental Preservation)(1) The Minister of Environment shall develop a mid-term comprehensive plan for environmental preservation (hereinafter referred to as “mid-term plan”), every five years, for the comprehensive and systematic promotion of a comprehensive national environmental plan finalized under Article 14 (2).

(2) If the Minister of Environment intends to develop or modify a mid-term plan, he/she shall prepare a draft therefor and finalize it subject to consultation with the heads of relevant central administrative agencies after hearing opinions from citizens, related experts, etc. through a public hearing, etc.

(3) If it is intended to modify any minor matters prescribed by Presidential Decree with respect to a mid-term plan, the procedure under paragraph (2) may be omitted.

(4) The Minister of Environment shall notify the heads of relevant central administrative agencies and the competent Mayors/Do Governors of a mid-term plan developed or modified under paragraphs (1) through (3), and the heads of the relevant central administrative agencies and the competent Mayors/Do Governors so notified shall reflect it in the business plans under their jurisdiction.

(5) The Minister of Environment, the heads of relevant central administrative agencies, and Mayors/Do Governors shall develop and execute annual implementation plans for a mid-term plan developed or modified under paragraphs (1) through (3), as prescribed by Presidential Decree, and the heads of the relevant central administrative agencies and the Mayors/Do Governors shall submit the records of execution of the annual implementation plans every year to the Minister of Environment.

(6) Matters necessary for developing and executing mid-term plans and annual implementation plans therefor shall be prescribed by Presidential Decree.

Article 18 (Development, etc. of City/Do Environmental Preservation Plans)(1) A Mayor/Do Governor shall develop and implement an environmental preservation plan for the relevant City/Do (hereinafter referred to as “City/Do environmental plan”) according to the relevant comprehensive national environmental plan and mid-term plan, taking into consideration the regional characteristics of his/her jurisdictional area.

(2) If a Mayor/Do Governor intends to develop or modify a City/Do environmental plan of his/her own, he/she shall prepare a draft therefor and finalize it after hearing opinions from residents, related experts, etc. through a public hearing, etc.: Provided, That when he/she

intends to modify any minor matters prescribed by Presidential Decree, the same shall not apply.

(3) If a Mayor/Do Governor develops or modifies a City/Do environmental plan of his/her own, he/she shall, without delay, report it to the Minister of Environment.

(4) If it is necessary for the management of the environment by affected zone provided in Article 39, the Minister of Environment may request the relevant Mayor/Do Governor to modify his/her City/Do environmental plan.

Article 19 (Development, etc. of Si/Gun/Gu Environmental Preservation Plans)(1) The head of a Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) shall develop and implement an environmental preservation plan for the relevant Si/Gun/Gu (hereinafter referred to as “ Si/Gun/Gu environmental plan ”) according to the comprehensive national environmental plan, mid-term plan, and City/Do environmental plan, taking into consideration the regional characteristics of his/her jurisdictional area.

(2) If the head of a Si/Gun/Gu intends to develop or modify a Si/Gun/Gu environmental plan under paragraph (1), he/she shall finalize the plan after consulting with the head of the relevant local environmental agency thereabout through the competent Mayor/Do Governor and report the fact to the Minister of Environment: Provided, That when he/she intends to modify any minor matters prescribed by Presidential Decree, consultation with the head of the relevant local environmental agency may be omitted.

(3) If it is necessary for the management of the environment by affected zone under Article 39, the head of a local environmental agency or a Mayor/Do Governor may request the head of the relevant Si/Gun/Gu to modify his/her Si/Gun/Gu environmental plan.

Article 20 (Making Public Comprehensive National Environmental Plan, etc.)

The Minister of Environment, a Mayor/Do Governor, and the head of a Si/Gun/Gu shall make public through his/her agency’ s website, etc. a comprehensive national environmental plan developed or modified under Article 14, a mid-term plan developed or modified under Article 17, a City/Do environmental plan developed or modified under Article 18, and a Si/Gun/Gu environmental plan developed or modified under Article 19.

Article 21 (Environmental Consideration for Development Plans and Projects, etc.)(1)

Where the State or the head of a local government develops a plan for the utilization or development of land, it or he/she shall take into consideration the relevant comprehensive national environmental plan, City/Do environmental plan and Si/Gun/Gu environmental plan (hereinafter referred to as “ comprehensive national environmental plan, etc.”) and the environmental capacity of the relevant area.

(2) Where the head of a relevant central administrative agency, a Mayor/Do Governor, or the head of a Si/Gun/Gu grants permission, etc. for any project involving the utilization or development of land, he/she shall take into consideration the relevant comprehensive national environmental plan, etc.

Article 22 (Survey, Evaluation, etc. of Environmental Conditions)(1) The State and local governments shall survey and evaluate the following on a regular basis:

1. Current state of the natural environment and living environment;
2. Actual state of environmental pollution and environmental damage;
3. Sources of environmental pollution and the main causes of environmental damage;
4. Changes in the quality of the environment;
5. Other matters needed to develop and implement a comprehensive national environmental plan, etc.

(2) The State and local governments shall maintain a system for research, monitoring, measurement, testing, and analysis to properly conduct the survey and evaluation referred to in paragraph (1).

(3) Matters necessary for the survey and evaluation referred to in paragraph (1) and the system of conducting research, monitoring, measurement, testing, and analysis referred to in paragraph (2) shall be prescribed by Presidential Decree.

Article 23 (Development and Dissemination of Environment-Friendly Planning Techniques, etc.)

(1) The Government may develop and disseminate environment-friendly planning techniques and standards for the utilization and development of land (hereinafter referred to as “ environment-friendly planning techniques, etc. ”) to ensure that administrative plans and development projects affecting the environment are designed, developed and implemented in an environmentally sound and sustainable manner.

(2) The Minister of Environment may develop and disseminate an environmental assessment map that indicates the current environmental state by grade after assessing the environmental value of the national land with the aim of efficiently preserving the environment of the national land and making use of the national land in an environment-friendly manner.

(3) The methods of developing environment-friendly planning techniques, etc. and environmental assessment maps, the details thereof, and other necessary matters shall be prescribed by Presidential Decree.

Article 24 (Propagation of Environmental Information, etc.)(1) The Minister of Environment shall endeavor to propagate knowledge and information on environmental preservation to all citizens and to make information on the environment easily accessible to citizens.

(2) The Minister of Environment may set up and operate an environmental information network to produce and propagate smoothly the knowledge and information on environmental preservation referred to in paragraph (1).

(3) The Minister of Environment may request the head of a relevant administrative agency to submit materials necessary to set up and operate an environmental information network. In such cases, the head of the relevant administrative agency shall comply with the request unless there is a compelling reason not to do so.

(4) If it is necessary to efficiently set up and operate an environmental information network under paragraph (2), the Minister of Environment may commission a specialized institution to survey the current state of the environment or entrust a specialized institution with the

setup and operation of an environmental information network.

(5) The setup and operation of an environmental information network under paragraph (2), the commission of the survey on the current state of the environment and the entrustment of the setup and operation of an environmental information network under paragraph (4), and other necessary matters shall be prescribed by Presidential Decree.

Article 25 (Education, etc. on Environmental Preservation)

The State and local governments shall develop and execute policies necessary to deepen citizens' understanding of environmental preservation through education, publicity, etc. on environmental preservation and to inspire citizens to voluntarily participate in environmental preservation efforts and put them into practice in their daily lives.

Article 26 (Encouragement of Environmental Preservation Activities by Civil Environmental Organizations, etc.)

(1) The State and local governments shall devise necessary policies, such as the provision of information, to encourage voluntary environmental preservation activities carried out by civil environmental organizations, etc.

(2) Where a civil environmental organization, etc. carries out activities designed to preserve the environment such as the purchase and control of any area the scenery and ecosystem of which are highly valued, the State and the relevant local government may provide such civil environmental organization, etc. with necessary administrative assistance.

Article 27 (International Cooperation and Preservation of Global Environment)

The State and local governments shall interchange environmental information and technology and foster specialized human resources through international cooperation and shall actively participate in the international efforts, such as making mutual cooperation concerning the monitoring, observation and protection of the global environment, to preserve the global environment from any climate change, destruction of ozone layer, marine pollution, desertification, decrease of biological resources, etc.

Article 28 (Promotion of Environmental Science and Technology)

The State and local governments shall devise policies necessary for promoting environmental science and technology, such as experiments, research, studies, technology development, and fostering of specialized human resources for environmental preservation.

Article 29 (Installation and Management of Environmental Preservation Facilities)

The State and local governments shall take measures necessary for installing and managing public facilities for environmental preservation, such as the green zones to reduce environmental pollution, the facilities for treating waste water, sewage and wastes, the facilities for preventing noise, vibration and malodor, the facilities for protecting and restoring wild animals and plants and ecosystems, and the facilities for purifying polluted soil and groundwater.

Article 30 (Regulation for Environmental Preservation, etc.)(1) The Government shall keep necessary regulation, for the purpose of environmental preservation, over the discharge of substances causing the pollution of air, water, soil or sea, the generation of noise, vibration or malodor, the treatment of wastes, the obstruction of sunshine, and

damage to the natural environment.

(2) With respect to a place of business that holds in two or more fields of operations facilities which discharge substances causing environmental pollution, the Minister of Environment or the head of the relevant local government may coordinate the visitation and inspections of those facilities in conducting them pursuant to related statutes.

(3) If the Minister of Environment or the head of a local government has made an administrative disposition against a business entity for a violation of any statute governing environmental preservation, he/she may disclose such fact: Provided, That this shall not apply where it is deemed that the disclosure of such fact is likely to infringe remarkably on the business entity's legitimate interests because it contains the business entity's trade secrets.

Article 31 (Prior Notification of Permissible Emission Levels)

If the State sets or alters any permissible emission levels with respect to environmental pollution in accordance with the relevant statutes, it shall notify such levels in advance through relevant agencies' websites, etc.

Article 32 (Economic Incentives)

The Government shall devise incentives necessary for promoting the efficient utilization of resources and for inducing those who have given rise to environmental pollution to voluntarily reduce the discharge of pollutants.

Article 33 (Control of Toxic Chemicals)

The Government shall devise policies to properly control toxic chemicals in order to prevent chemicals from causing any environmental pollution and damage to health.

Article 34 (Prevention, etc. of Environmental Pollution by Radioactive Substances)(1)

The Government shall take appropriate measures with regard to environmental pollution by radioactive substances, the prevention of such pollution, etc.

(2) The measures under paragraph (1) shall be governed by the Nuclear Safety Act and other relevant Acts.

Article 35 (Evaluation, etc. of Harmful Impacts of Science and Technology)

Where it is deemed necessary to prevent any harmful impact arising from the development of science and technology on the ecosystem and human health, the Government shall take appropriate measures to analyze such harmful impact and evaluate its danger.

Article 36 (Countermeasures against Environment-Caused Diseases)

The State and local governments shall find out how environmental pollution causes damage to citizens' health and prepare countermeasures to address diseases caused by environmental pollution.

Article 37 (Promotion of Environment-Friendliness in State Policies, etc.)(1)

The State and local governments shall formulate policies necessary to build an environment-friendly traffic system to minimize environmental pollution or environmental damage in the traffic sector.

(2) The State and local governments shall formulate policies necessary to use energy

rationally and efficiently and to develop and disseminate environment-friendly energy so as to minimize environmental pollution or environmental damage arising from energy use.

(3) The State and local governments shall formulate policies necessary to develop environment-friendly agriculture, forestry and fisheries to minimize environmental pollution or environmental damage in the agricultural, forestry and fishery sectors.

Article 38 (Establishment of Special Comprehensive Measures)(1) The Minister of Environment may designate as a special measures area for environmental preservation an area where any environmental pollution, environmental damage or change in the natural ecosystem is remarkable or likely to become remarkable and an area where the environmental standards are often exceeded and publish the designation, in consultation with the head of the relevant central administrative agency and the competent Mayor/Do Governor, and devise special comprehensive measures for environmental preservation in the relevant area to have the competent Mayor/Do Governor implement them.

(2) The Minister of Environment may restrict the utilization of land and the installation of facilities in a special measures area, as prescribed by Presidential Decree, if it is particularly required for environmental improvement in the special measures area under paragraph (1).

Article 39 (Management of Environment by Affected Zone)(1) In order to grasp the situation of environmental pollution and to devise preventive measures thereagainst, the Minister of Environment shall manage the air pollution by affected zone, the water pollution by water-system zone, and the pollution of the ecosystem by affected zone.

(2) The head of a local government may manage the environment by affected zone according to circumstances of his/her jurisdictional area to effectively manage the air pollution, water pollution, or ecosystem of his/her jurisdictional area.

SECTION 3 Preservation of Natural Environment and Environmental Impact Assessment

Article 40 (Preservation of Natural Environment)

The State and citizens shall endeavor to maintain and preserve the order and balance of nature, in view of the fact that the preservation of the natural environment is fundamental for human survival and living.

Article 41 (Environmental Impact Assessment)(1) The State shall conduct strategic environmental impact assessment, environmental impact assessment, and small-scale environmental impact assessment in order to enable any plan and development project that have impacts on the environment to be developed and implemented in an environmentally sustainable manner with the eventual aim of maintaining the appropriateness of the environmental standards and preserving the natural environment.

(2) Matters regarding the targets, procedures, methods, etc. for the strategic environmental impact assessment, environmental impact assessment and small-scale environmental impact assessment under paragraph (1) shall be prescribed by other Acts.

SECTION 4 Mediation of Disputes and Relief of Damage

Article 42 (Mediation of Disputes)

In preparation for any disputes caused by environmental pollution or environmental damage or other environment-related disputes, the State and local governments shall devise policies necessary to settle such disputes in a rapid and fair manner.

Article 43 (Relief of Damage)

The State and local governments shall devise policies necessary to smoothly relieve any sufferings caused by environmental pollution or environmental damage.

Article 44 (Absolute Liability for Sufferings by Environmental Pollution)(1) If any suffering is caused by environmental pollution or environmental damage, the person who has caused the environmental pollution or environmental damage shall compensate for the suffering.

(2) If the persons who have caused environmental pollution or environmental damage are two or more, they shall compensate for the suffering under paragraph (1) jointly where it is impossible to find out which person has caused the suffering.

SECTION 5 Establishment of Special Account for Environmental Improvement

Article 45 (Establishment, etc. of Special Account for Environmental Improvement)(1)

The Government shall establish a special account for environmental improvement (hereinafter referred to as the “account”) in order to increase investments in environmental improvement projects and to efficiently manage and operate such projects.

(2) The account shall be managed and operated by the Minister of Environment.

Article 46 (Revenues of Account)

The revenues of the account shall be as follows: <Amended by Act No. 10977, Jul. 28, 2011; Act No. 11256, Feb. 1, 2012; Act No. 11751, Apr. 5, 2013; Act No. 11913, Jul. 16, 2013; Act No. 11980, Jul. 30, 2013; Act No. 13410, Jul. 20, 2015; Act No. 13603, Dec. 22, 2015; Act Nos. 13872 & 13873 & 13879 & 13883 & 13889, Jan. 27, 2016>

1. Revenues from loans under the Introduction and Management of Public Loans Act;
2. Penalties for excess total pollutant load, additional charges, and penalty surcharges under Articles 8-5 and 8-6 of the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin; penalties for excess total pollutant load, additional charges, and penalty surcharges under Articles 13 and 14 of the Act on Water Management and Resident Support in the Nakdong River Basin; penalties for excess total pollutant load, additional charges, and penalty surcharges under Articles 13 and 14 of the Act on Water Management and Resident Support in the Geum River Basin; and penalties for excess total pollutant load, additional charges, and penalty surcharges under Articles 13 and 14 of the Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins;
3. Emission dues and additional charges under Article 35 of the Clean Air Conservation Act, and penalty surcharges for release in excess of the total volume and additional charges under Article 20 of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area;
- 3-2. Inspection fees for confirmation of defects under Article 51 of the Clean Air Conservation Act and fees under subparagraph 2 of Article 86 of the same Act;

- 3-3. Cooperation charges for low-carbon motor vehicles under Article 76-8 of the Clean Air Conservation Act;
4. Charges for water quality improvement and additional charges under Article 31 of the Drinking Water Management Act;
5. Fees under Article 31 of the Noise and Vibration Control Act and expenses needed for the inspections under Article 33 of the same Act;
6. Effluent charges and additional charges under Article 41 of the Water Quality and Aquatic Ecosystem Conservation Act;
7. Charges for the public wastewater treatment facilities under Article 48-2 (1) and the latter part of Article 49-6 (1) of the Water Quality and Aquatic Ecosystem Conservation Act (limited to cases where the executor is the State and excluding cases where the relevant work is performed after being entrusted to any person referred to in any subparagraph of Article 48 (1) of the Water Quality and Aquatic Ecosystem Conservation Act) and additional charges;
- 7-2. Effluent charges and additional charges under Article 15 of the Act on the Integrated Control of Pollutant-Discharging Facilities and penalty surcharges under Article 23 of the same Act;
- 7-3. Fees for the use of public wastewater treatment facilities under Article 48-3 (1) and the latter part of Article 49-6 (1) of the Water Quality and Aquatic Ecosystem Conservation Act (limited to cases where the operator is the State, and excluding cases of entrusting installation or operation to any of the persons falling under any subparagraph of Article 48 (1) of the Water Quality and Aquatic Ecosystem Conservation Act) and additional surcharges;
8. Fees for the use of hunting grounds under Article 50 of the Wildlife Protection and Management Act;
9. Cooperation charges on the conservation of ecosystem under Article 46 of the Natural Environment Conservation Act and additional charges under Article 48 of the same Act;
10. Waste charges and additional charges under Article 12 of the Act on the Promotion of Saving and Recycling of Resources; recycling dues and additional charges under Article 19 of the same Act; and the principal and interest on loans provided as a part of assistance under Article 20 of the same Act;
11. Recycling charges for electrical and electronic equipment under Article 18, collection charges for electrical and electronic equipment under Article 18-2, and additional charges under Article 18-3, of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles;
12. Guarantee for the performance of follow-up management under Article 51 of the Wastes Control Act and advance reserves under Article 52 of the same Act;
13. Fees under Article 23 of the Act on the Transboundary Movement of Hazardous Wastes and Their Disposal;
14. Environmental improvement charges and additional charges under Articles 9 and 20 of the Environment Improvement Cost Liability Act;
15. Principal and interest on loans under Article 11 of the Environment Improvement Cost

Liability Act;

16. Penalty surcharges under Article 12 of the Act on Control and Aggravated Punishment of Environmental Offenses, Etc.;

17. Principal and interest on loans under Article 47 (1) 14;

18. Money transferred from the general account under Article 48;

19. Borrowings under Article 49 (1) and (2);

20. Surplus of the account at closing under Article 51;

21. Money transferred or deposited from other special accounts or funds;

22. Proceeds transferred to the account under other Acts;

23. Proceeds from the sale or management of property belonging to the account;

24. Other proceeds accruing from the management and operation of environmental improvement projects.

Article 47 (Expenditures from Account)(1) Expenditures from the account shall be as follows: Provided, That financial resources consisting of the charges for water quality improvement and additional charges under subparagraph 4 of Article 46 shall be used only for the purpose of subparagraph 3; financial resources consisting of the charges for the installation of public wastewater treatment facilities and additional charges under subparagraph 7 of the same Article and fees for the use of public wastewater treatment facilities and additional charges under subparagraph 7-3 of the same Article, only for the purpose of subparagraph 4; financial resources consisting of the cooperation charges on the conservation of ecosystem and additional charges under subparagraph 9 of the same Article, only for the purpose of subparagraph 6; financial resources consisting of the waste charges, recycling dues, and additional charges under subparagraph 10 of the same Article, only for the purpose of subparagraph 7; financial resources consisting of the recycling charges and additional charges under subparagraph 11 of the same Article, only for the purpose of subparagraph 8; financial resources consisting of the guarantee for the performance of follow-up management and advance reserves under subparagraph 12 of the same Article, only for the purpose of subparagraph 9; and financial resources consisting of the environmental improvement charges and additional charges under subparagraph 14 of the same Article, only for the purpose of subparagraph 12, respectively: <Amended by Act No. 10977, Jul. 28, 2011; Act No. 11751, Apr. 5, 2013; Act No. 11980, Jul. 30, 2013; Act No. 13879, Jan. 27, 2016>

1. National environmental improvement projects;

2. Support for the environmental improvement projects of local governments;

2-2. Financial support under Article 76-7 of the Clean Air Conservation Act;

3. The purposes under Articles 31 (7) and 33 of the Drinking Water Management Act;

4. Expenditure to cover expenses needed for the installation or operation of public wastewater treatment facilities by the State under Article 48 (1) of the Water Quality and Aquatic Ecosystem Conservation Act;

5. The use under each subparagraph of Article 58 of the Wildlife Protection and Management

Act;

6. The use under Article 49 of the Natural Environment Conservation Act;
7. The usage under Article 20 of the Act on the Promotion of Saving and Recycling of Resources;
8. The use under Article 19 of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles;
9. The purposes of use under Article 53 of the Wastes Control Act;
10. The reimbursement of expenses incurred, by the State, in performing its responsibilities under Article 4 of the Act on the Transboundary Movement of Hazardous Wastes and Their Disposal and in conducting the vicarious execution under Article 21 of the same Act;
11. Contributions to reimburse the project expenses and operational expenses incurred by the Korea Environment Corporation established under the Korea Environment Corporation Act (hereinafter referred to as the “Korea Environment Corporation”);
12. The use under Article 11 of the Environmental Improvement Cost Liability Act;
13. The payment of monetary rewards under Article 15 of the Act on Control and Aggravated Punishment of Environmental Offenses, Etc.;
14. Redemption of the principal and interest on loans, borrowings, and deposits under subparagraphs 1, 19, and 21 of Article 46;
15. Provision of loans needed by local governments for the installation of environmental infrastructure or needed in the private sector for the installation of environmental pollution prevention facilities or for the installation of and technology development for low-polluting product manufacturing facilities;
16. Support for the private sector regarding environmental policy research, technology development, publicity activities, investigations and research, and environment research institutes;
17. Reimbursement of expenses for collection of the account revenue;
18. Other expenses involved in managing the account.

(2) Matters regarding the eligible persons, and conditions of and procedures for loans provided pursuant to paragraph (1) 7, 12, and 15 shall be determined and publicly announced by the Minister of Environment. In such cases, the interest rates and terms for loans shall be determined by the Minister of Environment in consultation with the Minister of Strategy and Finance.

(3) Performance of affairs concerning the loans under paragraph (1) 7, 12 and 15 may be entrusted to the Korea Environment Corporation or the Korea Environmental Industry and Technology Institute established under the Korea Environmental Industry and Technology Institute Act. <Amended by Act No. 11751, Apr. 5, 2013; Act No. 11917, Jul. 16, 2013; Act No. 13534, Dec. 1, 2015>

Article 48 (Transfer from General Account)

Transfers may be made from the general account to the account, as provided in the budget, so that the account can secure financial resources available for its expenditure.

Article 49 (Borrowings)(1) If the account is in need of financial resources available for its expenditure, long-term borrowings may be made for the account within the limits of the amount of money determined by a resolution of the National Assembly.

(2) If the account is temporarily in need of its working funds, temporary borrowings may be made for the account.

(3) The principal and interest on temporary borrowings under paragraph (2) shall be redeemed within the relevant fiscal year.

Article 50 (Carrying Forward of Expenditure Budget)

The expenditure budget of the account not spent during the fiscal year for which such budget is earmarked may be carried forward to the next fiscal year, notwithstanding Article 48 of the National Finance Act.

Article 51 (Disposal of Surplus)

Any surplus of the account at closing shall be included in the next year' s revenue.

Article 52 (Reserve Funds)

The account may include a considerable sum of money in its expenditure budget as a reserve fund to cover any unexpected expenditures not included in the appropriated budget or any expenditures exceeding the appropriated budget.

Article 53 (Direct Use of Excess Revenues)(1) If there are any emission dues, discharge imposition amounts, penalty surcharges for release in excess of the total volume and additional charges under subparagraphs 3 and 6 of Article 46, any charges for water quality improvement and additional charges under subparagraph 4 of the same Article, any charges for the installation of public wastewater treatment facilities and additional charges under subparagraph 7 of the same Article, fees for the use of public wastewater treatment facilities and additional charges under subparagraph 7-3 of the same Article, and any environmental improvement charges and additional charges under subparagraph 14 of the same Article that exceed or are expected to exceed the revenue budget of the account (hereinafter referred to as “excess revenues”), the Minister of Environment may directly use such excess revenues to reimburse expenses for collection of the emission dues and discharge imposition amounts exceeding the expenditure budget of the account, charges for water quality improvement and additional charges under Article 31 (7) of the Drinking Water Management Act, expenses for collection of charges for water quality improvement, expenses for the installation or operation of public wastewater treatment facilities, and expenses for collection of environmental improvement charges, respectively. <Amended by Act No. 13410, Jul. 20, 2015; Act No. 13879, Jan. 27, 2016>

(2) If the Minister of Environment intends to use any excess revenues under paragraph (1), he/she shall obtain approval in advance from the Minister of Strategy and Finance.

(3) If the Minister of Environment intends to obtain approval under paragraph (2), he/she shall prepare a specification stating the reasons therefor and necessary amounts of money and submit it to the Minister of Strategy and Finance.

(4) If the Minister of Strategy and Finance approves the use of excess revenues under

paragraph (2), he/she shall notify the Minister of Environment and the Board of Audit and Inspection of such fact.

CHAPTER III LEGISLATIVE AND FINANCIAL MEASURES

Article 54 (Legislative Measures, etc.)

The State and local governments shall take legislative and financial measures and other administrative measures necessary for implementing the policies for environmental preservation.

Article 55 (Financial Support, etc. to Local Governments)(1) The State may reimburse from the national treasury all or some of the expenses required for environmental preservation projects of local governments.

(2) In order to enhance the capability of local governments to manage the environment and to promote environment-friendly local administration, the Minister of Environment may designate a local government as a model for environmental management and take measures necessary for supporting it.

Article 56 (Support for Business Entities' Environmental Management)(1) The State and local governments may take any taxational measures and grant other financial supports necessary for supporting the installation and operation of facilities for the environmental preservation conducted by business entities.

(2) The State and local governments may grant administrative and financial supports necessary for the settlement and expansion of systems for voluntary environmental management under which business entities endeavor toward the voluntary management of the environment.

Article 57 (Financial Support for Research, Studies and Technology Development)

The State and local governments may grant financial supports necessary for scientific research and studies and technology development related to environmental preservation.

CHAPTER IV ENVIRONMENTAL POLICY COMMITTEE

Article 58 (Environmental Policy Committee)(1) The Minister of Environment may establish a Central Environmental Policy Committee that deliberates and advise on the following matters: <Amended by Act No. 13603, Dec. 22, 2015>

1. Matters concerning the development and modification of any comprehensive national environmental plan under Article 14 and any mid-term plan under Article 17;
2. Matters concerning environmental standards, permissible emission levels for pollutants, water quality standards for discharged water, etc.;
3. Matters concerning the designation of a special measures area and the establishment of special comprehensive measures under Article 38;
4. Matters concerning basic plans for the management of livestock excreta under Article 5 of the Act on the Management and Use of Livestock Excreta and other basic policies for the disposal and recycling of livestock excreta;
5. Matters concerning basic plans for encouraging the purchase of green products under Article 4 of the Act on the Promotion of Purchase of Green Products and other basic policies

to encourage the purchase of green products;

6. Matters concerning master plans for the control of persistent organic pollutants under Article 5 of the Persistent Pollutants Control Act and other basic policies to control persistent organic pollutants;

7. Matters concerning master plans for the development of environmental examination and inspection under Article 3 of the Environmental Testing and Inspection Act and other basic policies regarding the fields of environmental examination, inspection and environmental technology;

8. Matters concerning the establishment of the standards for the contents of hazardous substances, the improvement of materials and structure, mandatory recycling rates, etc. under Articles 9 (1), 10 (1) and (2), 12 (3), 16 (1) and 25 (1) of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles;

8-2. Matters concerning best available techniques under Article 24 (1) of the Act on the Integrated Control of Pollutant-Discharging Facilities and the standard for best available techniques under paragraph (2) of the same Article;

9. Matters concerning the establishment and modification of any master plans and measures for environmental preservation by specific areas including environmental policy, natural environment, climate and air, water, water supply and sewerage, natural circulation and global environment, and other matters on which the chairperson of the Central Environmental Policy Committee or of any subcommittee thereof asks the Central Environmental Policy Committee to deliberate or advise.

(2) In order to deliberate and advise on any regional environmental policy, a City/Do environmental policy committee shall be set up under the jurisdiction of a Mayor/Do Governor, and a Si/Gun/Gu environmental policy committee may be set up under the jurisdiction of the head of a Si/Gun/Gu.

(3) The Central Environmental Policy Committee under paragraph (1) shall consist of not more than 200 members, including the chairperson thereof and not more than ten chairpersons of subcommittees.

(4) The Central Environmental Policy Committee under paragraph (3) shall be co-chaired by the Minister of Environment and a person elected from among such Committee members who are commissioned by the Minister of Environment from the private sector, and the chairpersons of subcommittees shall be persons who are nominated by the Minister of Environment by specific areas of environmental management including environmental policy, natural environment, climate and air, water, water supply and sewerage, and resource circulation.

(5) Matters necessary for the constitution and operation of the Central Environmental Policy Committee under paragraph (1) shall be prescribed by Presidential Decree, and other matters necessary for the constitution, operation, etc. of City/Do environmental policy committees and Si/Gun/Gu environmental policy committees under paragraph (2) shall be prescribed by ordinances of the relevant Cities/Dos and Sis/Guns/Gus.

Article 59 (Environmental Preservation Association)(1) For the purposes of any research, studies, technology development, education, publicity, ecosystem restoration, etc. regarding environmental preservation, an Environmental Preservation Association (hereinafter referred to as the “Association”) shall be established.

(2) The Association shall be a legal entity.

(3) Persons who are eligible for membership in the Association shall be those who have obtained permission for the installation of facilities discharging environmental pollutants and those who are prescribed by Presidential Decree.

(4) The expenses needed for activities of the Association shall be covered by membership fees, revenues from activities, etc., and the State and local governments may reimburse some of the expenses within the limits of the budget.

(5) The Association may, upon entrustment by the State, local governments, etc., conduct any activities under paragraph (1) and other activities specified in its articles of incorporation and approved by the Minister of Environment.

(6) If deemed that operations of the Association are in conflict with any statute or its articles of incorporation, the Minister of Environment may direct the Association to alter its articles of incorporation or business plan, or to replace its officers.

(7) The provisions of the Civil Act concerning incorporated associations shall apply mutatis mutandis to any matters concerning the Association that are not provided by this Act.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 60 (Delegation and Entrustment of Authority)(1) The authority of the Minister of Environment provided in this Act may be delegated in part to Mayors/Do Governors or to the heads of regional environmental agencies, as prescribed by Presidential Decree.

(2) The Minister of Environment may entrust the heads of relevant specialized institutions with some of his/her services provided in this Act, as prescribed by Presidential Decree.

Article 61 (Legal Fiction as Public Official in Application of Penalty Provisions)

Any person who is engaged in any services entrusted pursuant to Article 60 (2) shall be deemed a public official in application of Articles 129 through 132 of the Criminal Act.

ADDENDA (Omitted)

23. Enforcement Decree of the Framework Act on Environmental Policy

[Enforcement Date 25. Apr, 2017.] [Presidential Decree No.28002, 25. Apr, 2017., Partial Amendment]

Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Framework Act on Environmental Policy and other matters necessary for the enforcement thereof.

Article 2 (Environmental Standards)

The environmental standards under Article 12 (2) of the Framework Act on Environmental Policy (hereinafter referred to as the “Act”) are as set forth in the attached Table.

Article 3 (Minor Modifications to Comprehensive National Environmental Plans)

“If it is intended to modify any minor matter prescribed by Presidential Decree” in Article 14 (3) of the Act means any of the following: <Amended by Presidential Decree 28002, Apr. 25, 2017>

1. Where it is intended to modify the cost to be incurred in performing a project under the comprehensive national environmental plan referred to in Article 14 (1) of the Act (hereinafter referred to as “comprehensive national environmental plan”) within the limits of 30/100 thereof;
2. Where it is intended to modify any detail of a comprehensive national environmental plan, in accordance with any change in other statutes or plans under such statutes, that does not have any substantial effect on the basic objective and direction-setting of the comprehensive national environmental plan;
3. Where it is intended to correct miscalculation, clerical error, omission, or any other obvious error equivalent thereto.

Article 4 (Details, etc. of Mid-Term Plans)(1) Any mid-term comprehensive plan for environmental preservation provided for in Article 17 (1) of the Act (hereinafter referred to as “mid-term plan”) shall include each of the following:

1. Matters described in each subparagraph of Article 15 of the Act;
2. Other matters necessary for environmental improvement projects.

(2) Where deemed necessary to develop a mid-term plan, the Minister of Environment may request the head of a relevant central administrative agency, or the Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as “Mayor/Do Governor”), or the head of a relevant institution or organization, to furnish data required for developing the mid-term plan. <Amended by Presidential Decree 28002, Apr. 25, 2017>

(3) A mid-term plan shall specify the project area, project size, etc. year on year and be prepared by the Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, or Special Self-Governing Province (hereinafter referred to as “City/ Do”) and by management area under Article 14 for the efficient management of the mid-term plan. <Amended by Presidential Decree 28002, Apr. 25, 2017>

Article 5 (Minor Modifications to Mid-Term Plans)

“If it is intended to modify any minor matter prescribed by Presidential Decree” in Article 17 (3) of the Act means any of the following: <Amended by Presidential Decree 28002, Apr. 25, 2017>

1. Where it is intended to modify the cost to be incurred in performing a project under a mid-term plan within the limits of 30/100 thereof;
2. Where it is intended to modify any detail of a mid-term plan, in accordance with any change in the comprehensive national environmental plan, that does not have any substantial effect on the basic objective and direction-setting of a mid-term plan;
3. Where it is intended to correct miscalculation, clerical error, omission, or any other

obvious error equivalent thereto.

Article 6 (Submission of Annual Implementation Plans)(1) Pursuant to Article 17 (5) of the Act, the head of a relevant central administrative agency and a Mayor/Do Governor shall each formulate a plan for implementing a mid-term plan for each relevant year and submit it to the Minister of Environment by January 31 of each year.

(2) Any annual implementation plan under paragraph (1) shall provide for a new project for environmental improvement and major on-going projects.

Article 7 (Submission of Results of Implementation Plans)(1) Pursuant to Article 17 (5) of the Act, the head of a relevant central administrative agency and a Mayor/Do Governor shall each submit the results of an implementation plan in the previous year to the Minister of Environment by January 31 of each year.

(2) If any project fails to satisfy the requirements of an annual implementation plan, the head of the relevant central administrative agency and the competent Mayor/Do Governor shall include the reasons and measures therefor in the results to be submitted pursuant to paragraph (1).

(3) The Minister of Environment shall make a comprehensive analysis of the results of an implementation plan in the previous year, submitted under paragraph (1), and notify the head of the relevant central administrative agency and the competent Mayor/Do Governor of the findings thereof by March 31 of each year.

Article 8 (Minor Modifications to City/Do Environmental Preservation Plans)

“When he/she intends to modify any minor matter prescribed by Presidential Decree” in the proviso to Article 18 (2) of the Act means any of the following: <Amended by Presidential Decree 28002, Apr. 25, 2017>

1. Where it is intended to modify the cost to be incurred in performing a project under an environmental preservation plan of the relevant City/Do referred to in Article 18 (1) of the Act (hereinafter referred to as “City/Do environmental preservation plan”) within the limits of 30/100 thereof;

2. Where it is intended to modify any detail of a City/Do environmental preservation plan, in accordance with any change in the comprehensive national environmental plan and a mid-term plan, that does not have any substantial effect on the basic objective and direction-setting of a City/Do environmental preservation plan;

3. Where it is intended to correct miscalculation, clerical error, omission, or any other obvious error equivalent thereto.

Article 9 (Minor Modifications to Si/Gun/Gu Environmental Preservation Plans)

“When he/she intends to modify any minor matter prescribed by Presidential Decree” in the proviso to Article 19 (2) of the Act means any of the following: <Amended by Presidential Decree 28002, Apr. 25, 2017>

1. Where it is intended to modify the cost to be incurred in performing a project under an environmental preservation plan of the relevant Si/Gun/Gu referred to in Article 19 (1) of the Act (hereinafter referred to as “Si/Gun/Gu environmental preservation plan”) within the

limits of 30/100 thereof;

2. Where it is intended to modify any detail of a City/Do environmental preservation plan, in accordance with the comprehensive national environmental plan, a mid-term plan, and a City/Do environmental preservation plan, that does not have any substantial effect on the basic objective and direction-setting of a Si/Gun/Gu environmental preservation plan;

3. Where it is intended to correct miscalculation, clerical error, omission, or any other obvious error equivalent thereto.

Article 10 (Survey, Evaluation, etc. of Environmental Conditions)(1) The head of a State organ or the head of a local government, who performs the survey and evaluation under Article 22 (1) of the Act, may request the head of a relevant central administrative agency, the head of a local government, etc. to furnish materials necessary to perform such survey and evaluation. In such cases, the head of the relevant central administrative agency, the head of the local government, etc. shall furnish the materials requested, except in extenuating circumstances.

(2) The Minister of Environment may offer technical support, etc. for local governments to efficiently maintain and manage systems for research, monitoring, measuring, testing, and analysis needed to appropriately perform the survey and evaluation under Article 22 (1) of the Act.

Article 11 (Methods of Development and Details of Environment-Friendly Planning Techniques, etc.)

The environment-friendly planning techniques, etc. provided in Article 23 (1) of the Act (hereinafter referred to as “environment-friendly planning techniques, etc.”) shall be developed by the head of a central administrative agency in charge of statutes governing relevant administrative plans and development projects, taking into consideration the types of those plans and projects, the characteristics of location, etc., including each of the following matters. In such cases, the head of the central administrative agency in charge of such statutes shall consult in advance with the Minister of Environment thereabout and may publish matters concerning the environment-friendly planning techniques, etc. in collaboration with the Minister of Environment:

1. Matters concerning environment-friendly indicators;
2. Matters concerning environment-friendly planning standards and techniques;
3. Matters concerning standards for environment-friendly land use and management;
4. Other matters necessary to enable the sustainable planning, development, and implementation of the administrative plans and development projects.

Article 11-2 (Preparing Environmental Assessment Map)(1) An environmental assessment map referred to in Article 23 (2) of the Act (hereafter referred to as “environmental assessment map” in this Article) shall include the following environmental information:

1. Environmental information on areas, zones, or districts designated for environmental preservation by related statutes;

2. Environmental information related to preservation of ecosystem and maintenance of biological diversity, such as scarcity and species diversity;

3. Other environmental information that should be taken into consideration when formulating and implementing administrative plans and development projects, such as water quality and air.

(2) The Minister of Environment shall prepare an environmental assessment map according to the following methods:

1. Collecting and evaluating environmental information referred to in paragraph (1) to be provided as spatial data referred to in subparagraph 1 of Article 2 of the Framework Act on National Spatial Data Infrastructure;

2. Preparing maps of the entire nation on a scale of at least 1:5,000: Provided, That a map may be prepared on a scale of at least 1:2,5000 for regions lacking sufficient environmental information collected and evaluated pursuant to subparagraph 1;

3. Comprehensively assessing information under each subparagraph of paragraph (1) and evaluating and presenting the relevant regions in around ten grades according to their environmental values.

(3) The Minister of Environment may request submission of data to the heads of the relevant central administrative agencies and the heads of the relevant local governments, if deemed necessary for collecting and evaluating environmental information referred to in paragraph (1).

(4) Necessary matters for the methods, etc. of preparing an environmental assessment map, other than those provided for in paragraphs (1) through (3), shall be prescribed by the Minister of Environment.

[This Article Newly Inserted by Presidential Decree 28002, Apr. 25, 2017]

Article 12 (Creation, Operation, etc. of Environmental Information Networks)(1) The environmental information for which an environmental information network is to be created and operated under Article 24 (2) of the Act is as follows:

1. Results of a survey and evaluation under Article 22 (1) of the Act;

2. Results of survey of the current status of the environment by a specialized institution under Article 24 (4) of the Act;

3. Environmental information necessary for the formulation and implementation of environmental policies;

4. Geographic information on the environment, including maps that show the current state of the natural environment and ecosystems;

5. Environmental information useful for the general public;

6. Environmental information necessary for green management suitable for financial support under subparagraph 4 of Article 28 of the Framework Act on Low Carbon, Green Growth;

7. Other environmental information necessary for environmental preservation and management.

(2) Pursuant to Article 24 (4) of the Act, the Minister of Environment may commission the

performance of surveys of the current status of the environment or entrust the creation and operation of an environmental information network to any of the following specialized institutions: <Amended by Presidential Decree No. 27636, Nov. 29, 2016>

1. The National Institute of Environmental Research;
2. City/Do Public Health and Environment Research Institutes established under the Public Health and Environment Research Institute Act;
3. Government-funded research institutes established under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, Etc. or the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, Etc.;
4. The Korea Environment Corporation established under the Korea Environment Corporation Act;
5. The Korea Water Resources Corporation established under the Korea Water Resources Corporation Act;
6. Specific research institutes established under the Specific Research Institutes Support Act;
7. The Korea Environmental Industry and Technology Institute established under the Korea Environmental Industry and Technology Institute Act;
8. Other institutions and organizations designated and published by the Minister of Environment.

(3) Other than those provided for in paragraphs (1) and (2), the detailed matters concerning the creation and operation of an environmental information network and other matters necessary for charges, etc. for environmental information provided through the environmental information network shall be prescribed by the Minister of Environment.

Article 13 (Restrictions on Utilization, etc. of Land in Special-Measures Areas)(1) The Minister of Environment may impose restrictions on the utilization of land and the installation of facilities within a special-measures area under Article 38 (2) of the Act, in any of the following cases:

1. Where it is deemed likely to cause a significant danger to the health or property of residents or the growth of any living species, by exceeding the environmental standards provided for in Article 12 (1) or (3) of the Act;
2. Where it is deemed likely to substantially destroy the natural ecosystem;
3. Where the soil or water is heavily contaminated with specific noxious substances.

(2) If the Minister of Environment intends to impose restrictions on the utilization of land and the installation of facilities within a special-measures area for any ground falling under any subparagraph of paragraph (1), he/she shall determine and publish the subject-matter, details, period, methods, etc. of the restrictions. The same shall also apply where he/she intends to modify any of those restrictions.

Article 14 (Designation of Environmental Management Areas Classified by Affected Zones)

Where necessary for environmental management by affected zone under Article 39 of the Act, the Minister of Environment may designate each environmental management area (hereinafter referred to as “management area”) classified by zone affected by air pollution, water system zone affected by water pollution, ecological zone, etc. In such cases, any of these management areas may be designated after being subdivided into medium and large regions.

Article 15 (Establishment of Environmental Management Plans and Measures Classified by Affected Zones)(1) Where the management area of a medium region is designated under Article 14, the head of a basin environmental office or the head of a regional environmental office shall establish an environmental management plan and measures that suit the characteristics of the medium region under his/her jurisdiction (hereinafter referred to as “medium region management plan”), and obtain approval from the Minister of Environment through the deliberation and coordination of the Environmental Management Committee for the Medium Region provided for in Article 17 to finalize the plan and measures.

(2) Where the management area of a large region is designated under Article 14, the Minister of Environment shall establish an environmental management plan and measures for the large region (hereinafter referred to as “large region management plan”) on the basis of the medium region management plan for which approval is requested under paragraph (1).

(3) Where the Minister of Environment, the head of a basin environmental office or the head of a regional environmental office intends to establish a medium region management plan or large region management plan, he/she shall consult in advance with the heads of each relevant institution and organization.

(4) The Minister of Environment, the head of a basin environmental office, or the head of a regional environmental office shall, upon finalizing a medium region management plan or establishing a large region management plan, notify the heads of relevant institutions and organizations thereof, and the heads of the relevant institutions and organizations so notified shall take necessary measures or provide necessary cooperation.

Article 16 (Establishment, etc. of Plans to Revise Medium Region Management Plans, etc.)(1) If any substantial change occurs in economic and social circumstances when implementing a medium region management plan or large region management plan, the Minister of Environment, the head of the basin environmental office, or the head of the regional environmental office shall establish a revised plan, taking such change into consideration.

(2) Article 15 (1), (2), and (4) shall apply mutatis mutandis to the establishment, finalization and notification of a revised plan under paragraph (1).

Article 17 (Organization of Environmental Management Committee for Medium Region)(1) In order to deliberate on and coordinate a medium region management plan, an environmental management committee for medium region (hereinafter referred to as “medium region committee”) shall be established under the relevant basin environmental

office or regional environmental office.

(2) A medium region committee shall be comprised of not more than 30 members, including one chairperson, and the head of the relevant basin environmental office or regional environmental office shall be the chairperson of the medium region committee.

(3) Members of a medium region committee shall be commissioned or appointed by the head of the relevant basin environmental office or regional environmental office, from among the following persons:

1. Public officials of related administrative agencies;
2. Members of the relevant local council;
3. Executives and employees of institutions relevant to water resources;
4. Representatives of relevant economic and social organizations, such as trade and industrial organizations;
5. Other persons with abundant knowledge and experience in environmental preservation, national land planning, or urban planning;
6. Persons recommended by civic groups (referring to non-profit, non-governmental organizations under Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act).

Article 18 (Functions, etc. of Medium Region Committees)(1) A medium region committee shall deliberate on and coordinate, in relation to environmental management of the management area, the following matters:

1. Matters concerning investment priorities in projects for environmental preservation measures;
2. Matters concerning the sharing of expenses incurred in enforcing projects for environmental preservation measures among the State, local governments, and industrial entities;
3. Matters concerning the adjustment of interests between local governments or between residents and industrial entities;
4. Matters concerning the adjustment of permissible emission levels for sources of environmental pollution and concerning the regulation of the total quantity of pollution;
5. Other matters deemed especially necessary for the establishment of environmental management plans and measures.

(2) Matters necessary for the operation of medium region committees shall be determined by the Minister of Environment.

Article 19 (Organization of Central Environmental Policy Committee)(1) Members of the Central Environmental Policy Committee provided for in Article 58 (1) of the Act (hereinafter referred to as the “Central Policy Committee”) shall be commissioned or appointed by the Minister of Environment, from among the following:

1. Persons with abundant knowledge and experience in the field of environmental policy;
2. Public officials of related central administrative agencies;
3. Persons recommended by civic groups (referring to non-profit, non-governmental

organizations under Article 2 of the Assistance for Non-profit, Non-Governmental Organizations Act).

(2) The term of office of members under paragraph (1) 1 and 3 shall be two years.

Article 20 (Chairperson' s Duties)

The chairperson of the Central Policy Committee (hereinafter referred to as the "chairperson") shall represent the Central Policy Committee and exercise overall control over the affairs of the Central Policy Committee.

Article 21 (Meetings of Central Policy Committee)(1) The chairperson shall convene any meeting of the Central Policy Committee when he/she deems it necessary to do so; and the chairperson and at least five members designated by the chairperson at each meeting shall constitute a quorum for every meeting of the Central Policy Committee, which shall be presided over by the chairperson.

(2) A meeting of the Central Policy Committee shall be held with the attendance of a majority of the total members under paragraph (1), and resolution shall be passed with the concurrent vote of a majority of those present.

Article 22 (Establishment and Organization of Subcommittees)(1) Subcommittees by specific fields of environmental management, including environmental policy, natural environment, climate and air, water, water supply and sewerage, and resource circulation, shall be established for the efficient operation of the Central Policy Committee.

(2) Each subcommittee shall be comprised of not more than 25 members, including one chairperson.

Article 23 (Allowances, etc.)

Members, etc. of the Central Policy Committee may be reimbursed for travel expenses and paid allowances within budgetary limits: Provided, That the same shall not apply where a member who is a public official attends the Committee directly in connection with his/her official duties.

Article 24 (Detailed Operational Rules)

Other than those provided for in this Decree, matters necessary for the organization and operation of the Central Policy Committee and subcommittees, detailed matters subject to deliberation, etc. shall be determined by the Minister of Environment.

Article 25 (Members of Environmental Preservation Association)

"Those who are prescribed by Presidential Decree" in Article 59 (3) of the Act means each of the following:

1. A person who engages commercially in the disposal of environmental pollutants and wastes, or in the design, manufacturing, and construction of facilities for disposal thereof;
2. A person who engages commercially in the production and sale of machinery and medicines related to the prevention of environmental pollution;
3. Other persons who intend to be actively engaged in environmental preservation.

Article 26 (Project Plans, etc.)

Each year, the Environmental Preservation Association shall prepare a project plan and a

budget for revenue and expenditure and submit them to the Minister of Environment to obtain approval by not later than one month before the relevant fiscal year begins. The same shall also apply where it intends to make any modification thereto.

Article 27 (Business Reporting)

The Environmental Preservation Association shall submit to the Minister of Environment a business performance report and a report on settlement of accounts, along with a balance sheet, by not later than two months after the relevant fiscal year ends.

ADDENDA (Omitted)

24. Environmental Impact Assessment Act

[Enforcement Date 25. Jan, 2016.] [Act No.13426, 24. Jul, 2015., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to promote environment-friendly, sustainable development and healthy and pleasant life of citizens by forecasting and assessing the environmental impacts of a plan or project and by formulating measures for environmental conservation when a plan or project that has an environmental impact is formulated and implemented.

Article 2 (Definitions)

The terms used in this Act shall be as follows:

1. The term "strategic environmental impact assessment" means an assessment conducted to determine the feasibility of a higher-tier plan, the appropriateness of a site location, etc. from an environmental perspective by verifying whether the plan conforms to the relevant environmental conservation plan and by developing and analyzing alternatives to promote sustainable development of national land when it is intended to formulate a higher-tier plan that has an environmental impact;
2. The term "environmental impact assessment" means an assessment conducted to formulate measures for preventing, alleviating, or mitigating harmful environmental impacts by surveying, forecasting, and assessing the environmental impact of a project, when it is intended to permit, authorize, approve, or licence (hereinafter referred to as "approve, etc.") an implementation plan or execution plan that has an environmental impact or to make a determination on such implementation plan or execution plan;
3. The term "mini environmental impact assessment" means an assessment conducted by surveying, forecasting, and assessing the appropriateness of a site location and the environmental impact of a development project to provide measures for environmental conservation, when it is intended to implement a development project in an area requiring environmental conservation or in an area requiring planned development because reckless development is anticipated;
4. The term "environmental impact assessment, etc." means a strategic environmental impact assessment, environmental impact assessment, or mini environmental impact

assessment;

5. The term "agreed standards" means standards that a project implementer or the head of the approving authority agrees to apply to a specific project with the Minister of Environment, since they find it impracticable to maintain the environmental standards under Article 12 of the Framework Act on Environmental Policy or to prevent environmental deterioration merely by enforcing any of the following standards in an area affected by the implementation of the project:

(a) Standards for the quality of discharged water under Article 13 of the Act on the Management and Use of Livestock Excreta;

(b) Standards for permitting emissions under Article 16 of the Clean Air Conservation Act;

(c) Standards for the quality of released water under Article 12 (3) of the Act on the Water Quality and Aquatic Ecosystem Conservation;

(d) Standards for permitting discharge under Article 32 of the Act on the Water Quality and Aquatic Ecosystem Conservation;

(e) Standards for the management of waste disposal facilities under Article 31 (1) of the Wastes Control Act;

(f) Standards for the quality of effluent water under Article 7 of the Sewerage Act;

(g) Standards for other pollutants specified by relevant Acts for environmental conservation;

6. The term "environmental impact assessor" means a person qualified under Article 63 (1) to provide services for the preparation of environmental impact assessment reports by conducting surveys on environmental situation, forecasting and analyzing environmental impacts, formulating plans for environmental conservation, and assessing alternatives.

Article 3 (Responsibilities of State, etc.)(1) When the State, a local government, or a project implementer formulates and implements a policy or plan or implements a project, it shall take measures necessary to minimize environmental pollution and environmental degradation.

(2) The State, local governments, project implementers, and citizens shall recognize the importance of environmental impact assessments, etc. and shall endeavor to ensure that the process prescribed by this Act is performed properly and smoothly.

(3) The Minister of Environment shall formulate and disseminate guidelines for the evaluation of environmental impact assessments, standards for preparation of environmental impact assessments, checklists, etc. in order to improve the objectivity, scientific validity, and predictability of environmental impact assessments, etc.

Article 4 (Fundamental Principles of Environmental Impact Assessments, etc.)

Environmental impact assessments, etc. shall be conducted in accordance with the following fundamental principles:

1. Environmental impact assessments, etc. shall be conducted to ensure that conservation and development are in harmony and balanced to achieve sustainable development;

2. Measures for environmental conservation and alternatives therefor shall be formulated within the extent economically and technically practicable, based on the outcomes of

scientific surveys and forecasts;

3. Residents, etc. shall be adequately informed of a plan or project subject to environmental impact assessments, etc. so that residents, etc. can actively participate in the process of environmental impact assessments, etc.;

4. The outcomes of environmental impact assessments, etc. shall be described simply and easily to facilitate residents and decision-makers's full understanding;

5. Where plans or projects are concentrated in a specific area or during a specific period, cumulative impact of such plans or projects shall be taken into consideration in conducting environmental impact assessments, etc.

Article 5 (Formulation, etc. of Targets for Environmental Conservation)

A person who intends to conduct an environmental impact assessment or such shall formulate targets for environmental conservation, based upon the following standards, the nature of the relevant plan or project, the present condition of land use and environment, the degree of impact of the relevant plan or project on the environment, the scientific and technical levels at the time of assessment, economic situation, etc., and shall conduct an environmental impact assessment or such, based on the goals:

1. Environmental standards under Article 12 of the Framework Act on Environmental Policy;

2. Ecological and natural maps defined under subparagraph 14 of Article 2 of the Natural Environment Conservation Act;

3. Standards for total pollution load in each region under the Clean Air Conservation Act and the Water Quality and Aquatic Ecosystem Conservation Act;

4. Standards formulated by other related Acts for environmental conservation.

Article 6 (Areas subject to Environmental Impact Assessment, etc.)

An environmental impact assessment, etc. shall be conducted in an area demarcated by boundaries as an area anticipated to be affected by the formulation of a plan or by the implementation of a project according to data from a scientific forecast and analysis of the environmental impact.

Article 7 (Sectors subject to Environmental Impact Assessments, etc. and Subject-matter of Assessment)(1) An environmental impact assessment, etc. shall be conducted

with regard to natural environment, living environment, social and economic environment, and other sectors (hereinafter referred to as "sectors subject to environmental impact assessment") that is anticipated to be affected by the formulation of a plan or by the implementation of a project.

(2) Sub-categories for assessment of the sectors subject to environmental impact assessment (hereinafter referred to as "subject-matter for environmental impact assessment"), methods of assessment, etc. shall be prescribed by Presidential Decree.

Article 8 (Environmental Impact Assessment Council)(1) The Minister of Environment, the heads of planning agencies, the heads of agencies with authority for the approval for plans or projects (hereinafter referred to as the "heads of approving agencies"), and project implementers not subject to obtaining approval, etc. shall form and operate an

Environmental Impact Assessment Council in order to deliberate on the following matters:

1. Determination of the subject-matter for, scope, etc. of assessment under Articles 11 and 24;
2. Coordination in discussions on environmental impact assessment under Article 31 (2);
3. Whether to conduct a summary environmental impact assessment under Article 51 (2);
4. Coordination in collection of opinions and discussions thereon under Article 52 (3);
5. Other matters specified by Presidential Decree as those necessary to facilitate environmental impact assessments.

(2) The Environmental Impact Assessment Council under paragraph (1) (hereinafter referred to as the "Environmental Impact Assessment Council") shall be comprised of persons with abundant knowledge and experience in environmental impact assessments, but representatives of residents and experts from the private sector, such as non-governmental organizations, shall be included in the council: Provided, That where a health impact assessment shall be conducted under Article 13 of the Environmental Health Act, experts in health impact assessments, in addition to the experts from the private sector referred to in the above clause, shall be included in the council. <Amended by Act No. 13040, Jan. 20, 2015>

(3) Matters necessary for the formation, operation, etc. of the Environmental Impact Assessment Council shall be prescribed by Presidential Decree.

CHAPTER II STRATEGIC ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 1 Subject Matters of Strategic Environmental Impact Assessment

Article 9 (Subject Matters of Strategic Environmental Impact Assessment)(1) When the head of an administrative agency intends to formulate any of the following plans, he/she shall conduct a strategic environmental impact assessment with regard thereto:

1. An urban development project;
2. A plan for the development of an industrial site or industrial complex;
3. A plan for the development of energy sources;
4. A plan for the development of a harbor;
5. A plan for the construction of a road;
6. A plan for the development of water resources;
7. A plan for the construction of a railroad (including an urban railroad);
8. A plan for the construction of an airport;
9. A plan for the use and development of river;
10. A plan for the development of land and reclamation of public waters;
11. A plan for the development of a tourism complex;
12. A plan for the development of a mountainous district;
13. A plan for the development of a particular area;
14. A plan for the establishment of a sports facility;
15. A plan for the establishment of a waste disposal facility;
16. A plan for the establishment of facilities for national defense and military installations;

17. A plan for the extraction of earth and stone, sand, gravel, minerals, etc.;

18. A plan for the establishment of any of the facilities specified by Presidential Decree as those that have an environmental impact.

(2) The plans subject to strategic environmental impact assessment under paragraph (1) (hereinafter referred to as "plans subject to strategic environmental impact assessment") are classified as follows, taking the nature of each plan into consideration:

1. Governmental plan: A plan that generally indicates the basic direction-direction in, or guidelines for, the development and conservation of all or some national land;

2. Master development plan: Either of the following plans for a certain part of national land:

(a) A plan for the designation of a particular development zone;

(b) A plan that is required to be formulated by a specific statute before formulating an implementation plan to form the basis for a standard for an implementation plan.

(3) The subcategories of the plans subject to strategic environmental impact assessment and the governmental plans and master development plans formulated under paragraph (2) shall be prescribed by Presidential Decree.

Article 10 (Exclusion from Subject Matters of Strategic Environmental Impact Assessment)

Notwithstanding Article 9, strategic environmental impact assessment may be skipped for either of the following plans:

1. A plan determined by the Minister of National Defense, in consultation with the Minister of Environment, as a plan involving military secrets requiring stringent protection or a plan necessary for an urgent military operation;

2. A plan determined by the Director of the National Intelligence Service, in consultation with the Minister of Environment, as a plan involving military secrets requiring stringent protection.

Article 11 (Determination of Subject-matters for, Scope, etc. of Assessment)(1) When the head of an administrative agency intends to formulate a plan subject to strategic environmental impact assessment, he/she shall make a preparatory statement for assessment before conducting strategic environmental impact assessment and shall present the statement to the Environmental Impact Assessment Council for deliberation to determine the following matters (hereafter in this Chapter referred to as "subject-matters, etc. for strategic environmental impact assessment"):

1. The area subject to strategic environmental impact assessment;

2. A land use plan;

3. Alternative plans;

4. Subject-matters, the scope, methods, etc. of assessment.

(2) Where a plan subject to strategic environmental impact assessment is formulated upon receipt of a proposal from a person who is not an administrative agency, the person who proposes the plan subject to strategic environmental impact assessment shall make a preparatory statement for assessment and shall request the head of the administrative agency, who shall formulate the plan subject to strategic environmental impact assessment,

to determine the subject-matters, etc. for strategic environmental impact assessment.

(3) Upon receipt of a request under paragraph (2), the head of an administrative agency shall bring the case before the Environmental Impact Assessment Council within a period specified by Presidential Decree for deliberation and shall notify the person who proposes the plan subject to strategic environmental impact assessment of the results thereof.

(4) When the head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment determines the subject-matters, etc. of strategic environmental impact assessment under the provisions of paragraphs (1) through (3), he/she shall consider the following matters:

1. The nature of the relevant plan;
2. Consistency with higher-tier plans and other related plans;
3. Locational conditions, status of existing land-use, and environmental features of the relevant area and its environs;
4. Changes in seasonal characteristics (an area with substantial environmental and ecological value);
5. Other matters related to the maintenance of environmental standards.

(5) The head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment shall publish the subject-matters, etc. for strategic environmental impact assessment determined pursuant to paragraph (1) or (3) and shall gather consensus thereon from residents, etc. as prescribed by Presidential Decree.

(6) Matters necessary for determining the subject-matters, etc. for strategic environmental impact assessment under the provisions of paragraphs (1) through (4) shall be prescribed by Presidential Decree, and the methods of making a preparatory statement for assessment shall be prescribed by Ordinance of the Ministry of Environment.

SECTION 2 Gathering, etc. Consensus on Draft Strategic Environmental Impact Assessment Reports

Article 12 (Preparation of Draft Strategic Environmental Impact Assessment Reports)

(1) The head of an administrative agency who intends to formulate a master development plan shall formulate a draft strategic environmental impact assessment report with regard to subject-matters, etc. for strategic environmental impact assessment determined under Article 11 and then gather consensus thereon from residents, etc. under Article 13: Provided, That if it is intended to formulate a master development plan upon a proposal from a person who is not an administrative agency, the person who proposes the master development plan shall formulate a draft strategic environmental impact assessment report and submit it to the head of the relevant administrative agency who formulates the master development plan.

(2) The head of an administrative agency who formulates a master development plan shall submit a draft strategic environmental impact assessment report to the following persons respectively and shall hear their opinions thereon:

1. The Minister of Environment;

2. The head of the approving agency (only where a plan is subject to approval, etc.);
 3. The heads of other relevant administrative agencies specified by Presidential Decree.
- (3) The methods of making a draft strategic environmental impact assessment report under paragraph (1), the methods of presenting opinions under paragraph (2), and other necessary matters shall be prescribed by Presidential Decree.

Article 13 (Gathering Consensus from Residents, etc.)(1) The head of an administrative agency who intends to formulate a master development plan shall publish the draft strategic environmental impact assessment report on the master development plan for public inspection and shall hold presentations to hear opinions thereon from the residents in the assessed area: Provided, That a public hearing shall be held if residents within the extent specified by Presidential Decree request a public hearing.

(2) If a master development plan involves any of the areas specified by Presidential Decree as those with a great value for the conservation of ecosystem, the head of the administrative agency who intends to formulate the master development plan shall hear opinions thereon from relevant experts and other persons in addition to opinions of residents in the assessed area.

(3) If the head of an administrative agency who intends to formulate a master development plan is unable to hold a presentation or public hearing under normal conditions other than due to his/her own fault or if any of the events specified by Presidential Decree occurs, he/she may skip a presentation or public hearing. In such cases, the head of an administrative agency shall gather consensus from residents, etc. by a method equivalent to a presentation session or public hearing, as prescribed by Presidential Decree.

(4) The head of an administrative agency who intends to formulate a master development plan shall disclose the results of gathering consensus from residents, etc. under paragraphs (1) and (2) and whether such opinions have been reflected in the plan to the public by the method specified by Presidential Decree.

(5) The publication for public inspection and the holding of presentations or public hearings under paragraphs (1) and (2) and other matters necessary for gathering consensus shall be prescribed by Presidential Decree.

Article 14 (Omission of Procedures for Gathering Consensus from Residents, etc.)

If the head of an administrative agency who formulates a master development plan has gathered consensus on the draft strategic environmental impact assessment report through the procedures for gathering consensus under another statute, he/she is not obliged to comply with the procedure for gathering consensus under Article 13.

Article 15 (Further Gathering of Consensus from Residents, etc.)

If the head of an administrative agency who intends to formulate a master development plan intends to amend the plan with respect to an important matters specified by Presidential Decree, such as the area subject to the master development plan, after completing the procedures for gathering consensus under Article 13 but before being notified of the details of consultations under Article 18, he/she shall make another draft strategic environmental

impact assessment report and shall further gather consensus from residents, etc. in accordance with the provisions of Articles 11 through 14.

SECTION 3 Consultations, etc. on Strategic Environmental Impact Assessment Reports

Article 16 (Requests for Consultations on Strategic Environmental Impact Assessment Reports, etc.)(1) The head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment exempt from approval shall formulate a strategic environmental impact assessment report before finalizing the plan and shall request the Minister of Environment to hold consultations thereon.

(2) The head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment subject to approval shall formulate a strategic environmental impact assessment report and submit the report to the head of the approving agency, and the head of the approving agency shall request the Minister of Environment to hold consultations thereon before he/she approves the plan.

(3) If a person who draws up a strategic environmental impact assessment report in accordance with paragraph (1) or (2) finds that opinions presented in accordance with the provisions of Articles 12 (2) and 13 (1) through (3) are well-founded, he/she shall reflect such opinions in the strategic environmental impact assessment report.

(4) The methods of preparing a strategic environmental impact assessment report under the provisions of paragraphs (1) through (3), the methods of submitting such report, the timing for requesting consultations, and other necessary matters shall be prescribed by Presidential Decree.

Article 17 (Review, etc. of Strategic Environmental Impact Assessment Reports)(1) Upon receipt of a request for consultations under Article 16 (1) or (2), the Minister of Environment shall review whether the procedures for collecting residents' opinions have been observed, the details of the strategic environmental impact assessment report, etc.

(2) If the Minister of Environment deems it necessary for reviewing a strategic environmental impact assessment report, he/she may request the Korea Environment Institute established pursuant to the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, Etc(hereinafter referred to as the "Korea Environment Institute") or relevant experts to conduct a field survey or may hear opinions therefrom and may request the heads of relevant administrative agencies to furnish him/her with relevant data: Provided, That if a strategic environmental impact assessment report concerns a plan formulated by any person other than the Minister of Oceans and Fisheries and involves coastal land area defined under subparagraph 3 of Article 2 of the Coast Management Act, the Minister of Environment shall hear the opinion of the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) If the Minister of Environment finds, as a result of the review of a strategic environmental impact assessment report under paragraph (1), that it is necessary to amend or revise the

strategic environmental impact assessment report or a plan or if any of the reasons specified by Presidential Decree exists, he/she may request the head of the administrative agency who intends to formulate a plan subject to strategic environmental impact assessment (referring to the head of the approving agency, if the plan is subject to approval or such; hereinafter referred to as the "head of the competent administrative agency") to amend or adjust the strategic environmental impact assessment report or the relevant plan or may request the head of the competent administrative agency to require the person proposing the plan subject to strategic environmental impact assessment to amend or adjust the strategic environmental impact assessment report or the relevant plan. The person requested to amend or adjust a report or plan in such cases shall comply therewith, except in extenuating circumstances.

(4) The guidelines and methods for reviewing strategic environmental impact assessment reports, etc. under paragraph (1) and matters necessary for amending or revising strategic environmental impact assessment reports, etc. under paragraph (3) shall be prescribed by Presidential Decree.

Article 18 (Period for Notification of Agreed Terms and Conditions)(1) The Minister of Environment shall notify the head of the competent administrative agency of agreed terms and conditions within a period specified by Presidential Decree upon request to hold consultations: Provided, That the period may be extended, except in extenuating circumstances.

(2) If the Minister of Environment intends to extend the period for notifying agreed terms and conditions under the proviso to paragraph (1), he/she shall notify the head of the competent administrative agency of the reasons for extension and the extended period before the period specified for consultation ends.

(3) In either of the following cases, the Minister of Environment may notify the head of the competent administrative agency of agreed terms and conditions on condition that the terms and conditions be reflected in the relevant plan:

1. Where any matter to be amended or adjusted is insignificant;
2. Where it is possible to amend or adjust the relevant plan before formulating or finalizing the plan.

Article 19 (Performance of Agreed Terms and Conditions)(1) The head of the competent administrative agency shall take necessary measures to reflect agreed terms and conditions, as notified under Article 18, in the relevant plan or shall request the person who proposes the plan subject to strategic environmental impact assessment to take necessary measures and shall notify the Minister of Environment of the results of measures taken or the plan for such measures.

(2) If the head of the competent administrative agency has a particular reason why it is impracticable to reflect agreed terms and conditions in the relevant plan, he/she shall consult thereon with the Minister of Environment before approving or confirming the plan, as prescribed by Presidential Decree.

(3) A person who formulates a plan subject to strategic environmental impact assessment shall perform agreed terms and conditions and the plan for measures under paragraph (1) in good faith.

(4) Matters necessary for agreed terms and conditions and the plan for measures under paragraph (1) shall be prescribed by Presidential Decree.

Article 20 (Re-consultation)

In either of the following cases where the head of an administrative agency who shall formulate a master development plan intends to amend the master development plan on which consultations have been held under the provisions of Articles 16 through 18, he/she shall request consultations on strategic environmental impact assessment again in accordance with the provisions of Articles 11 through 19:

1. Where it is intended to increase the area subject to the master development plan to a scale at least equivalent to the scale specified by Presidential Decree;
2. Where the area that it is intended to be developed, out of an area that shall be conserved as its original state or that shall be excluded according to agreed terms and conditions, is at least the scale specified by Presidential Decree or where it is intended to alter the location of such area that shall be conserved as its original state or that shall be excluded.

Article 21 (Consultations on Amendment)(1) When the head of the competent administrative agency intends to amend a master development plan consulted upon under the provisions of Articles 16 through 18 with regard to a matter specified by Presidential Decree for any purpose other than those referred to in subparagraphs of Article 20, he/she shall consult with the Minister of Environment on the intended amendment.

(2) When the head of the competent administrative agency intends to amend a governmental plan consulted upon under the provisions of Articles 16 through 18 with regard to a matter specified by Presidential Decree, he/she shall consult with the Minister of Environment on the intended amendment.

(3) The provisions of Articles 16 through 19 shall apply mutatis mutandis to consultations on amendment under paragraphs (1) and (2).

CHAPTER III ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 1 Subject Matters for Environmental Impact Assessment

Article 22 (Subject Matters for Environmental Impact Assessment)(1) A person who intends to implement (hereinafter referred to as "project implementer") any of the following projects (hereinafter referred to as "projects subject to environmental impact assessment") shall conduct environmental impact assessment:

1. An urban development project;
2. A plan to develop an industrial site or industrial complex;
3. A plan to develop energy sources;
4. A plan to develop a harbor;
5. A plan to construct a road;
6. A plan to develop water resources;

7. A plan to construct a railroad (including an urban railroad);
8. A plan to construct an airport;
9. A plan to use and develop river;
10. A plan to develop land and reclaim public waters;
11. A plan to develop a tourism complex;
12. A plan to develop a mountainous district;
13. A plan to develop a particular area;
14. A plan to establish a sports facility;
15. A plan to establish a waste disposal facility;
16. A plan to establish facilities for national defense and military installations;
17. A plan to extract earth and stone, sand, gravel, minerals, etc.;
18. A plan to establish any of the facilities specified by Presidential Decree as those that have an environmental impact.

(2) Specific categories, the scope, etc. of projects subject to environmental impact assessment shall be prescribed by Presidential Decree.

Article 23 (Exclusion from Subject Matters for Environmental Impact Assessment)

Notwithstanding Article 22, strategic environmental impact assessment may be skipped for any of the following projects:

1. A project to take an emergency measure under Article 37 of the Framework Act on the Management of Disasters and Safety;
2. A project determined by the Minister of National Defense, in consultation with the Minister of Environment, as a project involving secrets requiring stringent protection for national security or a project necessary for an urgent military operation;
3. A project determined by the Director of the National Intelligence Service, in consultation with the Minister of Environment, as a project involving secrets requiring stringent protection for national security.

SECTION 2 Gathering etc. of Consensus on Draft Environmental Impact Assessment Reports

Article 24 (Determination of Items for, Scope, etc. of Assessment)(1) A project implementer not obliged to obtain approval, etc. shall formulate a preparatory statement for assessment before conducting environmental impact assessment and shall present the statement to the environmental impact assessment council for deliberation within a period specified by Presidential Decree to determine the following matters (hereafter in this Chapter referred to as "items, etc. for environmental impact assessment"):

1. The area subject to environmental impact assessment;
2. Alternative plans for environmental conservation;
3. Items for, the scope, methods, etc. of assessment.

(2) A project implementer obliged to obtain approval, etc. shall formulate a preparatory statement for assessment before conducting environmental impact assessment and shall request the head of the approving agency to determine the items, etc. for environmental

impact assessment.

(3) Upon receipt of either of the following requests, the Minister of Environment may determine the items, etc. for environmental impact assessment:

1. Where a project implementer not obliged to obtain approval, etc. deems it necessary to request the Minister of Environment to determine the items, etc. for environmental impact assessment;

2. Where a project implementer obliged to obtain approval, etc. requests the Minister of Environment to determine the items, etc. for environmental impact assessment via the approving agency after consulting with the head of the approving agency.

(4) Upon receipt of a request made under paragraph (2) or (3), the head of the approving agency or the Minister of Environment shall determine the items, etc. for environmental impact assessment, after deliberation by the environmental impact assessment council, within a period specified by Presidential Decree, and shall notify the relevant project implementer of such determination.

(5) When a project implementer not obliged to obtain approval, etc. or the head of the approving agency (hereinafter referred to as the "head of the approving agency") or the Minister of Environment determines the items, etc. for environmental impact assessment under the provisions of paragraphs (1) through (4), he/she shall consider the following matters:

1. The items, etc. for environmental impact assessment, determined under Article 11 (only where the relevant project is subject to environmental impact assessment under a master development plan already formulated);

2. Locational conditions of the area involved and its environs;

3. Land-use conditions;

4. The nature of the project;

5. Environmental features;

6. Changes in seasonal characteristics (an area with a great value in environmental and ecological aspects).

(6) If a project implementer has consulted with the Minister of Environment on the items, etc. for strategic environmental impact assessment determined under Article 11, the project implementer may omit the procedures for determining the items, etc. for environmental impact assessment under paragraph (1) or (2). The items, etc. for strategic environmental impact assessment determined under Article 11 in such cases shall be deemed the items, etc. for environmental impact assessment determined under the provisions of paragraphs (1) through (5).

(7) The head of the approving agency or the Minister of Environment shall publish the items, etc. of environmental impact assessment, determined pursuant to paragraphs (1) and (4), and shall gather consensus from residents, etc., as prescribed by Presidential Decree.

(8) Matters necessary for determining the items, etc. for environmental impact assessment under the provisions of paragraphs (1) through (5) shall be prescribed by Presidential

Decree, and the methods for preparing preparatory statements for assessment under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 25 (Gathering Consensus from Residents, etc.)(1) A project implementer shall formulate a draft environmental impact assessment report on the items, etc. for environmental impact assessment, determined in accordance with Article 24, and shall gather consensus thereon from residents, etc.

(2) The provisions of Articles 12 through 14 shall apply mutatis mutandis to the procedures for formulating a draft environmental impact assessment report and gathering consensus thereon from residents, etc.: Provided, That the release of such report for public perusal by residents shall be conducted by the head of a Si/Gun/Gu (Gu means an autonomous Gu) having jurisdiction over the area involved in the project subject to environmental impact assessment (including the head of an administrative city under Article 11 (2) of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City). <Amended by Act No. 13426, Jul. 24, 2015>

(3) A project implementer shall disclose the results of gathering opinions from residents, etc. under paragraph (1) and whether such opinions have been reflected in the relevant plan to the public by the method specified by Presidential Decree.

(4) If a project implementer has formulated a draft environmental impact assessment report and gathered consensus in accordance with the procedures provided for in Articles 12 through 15 (excluding where the procedures for collecting opinions are omitted under Article 14) and meets all the following requirements in formulating the master development plan for a project subject to environmental impact assessment, the procedures for preparing a draft environmental impact assessment report and for gathering consensus thereon under paragraphs (1) and (2) may be omitted, subject to consultations with the head of the agency who shall hold consultations:

1. Where three years have not passed since agreed terms and conditions on a strategic environmental impact assessment report were notified pursuant to Article 18;
2. Where the scale of the relevant project is increased by not more than 30 percent of agreed terms and conditions under Article 18;
3. Where the scale of the relevant project in comparison with agreed terms and conditions under Article 18 is increased to not greater than the minimum scale of a project subject to environmental impact assessment for the projects specified by Presidential Decree under Article 22 (2);
4. Where a site for a facility that severely affects the living environment of residents, such as a waste incineration plant, waste landfill, sewage treatment plant, or effluent treatment plant, is not added.

(5) Matters necessary for the methods for preparing draft environmental impact assessment reports under paragraph (1) and the methods for publishing such report for public inspection under the proviso to paragraph (2) shall be prescribed by Presidential Decree.

Article 26 (Furthering Gathering of Opinions of Residents, etc.)

If a project implementer intends to amend a plan with respect to any of the important matters specified by Presidential Decree, such as a change in the project subject to environmental impact assessment, after completing the procedures for gathering consensus under Article 25 but before being notified of the details of consultations under Article 29, he/she shall formulate another draft environmental impact assessment report and shall further gather consensus from residents, etc. thereon in accordance with Articles 24 and 25.

SECTION 3 Consultation, Re-consultation, etc., on Environmental Impact Assessment Reports and Amendments thereof

Article 27 (Preparation of Environmental Impact Assessment Reports, Requests for Consultation thereon, etc.)(1) The head of the approving agency shall request the Minister of Environment to hold consultations on a project subject to environmental impact assessment before approving or confirming such project. The head of the approving agency may attach his/her written opinion to the relevant environmental impact assessment report in such cases.

(2) When a project implementer not obliged to obtain approval, etc. intends to request the Minister of Environment to hold consultations in accordance with paragraph (1), the project implementer shall formulate an environmental impact assessment report, while a project implementer obliged to obtain approval, etc. shall formulate an environmental impact assessment report and shall submit it to the head of the approving agency.

(3) The methods of drawing up an environmental impact assessment report, the timing for requesting consultations, the methods of submitting such report, etc. under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 28 (Review, etc. of Environmental Impact Assessment Reports)(1) Upon receipt of a request for consultation under Article 27 (1), the Minister of Environment shall review whether the procedures for gathering consensus from residents have been completed, the details of the environmental impact assessment report, etc.

(2) If the Minister of Environment deems it necessary for reviewing an environmental impact assessment report, he/she may seek opinions thereon from relevant experts or request relevant experts to conduct a field survey and may request the relevant project implementer or the head of the approving agency to furnish him/her with relevant data: Provided, That the Minister of Environment shall gather consensus from the following persons: <Amended by Act No. 11690, Mar. 23, 2013>

1. Korea Environment Institute;
2. Minister of Oceans and Fisheries (only where the relevant project is one specified by Presidential Decree as those that affect marine environment).

(3) If the Minister of Environment finds, upon reviewing an environmental impact assessment report under paragraph (1), that it is necessary to amend or revise the environmental impact assessment report or the relevant project plan on any of the grounds specified by Presidential Decree exists, he/she may request the head of the approving agency to amend or revise the environmental impact assessment report or the project plan or may request the

head of the approving agency to require the project implementer to amend or revise the report or plan. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

(4) The guidelines and methods for reviewing environmental impact assessment reports, etc. under paragraph (1) and matters necessary for amending or revising environmental impact assessment reports, etc. under paragraph (3) shall be prescribed by Presidential Decree.

Article 29 (Period for Notification of Agreed Terms and Conditions)(1) The Minister of Environment shall notify the head of the approving agency of agreed terms and conditions within a period specified by Presidential Decree upon receipt of a request to hold consultation under Article 27 (1): Provided, That the period may be extended, in extenuating circumstances.

(2) If the Minister of Environment intends to extend the period for the notification of agreed terms and conditions under paragraph (1), he/she shall notify the head of the approving agency of the grounds for extension and the extended period before the period specified for consultations ends.

(3) Upon receipt of notice of agreed terms and conditions given under paragraph (1) or (2), the head of the approving agency shall notify the relevant project implementer thereof without delay.

(4) In either of the following cases, the Minister of Environment may notify the head of the approving agency of agreed terms and conditions on condition that the terms and conditions be reflected in the relevant project plan, etc.:

1. Where any matter to be amended or revised is insignificant;
2. Where it is possible to amend or revise the relevant project plan, etc. before approving the project plan, etc. or commencing the relevant project.

Article 30 (Reflection of Agreed Terms and Conditions, etc.)(1) Upon receipt of notice of agreed terms and conditions under Article 29, a project implementer or the head of the approving agency shall take measures necessary for reflecting the terms and conditions in the relevant project plan, etc.

(2) The head of the approving agency shall ascertain whether agreed terms and conditions have been reflected in the project plan, etc. before approving the project plan, etc. If agreed terms and conditions have not been reflected in the project plan, etc., the head of the approving agency shall require that agreed terms and conditions be reflected in the project plan, etc.

(3) When the head of the approving agency approves or confirms a project plan, etc., he/she shall notify the Minister of Environment of agreed terms and conditions reflected in the project plan, etc.

(4) If the Minister of Environment is informed from the notice received under paragraph (3) that agreed terms and conditions have not been reflected in the relevant project plan, etc., he/she may request the head of the approving agency to reflect agreed terms and conditions. In such cases, the head of the approving agency shall comply with such request, except in

extenuating circumstances.

Article 31 (Requests for Adjustment)(1) If a project implementer or the head of the approving agency has an objection to agreed terms and conditions notified under Article 29, he/she may request the Minister of Environment to make an adjustment to agreed terms and conditions. In such cases, a project implementer obliged to obtain approval, etc. shall request adjustment via the head of the approving agency.

(2) Upon receipt of a request for adjustment under paragraph (1), the Minister of Environment shall determine whether to make an adjustment within a period specified by Presidential Decree after deliberation by the environmental impact assessment council and shall notify the relevant project implementer or the head of the approving agency of such determination.

(3) Upon receipt of a request for adjustment of agreed terms and conditions, no head of the approving agency shall approve or confirm the relevant project plan, etc. before being notified of the determination under paragraph (2): Provided, That the foregoing shall not apply where the details related to the request for adjustment are excluded from the project plan, etc.

(4) Matters necessary for requesting adjustment under the provisions of paragraphs (1) through (3) shall be prescribed by Presidential Decree.

Article 32 (Re-consultation)(1) In any of the following cases, where the head of the approving agency intends to amend a project plan, etc. consulted upon under the provisions of Articles 27 through 29, the head of the approving agency shall request the Minister of Environment to hold consultations again:

1. Where the project has not been commenced within a period specified by Presidential Decree after the project plan, etc. is approved or confirmed: Provided, That the foregoing shall not apply where any circumstance changes slightly before the commencement of the project and the head of the approving agency has consulted thereon with the Minister of Environment;

2. Where the area, length, etc. of the project subject to environmental impact assessment is increased to at least the scale specified by Presidential Decree;

3. Where the area to be developed, out of an area that shall be conserved in its original state or that shall be excluded according to agreed terms and conditions, is at least the scale specified by Presidential Decree or where it is intended to alter the location of such area that shall be conserved in its original state or that shall be excluded;

4. Where it is not proper to implement the project plan, etc. according to agreed terms and conditions due to the occurrence of any of the events specified by Presidential Decree.

(2) The provisions of Articles 24 through 31 shall apply mutatis mutandis to the re-consideration under paragraph (1).

Article 33 (Amendment to Agreed Terms and Conditions)(1) If a project implementer amends a project plan, etc. consulted upon in accordance with the provisions of Articles 27 through 29 in any case other than those referred to in Article 32 (1), the project implementer

shall formulate a plan for environmental conservation according to the amendment to the project plan, etc. and shall reflect the plan in the amended project plan, etc.

(2) A project implementer obliged to obtain approval, etc. shall submit for review by the head of the approving agency, the plan for environmental conservation under paragraph (1): Provided, That the foregoing shall not apply to any of insignificant matters specified by Ordinance of the Ministry of Environment.

(3) If the head of the approving agency finds any of the cases specified by Presidential Decree when he/she formulates or reviews a plan for environmental conservation under paragraph (1) or (2), he/she shall hear the opinions of the Minister of Environment on the case.

(4) The provisions of Article 30 (2) through (4) shall apply mutatis mutandis to the confirmation and notification of whether a plan for environmental conservation has been reflected under paragraph (1). In such cases, "agreed terms and conditions" shall be construed as "a plan for environmental conservation."

Article 34 (Prohibition against Premature Implementation of Projects)(1) No project implementer shall commence any construction work for a project subject to environmental impact assessment before the procedure for consultation, re-consultation, or amendment to agreed terms and conditions under the provisions of Articles 27 through 29 and 31 through 33 is completed: Provided, That the foregoing shall not apply to any of the following construction works:

1. Construction works performed in an area approved through the consultation under the provisions of Articles 27 through 31 and excluded from an area subject to re-consultation or amendment to agreed terms and conditions;

2. Construction works performed for any of the insignificant matters specified by Ordinance of the Ministry of Environment in a project for which the site has been determined through strategic environmental impact assessment.

(2) No head of the approving agency shall approve a project plan, etc. before the procedure for consultation, re-consultation, or amendment of agreed terms and conditions under the provisions of Articles 27 through 33 is completed.

(3) If a project implementer obliged to obtain approval, etc. performs any construction work in violation of paragraph (1), the head of the approving agency shall order the project implementer to wholly or partially suspend construction works on the relevant project.

(4) If a project implementer not obliged to obtain approval, etc. performs any construction work in violation of paragraph (1), the Minister of Environment may order the project implementer to suspend construction works or to take other necessary measures or may request the head of the approving agency to suspend construction works or to take other necessary measures. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

SECTION 4 Fulfillment of Agreed Terms and Conditions, Management of Performance, etc.

Article 35 (Fulfillment of Agreed Terms and Conditions)(1) A project implementer shall fulfill all agreed terms and conditions, as reflected in a project plan, etc., in implementing the project plan, etc.

(2) In order to fulfill agreed terms and conditions in good faith, a project implementer shall record the progress of performance in the management record book, in which agreed terms and conditions are recorded, and shall keep the management record book at the project site, as prescribed by Ordinance of the Ministry of Environment.

(3) In order to manage the fulfillment of agreed terms and conditions in a proper manner, a project implementer shall designate the manager responsible for the management of agreed terms and conditions (hereinafter referred to as "manager") and shall notify the following persons of such designation, as prescribed by Ordinance of the Ministry of Environment:

1. The Minister of Environment;
2. The head of the approving agency (only where approval, etc. is required for a project subject to environmental impact assessment).

(4) The criteria for qualifications of managers and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 36 (Follow-up Survey of Environmental Impacts)(1) A project implementer shall conduct a survey of the impact of the relevant project on the surrounding environment (hereinafter referred to as "follow-up survey of environmental impact") after commencing the project and shall notify the following persons of the findings of such survey:

1. The Minister of Environment;
2. The head of the approving agency (limited to where approval, etc. is required for a project subject to environmental impact assessment).

(2) If a project implementer finds it necessary, as a result of the follow-up survey of environmental impacts, to take measures for preventing damage to the surrounding environment, the project implementer shall notify each person referred to in paragraph (1) of the findings and shall take necessary measures.

(3) Upon receipt of the notice of the findings of a follow-up survey of environmental impacts under paragraph (1) or the findings of a follow-up survey of environmental impacts and measures taken therefor under paragraph (2), the Minister of Environment shall review such findings and measures. <Newly Inserted by Act No. 13040, Jan. 20, 2015>

(4) If the Minister of Environment deems it necessary to review the findings of a follow-up survey of environmental impacts and measures taken therefor under paragraph (3), the Minister may hear opinions from, or request a field survey to, appropriate experts or the institutions specified by Presidential Decree, and may request the relevant project implementer or the head of the approving agency to submit related data. <Newly Inserted by Act No. 13040, Jan. 20, 2015>

(5) The projects subject to a follow-up survey of environmental impacts, the items and period of a survey, guidelines and methods for the review on the findings of a follow-up survey of environmental impacts and measures taken therefor, and other necessary matters shall be

prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13040, Jan. 20, 2015>

Article 37 (Notification of Commencement, etc. of Projects)

When a project implementer intends to commence or complete a project or to suspend construction works for at least three months, the project implementer shall notify the following persons of the intended commencement, completion, or suspension, as prescribed by Ordinance of the Ministry of Environment:

1. The Minister of Environment;
2. The head of the approving agency (only where approval, etc. is required for a project subject to environmental impact assessment).

Article 38 (Succession to Obligations to Fulfill Agreed Terms and Conditions, etc.)(1)

If a project implementer sells his/her business to a third person, dies, or merges with a corporation, the transferee, heir, or the corporation surviving such merger or newly incorporated in the course of the merger shall succeed to the project implementer's obligations under the provisions of Articles 35 through 37: Provided, That the operator of the facilities transferred by sale, inheritance, or merger shall succeed to such obligations, if the facilities are operated by an independent operator.

(2) The project implementer who succeeds to the preceding project implementer's obligations shall notify the head of the approving agency and the Minister of Environment of the matters specified by Ordinance of the Ministry of Environment, such as the progress of fulfillment of agreed terms and conditions and the grounds for succession, within 30 days.

Article 39 (Management and Supervision of Agreed Terms and Conditions)(1) The head of the approving agency shall ascertain whether a project implementer obliged to obtain approval, etc. has fulfilled agreed terms and conditions.

(2) The Minister of Environment or the head of the approving agency may require a project implementer to submit data relevant to the fulfillment of agreed terms and conditions or may authorize subordinate public officials to enter the project implementer's place of business for inspection. Article 60 (2) and (3) shall apply mutatis mutandis to such inspections.

(3) When the head of the approving agency intends to conduct a final inspection of a project, he/she shall ascertain whether agreed terms and conditions have been fulfilled and shall notify the Minister of Environment of the results thereof. If the head of the approving agency deems it necessary in such cases, he/she may request the Minister of Environment to conduct a joint inspection to ascertain whether agreed terms and conditions have been fulfilled.

Article 40 (Order to Take Measures, etc.)(1) If a project implementer obliged to obtain approval, etc. fails to fulfill agreed terms and conditions, the head of the approving agency shall order the project implementer to take measures necessary for fulfillment.

(2) If the head of the approving agency finds that a project severely affects the environment as a consequence of the failure of the project implementer obliged to obtain approval, etc. to comply with an order issued under paragraph (1) to take measures, he/she shall issue an

order to suspend all or some construction works on the project.

(3) The Minister of Environment shall ascertain whether agreed standards have been complied with, if agreed terms and conditions include any matter concerning agreed standards, and may order a project implementer not obliged to obtain approval, etc. to suspend construction works or to take other necessary measures or may request the head of the approving agency to issue an order to suspend construction works or to take other necessary measures, if he/she deems it necessary to manage the fulfillment of agreed terms and conditions. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

(4) When the head of the approving agency issues an order to take other necessary measures or to suspend construction works under the provisions of paragraphs (1) through (3) or if a project implementer takes measures in accordance with paragraph (3), the head of the approving agency or project implementer shall notify the Minister of Environment of the details thereof.

Article 41 (Re-Assessment)(1) If a project severely impacts on the surrounding environment as a consequence of a cause or event unforeseen as at the time of a consultation on environmental impact assessment but which occurs after the project is commenced, and if it is impracticable to prepare a plan for environmental conservation merely by taking measures or by issuing an order to take measures under Article 36 (2) or 40, the Minister of Environment may request the head of the Korea Environment Institute or the head of a specialized institution to conduct re-assessment, subject to consultation with the head of the approving agency.

(2) Upon receipt of a request under paragraph (1), the head of the Korea Environment Institute or the head of a specialized institution shall re-assess the relevant project plan, etc. and shall notify the Minister of Environment and the head of the approving agency of the results thereof within a period specified by Presidential Decree.

(3) Upon receipt of notice of results of re-assessment under paragraph (2), the Minister of Environment or the head of the approving agency may require the relevant project implementer to take measures necessary for environmental conservation or request the head of another administrative agency to issue an order to take necessary measures.

SECTION 5 Environmental Impact Assessment under Municipal Ordinance of City/Do

Article 42 (Environmental Impact Assessment under Municipal Ordinance of City/Do)(1) If the local government of the Special Metropolitan City, a Metropolitan City, or a Si with a population of at least 500,000 persons (hereinafter referred to as "City/Do")

deems it necessary to conduct environmental impact assessment for a project that does not fall within the categories and scope of the projects subject to environmental impact assessment but falls within the scope specified by Presidential Decree, taking local conditions, etc. into consideration, it may authorize the person who implements the project to conduct environmental impact assessment, as prescribed by Municipal Ordinance of the City/Do: Provided, That the foregoing shall not apply to projects subject to mini

environmental impact assessment under Article 43.

(2) A Si with a population of at least 500,000 persons may conduct environmental impact assessment, as prescribed by Municipal Ordinance of the Si, only if the Do having jurisdiction over the area of the Si has not enacted relevant regulations of environmental impact assessment by Municipal Ordinance.

(3) The sectors subject to the environmental impact assessment conducted under paragraph (1) or (2), the sub-items of such environmental impact assessment, the procedures for preparing environmental impact assessment reports and gathering consensus thereon, the procedures for consultations on environmental impact assessment reports and the management of agreed terms and conditions, and other necessary matters, shall be prescribed by Municipal Ordinance of each City/Do.

CHAPTER IV MINI ENVIRONMENTAL IMPACT ASSESSMENT

Article 43 (Subject Matters for Brief Environmental Impact Assessment)(1) A person (hereafter in this Chapter referred to as "project implementer") who intends to implement a development project that meets each of the following criteria (hereinafter referred to as "project subject to mini environmental impact assessment") shall conduct brief environmental impact assessment:

1. A development project implemented in any of the areas specified by Presidential Decree as areas requiring conservation and the areas requiring planned development for environmental conservation because reckless development is anticipated (hereinafter referred to as "specific-use zone for conservation");

2. A development project specified by Presidential Decree as a development project not falling within any category, or the scope, of projects subject to environmental impact assessment.

(2) Notwithstanding paragraph (1), each of the following projects shall be excluded from the projects subject to brief environmental impact assessment:

1. A project for emergency measures under Article 37 of the Framework Act on the Management of Disasters and Safety;

2. A development project on which the Minister of National Defense has held consultations with the Minister of Environment since he/she found it necessary for stringent protection of military secrets or for an urgent military operation;

3. A development project on which the Director of the National Intelligence Service has held consultations with the Minister of Environment since he/she found it necessary for secrets requiring stringent protection for national security.

Article 44 (Preparation of Brief Environmental Impact Assessment Reports, Requests for Consultations thereon, etc.)(1) A project implementer obliged to obtain approval, etc. shall formulate a brief environmental impact assessment report and submit it to the head of the approving agency before obtaining approval, etc. with regard to a project subject to brief environmental impact assessment.

(2) The head of the approving agency shall submit a brief environmental impact assessment

report to the Minister of Environment before approving or confirming a project subject to brief environmental impact assessment and shall request the Minister of Environment to consult therewith on brief environmental impact assessment.

(3) The details of a brief environmental impact assessment report and the methods of drawing up a brief environmental impact assessment report under paragraph (1), the timing and procedures for requesting consultations on brief environmental impact assessment under paragraph (2), and other necessary matters shall be prescribed by Presidential Decree.

Article 45 (Review of Brief Environmental Impact Assessment Reports and Notification thereof)

(1) Upon receipt of a request for consultation under Article 44 (2), the Minister of Environment shall review the compliance with the procedures for requesting consultation and the details of the brief environmental impact assessment report and shall notify the head of the approving agency of agreed terms and conditions within a period specified by Presidential Decree from the day on which he/she is requested for consultation.

(2) Article 17 (2) shall apply mutatis mutandis to the review of a brief environmental impact assessment report under paragraph (1). In such cases, the term "strategic environmental impact assessment report" shall be deemed "brief environmental impact assessment report."

(3) If the Minister of Environment finds, as a result of the review of a brief environmental impact assessment report under paragraph (1), that it is necessary to amend or adjust the environmental impact assessment report or the relevant project plan or any of the reasons specified by Presidential Decree exists, he/she may request the head of the approving agency to amend or adjust the brief environmental impact assessment report or the project plan or may request the head of the approving agency to require the project implementer to amend or adjust the report or plan. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

(4) The guidelines and methods for reviewing brief environmental impact assessment reports, etc. under paragraph (1) and matters necessary for amending or adjusting brief environmental impact assessment reports, etc. under paragraph (3) shall be prescribed by Presidential Decree.

Article 46 (Reflection of Agreed Terms and Conditions, etc.)(1) Upon receipt of notice of agreed terms and conditions under Article 45, a project implementer or the head of the approving agency shall take measures necessary for reflecting the terms and conditions in the relevant project plan.

(2) The provisions of Article 30 (2) through (4) shall apply mutatis mutandis to the reflection of agreed terms and conditions, notification of results, requesting of reflection of agreed terms and conditions, etc.

Article 47 (Prohibition against Premature Implementation of Projects)(1) No project implementer shall commence any construction works for a project subject to brief environmental impact assessment before the procedure for consultations under Articles 44

and 45 is completed.

(2) No head of the approving agency shall approve a project subject to brief environmental impact assessment before the procedure for consultations under Articles 44 and 45 is completed.

(3) Article 34 (3) and (4) shall apply mutatis mutandis to an order issued against a person who violates paragraph (1) to suspend construction works or to take measures.

Article 48 (Notification of Commencement, etc. of Projects)

@Article 37 shall apply mutatis mutandis to the notification of commencement, etc. of a project subject to brief environmental impact assessment.

Article 49 (Management and Supervision of Performance of Agreed Terms and Conditions)(1) A project implementer shall perform agreed terms and condition, as reflected in the project plan, when he/she implements the relevant development project.

(2) Articles 39 and 40 shall apply mutatis mutandis to the ascertainment and notification of performance of agreed terms and conditions under paragraph (1), submission and inspection of relevant data, issuance or an order to take measures, etc.

CHAPTER V SPECIAL PROVISIONS CONCERNING ENVIRONMENT IMPACT ASSESSMENTS, ETC.

Article 50 (Special Provisions concerning Integrated Formulation of Master Development Plans and Project Plans, etc.)(1) Notwithstanding subparagraphs 1 and 2 of Article 2, strategic environmental impact assessment and environmental impact assessment shall be integrated for review, if a master development plan and a plan for a project subject to environmental impact assessment are integrated, but only either the strategic environmental impact assessment or the environmental impact assessment may be conducted.

(2) If the timing for consultation on a plan subject to the strategic environmental impact assessment under Article 16 (1) and (2) coincides with the timing for the relevant plan subject to the environmental impact assessment under Article 27 (1), only the environmental impact assessment need be conducted.

Article 51 (Special Provisions concerning Procedures, etc. for Consultation on Environmental Impact Assessment)(1) With respect to a project specified by Presidential Decree as a project that has a minor environmental impact, among the projects subject to environmental impact assessment, the project implementer may formulate an environmental impact assessment report in the form prescribed by Presidential Decree (hereinafter referred to as "summary assessment report") and may gather consensus under Article 25 and also request consultation under Article 27.

(2) When a project implementer not obliged to obtain approval, etc. determines the subject-matters, etc. for environmental impact assessment under Article 24 (1), he/she shall determine whether he/she is able to conduct environmental impact assessment in accordance with the procedure under paragraph (1) (hereinafter referred to as "summary process"), after deliberation by the environmental impact assessment council thereon.

(3) When a project implementer requests the Minister of Environment to determine the subject-matters, etc. for environmental impact assessment under Article 24 (2) or (3), he/she may request the Minister of Environment to determine whether he/she is permitted to conduct environmental impact assessment in accordance with the summary process.

(4) Upon receipt of a request made under paragraph (3), the head of the approving agency or the Minister of Environment shall determine whether to permit environmental impact assessment in accordance with the summary process, after deliberation by the environmental impact assessment council thereon, and shall notify the project implementer of the results thereof within a period specified by Presidential Decree.

(5) Article 24 (5) shall apply mutatis mutandis where it is necessary to determine whether a person is permitted to conduct environmental impact assessment in accordance with the summary process.

Article 52 (Preparation of Evaluation Reports upon Completion of Summary

Process)(1) Upon completion of the procedures for gathering consensus and for consultations under Article 51 (1), a project implementer not obliged to obtain approval, etc. shall formulate a new environmental impact assessment report containing the opinions presented and agreed terms and conditions: Provided, That such project implementer shall hear the opinion of the Minister of Environment, if the opinions presented are different from agreed terms and conditions.

(2) Upon completion of the procedures for collecting opinions and for consultations under Article 51 (1), a project implementer obliged to obtain approval, etc. shall formulate a new environmental impact assessment report containing the opinions presented and agreed terms and conditions, and shall submit it to the head of the approving agency: Provided, That such project implementer shall hear the opinion of the Minister of Environment via the head of the approving agency, if the opinions presented are different from agreed terms and conditions.

(3) When the Minister of Environment intends to notify his/her opinion under the proviso to paragraph (1) or the proviso to paragraph (2), he/she shall bring the case to the environmental impact assessment council for deliberation and shall notify the environmental impact assessment and the relevant project implementer of his/her opinion within a period specified by Presidential Decree.

(4) When the head of the approving agency notifies the Minister of Environment of whether agreed terms and conditions are reflected pursuant to Article 30 (3), he/she shall submit the environmental impact assessment report under paragraph (1) or (2), along with the notice.

(5) The methods and procedures for preparing an environmental impact assessment to be formulated again under paragraph (1) or (2) and other necessary matters shall be prescribed by Presidential Decree.

CHAPTER VI ENGAGEMENT OF AGENT FOR ENVIRONMENTAL IMPACT ASSESSMENT

Article 53 (Engagement of Agent for Environment Impact Assessment)(1) When a

person who intends to conduct environmental impact assessment, etc. drafts the following documents (hereinafter referred to as "environmental impact assessment report, etc."), he/she may engage a person who operates an environmental impact assessment business registered under Article 54 (1) (hereinafter referred to as "environmental impact assessment agent") for drafting such documents on his/her behalf:

1. A draft report or report on environmental impact assessment;
2. A report on a follow-up survey of environmental impact;
3. A summary assessment report.

(2) When the head of any of the following institutions and organizations (hereinafter referred to as "contracting authority") intends to engage an agency for the preparation of an environment impact assessment report or others under paragraph (1), he/she shall evaluate the agent's capability to perform the project, including technical capacity and management capability: <Newly Inserted by Act No. 13040, Jan. 20, 2015>

1. A national agency or a local government;
2. A public enterprise or a quasi-governmental institution defined by Article 5 of the Act on the Management of Public Institutions;
3. A local government public corporation or a local government-invested public corporation defined by the Local Public Enterprises Act;
4. Other institutions and organizations specified by Presidential Decree.

(3) If the contacting authority deems it necessary when evaluating a person's capability to perform a project under paragraph (2), the authority may request the Environmental Impact Assessment Association established pursuant to Article 71 to cooperate in the evaluation. In such cases, the Environmental Impact Assessment Association shall comply with such request, except in an exceptional situation. <Newly Inserted by Act No. 13040, Jan. 20, 2015>

(4) The matters necessary for the target, standards, and procedures for the evaluation of the capability to perform a project under paragraphs (2) and (3) and for cooperation therein, etc. shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 13040, Jan. 20, 2015>

(5) A person who intends to conduct environmental impact assessment shall comply with the following rules: <Amended by Act No. 13040, Jan. 20, 2015>

1. No person shall copy any details of other environmental impact assessment reports to make an environmental impact assessment report;
2. No person shall make a false or inadequate document or data in preparing an environmental impact assessment report;
3. Environmental impact assessment reports and basic data for such reports shall be retained for a period specified by Ordinance of the Ministry of Environment: Provided, That the foregoing shall not apply where environmental impact assessment reports, etc. are prepared in electronic document and entered in the information support system under Article 70 (3), as prescribed by Ordinance of the Ministry of Environment;

4. Where it is intended to sign an agency contract with an environmental impact assessment agent on the preparation of environmental impact assessment reports, etc., such agency contract shall be signed separately from the contracts on the formulation and implementation of a plan or a project subject to the relevant environmental impact assessment, etc.

(6) The criteria for judgment on false or inadequate documentation under paragraph (5) 2 shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13040, Jan. 20, 2015>

Article 54 (Registration of Environment Impact Assessment Businesses)(1) A person who intends to engage in business as an agent for environmental impact assessment (hereinafter referred to as "environmental impact assessment business") shall be equipped with technical personnel, including environmental impact assessors, facilities, and equipment and shall be registered with the Minister of Environment.

(2) If any material fact specified by Presidential Decree changes, such as technical personnel, and registered under paragraph (1), such change shall be registered.

(3) The duties of an environmental impact assessor registered as one of technical personnel for an environmental impact assessment business under paragraph (1) or (2) shall be as follows:

1. Surveys on present environmental conditions;
2. Estimation and analysis of environmental impacts;
3. Formulation of plans for environmental conservation and evaluation of alternatives;
4. Preparation and management of environmental impact assessment reports, etc.

(4) The technical personnel, facilities, and equipment required under paragraph (1), the rating of environmental impact assessment businesses, and the scope of business activities permissible for each rating shall be prescribed by Presidential Decree.

Article 55 (Grounds for Disqualifications)

The following persons shall be disqualified from being registered for an environmental impact assessment business: <Amended by Act No. 13040, Jan. 20, 2015>

1. A person under adult guardianship or a person under limited guardianship;
2. A person declared bankrupt but not reinstated yet;
3. A person in whose case two years (or six months, if his/her registration was cancelled under 58 (1) 4) have not passed since his/her registration was cancelled under Article 58;
4. A person in whose case two years have not passed after a sentence of imprisonment with labor or any heavier punishment issued to him/her for a violation of this Act was completely executed (or is deemed to have been completely executed) or finally pardoned;
5. A corporation whose representative or any of executive officers falls under subparagraphs 1 through 4.

Article 56 (Obligations of Environment Impact Assessment Agents)(1) Every environmental impact assessment agent shall observe the following rules:

1. No environmental impact assessment agent shall copy details of another environmental impact assessment report to make an environmental impact assessment;

2. No environmental impact assessment agent shall formulate a false or deliberately deficient document in preparing an environmental impact assessment report and basic data for such report;

3. Every environmental impact assessment agent shall retain environmental impact assessment reports and basic data for such reports for a period specified by Ordinance of the Ministry of Environment: Provided, That the foregoing shall not apply where environmental impact assessment reports, etc. are retained in the form of an electronic document in the information support system under Article 70 (3), as prescribed by Ordinance of the Ministry of Environment;

4. No environmental impact assessment agent shall lend his/her registration certificate or title to a third party;

5. No environmental impact assessment agent shall subcontract the work awarded under a contract for environmental impact assessment (excluding the work of surveying and measuring the subject-matters for environmental impact assessment according to the requirements prescribed, and for the sectors specified, by Ordinance of the Ministry of Environment) to a third party;

6. Every environmental impact assessment agent shall undergo precise inspections under Article 11 of the Environmental Examination and Inspection Act for measuring instruments, if he/she keeps environmental measuring instruments and uses such instruments for measuring air, water quality, soil, noise, vibration, etc. to apply the results of measurement to environmental impact assessment reports, etc. formulated by him/her.

(2) The criteria for judgment on false or inadequate documentation under paragraph (1) 2 shall be prescribed by Ordinance of the Ministry of Environment.

Article 57 (Permanent or Temporary Closure of Business)

If an environmental impact assessment agent intends to permanently or temporarily close his/her environmental impact assessment business, he/she shall report the closure to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The period for temporary closure in such cases shall not exceed two years.

Article 58 (Cancellation of Registration, etc.)(1) In any of the following cases, the Minister of Environment may cancel the registration of an environmental impact assessment agent or order an environmental impact assessment agent to suspend business operations for a specified period not exceeding six months: Provided, That registration shall be cancelled in any case falling under subparagraphs 1 through 3 and 7: <Amended by Act No. 13040, Jan. 20, 2015>

1. Where an environmental impact assessment agent has been registered by fraud or other wrongful means;

2. Where an environmental impact assessment agent signs a new agency contract for environmental impact assessment during suspension of business operations;

3. Where an environmental impact assessment agent commits again any offense punishable by suspension of business operations after being punished by the suspension of business

operations twice during the latest one year;

4. Where an environmental impact assessment agent fails to commence his/her environmental impact assessment agency business within two years after being registered or has no track record of business performance as an environmental impact assessment agent for at least two consecutive years;

4-2. Where an environmental impact assessment agent has undergone an evaluation of the capability to perform a project under Article 53 (2) by fraud or other wrongful means;

5. Where an environmental impact assessment agent fails to be equipped with the technical personnel, facilities, and equipment under Article 54 (1);

6. Where an environmental impact assessment agent changes any material fact without filing for the registration of the change, in violation of Article 54 (2);

7. Where an environmental impact assessment agent falls under any subparagraph of Article 55: Provided, That the foregoing shall not apply where the corporation that falls under subparagraph 5 of Article 55 appoints a replacement for such executive officer within six months;

8. Where an environmental impact assessment agent breaches an obligation under any subparagraph of Article 56 (1).

(2) The guidelines for the cancellation of registration of an environmental impact assessment business or for the issuance of an order to suspend business operations under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment, taking into consideration grounds for such dispositions, the degree of each violation, etc.

Article 59 (Continuation of Business Operations by Environmental Impact Assessment Agents after Cancellation of Registration or Suspension of Business Operations)

(1) A person whose registration is cancelled or business is suspended under Article 58 may continue his/her environmental impact assessment business only regarding the agency contracts concluded for environmental impact assessment before such disposition is made.

(2) A person who continues his/her environmental impact assessment business under paragraph (1) shall be deemed an environmental impact assessment agent under this Act until relevant business affairs are completed.

(3) No person who continues his/her environmental impact assessment business under paragraph (1) shall conclude any new agency contract, other than the agency contracts signed for environmental impact assessment before the relevant disposition is made.

(4) If the Minister of Environment finds that a person whose registration is cancelled on the ground specified in Article 58 (1) 1 or 5 is unable to continue environmental impact assessment properly, he/she may place restrictions on the performance of all or part of the agency contracts concluded for environmental impact assessment before the relevant disposition is made.

Article 60 (Reporting and Inspection)(1) If the Minister of Environment deems it necessary for ascertaining whether an environmental impact assessment business is properly operated,

he/she may order the environmental impact assessment agent to submit a report or data, as necessary, and may authorize relevant public officials to enter the environmental impact assessment agent's office or place of business or any other place, as necessary, to inspect books of account, documents, and other things or to ask questions to people involved.

(2) When it is intended to conduct an inspection under paragraph (1), the environmental impact assessment agent shall be informed of the inspection plan, including grounds for inspection and the scope of inspection, by no later than seven days before the date of inspection: Provided, That the foregoing shall not apply where it is necessary to conduct an inspection urgently or where it seems unlikely that an inspection will achieve its objectives due to risk of destruction of evidence, if the environmental impact assessment agent is informed of the inspection in advance.

(3) A public official who intends to enter a place for inspection under paragraph (1) shall carry an identification certificate indicating his/her authority and produce it to people involved.

Article 61 (Reporting on Performance of Environmental Impact Assessment Agents)(1)

Each environmental impact assessment agent shall report the track record of his/her performance as an environmental impact assessment agent for the preceding year to the Minister of Environment by no later than January 31 each year, as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall publish the track record of performance of each environmental impact assessment agent and the details of administrative dispositions at least once a year, as prescribed by Ordinance of the Ministry of Environment.

Article 62 (Guidelines for Calculation of Expenses for Engagement of Environmental Impact Assessment Agents)

The Minister of Environment shall determine and publicly notify the guidelines for calculating necessary expenses incurred in engaging an agent for environmental impact assessment.

CHAPTER VII ENVIRONMENTAL IMPACT ASSESSORS

Article 63 (Environmental Impact Assessors)(1) Any person who intends to work as an environmental impact assessor shall pass a qualification examination conducted by the Minister of Environment. In such case, the Minister of Environment shall issue a qualification certificate to a person who successfully passes such qualification examination.

(2) The following persons shall be disqualified from working as an environmental impact assessor: <Amended by Act No. 13040, Jan. 20, 2015>

1. A minor, a person under adult guardianship, or a person under limited guardianship;
2. A person declared bankrupt but not yet reinstated;
3. A person in whose case two years have not passed since imprisonment with labor or heavier punishment sentenced to him/her was completely executed (or is deemed to have been completely executed) or finally pardoned;
4. A person who is under the suspension of the execution of imprisonment with labor or heavier punishment as declared by a court;
5. A person in whose case three years have not passed since his/her qualification as an

environmental impact assessment agent was revoked.

(3) Every environmental impact assessor shall complete the educational and training courses provided by the Minister of Environment.

(4) No person except environmental impact assessors shall use the title "environmental impact assessor" or any similar title.

(5) Matters necessary for the qualifications for a qualification examination for an environmental impact assessor under paragraph (1), testing methods, partial exemption of testing subjects, management of qualifications, persons eligible for the educational and training courses referred to in paragraph (3), procedures and fees for such educational and training courses, etc. shall be prescribed by Presidential Decree.

Article 64 (Obligations of Environmental Impact Assessors)(1) Every environmental impact assessor shall perform business affairs impartially in accordance with fundamental principles of environmental impact assessment.

(2) No environmental impact assessor shall lend his/her qualification certificate as an environmental impact assessment agent, issued by the Minister of Environment, to a third party or allow a third party to work as an environmental impact assessor under his/her name.

Article 65 (Revocation of Qualifications of Environmental Impact Assessors, etc.)(1)

In any of the following cases, the Minister of Environment may revoke the qualification of an environmental impact assessor or suspend the qualification for a period not exceeding three years: Provided, That qualification shall be revoked in cases under subparagraphs 1, 2, and 4:

1. If an environmental impact assessor is found to have obtained the qualification by fraud or other wrongful means;

2. If an environmental impact assessor commits an offense punishable by the suspension of qualification again even after being punished by the suspension of qualification twice during the latest one year;

3. If an environmental impact assessor, intentionally or by gross negligence, makes a false or inadequate environmental impact assessment report or document;

4. If an environmental impact assessor falls within any of the categories specified in Article 63 (2);

5. If an environmental impact assessor fails to complete the educational and training courses provided by the Minister of Environment, in violation of Article 63 (3) without just cause;

6. If an environmental impact assessor lends his/her qualification certificate to a third party or allows a third party to work as an environmental impact assessor under his/her name, in violation of Article 64 (2).

(2) The guidelines for the revocation or suspension of qualifications of environmental impact assessors shall be prescribed by Ordinance of the Ministry of Environment, taking into consideration grounds for such dispositions, the gravity of each violation, etc.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 66 (Publication of Environment Impact Assessment Reports, etc.)(1) Unless

publication is restricted by other statute, the Minister of Environment may publish environmental impact assessment reports, etc. through the information support system, etc. under Article 70 (3).

(2) If a person who submits an environmental impact assessment report requests the Minister of Environment not to publish all or part of the environmental impact assessment report on any of the following grounds, the Minister of Environment may elect not to publish it, place restrictions on the extent of publication, or delay publication:

1. If it is necessary for national security, such as the protection of military secrets;
2. If an environmental impact assessment report contains confidential information of the relevant project;
3. If a person requests non-publication, specifying the extent of publication, the timing for publication, etc., because publication appears to impede implementing the relevant plan or project.

(3) The timing and methods for the publication of environmental impact assessment reports, etc. under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

(4) Except as otherwise provided for in paragraphs (1) through (3), matters not provided for in this Act in connection with the publication of environmental impact assessment reports, etc. shall be governed by the provisions of the Official Information Disclosure Act.

Article 67 (Hearings)

When the Minister of Environment intends to make any of the following dispositions, he/she shall hold a hearing:

1. Cancellation of registration of an environmental impact assessment agent under Article 58;
2. Revocation of qualifications of an environmental impact assessor under Article 65.

Article 68 (Tasks Entrusted to Korea Environment Institute or Specialized Institutions)

In order to conduct environmental impact assessments, etc. efficiently, the Minister of Environment may entrust the following tasks to the Korea Environment Institute or other specialized institution:

1. Development, formulation, amendment of various indexes necessary for environmental impact assessments, etc.;
2. Evaluation of validity of techniques for environmental impact assessments, etc. and techniques for estimation and development of such techniques;
3. Operation of the information support system related to environmental impact assessment under Article 70 (3);
4. Other missions necessary for efficiently conducting environmental impact assessments, etc.

Article 69 (Duty of Confidentiality)

No environmental impact assessment agent, environmental impact assessor, expert conducting or formerly conducting a review of an environmental impact assessment report,

or person who works or worked for a specialized institution as an officer or employee shall divulge confidential information acquired in the course of performing his/her duties in connection with environmental impact assessments, etc. to a third party or misappropriate such confidential information.

Article 70 (Establishment, Operation, etc. of Information Support System for Environment Impact Assessment)(1) In order to improve the expertness, objectivity, predictability, etc. of environmental impact assessments, etc., the Minister of Environment shall collect and disseminate the information related to environmental impact assessments, etc.

(2) The Minister of Environment shall formulate plans necessary for improving technology for environmental impact assessments, etc. and for training specialized human resources.

(3) The Minister of Environment shall establish and operate an information support system related to environmental impact assessments, etc. for the collection and dissemination of information under paragraph (1) and the publication of environmental impact assessment reports, etc. under the proviso to Article 53 (5) 3, the proviso to Article 56 (1) 3, and Article 66 (1). <Amended by Act No. 13040, Jan. 20, 2015>

(4) Matters necessary for the establishment, operation, etc. of the information support system under paragraph (3) shall be determined by the Minister of Environment.

Article 71 (Environment Impact Assessment Association)(1) Environmental impact assessment agents and persons who are engaged in business related to environmental impact assessments, etc. may establish an environmental impact assessment association (hereafter in this Chapter referred to as the "Association") for the surveys, research, education, and publicity on environmental impact assessments, etc. and other business activities related to environmental impact assessments, etc.

(2) The Association shall be in the form of a corporation.

(3) The establishment of the Association is subject to prior permission from the Minister of Environment.

(4) If the Minister of Environment finds that the Association is operated in breach of any statute or any provision of its articles of incorporation, he/she may order the Association to amend its articles of incorporation or business plan or replace officers with others.

(5) Except as otherwise expressly provided for in this Act, the Association shall be governed by the provisions concerning incorporated associations in the Civil Act.

Article 72 (Delegation or Entrustment of Authority)(1) The Minister of Environment may delegate part of his/her authority under this Act to the heads of regional environmental agencies and offices, as prescribed by Presidential Decree.

(2) The Minister of Environment may entrust the head of the Association or the head of a specialized institution with some business affairs assigned to him/her, as prescribed by Presidential Decree.

(3) Officers and employees of the Association or a specialized institution, who carry out business affairs entrusted under paragraph (2), or officers and employees of the Korean

Environment Institute or a specialized institution, who carry out business affairs under Article 41 (1) or (2) or 68, shall be deemed public officials for the purposes of applying the provisions of Articles 129 through 132 of the Criminal Act to them.

CHAPTER IX PENALTY PROVISIONS

Article 73 (Penalty Provisions)

Each of the following persons shall be punished by imprisonment with labor not exceeding five years or by a fine not exceeding 50 million won:

1. A person who fails to comply with an order issued to suspend construction works under Article 34 (3) or 40 (2);
2. A project implementer who fails to comply with an order issued to suspend construction works under Article 34 (4) or 40 (3);
3. A person who fails to comply with an order issued to suspend construction works or to take measures under Article 34 (3) or (4) (limited to where an order is issued to reinstate an area), which shall apply mutatis mutandis pursuant to Article 47 (3).

Article 74 (Penalty Provisions)(1) Each of the following persons shall be punished by imprisonment with labor not exceeding two years or by a fine not exceeding twenty million won: <Amended by Act No. 13040, Jan. 20, 2015>

1. A project implementer who fails to conduct the follow-up survey of environmental impacts under Article 36 (1);
2. A project implementer who fails to comply with an order to suspend construction works under Article 40 (2) or (3), which shall apply mutatis mutandis pursuant to Article 49 (2);
3. A person who copies details of another environmental impact assessment report to make an environmental impact assessment report, in violation of Article 53 (5) 1 or 56 (1) 1;
4. A person who makes a false presentation in making an environmental impact assessment report or data, in violation of Article 53 (5) 2 or 56 (1) 2;
5. A person who engages in business as an agent for environmental impact assessment without being registered under Article 54 (1);
6. A person who is registered under Article 54 (1) by fraud or other wrongful means;
7. A person who concludes any new agency contract for environmental impact assessment after his/her registration is cancelled for violation of Article 59 (3) or during a period for suspension of business operations.

(2) Each of the following persons shall be punished by imprisonment with labor for a period not exceeding one year or by a fine not exceeding ten million won:

1. A person who commences construction works without completing environmental impact assessments, etc., in violation of Article 22 or 43;
2. A person who commences construction works before completion of the procedures for consultation or re-consultation, in violation of Article 34 (1) or 47 (1);
3. A person who refuses to submit data, or interferes with, or evades, entry for inspection without just cause, in violation of Article 39 (2) (including cases to which the aforesaid provisions shall apply mutatis mutandis pursuant to Article 49 (2));

4. A person who lends his/her registration certificate or title to a third party, in violation of Article 56 (1) 4;
5. A person who subcontracts an environmental impact assessment (excluding the work of surveying and measuring the subject-matters for environmental impact assessment according to the requirements prescribed, and for the sectors specified, by Ordinance of the Ministry of Environment) to a third party, in violation of Article 56 (1) 5;
6. A person who refuses to submit data or refuses to report or undergo an inspection without just cause, in violation of Article 60 (1);
7. A person who lends his/her qualification certificate to a third party or allow a third party to work as an environmental impact assessor under his/her name, in violation of Article 64 (2);
8. A person who divulges or misappropriates confidential information, in violation of Article 69.

Article 75 (Joint Penalty Provisions)

If the representative of a corporation or an agent, employee, or servant working for a corporation or for an individual commits an offense in violation of Article 73 or 74 in connection with the business of the corporation or individual, not only shall such offender be punished accordingly, but the corporation or individual also shall be punished by a fine prescribed in the relevant Article: Provided, That the foregoing shall not apply where the corporation or individual has not neglected due care and supervision over the relevant business to prevent such offense.

Article 76 (Administrative Fines)(1) Each of the following persons shall be punished by an administrative fine not exceeding twenty million won:

1. A person who commences construction works before completing the procedure for amendment of agreed terms and terms, in violation of Article 34 (1);
2. A person who fails to comply with an order issued under Article 40 (1) to take measures;
3. A person who fails to comply with an order issued under Article 40 (3) to take other necessary measures;
4. A project implementer who fails to comply with an order issued under Article 41 (3) to take measures.

(2) Each of the following persons shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 13040, Jan. 20, 2015>

1. A person who fails to conduct a part of a follow-up survey of environmental impacts, in violation of Article 36 (1);
2. A person who fails to give notice or to take necessary measures, in violation of Article 36 (2);
3. A person who makes an inadequate environmental impact assessment report or data, in violation of Article 53 (5) 2 or 56 (1) 2;
4. A project implementer who fails to conclude an agency contract for the formulation of environmental impact assessment reports, etc. separately from contracts on the formulation and implementation of a plan or a project subject to the relevant environmental impact

assessment, etc., in violation of Article 53 (5) 4;

5. A person who uses the title "environmental impact assessor" or any similar title, in violation of Article 63 (4).

(3) Each of the following persons shall be punished by an administrative fine not exceeding five million won: <Amended by Act No. 13040, Jan. 20, 2015>

1. A person who fails to record the progress of performance of agreed terms and conditions in the management record book or fails to keep the management record book at the project site, in violation of Article 35 (2);

2. A person who fails to designate a manager or give notice of designation, in violation of Article 35 (3);

3. A person who fails to give notice of the results of a follow-up survey of environmental impacts, in violation of Article 36 (1);

4. A person who fails to give notice of commencement, completion, or suspension of a project, in violation of Article 37;

5. A person who fails to give notice of the matters specified by Ordinance of the Ministry of Environment, such as the progress of performance of agreed terms and conditions and the grounds for succession, in violation of Article 38 (2);

6. A person who fails to comply with an order issued under Article 40 (1) or (3), which shall apply mutatis mutandis pursuant to Article 49 (2), to take necessary matters (excluding orders to suspend construction works);

7. A person who fails to preserve environmental impact assessment reports and basic data for such reports, in violation of Article 53 (5) 3 or 56 (1) 3;

8. A person who makes a change with respect to any material fact without registering such change, in violation of Article 54 (2);

9. A person who fails to report the track record of performance as an environmental impact assessment agent, in violation of Article 61 (1).

(4) The administrative fines under the provisions of paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, as prescribed by Presidential Decree.

ADDENDA (Omitted)

25. Enforcement Decree of the Environmental Impact Assessment Act

[Enforcement Date 30. Dec, 2015.] [Presidential Decree No.26807, 30. Dec, 2015., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Environmental Impact Assessment Act and matters necessary for the enforcement thereof.

Article 2 (Subject Matter for Environmental Impact Assessment for each Sector)(1)

The subject matter for assessment in the sector of environmental impact assessment

(hereinafter referred to as "environmental impact assessment sector") defined in the Article 7 (1) of the Environmental Impact Assessment Act (hereinafter referred to as the "Act") shall be as prescribed in attached Table 1.

(2) Assessment in the environmental impact assessment sector under Article 7 (2) of the Act shall be assessed by scientifically forecasting and analysing environmental impacts on the basis of outcomes of the on-site surveys and documentary search conducted with respect to the area subject to environmental impact assessment, etc., under Article 6 of the Act.

(3) Further details about the methods of assessment in the environmental impact assessment sector under paragraph (2) shall be determined and publicly notified by the Minister of Environment, in consultation with the heads of central administrative agencies.

Article 3 (Matters subject to Deliberation by Environmental Impact Assessment Council)

"Matters specified by Presidential Decree" in Article 8 (1) 5 of the Act means the following matters:

1. Whether to omit a presentation or public hearing under Article 13 (3) of the Act;
2. Other matters that the chairperson of the environmental impact assessment council under Article 8 (1) of the Act deems necessary for efficient environmental impact assessment of a particular plan or project.

Article 4 (Formation of Environmental Impact Assessment Council)(1) The chairperson (hereinafter referred to as "the chairperson") of the environmental impact assessment council under Article 8 (1) of the Act (hereinafter referred to as "Environmental Impact Assessment Council") shall be appointed by the head of the consulting agency for strategic environmental impact assessments, etc. under Article 16, 27, or 44 of the Act (hereinafter referred to as the "consulting agency"), the head of the planning agency, or the head of the approving agency under Article 24 (5) of the Act (hereinafter referred to as "the head of the approving agency"), from among his/her subordinate public officials.

(2) The Environmental Impact Assessment Council shall be comprised of the following members: <Amended by Presidential Decree No. 25713, Nov. 11, 2014; Presidential Decree No. 26807, Dec. 30, 2015>

1. At least one public official appointed by the head of the consulting agency;
2. At least one public official appointed by the head of the planning agency or by the head of the approving agency, etc.;
3. At least one person commissioned by the chairperson, from among those who have abundant knowledge and experiences in the relevant plan or project or in environmental impact assessment, etc.;
4. At least one person appointed or commissioned by the chairperson, from among public officials or experts recommended by the head of the local government having jurisdiction over the area subject to the relevant plan or the project zone;
5. At least one person commissioned by the chairperson, from among the following persons:
 - (a) Residents' representatives who reside in an area subject to the relevant plan or the

project zone within the jurisdiction of the local government;

(b) Non-governmental experts recommended by non-governmental organizations;

(c) Experts in health impact assessment including public health (limited to where a health impact assessment shall be conducted under the proviso to Article 8 (2) of the Act).

(3) The Environmental Impact Assessment Council shall be comprised of approximately ten members, including one chairperson, appointed or commissioned by the chairperson for each meeting, taking into consideration the nature of each plan or project.

(4) The chairperson shall represent the Environmental Impact Assessment Council and administer all business affairs of the council.

(5) If the chairperson is unable to perform his/her duties due to extenuating circumstances, the council member appointed by the chairperson in advance shall act on behalf of the chairperson.

(6) Except as otherwise provided for in paragraphs (1) through (5), matters necessary for the formation of the Environmental Impact Assessment Council shall be determined by the chairperson, subject to deliberation by the Environmental Impact Assessment Council thereon.

Article 5 (Operation of Environmental Impact Assessment Council)(1) Meetings of the Environmental Impact Assessment Council shall be convened by the chairperson.

(2) A quorum of the meeting of the Environmental Impact Assessment Council shall be duly formed with the attendance of a majority of its members under Article 4 (3) and resolutions shall be adopted by affirmative votes of a majority of the members present at the meeting.

(3) Notwithstanding the provisions of paragraphs (1) and (2), the chairperson may determine to deliberate on a project documentarily, without convening a meeting, in any of the following cases:

1. Where the environmental impact of the relevant plan or project is deemed to be insignificant;

2. Where environmental impact assessment reports, etc. under Article 53 (1) of the Act (hereinafter referred to as "environmental impact assessment reports, etc.") have been already submitted several times for deliberation on a plan or project similar to the relevant plan or project;

3. Where the environmental impact of the relevant plan or project is deemed limited to a particular sector.

(4) Members of the Environmental Impact Assessment Council may be reimbursed for allowances and travel expenses, within budgetary limits: Provided, That the foregoing shall not apply to a member who shall attend a meeting of the Environmental Impact Assessment Council as a public official in direct connection with any business affair related to his/her duties.

(5) Except as otherwise expressly provided for in paragraphs (1) through (4), matters necessary for the operation of the Environmental Impact Assessment Council shall be determined by the chairperson, subject to deliberation by the Environmental Impact

Assessment Council thereon.

Article 6 (Exclusion, Challenge, Abstention, etc.)(1) In any of the following cases, a member of the Environmental Impact Assessment Council shall be excluded from the proceedings of deliberation and resolution by the Environmental Impact Assessment Council:

1. If the council member or a person who is or was the spouse of the council member is a party (or an officer of a corporation or organization, if a party is the corporation or organization; the same shall apply hereafter in this Article) to the relevant plan, project, or environmental impact assessment (hereafter in this Article referred to as "relevant plan or project") or a joint right-holder or a joint obligor of a party to the relevant plan or project;

2. If the council member is a current or former relative of a party to the relevant plan or project;

3. If the council member has been directly involved in services, advice, appraisal, or survey with respect to the relevant plan or project;

4. If the council member or a corporation to which the council member belongs is the current or former representative of a party to the relevant plan or project.

(2) If an interested party to the relevant plan or project has a ground to believe that impartiality in deliberation and resolution by a council member is unlikely, he/she may file a challenge against the council member with the Environmental Impact Assessment Council, and the Environmental Impact Assessment Council shall resolve on the challenge. In such cases, no council member against whom the challenge has been filed shall participate in resolution.

(3) If a council member finds that any of the grounds for exclusion under paragraph (1) is applicable to him/her, he/she shall voluntarily abstain from the proceedings of deliberation and resolution of the relevant case.

CHAPTER II STRATEGIC ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 1 Subject Matters of Strategic Environmental Impact Assessment

Article 7 (Categories of Plans subject to Strategic Environmental Impact Assessment)(1) The expression "plan for the establishment of any of the facilities specified by Presidential Decree" in Article 9 (1) 18 of the Act means a master plan for the management of livestock excreta under Article 5 of the Act on the Management and Use of Livestock Excreta.

(2) Detailed categories of plans subject to strategic environmental impact assessment under Article 9 (2) of the Act (hereinafter referred to as "plans subject to strategic environmental impact assessment") are as prescribed in attached Table 2.

Article 8 (Matters subject to Determination in Regard to Items, etc. of Assessment not requiring Deliberation)

If an area involved in a project plan under a master development plan under Article 9 (2) 2 of the Act (hereinafter referred to as "master development plan"), among plans subject to strategic environmental impact assessment, is less than 60,000 square meters, the head of an administrative agency who intends to formulate a plan subject to strategic environmental

impact assessment may determine the matters under Article 11 (1) of the Act without undergoing deliberation by the Environmental Impact Assessment Council thereon.

Article 9 (Period for Deliberation on Preparatory Statements for Assessment)

"The period specified by Presidential Decree" in Article 11 (3) of the Act means 30 days. In such cases, a period during which the head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment or a person who proposes a plan subject to strategic environmental impact assessment amends a preparatory statement for assessment and holidays shall be excluded from the period. <Amended by Presidential Decree No. 25713, Nov. 11, 2014>

Article 10 (Publication, etc. of Determined Items, etc. of Strategic Environmental Impact Assessment)

(1) The head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment pursuant to Article 11 (5) of the Act shall post the items, etc. of strategic environmental impact assessment, as determined under Article 11 (1) or (3) of the Act, on the information and communications network of a Si (including a Special Self-Governing City and referring to an administrative city under Article 15 (2) of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City in cases of Jeju Special Self-Governing Province; the same shall apply hereinafter) or Gun or Gu (Gu meaning an autonomous Gu; the same shall apply hereinafter), having jurisdiction over an area subject to strategic environmental impact assessment, or of an administrative agency that intends to formulate a plan subject to strategic environmental impact assessment or the information support system under Article 70 (3) of the Act (hereinafter referred to as the "information support system for environmental impact assessment"), for at least 14 days within 20 days from the date such determination is made. <Amended by Presidential Decree No. 25713, Nov. 11, 2014>

(2) If residents, etc. present opinions on the items, etc. of strategic environmental impact assessment published under paragraph (1), the head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment shall review such opinions and shall include the opinions in the strategic environmental impact assessment report under Article 21, if the relevant plan is a governmental plan under Article 9 (2) 1 of the Act (hereinafter referred to as "governmental plan"), or in the draft strategic environmental impact assessment report under Article 11 (1), if the relevant plan is a master development plan.

SECTION 2 Collection, etc. of Opinions on Draft Strategic Environmental Impact Assessment Reports

Article 11 (Preparation of Draft Strategic Environmental Impact Assessment Reports)

(1) Each draft strategic environmental impact assessment report under Article 12 (1) of the Act (hereinafter referred to as "draft strategic environmental impact assessment report") shall include the following matters:

1. Summary;
2. Overview of the master development plan;

3. Alternatives to the master development plan and site location (only if a specific site location is specified);
4. The area subject to strategic environmental impact assessment;
5. Feasibility of the master development plan;
6. Appropriateness of site location (if a site location is specified);
7. Details of deliberation by the Environmental Impact Assessment Council;
8. Results of the review on opinions submitted by residents, etc. under Article 10 (2).

(2) Except as otherwise provided for in paragraph (1), further details about the methods of preparing draft strategic environmental impact assessment reports shall be determined and publicly notified by the Minister of Environment.

Article 12 (Methods, etc. of Submitting Draft Strategic Environmental Impact Assessment)(1) "The heads of other relevant administrative agencies specified by Presidential Decree" in Article 12 (2) 3 of the Act means the following persons:

1. The head of a river basin environment office or the head of a regional environment office (hereinafter referred to as "head of a local environment office"; excluding cases where the head of a local environment office becomes the head of the consulting agency);
2. The Mayor of the Special Metropolitan City or the Metropolitan City or the Governor of the Do or Special Self-Governing Province with jurisdiction over an area subject to the master development plan;
3. The head of the Si (including a Special Self-Governing City and referring to an administrative city under Article 17 (2) of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City in cases of Jeju Special Self-Governing Province; the same shall apply hereinafter) or Gun or Gu (Gu meaning an autonomous Gu; the same shall apply hereinafter), having jurisdiction over an area subject to the master development plan.

(2) The head of an administrative agency who formulates a master development plan shall submit a draft strategic environmental impact assessment report printed and bound in book form in accordance with Article 12 (2) of the Act, and the number of copies to be submitted to each authority shall be as follows:

1. The head of the consulting agency: 20 copies;
2. The head of the approving authority: five copies;
3. The head of the local environment office having jurisdiction over an area subject to the master development plan (excluding cases where the head of a local environment office becomes the head of the consulting agency): three copies;
4. The Mayor of the Special Metropolitan City or the Metropolitan City or the Governor of the Do or Special Self-Governing Province with jurisdiction over an area subject to the master development plan: three copies;
5. The head of the Si/Gun/Gu with jurisdiction over an area subject to the master development plan: five copies.

(3) Upon receipt of a draft strategic environmental impact assessment report under Article

12 (2) of the Act, a person may notify the head of the administrative agency who intends to formulate the master development plan of his/her opinions on the anticipated environmental impact of the relevant plan, measures for environmental conservation, etc., within 30 days from the date when the draft strategic environmental impact assessment report is filed.

Article 13 (Publication of Draft Strategic Environmental Impact Assessment Reports for Public Inspection, etc.)

(1) The head of an administrative agency who intends to formulate a master development plan shall publish the following matters at least once in a general daily newspaper having nationwide distribution under Article 9 (1) of the Act on the Promotion of Newspapers, Etc. (hereinafter referred to as "daily newspaper") and a general daily newspaper having nationwide distribution mainly in an area subject to the master development plan (hereinafter referred to as "local newspaper") respectively within ten days from the date he/she submits a draft strategic environmental impact assessment report under Article 12 (2) of the Act and shall make the following matters available for public inspection by residents, etc. in an area subject to the master development plan (hereinafter referred to as "residents") for a period of at least 20 days but not exceeding 40 days;

1. Summary of the master development plan;
2. Period and place of public inspection of the draft strategic environmental impact assessment report;
3. Timing and methods for presenting opinions on the draft strategic environmental impact assessment report (including opinions as to whether to hold a public hearing).

(2) When the head of an administrative agency who intends to formulate a master development plan publishes information and makes the information available for public inspection under paragraph (1), he/she shall give notice of the publication and public inspection as follows:

1. The information and communications network of the Si/Gun/Gu with jurisdiction over an area subject to the master development plan or of the administrative agency that intends to formulate the master development plan: The notice of publication and public inspection and summary of the draft strategic environmental impact assessment report;
2. The information support system for environmental impact assessment: The notice of publication and public inspection and the draft strategic environmental impact assessment report.

(3) When the head of an administrative agency who intends to formulate a master development plan intends to publish information under paragraph (1), he/she shall hear the opinion as to the period, place, etc. of public inspection from the head of the Si/Gun/Gu having jurisdiction over an area subject to the master development plan before determining such matters and shall prepare at least one place for public inspection in the area subject to the master development plan.

Article 14 (Methods, etc. for Presentation of Opinions of Residents, etc.)

Residents may present their opinions on the environmental impact anticipated from the formulation of the relevant plan, measures for environmental conservation, a request for

holding a public hearing, etc. to the head of an administrative agency who intends to formulate a master development plan, during a period from the beginning of a period for public inspection of the draft strategic environmental impact assessment report to not more than seven days after the end of the period for public inspection of the draft strategic environmental impact assessment report.

Article 15 (Presentation)(1) The head of an administrative agency who intends to formulate a master development plan shall hold a presentation under the main sentence of Article 13 (1) of the Act during the period for public inspection of the draft strategic environmental impact assessment report.

(2) If an area subject to a master development plan straddles at least two Sis/Guns/Gus, the head of an administrative agency who intends to formulate the master development plan shall hold a presentation in each Si/Gun/Gu: Provided, That the head of an administrative agency who intends to formulate a master development plan may hold a presentation under an agreement between him/he and the head of each Si/Gun/Gu.

(3) When the head of an administrative agency who intends to formulate a master development plan intends to hold a presentation under paragraph (1) or (2), he/she shall publish the overview of the project under the master development plan, the timing and place of the presentation, etc. at least once in a daily newspaper and a local newspaper, respectively, by no later than seven days before the date of the presentation: Provided, That the foregoing shall not apply where the notice of holding a presentation is given with the publication of the draft strategic environmental impact assessment report under Article 13 (1).

Article 16 (Public Hearings, etc.)(1) In either of the following cases, the head of an administrative agency who intends to formulate a master development plan shall hold a public hearing pursuant to the proviso to Article 13 (1) of the Act:

1. If the number of residents who have presented opinions that it would be necessary to hold a public hearing under Article 14 is at least 30 persons;
2. If the number of residents who have submitted opinions that it would be necessary to hold a public hearing under Article 14 is at least five persons, constituting at least 50 percent of all residents who have presented opinions on the draft strategic environmental impact assessment report.

(2) If the head of an administrative agency who intends to formulate a master development plan deems it necessary to extensively gather opinions from relevant experts and residents, he/she may hold a public hearing after the end of the period for public inspection of a draft strategic environmental impact assessment report.

(3) When the head of an administrative agency who intends to formulate a master development plan intends to hold a public hearing under paragraph (1) or (2), he/she shall publish the following matters in a daily newspaper and a local newspaper respectively by no later than 14 days from the date of the public hearing:

1. Overview of the master development plan;

2. Date, time, and venue for the public hearing;
3. Other matters necessary for efficient operation of the public hearing.
- (4) The head of an administrative agency who intends to formulate a master development plan shall notify the head of the Si/Gun/Gu having jurisdiction over an area subject to the master development plan of the results of a public hearing, by no later than seven days after the end of the public hearing, as prescribed by Ordinance of the Ministry of Environment.
- (5) Except as otherwise provided for in paragraphs (1) through (4), matters necessary for holding a public hearing shall be prescribed by Ordinance of the Ministry of Environment.

Article 17 (Areas for which Collection of Opinions from Relevant Experts, etc. is Necessary)

"The areas specified by Presidential Decree" in Article 13 (2) of the Act means the following areas:

1. Natural environment conservation areas under subparagraph 4 of Article 6 of the National Land Planning and Utilization Act;
2. Natural parks under subparagraph 1 of Article 2 of the Natural Parks Act;
3. Wetlands conservation areas and managed wetland environs under Article 8 (1) of the Wetlands Conservation Act;
4. Areas subject to special measures under Article 38 of the Framework Act on Environmental Policy.

Article 18 (Omitting Presentation or Public Hearings)(1) Cases where a presentation or public hearing may be omitted under Article 13 (3) of the Act shall be as follows:

1. Where it is impracticable to hold or continue a presentation in a normal condition because of disturbance of residents, etc.;
2. Where it is impracticable to hold or continue a public hearing in a normal condition because of disturbance of residents, etc., although it has been attempted to hold a public hearing at least twice.

(2) When the head of an administrative agency who intends to formulate a master development plan omits a presentation or public hearing under paragraph (1), he/she shall take the following measures pursuant to the latter part of Article 13 (3) of the Act and shall endeavor to hear opinions of residents, etc. in good faith by other means:

1. Where a presentation is omitted: The following measures:
 - (a) Publishing the grounds for omitting the presentation, the method for public inspection of presentation materials, etc. at least once in a daily newspaper and a local newspaper, respectively;
 - (b) Posting the reasons why the presentation is omitted, presentation materials, etc. on the information and communications network of the Si/Gun/Gu having jurisdiction over an area subject to the master development plan or of the administrative agency that intends to formulate the master development plan or on the information support system for environmental impact assessment;
2. Where a public hearing is omitted: Publishing the reasons why the public hearing is

omitted, the timing and method for presenting opinions, the method for public inspection of presentation materials, etc. at least once in a daily newspaper and a local newspaper respectively.

(3) When the head of an administrative agency who intends to formulate a master development plan intends to give public notice under paragraph (2) 2, he/she shall consult with the head of the Si/Gun/Gu having jurisdiction over an area subject to the master development plan on the timing, period, etc. for presenting opinions.

Article 19 (Publication of Results of Opinions Collected from Residents, etc. and whether to Reflect such Opinions)

Pursuant to Article 13 (4) of the Act, the head of an administrative agency who intends to formulate a master development plan shall post the results of opinions collected from residents, etc. and whether such opinions have been reflected in the plan on the information and communications network of the Si/Gun/Gu having jurisdiction over an area subject to the master development plan or of the administrative agency that intends to formulate the master development plan or on the information support system for environmental impact assessment for at least 14 days before finalizing the master development plan.

Article 20 (Re-collection of Opinions of Residents, etc.)

"The important matters specified by Presidential Decree" in Article 15 of the Act means where the scale of a master development plan on which consultation has been requested under Article 16 of the Act increases by at least 30 percent: Provided, That the foregoing shall not apply where the scale of a master development plan under subparagraph 2 (a) (i), (e) (ii), or (g) (ii) of subparagraph 2 of attached Table 2 increases within the minimum extent of an area specified by Ordinance of the Ministry of Environment (hereinafter referred to as "minimum extent of area") in an area where the master development plan is affected by each item of assessment determined under Article 11 of the Act.

SECTION 3 Consultations, etc. on Strategic Environmental Impact Assessment Reports

Article 21 (Preparation of Draft of Written Assessment)(1) The strategic environmental impact assessment report referred to in Article 16 (1) or (2) of the Act (hereinafter referred to as "strategic environmental impact assessment report") shall include the following matters: <Amended by Presidential Decree No. 26807, Dec. 30, 2015>

1. The items, etc. subject to the strategic environmental impact assessment, determined under Article 11 (1) or (3) of the Act, and measures taken therefor;
2. The results of review of opinions of residents, etc. under Article 10 (2);
3. The matters specified in Article 11 (1). If the strategic environmental impact assessment report concerns a governmental plan in such cases, the term "master development plan" shall be construed as "governmental plan";
4. Opinions of residents and relevant administrative agencies on the draft strategic environmental impact assessment report and whether such opinions have been reflected in the relevant plan (applicable only to a master development plan);

5. Appendices:

- (a) Literature and references cited in strategic environmental impact assessment;
- (b) Personal data of participants in strategic environmental impact assessment;
- (c) A document that indicates the contract amount for strategic environmental impact assessment agency service, such as a copy of an agreement on strategic environmental impact assessment agency service (limited to where an agent is engaged for the formulation of a strategic environmental impact assessment report);
- (d) Glossary, etc.

(2) Further details about contents of a strategic environmental impact assessment report, the method of making a strategic environmental impact assessment report, etc. shall be determined and publicly notified by the Minister of Environment, in consultation with the heads of relevant central administrative agencies: Provided, That further details about a governmental plan may be determined and publicly notified separately by the head of the relevant central administrative agency.

Article 22 (Method of Submitting Strategic Environmental Impact Assessment Reports, Timing for Requesting Consultations, etc.)(1) Pursuant to Article 16 (1) or (2) of the Act, a strategic environmental impact assessment report shall be printed, bound, and submitted in the form of a book, and the number of copies to be submitted to each relevant authority shall be as follows:

- 1. The head of the approving agency: Five copies;
- 2. The head of the consulting agency: 20 copies.

(2) The timing for holding consultations on a strategic environmental impact assessment report under Article 16 (1) or (2) of the Act is as prescribed in attached Table 2.

(3) If a plan determines at least two master development plans with identical objectives successively or includes at least two indivisible master development plans for identical objectives, such plans may be integrated for the purpose of requesting consultations on strategic environmental impact assessment.

(4) Upon receipt of a strategic environmental impact assessment report under Article 16 (2) of the Act, the head of the approving agency shall request the head of the consulting agency to hold consultations within ten days from receipt of the strategic environmental impact assessment report.

Article 23 (Review, Amendment, Adjustment, etc. of Strategic Environmental Impact Assessment Reports)(1) Pursuant to Article 17 (1) of the Act, the head of the consulting agency shall review the following matters with respect to each strategic environmental impact assessment report:

- 1. Eligibility for consultations and other formalities;
- 2. Compliance with the procedures for collecting opinions of residents, etc. and reflection of opinions of residents;
- 3. Validity of contents of the strategic environmental impact assessment report.

(2) "The grounds specified by Presidential Decree" in Article 17 (3) of the Act means that a

strategic environmental impact assessment report has not been prepared in accordance with the contents, method, etc. prescribed in Article 21.

(3) If the head of the consulting agency deems it necessary for reviewing a strategic environmental impact assessment report, he/she may seek opinions from relevant experts thereon.

(4) Except as otherwise provided for in paragraphs (1) through (3), matters necessary for the guidelines for review of strategic environmental impact assessment reports and amendment and adjustment thereof shall be determined by the Minister of Environment.

Article 24 (Requests to Submit Data for Reviewing Strategic Environmental Impact Assessment Reports)

If the head of the consulting agency deems necessary for reviewing a strategic environmental impact assessment report, he/she may request the head of the competent administrative agency under Article 17 (3) of the Act (hereinafter referred to as "head of the competent administrative agency") to submit relevant data. In such cases, the head of the competent administrative agency shall comply with such request, except in extenuating circumstances.

Article 25 (Period for Notification of Agreed Terms and Conditions)

"The period specified by Presidential Decree" in Article 18 (1) of the Act means 30 days (40 days, if the head of the consulting agency extends the period due to extenuating circumstances). In such cases, the period that the head of the competent administrative agency takes to amend the strategic environmental impact assessment report and holidays shall be excluded in the period for notification.

Article 26 (Notification, etc. of Results of Performance of Agreed Terms and Conditions)

(1) The head of the competent administrative agency shall notify the head of the consulting agency of the results of measures taken or a plan for taking measures with respect to agreement terms and conditions within 30 days from the date on which such measures are taken or such plan for taking measures is finalized pursuant to Article 19 (1) of the Act.

(2) If the head of the competent administrative agency has difficulty in reflecting agreed terms and conditions in the relevant plan in accordance with Article 19 (2) of the Act due to a particular reason, he/she shall present a statement of relevant facts and the reason to the head of the consulting agency, and the head of the consulting agency shall examine the validity of the statement presented, within 20 days from the date he/she receives the statement and shall notify the head of the competent administrative agency of the results thereof.

Article 27 (Management, Supervision, etc. of Results of Measures or Plans for Measures)

(1) If the head of the consulting agency deems it necessary for ascertaining the outcomes from taking measures taken under Article 19 (1) or the performance of a plan for such measures, he/she may check the performance of agreed terms and conditions, the progress of performance, etc. with the head of the competent administrative agency.

(2) If the head of the consulting agency finds, from ascertaining under paragraph (1), any agreed term or condition not performed, he/she may request the head of the competent administrative agency to take measures necessary for performance of such term or condition.

(3) Upon receipt of a request from the head of the consulting agency under paragraph (2), the head of the competent administrative agency shall comply with such request, except in extenuating circumstances.

Article 28 (Cases subject to Re-consultation)(1) Cases where it is required to conduct strategic environmental impact assessment again under Article 20 of the Act shall be as follows: <Amended by Presidential Decree No. 26807, Dec. 30, 2015>

1. Where the scale is increased by at least 30 percent of the scale reflected in agreed terms and conditions under Article 18 of the Act (including where the scale increased by accumulated changes is at least 30 percent of the scale reflected in the consultation under Article 18 of the Act or in the re-consultation under Article 20 of the Act): Provided, That the foregoing shall not apply where the scale of a master development plan under subparagraph 2 (a) (i), (e) (ii), or (g) (ii) of subparagraph 2 of attached Table 2 increases within the minimum extent in an area where master development plan is affected by each item of assessment determined under Article 11 of the Act;

2. Where a land use plan is amended with respect to at least ten percent of the area specified as the area that shall be conserved in its original state or that shall be excluded from the plan according to the agreed terms and conditions notified under Article 18 of the Act and the area subject to the amendment is at least 10,000 square meters: Provided, That the foregoing shall not apply where consultation with the head of the consulting agency has been completed on environmental impact assessment under Article 27, 32, or 33 of the Act.

(2) Notwithstanding the main sentence of paragraph (1) 1, the increased portion shall be not less than the area specified in any of the following subparagraphs, where the relevant plan is an urban/Gun management plan pursuant to subparagraph 4 of Article 2 of the National Land Planning and Utilization Act:

1. 60,000 square meters, where the plan is for an urban area defined under Article 36 (1) 1 of the National Land Planning and Utilization Act (excluding green areas);

2. 10,000 square meters, where the plan is for other than an area referred to in subparagraph 1;

3. An area the aggregate of which calculated by the following formula is one, where the area over which it is intended to formulate the plan straddles areas referred to in subparagraphs 1 and 2: [Area under subparagraph 1 / Minimum area subject to strategic environmental impact assessment under subparagraph 1] + [Area under subparagraph 2 / Minimum area subject to strategic environmental impact assessment under subparagraph 2].

(3) If the head of an administrative agency who formulates a master development plan includes adjoining land, etc. merely for the purpose of security control or safety management or for securing a buffer zone, without any development work, the area of such land, etc. shall not be deemed an increase in the planned scale under paragraph (1) 1.

Article 29 (Consultations on Amendment of Master Development Plans)(1) "When the head of the competent administrative agency intends to amend a master development plan with respect to any of the matters specified by Presidential Decree" in Article 21 (1) of the Act means any of the following cases:

1. Where the scale of the plan increases by at least five percent but less than 30 percent of the scale reflected in agreed terms and conditions under Article 18 of the Act;
2. Where the scale of the plan is not subject to re-consultation under the main sentence of Article 28 (1) 1 but increases by not less than the minimum scale subject to strategic environmental impact assessment;
3. Where the plan falls under the proviso to Article 28 (1) 1;
4. Where the area subject to an urban/Gun management plan under subparagraph 4 of Article 2 of the National Land Planning and Utilization Act is increased by at least 30 percent of the scale reflected in agreed terms and conditions under Article 18 of the Act, but the increased area is less than the area specified in the relevant subparagraph of Article 28 (2);
5. Where the area specified in the agreed terms and conditions notified under Article 18 of the Act as an area that shall be conserved in its original state or that shall be excluded from development is developed, but the developed area is less than the area subject to re-consultation under the main sentence of Article 28 (1) 2;
6. Where it is intended to amend any of the matters specified in the agreed terms and conditions notified under Article 18 (1) of the Act as matters on which the opinion of the head of the consulting agency shall be sought when it is intended to amend such, taking into consideration the nature of the relevant project plan.

(2) If the head of an administrative agency who formulates a master development plan includes adjoining land, etc. merely for the purpose of security control or safety management or for securing a buffer zone, without development activity, such inclusion shall not be deemed an amendment under any subparagraph of paragraph (1).

(3) Notwithstanding paragraph (1), the consultation under paragraph (1) is not required when consultation with the head of the consulting agency has been completed on environmental impact assessment under Article 27, 32, or 33 of the Act with regard to the intended amendment to the master development plan. <Amended by Presidential Decree No. 26807, Dec. 30, 2015>

(4) If the head of the approving agency deems it necessary to seek the opinion of the consulting agency on the feasibility of an amendment to a master development plan, the appropriateness of site location, etc. when he/she intends to amend the plan, he/she may also consult with the head of the consulting agency on the amendment to any matter not specified in paragraph (1).

(5) A person who intends to consult with the head of the consulting agency on an amendment to a master development plan under Article 21 (1) of the Act shall prepare a document about the following matters and submit it to the head of the consulting agency:

1. Details of the amendment to the master development plan;

2. Grounds for the feasibility of the amendment to the master development plan, the appropriateness of site location, etc.

Article 30 (Consultations on Amendment of Governmental Plans)(1) "When the head of the competent administrative agency intends to amend a governmental plan with regard to any of the matters specified by Presidential Decree" in Article 21 (2) of the Act means when the head of the competent administrative agency intends to amend a governmental plan with regard to any of the matters specified in the agreed terms and conditions notified under Article 18 (1) of the Act as those on which the head of the competent administrative agency shall seek the opinion of the consulting agency before making any amendment thereto.

(2) A person who intends to consult with the head of the consulting agency on an amendment to a governmental plan under Article 21 (2) of the Act shall prepare a document about the following matters and submit it to the head of the consulting agency:

1. Details of the amendment to the governmental plan;
2. Grounds for the feasibility of the amendment to the governmental plan.

CHAPTER III ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 1 Subject Matters of Environmental Impact Assessment

Article 31 (Projects subject to Environmental Impact Assessment and Scope of such Projects)(1) "The facilities specified by Presidential Decree" in Article 22 (1) 18 of the Act means disposal facilities or public disposal facilities under subparagraph 8 or 9 of Article 2 of the Act on the Management and Use of Livestock Excreta.

(2) Further details about the categories and scope of projects subject to environmental impact assessment under Article 22 (2) of the Act are as prescribed in attached Table 3.

SECTION 2 Collection, etc. of Opinions on Draft Environmental Impact Assessment Reports

Article 32 (Period for Deliberation on Preparatory Statements for Assessment, etc.)(1) "The period specified by Presidential Decree" in the main sentence of Article 24 (1) of the Act means a period from the day a project plan subject to environmental impact assessment is formulated until the day immediately before the date a draft environmental impact assessment report under Article 25 (1) of the Act is completed.

(2) "The period specified by Presidential Decree" in Article 24 (4) of the Act means 30 days. In such cases, a period that a project implementer under Article 22 (1) of the Act (hereafter in this Chapter referred to as "project implementer") needs for amending a preparatory statement for evaluation and holidays shall be excluded in the period of deliberation.

Article 33 (Publication, etc. of Determined Items, etc. of Environmental Impact Assessment)(1) The items, etc. of strategic environmental impact assessment, as determined under Article 24 (7) of the Act, shall be published within 20 days from the date of determination and shall be posted on the information and communications network operated by the head of the relevant Si/Gun/Gu or the head of the approving agency or on the information support system for environmental impact assessment for at least 14 days. <Amended by Presidential Decree No. 25713, Nov. 11, 2014>

(2) If residents, etc. present opinions on the items, etc. of environmental impact assessment, which have been published under paragraph (1), the head of the approving agency or the head of the consulting agency shall review such opinions and shall include the opinions in the draft environmental impact assessment report under Article 25 (1) of the Act or the summary assessment report under Article 51 (1) of the Act.

Article 34 (Preparation of Draft Environmental Impact Assessment Reports)(1) A draft environmental impact assessment report under Article 25 (1) of the Act (hereinafter referred to as "draft environmental impact assessment report") shall include the following matters:

1. Summary;
2. Overview of the relevant project;
3. The extent of an area affected by each item of assessment by the implementation of the project subject to environmental impact assessment and the present environmental condition of its environs;
4. Whether agreed terms and conditions have been reflected, if consultations on strategic environmental impact assessment have been held under Article 18 of the Act;
5. The items, etc. of environmental impact assessment, determined under Article 24 (1) and (4) of the Act, and measures taken therefor;
6. Results of environmental impact assessment on the following matters:
 - (a) Results of survey, forecasting, and evaluation on each item of environmental impact assessment;
 - (b) Measures for environmental conservation;
 - (c) Inevitable environmental impacts and countermeasures against such impacts;
 - (d) Formulation and evaluation of alternatives;
 - (e) Comprehensive evaluation and conclusion;
 - (f) A plan for follow-up survey of environmental impacts.

(2) Except as otherwise provided for in paragraph (1), further details about the method of making a draft environmental impact assessment report shall be determined and publicly notified by the Minister of Environment.

Article 35 (Methods, etc. of Submitting Draft Environmental Impact Assessment Reports)(1) Pursuant to Article 25 (2) of the Act, a project implementer shall submit a draft environmental impact assessment report to the heads of the following administrative agencies:

1. The head of the Si/Gun/Gu having jurisdiction over a project zone subject to environmental impact assessment (hereinafter referred to as "relevant project zone") (referring to the head of the Si/Gun/Gu having jurisdiction over the largest or longest section of the relevant project zone, if the relevant project zone straddles the areas within jurisdiction of at least two Sis/Guns/Gus);
2. The head of the Si/Gun/Gu who is not the head of the Si/Gun/Gu referred to in subparagraph 1 (hereinafter referred to as "the competent head of Si/Gun/Gu") but has jurisdiction over an area subject to environmental impact assessment (hereinafter referred

to as "head of a related Si/Gun/Gu");

3. The head of the approving agency;

4. The head of the consulting agency;

5. The head of the local environmental office having jurisdiction over an area subject to environmental impact assessment (excluding cases where the head of a local environment office becomes the head of the consulting agency);

6. The Mayor of the Special Metropolitan City or the Metropolitan City or the Governor of the Do or Special Self-Governing Province, having jurisdiction over an area subject to the relevant project zone.

(2) A draft environmental impact assessment report shall be submitted in the form of a printed and bound book, and the number of copies to be submitted to each authority shall be as follows:

1. The head of the competent Si/Gun/Gu: 10 copies;

2. The head of a related Si/Gun/Gu: 5 copies;

3. The head of the approving agency: 5 copies;

4. The head of the consulting agency: 20 copies;

5. The head of the local environment office having jurisdiction over an area subject to environmental impact assessment (excluding cases where the head of a local environment office becomes the head of the consulting agency): 3 copies;

6. The Mayor of the Special Metropolitan City or the Metropolitan City or the Governor of the Do or Special Self-Governing Province, having jurisdiction over the relevant project zone: 3 copies.

Article 36 (Publication of Draft Environmental Impact Assessment Reports for Public Inspection, etc.)(1) The head of the competent Si/Gun/Gu shall publish the following

matters at least once in a daily newspaper and a local newspaper respectively within ten days from the date when a draft environmental impact assessment report under Article 35 (1) of the Act is filed and shall make the following matters available for public inspection of residents, etc. in an area subject to environmental impact assessment (hereinafter referred to as "residents") for a period of not less than 20 days nor more than 40 days, except in extenuating circumstances, such as a natural disaster. In such cases, holidays shall be excluded in the period for public inspection:

1. Overview of the project;

2. Period and place of public inspection of the draft environmental impact assessment report;

3. Timing and methods for presenting opinions on the draft environmental impact assessment report (including opinions as to whether to hold a public hearing).

(2) When the head of the competent Si/Gun/Gu publishes information and makes the information available for public inspection under paragraph (1), he/she shall give notice of the publication and public inspection as follows:

1. The information and communications network of the Si/Gun/Gu with jurisdiction over the project zone: The notice of publication and public inspection and summary of the draft

environmental impact assessment report;

2. The information support system for environmental impact assessment: The notice of publication and public inspection and the draft environmental impact assessment report.

(3) When the head of the competent Si/Gun/Gu intends to publish information under paragraph (1), he/she shall hear the opinion on the period, place, etc. of public inspection from the head of the related Si/Gun/Gu before determining such matters and shall prepare at least one place for public inspection in an area within the jurisdiction of the head of the competent Si/Gun/Gu and an area within the jurisdiction of the head of the related Si/Gun/Gu, respectively.

Article 37 (Vicarious Execution of Procedures for Publication and Public Inspection by Head of Approving Agency)

(1) If the head of the competent Si/Gun/Gu does not publish a draft environmental impact assessment report or does not make a draft environmental impact assessment report available for public inspection within 20 days from the date when the draft environmental impact assessment report is filed, without valid cause, such as a natural disaster, the head of the approving agency may publish the draft environmental impact assessment report and make it available for public inspection on behalf of the head of the competent Si/Gun/Gu pursuant to Article 36.

(2) If the head of the approving agency intends to vicariously execute the procedures for publication and public inspection pursuant to paragraph (1), he/she shall notify the head of the competent Si/Gun/Gu of his/her intention.

(3) Articles 36, 38, and 39 shall apply mutatis mutandis to the procedures applicable to cases where the head of the approving agency vicariously executes publication and public inspection pursuant to paragraph (1). In such cases, the term "the competent head of Si/Gun/Gu" shall be deemed "the head of the approving agency."

Article 38 (Methods, etc. for Presentation of Opinions of Residents, etc.)

(1) Residents may present their opinions on the environmental impact anticipated as a consequence of the implementation of the relevant project, measures for environmental conservation, a request for holding a public hearing, etc. to the head of the competent Si/Gun/Gu or to the head of the related Si/Gun/Gu, during a period from the beginning of the period for public inspection of the draft environmental impact assessment report to not more than seven days after the end of the period for public inspection of the draft environmental impact assessment report. Upon receipt of opinions from residents in such cases, the head of the related Si/Gun/Gu shall notify the head of the competent Si/Gun/Gu of the residents' opinions within ten days from the end of the period for public inspection of the draft environmental impact assessment report.

(2) The head of an administrative agency referred to in the provisions of Article 35 (1) 2 through 6 may notify the head of the competent Si/Gun/Gu of his/her opinion on the environmental impact anticipated as a consequence of the implementation of the relevant project, measures for environmental conservation, etc. within 30 days from the date when the draft environmental impact assessment report is filed.

(3) Upon receipt of the opinions presented or notified under paragraph (1) or (2), the head of the competent Si/Gun/Gu shall notify the project implementer of the opinions presented or notified, within 14 days from the end of the period for public inspection of the draft environmental impact assessment report. If the head of the competent Si/Gun/Gu has an opinion on the draft environmental impact assessment report in such cases, he/may add his/her opinion to such notice.

Article 39 (Presentations)(1) A project implementer shall hold a presentation in accordance with Article 25 (2) of the Act during the period for public inspection of a draft environmental impact assessment report.

(2) If a project zone subject to environmental impact assessment straddles at least two Sis/Guns/Gus, the relevant project implementer shall hold a presentation in each Si/Gun/Gun respectively: Provided, That a project implementer may hold a presentation in either Si or Gun or Gu under an agreement with the heads of each Si/Gun/Gun involved.

(3) When a project implementer intends to hold a presentation under paragraph (1) or (2), he/she shall publish the overview of the project, the time and place of the presentation, etc. at least once in a daily newspaper and a local newspaper respectively, by no later than seven days before the date of the presentation: Provided, That the foregoing shall not apply where the notice of holding a presentation is given in the publication of the draft environmental impact assessment report under Article 36 (1).

Article 40 (Public Hearings, etc.)(1) In either of the following cases, a project implementer shall hold a public hearing in accordance with Article 25 (2) of the Act:

1. If the number of residents who have presented opinions that it is necessary to hold a public hearing under Article 38 is at least 30 persons;
2. If the number of residents who have presented opinions that it is necessary to hold a public hearing under Article 38 is at least five persons, constituting at least 50 percent of all residents who have presented opinions on the draft environmental impact assessment report.

(2) If a project implementer deems it necessary to extensively collect opinions from relevant experts and residents, he/she may hold a public hearing after the period for public inspection of a draft environmental impact assessment report.

(3) When a project implementer intends to hold a public hearing under paragraph (1) or (2), he/she shall publish the following matters in a daily newspaper and a local newspaper respectively by no later than 14 days from the date of the public hearing:

1. Overview of the project;
2. Date, time, and venue for the public hearing;
3. Other matters necessary for efficient operation of the public hearing.

(4) A project implementer shall notify the head of the competent Si/Gun/Gu and the head of the related Si/Gun/Gun of the results of a public hearing, by no later than seven days after the end of the public hearing, as prescribed by Ordinance of the Ministry of Environment.

(5) Except as otherwise provided for in paragraphs (1) through (4), matters necessary for

holding a public hearing shall be prescribed by Ordinance of the Ministry of Environment.

Article 41 (Omitting of Presentation or Public Hearings)(1) Cases where a presentation or public hearing may be omitted under Article 25 (2) of the Act shall be as follows:

1. Where it is impracticable to hold or continue a presentation in a normal condition because of disturbance of residents, etc.;
2. Where it is impracticable to hold or continue a public hearing in a normal condition because of disturbance of residents, etc., although it has been attempted to hold a public hearing at least twice.

(2) When a project implementer omits a presentation or public hearing under paragraph (1), he/she shall take the following measures and shall endeavor to hear opinions of residents, etc. in good faith by other means:

1. Where a presentation is omitted: The following measures:

(a) Publishing the grounds for omitting the presentation session, the method for public inspection of presentation materials, etc. at least once in a daily newspaper and a local newspaper respectively;

(b) Posting the reasons why the presentation session is omitted, presentation materials, etc. in the information and communications network of the relevant Si/Gun/Gu or in the information support system for environmental impact assessment;

2. Where a public hearing is omitted: Publishing the grounds for omitting the public hearing, the timing and method for presenting opinions, the method for public inspection of presentation materials, etc. at least once in a daily newspaper and a local newspaper respectively.

(3) When a project implementer intends to publish the matters referred to in paragraph (2) 2, he/she shall consult with the head of the competent Si/Gun/Gu on the timing, period, etc. for presenting opinions.

Article 42 (Areas for which Collection of Opinions from Relevant Experts, etc. is Necessary)

When a project implementer intends to implement a project subject to environmental impact assessment in any of the following areas in accordance with Article 25 (2) of the Act, he/she shall seek opinions of experts and persons who are not residents in the assessed area in addition to residents' opinions:

1. Natural environment conservation areas under subparagraph 4 of Article 6 of the National Land Planning and Utilization Act;
2. Natural parks under subparagraph 1 of Article 2 of the Natural Parks Act;
3. Wetlands conservation areas and managed wetland environs under Article 8 (1) of the Wetlands Conservation Act;
4. Areas subject to special measures under Article 38 of the Framework Act on Environmental Policy.

Article 43 (Publication of Results of Opinions Collected from Residents, etc. and whether to Reflect such Opinions)

Pursuant to Article 25 (3) of the Act, the results of opinions collected from residents, etc. and whether such opinions have been reflected in the relevant project plan shall be posted on the information and communications network operated by the head of the relevant Si/Gun/Gu or the head of the approving agency or on the information support system for environmental impact assessment for at least 14 days before finalizing the project plan.

Article 44 (Procedures for Omitting Drafting, etc. of Environmental Impact Assessment Reports)

(1) When a project implementer intends to omit the procedures for drafting an environmental impact assessment report and collecting opinions thereon under Article 25 (4) of the Act, he/she shall prepare documents evidencing that all the requirements prescribed in the aforesaid paragraph are met and shall request the head of the consulting agency to hold consultations thereon. In such cases, a project implementer obliged to obtain approval, etc., shall request consultations via the head of the approving agency.

(2) Upon receipt of a request for consultation under paragraph (1), the head of the consulting agency shall notify the project implementer of agreed terms and conditions within 30 days from the date when such request for consultation is made.

Article 45 (Re-collection of Opinions of Residents, etc.)

"Important matters specified by Presidential Decree" in Article 26 of the Act means the following cases:

1. Where the scale of a project subject to environmental impact assessment increases by at least 30 percent of the scale of a project on which consultation has been requested under Article 27 of the Act: Provided, That cases where the scale of a construction project specified in subparagraph 3 (c) (ii) or (d) (ii) or 5 or 7 (a) or (b) of attached Table 3 (limited to a project for a length of at least four kilometers) increases to the minimum extent of an area in the area affected by each item of assessment determined under Article 24 of the Act shall be excluded herefrom;

2. Where the scale of a project increases to not smaller than the minimum scale subject to environmental impact assessment under attached Table 3: Provided, That the foregoing shall not apply where only the building site of a factory under the Industrial Cluster Development and Factory Establishment Act increases and no additional damage to the natural environment or no additional emission of pollutants occurs;

3. Where it is intended to newly construct a waste incineration plant, waste landfill site, sewage treatment plant, or livestock excreta treatment plant (including public disposal facilities and recycling facilities), the scale of which is at least 50 percent of the minimum scale subject to environmental impact assessment;

4. Where a project implementer fails to submit an environmental impact assessment report in accordance with Article 27 of the Act within five years from the end of the period for public inspection of the draft environmental impact assessment report.

SECTION 3 Consultation, Re-consultation, etc., on Environmental Impact Assessment Reports and Amendments thereof

Article 46 (Preparation, etc. of Environmental Impact Assessment Reports)(1) The

environmental impact assessment report under Article 27 of the Act (hereinafter referred to as "environmental impact assessment report") shall include the following matters: <Amended by Presidential Decree No. 26807, Dec. 30, 2015>

1. The items, etc. of environmental impact assessment, determined under Article 24 (1) or (2) of the Act, and measures taken therefor;
 2. The results of review of opinions of residents, etc. under Article 33 (2);
 3. The matters specified in Article 34 (1).
 4. Opinions of residents, experts, and relevant administrative agencies on the draft environmental impact assessment report and the project implementer's opinion of review thereon;
 5. Appendices:
 - (a) Literature and references cited in making the environmental impact assessment;
 - (b) Personal data of participants in environmental impact assessment;
 - (c) A document that indicates the contract amount for strategic environmental impact assessment agency service, such as a copy of an agreement on strategic environmental impact assessment agency service (limited to where an agent is engaged for the preparation of a strategic environmental impact assessment report);
 - (d) Glossary, etc.
- (2) The method of preparing the matters specified in paragraph (1) and other matters necessary for making an environmental impact assessment report shall be determined and publicly notified by the Minister of Environment.

Article 47 (Methods of Submitting Environmental Impact Assessment Reports, Timing for Requesting Consultations, etc.)(1) Pursuant to Article 27 (1) or (2) of the Act, an environmental impact assessment report shall be printed, bound, and submitted in the form of a book, and the number of copies to be submitted to each relevant authority shall be as follows:

1. The head of the approving agency: Five copies;
 2. The head of the consulting agency: 20 copies.
- (2) The timing for consultations on an environmental impact assessment report under Article 27 (1) of the Act is as prescribed in attached Table 3.
- (3) Upon receipt of an environmental impact assessment report under Article 27 (2) of the Act, the head of the approving agency shall request the head of the consulting agency to hold consultations within ten days from receipt of the environmental impact assessment report.

Article 48 (Review, Amendment, Adjustment, etc. of Environmental Impact Assessment Reports)(1) Pursuant to Article 28 (1) of the Act, the head of the consulting agency shall review the following matters with respect to an environmental impact assessment report:

1. Eligibility for consultations and other formalities;
2. Compliance with the procedures for collecting opinions of residents, etc. and reflection of

opinions of residents;

3. Validity of details of the environmental impact assessment report.

(2) "The reasons specified by Presidential Decree" in Article 28 (3) of the Act are as follows:

1. The environmental impact assessment report has not been made in accordance with the contents, method, etc. prescribed in Article 46;

2. The implementation of the project subject to environmental impact assessment is likely to damage the environment, and it is deemed necessary to adjust or amend the project plan, etc.

(3) If the head of the consulting agency deems it necessary for reviewing an environmental impact assessment report, he/she may seek opinions of relevant experts thereon.

(4) If the head of the consulting agency deems it necessary for reviewing an environmental impact assessment report, he/she may request the head of the approving agency to furnish him/her with relevant data, etc. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

(5) Except as otherwise provided for in paragraphs (1) through (4), matters necessary for the guidelines for review of environmental impact assessment reports and amendment and adjustment thereof shall be determined by the Minister of Environment.

Article 49 (Projects subject to Environmental Impact Assessment on which Opinion shall be Sought from Minister of Oceans and Fisheries)

"The projects specified by Presidential Decree" in Article 28 (2) 2 of the Act are as follows: Provided, That projects subject to approval, etc., from the Minister of Oceans and Fisheries shall be excluded herefrom: <Amended by Presidential Decree No. 24451, Mar. 23, 2013>

1. Projects for construction of a harbor;

2. Projects for reclamation of coastal land and development of land;

3. Projects that involve a coastal land area defined under subparagraph 3 of Article 2 of the Coast Management Act;

4. Other projects deemed to have a serious impact on marine environment by the Minister of Environment.

Article 50 (Period for Notification of Agreed Terms and Conditions)

"The period specified by Presidential Decree" in the main sentence of Article 29 (1) of the Act means 45 days (60 days, if the head of the consulting agency extends the period due to extenuating circumstances). In such cases, the period that a project implementer takes to amend the environmental impact assessment report and holidays shall be excluded in the period for notification.

Article 51 (Notification, etc. of Results of Reflection of Agreed Terms and Conditions)

If the head of the approving agency shall notify the head of the consulting agency as to whether agreed terms and conditions have been reflected and the details so reflected pursuant to Article 30 (3) of the Act, he/she shall give notice within 30 days from the date on which he/she approves or confirms the relevant project or project plan (hereinafter referred to as "project or project plan") reflecting the agreed terms and conditions under Article 29 (1)

of the Act.

Article 52 (Requests for Adjustment)

A person who intends to request adjustment of agreed terms and conditions under Article 31 (1) of the Act shall submit a document describing the following matters to the Minister of Environment within 90 days from the date on which the agreed terms and conditions are notified under Article 29 of the Act: <Amended by Presidential Decree No. 25713, Nov. 11, 2014>

1. Details of, and reasons for, requested adjustment;
2. Agreed terms and conditions to be amended;
3. Analysis of the environmental impacts ensuing from the amendment to agreed terms and conditions.

Article 53 (Period for Notification of Results of Deliberation on Requests for Adjustment)

"The period specified by Presidential Decree" in Article 31 (2) of the Act means 30 days (40 days, if the period is extended due to extenuating circumstances). In such cases, the period for amending the request for adjustment and holidays shall be excluded in the period for notification.

Article 54 (Cases subject to Re-consultation on Environmental Impact Assessment Reports)(1) "The period specified by Presidential Decree" in the main sentence of Article 32

(1) 1 of the Act means five years. <Amended by Presidential Decree No. 25713, Nov. 11, 2014>

(2) Cases subject to re-consultation due to a change in a project subject to environmental impact assessment under Article 32 (1) 2 of the Act are as follows: <Amended by Presidential Decree No. 26807, Dec. 30, 2015>

1. Where the scale of a project or facility increases by at least 30 percent from the original scale which has been reflected in the agreed terms and conditions under Article 29 (1) of the Act (including where the scale increased by accumulated changes is at least 30 percent of the scale which has been reflected in the agreed terms and conditions under 29 (1) of the Act and the terms and conditions agreed by re-consultation under Article 32 (1) of the Act): Provided, That the following cases shall be excluded herefrom:

(a) Where the scale of a project for the construction of a power transmission line under subparagraph 3 (c) (ii) or (d) (ii) of attached Table 3, a project for dredging a sea route under subparagraph 4 (c) of the aforesaid Table, a project for the construction of a road under subparagraph 5 of the aforesaid Table, a project for the construction of a railroad under subparagraph 7 (a) or (b) of the aforesaid Table, a project for the development of a river under subparagraph 9 of the aforesaid Table, or a project for the construction of a forest road under subparagraph 12 (b) of the aforesaid Table (hereinafter referred to as "linear project") is additionally increased after the project was completed in accordance with the agreed project plan, etc.;

(b) Where a linear project (limited to a project the length of which is at least four kilometers,

in cases of a project for the construction of a railroad under subparagraph 7 (a) or (b) of attached Table 3) is increased for the minimum area within the area affected by each item of assessment determined under Article 24 of the Act;

2. Where the scale of a project increases to not smaller than the minimum scale subject to environmental impact assessment under attached Table 3: Provided, That the foregoing shall not apply where only the building site of a factory under the Industrial Cluster Development and Factory Establishment Act increases and no additional damage to natural environment or no additional pollutants are emitted;

3. Deleted. <by Presidential Decree No. 25713, Nov. 11, 2014>

(3) "Where the area that it is intended to develop is not smaller than the scale specified by Presidential Decree or where it is intended to alter the location of such area" in Article 32 (1) 3 of the Act means where the area which is intended to develop or relocate, out of the area specified to be conserved in its original state or to be excluded from the project according to the agreed terms and conditions notified under Article 29 (1) of the Act, is at least 30 percent of the minimum scale of the project subject to environmental impact assessment (including cases where the scale of the area to be developed according to accumulated changes is at least 30 percent of the minimum scale of the project subject to environmental impact assessment).

(4) "The events specified by Presidential Decree" in Article 32 (1) 4 of the Act are as follows: <Amended by Presidential Decree No. 25713, Nov. 11, 2014>

1. Where a project implementer who omits re-consultation on an environmental impact assessment report because the relevant project falls within the category under the proviso to paragraph (2) 2 intends to conduct any act causing damage to natural environment or emitting pollutants in the relevant site;

2. Where construction works are resumed after being suspended for at least seven years.

Article 55 (Documents, etc. to be Submitted for Requesting Review of Plans for Environmental Conservation)(1) A person who intends to receive a review of a plan for environmental conservation in accordance with the main sentence of Article 33 (2) of the Act shall submit documents describing the following matters, to the head of the approving agency:

1. Details of the amendment to the project plan, etc.;

2. Outcomes of the survey, forecasting, and assessment of the environmental impact ensuing from the amendment to the project plan, etc.;

3. Details of the plan for environmental conservation following the amendment to the project plan, etc.

(2) "Cases specified by Presidential Decree" in Article 33 (3) of the Act are as follows: <Amended by Presidential Decree No. 25713, Nov. 11, 2014; Presidential Decree No. 26807, Dec. 30, 2015>

1. Where the guidelines for consultations are amended;

2. Where the scale of a project or facility falls within either of the following cases: Provided,

That where the scale of a linear project is additionally increased after the project has been completed in accordance with the agreed project plan, etc. or where a linear project (limited to a project the length of which is at least four kilometers, in cases of a project for the construction of a railroad under subparagraph 7 (a) or (b) of attached Table 3) is increased for the minimum area within the area affected by each item of assessment determined under Article 24 of the Act shall be excluded herefrom:

(a) Where the scale of a project or facility is increased by at least ten percent from the original scale which has been reflected in the agreed terms and conditions under Article 29 (1) of the Act (including where the scale increased by accumulated changes is at least ten percent of the scale which has been reflected in the agreed terms and conditions under 29 (1) of the Act and the terms and conditions agreed by re-consultation under Article 32 (1) of the Act):

(b) Where an increase in the scale of a project on which consultation has been held under Article 29 (1) of the Act amounts to a project subject to small-scale environmental impact assessment under Article 43 of the Act (where a temporary site office is built for the management of construction works of the relevant project or a construction project specified in subparagraph 3 (c) (ii) or (d) (ii) of attached Table 3 does not cause any change in form and quality of land, the area for such site office or construction project shall be excluded);

3. Deleted. <by Presidential Decree No. 25713, Nov. 11, 2014>

4. Where a land use plan is amended with respect to at least five percent of the area specified as the area that shall be conserved in its original state or that shall be excluded from the plan according to the agreed terms and conditions under Article 29 (1) of the Act, or the area subject to the amendment in the relevant region is at least 10,000 square meters (including where the increase in the area to be developed by accumulated changes exceeds five percent of the scale which has been reflected in the agreed terms and conditions under 29 (1) of the Act or the terms and conditions agreed by re-consultation under Article 32 (1) of the Act or is at least 10,000 square meters);

5. A land use plan is amended with respect to at least 15 percent of the area of the building site included in the agreed terms and conditions under Article 29 (1) of the Act (referring to the whole area of the building site reflected in the final consultation, where a project has undergone re-consultation under Article 32 (1) of the Act or consultation on an amendment under Article 33 (3) of the Act). If a land use plan has been amended a couple of times with respect to less than 15 percent of the area of the building site finally determined by the relevant consultation under Article 29 (1) of the Act, re-consultation under Article 32 (1) of the Act, or consultation on an amendment under Article 33 (3) of the Act, the area amended by the land use plan shall be determined by accumulating the areas amended successively;

6. Where an amendment is made with regard to any of the matters specified, as at the time agreed terms and conditions are notified under Article 29 (1) of the Act, as matters concerning buildings or other structures subject to restrictions on site location in the project site (including types of business, if the project is for the development of an industrial site or industrial complex) or as other matters on which the opinion of the head of the consulting

agency shall be sought in advance if it is intended to amend agreed terms and conditions;

7. Where pollutants emitted or discharged (referring to pollutants regulated by standards established for permissible emissions or discharge under Article 16 of the Clean Air Conservation Act or Article 32 of the Water Quality and Aquatic Ecosystem Conservation Act) increase by at least 30 percent of the agreed amount of pollutants to be emitted or discharged under Article 29 (1) of the Act (including cases where the volume increased by accumulated changes is at least 30 percent of the volume reflected in terms and conditions agreed through consultation under Article 29 (1) of the Act or re-consultation under Article 32 (1) of the Act) or where new pollutants are emitted or discharged.

(3) When the head of the approving agency intends to seek an opinion in accordance with Article 33 (3) of the Act, he/she shall submit documents describing the matters referred to in paragraph (1) to the head of the consulting agency.

SECTION 4 Fulfillment of Agreed Terms and Conditions, Management of Performance, etc.

Article 55-2 (Institutions Qualified for Review on Findings of Follow-up Surveys of Environmental Impact, etc.)

"The institutions specified by Presidential Decree" in Article 36 (4) of the Act means the following institutions:

1. The National Institute of Environmental Research;
2. A biological resource center established and operated by the State pursuant to Article 39 (1) of the Wildlife Protection and Management Act;
3. The Korea Environment Institute established pursuant to the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes;
4. The Korea Environment Corporation prescribed in the Korea Environment Corporation Act;
5. The National Institute of Ecology prescribed in the Act on the Establishment and Operation of the National Institute of Ecology.

[This Article Newly Inserted by Presidential Decree No. 26170, Mar. 30, 2015]

Article 56 (Notification of Results of Ascertainment of Fulfillment of Agreed Terms and Conditions)

The head of the approving agency shall notify the head of the consulting agency of the results of ascertainment under Article 39 (1) as to whether agreed terms and conditions have been fulfilled, as prescribed by Ordinance of the Ministry of Environment.

Article 57 (Notification of Results of Re-assessment of Environmental Impacts)

"The period specified by Presidential Decree" in Article 41 (2) of the Act means one year.

SECTION 5 Environmental Impact Assessment under Municipal Ordinance of City/Do

Article 58 (Scope of Projects subject to Environmental Impact Assessment under Municipal Ordinance of City/Do)

Projects falling within "the scope specified by Presidential Decree" in Article 42 (1) of the Act are as follows:

1. A project, the scale of which is at least 50 percent but not exceeding 100 percent of the project specified in attached Table 3;
2. A project, the scale of which is less than 50 percent of the project specified in attached Table 3 or a project within the scope agreed between the Governor of the Special Metropolitan City or a Metropolitan City or the Governor of a Do or a Special Self-Governing Province (excluding large cities with a population of at least 500,000 persons within his/her jurisdiction) or the Mayor of a large city with a population of at least 500,000 persons and the Minister of Environment, among projects not specified in attached Table 3.

CHAPTER IV SMALL-SCALE ENVIRONMENTAL IMPACT ASSESSMENT

Article 59 (Projects subject to Small-Scale Environmental Impact Assessment and Scope thereof)

The categories and scope of areas and development projects subject to small-scale environmental impact assessment under Article 43 (1) of the Act are as prescribed in attached Table 4.

Article 60 (Preparation of Small-Scale Environmental Impact Assessment Reports)(1)

A small-scale environmental impact assessment report under Article 44 (1) of the Act (hereinafter referred to as "small-scale environmental impact assessment report") shall include the following matters: <Amended by Presidential Decree No. 26807, Dec. 30, 2015>

1. Overview of the project;
2. The scope of an area subject to environmental impact assessment and the present conditions of land use and environment of the areas around the relevant project site;
3. Appropriateness of site location (excluding projects for which strategic environmental impact assessment has been conducted);
4. Outcomes of the survey, forecasting, and assessment of environmental impacts;
5. Measures for environmental conservation;
6. Appendices:
 - (a) Literature and references cited in small-scale environmental impact assessment report;
 - (b) Personal data of participants in small-scale environmental impact assessment;
 - (c) A document that indicates the contract amount for small-scale environmental impact assessment agency service, such as a copy of an agreement on small-scale environmental impact assessment agency service (limited to where an agent is engaged for the formulation of a small-scale environmental impact assessment report);
 - (d) Glossary, etc.

(2) With respect to any of small-scale development projects that fall within the categories, scale, etc. determined and publicly notified by the head of the consulting agency as he/she deems that the environmental impact of such projects is minor, a project implementer obliged to obtain approval, etc., or the head of the approving agency may be permitted to omit part of the matters specified in paragraph (1) when he/she prepares a small-scale environmental impact assessment report. <Amended by Presidential Decree No. 25713, Nov. 11, 2014>

(3) If the head of the consulting agency has reviewed a strategic environmental impact

assessment report under Article 17 of the Act with regard to sub-items of small-scale environmental impact assessment in attached Table 1, he/she may permit the following matters to be omitted: <Amended by Presidential Decree No. 25713, Nov. 11, 2014>

1. If part of sub-items of small-scale environmental impact assessment in attached Table 1 has been reviewed: Preparation of reviewed items of assessment;

2. If all sub-items of small-scale environmental impact assessment in attached Table 1 have been reviewed: Preparation of the small-scale environmental impact assessment report under Article 44 of the Act and the procedures for requesting consultations thereon.

(4) Except as otherwise provide for in paragraphs (1) through (3), further details about preparation of a small-scale environmental impact assessment report, etc. shall be determined and publicly notified by the Minister of Environment.

Article 61 (Methods of Submitting Small-scale Environmental Impact Assessment Reports, Timing for Requesting Consultations, etc.)(1) Pursuant to Article 44 (1) or (2) of the Act, a small-scale environmental impact assessment report shall be printed, bound, and submitted in book form, and the number of copies to be submitted to each relevant authority is as follows:

1. The head of the approving agency: Five copies;

2. The head of the consulting agency: Ten copies.

(2) The timing for consultations on a small-scale environmental impact assessment report under Article 44 (2) of the Act is as prescribed in attached Table 4.

(3) Upon receipt of a small-scale environmental impact assessment report under Article 44 (1) of the Act, the head of the approving agency shall request the head of the consulting agency to hold consultations within ten days from receipt of the small-scale environmental impact assessment report.

Article 62 (Period for Notification of Agreed Terms and Conditions)(1) "The period specified by Presidential Decree" in Article 45 (1) of the Act means 30 days (40 days, if the head of the consulting agency extends the period due to an exceptional situation): Provided, That the period shall be 20 days in cases of small-scale development projects referred to in Article 60 (2) (30 days, if the head of the consulting agency extends the period due to an exceptional situation). <Amended by Presidential Decree No. 26807, Dec. 30, 2015>

(2) The period that the head of the approving agency or the project implementer needs to supplement the small-scale environmental impact assessment report and holidays shall not be included in the period for notification specified in paragraph (1). <Newly Inserted by Presidential Decree No. 26807, Dec. 30, 2015>

Article 63 (Amendment, Adjustment, etc. of Small-Scale Environmental Impact Assessment Reports)(1) "The reasons specified by Presidential Decree" in Article 45 (3) of the Act means the following cases:

1. Where a small-scale environmental impact assessment report has not been prepared in accordance with the contents, method, etc. prescribed in Article 60;

2. Where the implementation of a project subject to small-scale environmental impact

assessment is likely to harm the environment, and it is deemed necessary to adjust or amend the relevant project plan.

(2) If the head of the consulting agency deems necessary for reviewing a small-scale environmental impact assessment report, he/she may request the head of the approving agency to furnish him/her with relevant data, etc. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

(3) Except as provided by paragraphs (1) and (2), the guidelines for the review on small-scale environmental impact assessment reports or matters necessary for the supplementation, adjustments, etc. of such reports shall be prescribed by the Minister of Environment. <Newly Inserted by Presidential Decree No. 26807, Dec. 30, 2015>

CHAPTER V SPECIAL PROVISIONS CONCERNING ENVIRONMENTAL IMPACT ASSESSMENTS, ETC.

Article 64 (Scope of Projects subject to Summary Process)

"A project specified by Presidential Decree" in Article 51 (1) of the Act means a project that meets all the following requirements:

1. A project, the scale of which is not more than 200 percent of the scale subject to small-scale environmental impact assessment under attached Table 3 and the environmental impact of which is insignificant;
2. A project that does not include any of the following areas highly valued for environmental and ecological conservation in the project zone:
 - (a) A zone rated first grade in the ecological zoning map under Article 34 of the Natural Environment Conservation Act;
 - (b) A wetlands conservation area and managed wetland environs under Article 8 of the Wetlands Conservation Act;
 - (c) A natural park under subparagraph 1 of Article 2 of the Natural Parks Act;
 - (d) A special protection district for wildlife or a protection district for wildlife under Article 27 or 33 of the Wildlife Protection and Management Act;
 - (e) A protection zone under Article 2 (4) of the Cultural Heritage Protection Act;
 - (f) A riparian zone under Article 4 of the Act on Water Management and Resident Support in the Geum River Basin;
 - (g) A riparian zone under Article 4 of the Act on Water Management and Resident Support in the Nakdong River Basin;
 - (h) A riparian zone under Article 4 of the Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins;
 - (i) A riparian zone under Article 4 of the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin.

Article 65 (Preparation of Summary Assessment Reports)(1) A summary assessment report under Article 51 (1) of the Act shall include the following matters:

1. The items, etc. of environmental impact assessment, determined under Article 24 (1) and (2) of the Act, and measures taken therefor;

2. Matters specified in Article 34 (1).

(2) Further details about the method of preparing summary assessment reports shall be determined and publicly notified by the Minister of Environment.

Article 66 (Period for Deliberation on Determining Projects subject to Summary Process)

"The period specified by Presidential Decree" in Article 51 (4) of the Act means the period from the day on which a project plan subject to environmental impact assessment is formulated to the day immediately before the completion of a draft environmental impact assessment report.

Article 67 (Preparation of Assessment Reports including Agreed Terms and Conditions, etc.)(1) "The period specified by Presidential Decree" in Article 52 (3) of the Act means 40 days. In such cases, holidays shall be excluded from the period for presenting opinions.

(2) An environmental impact assessment report under Article 52 (1) or (2) of the Act shall include the following matters: <Amended by Presidential Decree No. 26807, Dec. 30, 2015>

1. The items, etc. of environmental impact assessment, determined under Article 24 (1) or (2) of the Act, and measures taken therefor;

2. The results of review of opinions of residents, etc. under Article 33 (2);

3. The matters specified in Article 34 (1);

4. Opinions of residents, experts, and relevant administrative agencies on the summary assessment report and the project implementer's opinion of review thereon;

5. Appendices:

(a) Literature and references cited in environmental impact assessment;

(b) Personal data of participants in environmental impact assessment;

(c) A document that indicates the contract amount for summary environmental impact assessment agency service, such as a copy of an agreement on summary environmental impact assessment agency service (limited to where an agent is engaged for the formulation of a summary environmental impact assessment report);

(d) Glossary, etc.

CHAPTER VI ENGAGEMENT OF AGENT FOR ENVIRONMENTAL IMPACT ASSESSMENT

Article 67-2 (Institutions and Organizations subject to Evaluation of Capability to Perform Projects)

"Institutions and organizations specified by Presidential Decree" in Article 53 (2) 4 of the Act means the following institutions, etc.:

1. An institution funded by the State or by a local government;

2. The implementer of a project entrusted by the State, a local government, or a public enterprise or a quasi-governmental institution defined by Article 5 (3) 1 or 2 of the Act on the Management of Public Institutions;

3. A project implementer defined by subparagraph 7 of Article 2 of the Act on Public-Private

Partnerships in Infrastructure or a person entrusted by such project implementer with the implementation of a project.

[This Article Newly Inserted by Presidential Decree No. 26807, Dec. 30, 2015]

Article 67-3 (Subjects and Standards of Evaluation of Capability to Perform Projects)(1) The projects subject to the evaluation of capability to perform projects under Article 53 (2) of the Act are as follows:

1. A project for providing agency service to formulate an environmental impact assessment report, etc., if the estimated price for the project is at least 210 million won;
2. A project for providing agency service to formulate an environmental impact assessment report, etc., if the project shall be awarded through bidding under Article 18 of the Enforcement Decree of the Act on Contracts to Which the State Is a Party;
3. A project for providing agency service to formulate an environmental impact assessment report, etc., if excessive competition is likely to bring about poor outcomes.

(2) Notwithstanding paragraph (1), a contracting authority may elect not to evaluate an agent's capability to perform a project for agency service to formulate an environmental impact assessment report, etc., if the project can be awarded by a no-bid contract under the proviso to Article 7 (1) of the Act on Contracts to Which the State Is a Party, notwithstanding paragraph (1).

(3) The standards for the evaluation of capability to perform projects under Article 53 (2) of the Act shall be as prescribed in attached Table 4-2.

[This Article Newly Inserted by Presidential Decree No. 26807, Dec. 30, 2015]

Article 67-4 (Method and Procedure of Evaluation of Capability to Perform Projects)(1)

Where a contracting authority is required to evaluate an agent's capability to perform projects under Article 53 (2) of the Act, the contracting authority shall give public notice on the implementation plan, including the matters specified by Ordinance of the Ministry of Environment, by not later than 60 days before the scheduled date of public notice on bidding for agency service for formulating the relevant environment impact assessment report, etc.

(2) A person who intends to participate in a project publicly notified under paragraph (1) for providing agency service for formulating an environment impact assessment report, etc. shall file an application for participation in performance of the project with the contracting authority by not later than 30 days before the scheduled date of public notice on bidding for the relevant project. If two or more persons intend to jointly participate in a project in such cases, the persons shall file an application for participation in performance of the project under the joint name.

(3) Pursuant to Article 53 (2) of the Act, a contracting authority shall evaluate the capability of the persons who have filed an application for participation in performance of the project in accordance with paragraph (2) and may permit the environment impact assessment agents who are competent for the relevant project for providing agency service for formulating an environment impact assessment report, etc. in the bidding process. The data prepared by the Environmental Impact Assessment Association under Article 67-5 with

respect to the evaluation of capability to perform projects may be utilized in such cases.

(4) A contracting authority shall give notice on the results of evaluation to the environment impact assessment agents who are evaluated as competent under paragraph (3).

[This Article Newly Inserted by Presidential Decree No. 26807, Dec. 30, 2015]

Article 67-5 (Association's Cooperation)

Upon receipt of a request from a contracting authority for cooperation under Article 53 (3) of the Act, the Environmental Impact Assessment Association established pursuant to Article 71 of the Act may provide the contracting authority with data regarding the evaluation of capability of environment impact assessment agents to perform projects by utilizing the following data:

1. Current status of the registration of environmental impact assessment businesses under Article 54 of the Act;
2. Records of performance of agency service for environmental impact assessment under Article 61 of the Act;
3. Other data regarding the evaluation of capability of environment impact assessment agents to perform projects.

[This Article Newly Inserted by Presidential Decree No. 26807, Dec. 30, 2015]

Article 68 (Registration of Environmental Impact Assessment Businesses)(1) A person who intends to register his/her business as an agent for environmental impact assessment under Article 54 (1) of the Act (hereinafter referred to as "environmental impact assessment business") shall file an application for registration of the environmental impact assessment business (or an application in an electronic form) with the Minister of Environment, along with the following documents, as prescribed by Ordinance of the Ministry of Environment:

1. A business registration certificate (or matching relevant data in lieu thereof, against the corporate registration certificate available for sharing administrative information under Article 36 (1) of the Electronic Government Act, if the applicant is a corporation);
2. Documents evidencing technical capacity and qualifications in possession;
3. A list of facilities and equipment (a copy of a contract for engagement of a measuring agent, if such contract exists).

(2) Technical personnel, facilities, equipment, etc. of environmental impact assessment businesses by rating category under Article 54 (4) of the Act are as prescribed in attached Table 5.

(3) The scope of business activities of environmental impact assessment businesses for each rating category under Article 54 (4) of the Act is as follows:

1. Class-I environmental impact assessment businesses:
 - (a) Acting as an agent for making a draft strategic environmental impact assessment report under Article 9 of the Act (including a preparatory statement for assessment) and for preparing an assessment report;
 - (b) Acting as an agent for preparing an environmental impact assessment report under Article 22 of the Act (including a preparatory statement for assessment) and for preparing

an assessment report;

(c) Acting as an agent for preparing reports on follow-up survey of environmental impacts under Article 36 of the Act;

(d) Acting as an agent for preparing an environmental impact assessment report under Municipal Ordinance of a City/Do pursuant to Article 42 of the Act;

(e) Acting as an agent for preparing a small-scale environmental impact assessment report under Article 43 of the Act;

(f) Acting as an agent for preparing a summary assessment report or an environmental impact assessment report under Article 51 or 52 of the Act;

(g) Acting as an agent for preparing reports on the survey, forecasting, and assessing an impact on the natural and ecological environment and for preparing a conservation plan, as necessary for making an assessment report or survey report under items (a) through (f);

2. Class-II environmental impact assessment businesses: Business activities specified in subparagraph 1 (g).

(4) A person who operates a Class-I environmental impact assessment business registered under paragraph (3) 1 (hereinafter referred to as "Class-I environmental impact assessment agent") may subcontract business affairs for the survey, forecasting, and assessment of an impact on the natural and ecological environment and for preparing a conservation plan, as necessary for preparing an assessment report or survey report under paragraph (3) 1, to a person who engages in a Class-II environmental impact assessment business registered under paragraph (3) 2.

Article 69 (Amendment to Registered Descriptions of Environmental Impact Assessment Businesses)(1) "The material facts specified by Presidential Decree" in Article 54 (2) of the Act are as follows:

1. Trade name or name;

2. Representative;

3. Technical personnel in service and the scope of business;

4. The location of the department in charge of assessment and the laboratory;

5. The measuring agent and details of the relevant contract (only where a contract for engagement of a measuring agent has been signed in accordance with attached Table 5).

(2) An environmental impact assessment agent who intends to register any change in registration in accordance with Article 54 (2) of the Act, shall file an application for registration of the change with the Minister of Environment, along with documents evidencing the details of the change and the certificate of the environmental impact assessment business, within 60 days from the day on which such change occurs, as prescribed by Ordinance of the Ministry of Environment.

CHAPTER VII ENVIRONMENTAL IMPACT ASSESSORS

Article 70 (Qualification Examinations)(1) The Minister of Environment shall administer qualification examinations for environmental impact assessors under Article 63 (1) of the Act (hereinafter referred to as "qualification examinations") at least annually but may determine

not to administer qualification examinations in a specific year, based upon the conditions of supply and demand of environmental impact assessors.

(2) The Minister of Environment may entrust a specialized institution designated and publicly notified by the Minister of Environment with the performance of administrative affairs related to qualification examinations under paragraph (1) and the management of qualifications.

(3) The State and local governments shall preferentially treat persons qualified as environmental impact assessors to the extent that such preferential treatment does not breach any other statute.

Article 71 (Qualifications for Examinations)

The qualification of an applicant for a qualification examination under Article 63 (5) of the Act is as prescribed in attached Table 6.

Article 72 (Standards and Methods for Testing)(1) Questions in a qualification examination shall be appropriate to ascertain whether the applicants have learned the knowledge or abilities specified in the following subparagraphs:

1. Expertise in environmental impact assessment and related systems;
2. The ability to assess environmental appropriateness of site location and plans in regard to various administrative plans and development projects;
3. The ability to comprehensively adjust environmental impact assessments in each stage;
4. The ability to comprehensively adjust items of assessment.

(2) A qualification examination shall be divided into the primary test and the secondary test.

(3) Persons who successfully pass the primary test are qualified for the secondary test.

(4) The primary test shall be a written test in description or essay format, while the secondary test shall be an oral test, and examination subjects are as prescribed in attached Table 7.

(5) In order to pass the primary or secondary test, a person shall obtain 40 points for each subject and at least average 60 points for all subjects, out of 100 points per subject.

(6) Public announcement of a qualification examination, the procedure for filing an application for examination, the imposition and refund of fees, the issuance of qualification certificates, the commissioning of test organizers, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 73 (Partial Exemption from Examination Subjects, etc.)(1) The Minister of Environment shall exempt a person who successfully passes a primary test from the primary tests only for two examinations conducted after the day on which the person passes the primary test.

(2) The criteria for persons eligible for partial exemption from subjects of the qualification examination under Article 63 (5) of the Act and exempted subjects are as prescribed in attached Table 8.

Article 74 (Persons Obligated to Attend Educational and Training Programs)(1) The Minister of Environment shall conduct the following educational and training programs in order to improve environmental impact assessors' skills for performing their duties pursuant to Article 63 (3) and (5) of the Act:

1. Initial educational programs: Initial education provided to persons who acquire the qualification of environmental impact assessor for at least 40 hours in regard to practices of environmental impact assessment, assessment techniques, on-site practical training, related laws and regulations, etc.;

2. Continuing educational programs: In-service education provided to environmental impact assessors who finished initial educational programs for not more than 20 hours regularly once every three years in order to improve their expertise.

(2) If an environmental impact assessor is unable to attend any of the educational programs under paragraph (1), he/she shall file an application for deferment of the educational program, as prescribed by Ordinance of the Ministry of Environment.

Article 75 (Procedure for Education and Training, etc.)(1) The educational and training programs under Article 74 (1) may be conducted by means of e-learning defined under subparagraph 1 of Article 2 of the Act on Development of E-Learning Industry and Promotion of Utilization of E-Learning, collective training, or a combination of e-learning and collective training.

(2) The Minister of Environment may impose a certain amount of fee upon persons who attend any educational or training program under Article 74 (1), and the amount of such fees shall be determined and publicly notified by the Minister of Environment, taking into consideration actual costs and other factors.

(3) The Minister of Environment may entrust an institution or organization that meets the following standards with the conduct of educational and training programs referred to in Article 74 (1):

1. An institution or organization shall fall under any of the following items:

(a) The National Institute of Environmental Human Resources Development;

(b) A non-profit corporation established with permission of the Minister of Environment under Article 32 of the Civil Act;

(c) A public institution defined under Article 4 (1) of the Act on the Management of Public Institutions;

(d) A government-funded research institute established pursuant to the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes or the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, Etc;

(e) A university or college defined under subparagraph 1 of Article 2 of the Higher Education Act;

2. An institution or organization shall meet all of the following requirements:

(a) It shall have a classroom with a seating capacity of at least 30 persons;

(b) It shall have an organization specializing in educational and training programs;

(c) It shall have a track record of performing educational programs related to environment during at least the latest one year.

(4) The Minister of Environment shall give public notice of the institutions or organizations to

which education and training of environmental impact assessors are entrusted under paragraph (3) (hereinafter referred to as "institutions entrusted with education and training"), the plan for education and training of each institution entrusted with education and training, etc. each year on the Official Gazette and web-sites.

(5) The head of an institution entrusted with education and training may evaluate the performance of an educational or training program.

(6) The head of an institution entrusted with education and training shall issue a certificate of completion of an educational or training program to an environmental impact assessor who completes the educational or training program.

(7) The head of an institution entrusted with education and training shall report the results of an educational or training program to the Minister of Environment within 14 days from the day on which the educational or training program is completed.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 76 (Publication of Environmental Impact Assessment Reports, etc.)(1) When the head of the consulting agency intends to publish an environmental impact assessment report, etc., pursuant to Article 66 (1) of the Act, he/she shall publish it by using the information support system for environmental impact assessment during the period specified in any of the following subparagraphs: Provided, That the timing for publishing such report may be changed, if the project implementer or the head of the approving institution requests to publish it at a different time specified by him/her: <Amended by Presidential Decree No. 25713, Nov. 11, 2014>

1. An environmental impact assessment report, etc., and agreement terms and conditions thereof: Within 30 days from the date the head of the consulting agency gives notice of agreed terms and conditions;

2. Re-consultation of an environmental impact assessment report, etc., and agreement terms and conditions thereof: Within 30 days from the day the head of the consulting agency gives notice of agreed terms and conditions;

3. Consultation of an amendment to an environmental impact assessment report, etc., a plan for environmental conservation, or an opinion of review (only where it is required to seek the opinion of the head of the consulting agency): Within 30 days from the day the head of the consulting agency gives notice of agreed terms and conditions;

4. A report on a follow-up survey of environmental impact: Within 30 days from the day the report on follow-up survey of environmental impact is delivered;

5. An assessment report reflecting the agreed terms and conditions, etc. under Article 52 of the Act: Within 15 days from the day the assessment report is submitted.

(2) Except as otherwise provided for in paragraph (1), matters necessary for publication of environmental impact assessment reports, etc. shall be determined by the Minister of Environment.

Article 77 (Delegation or Entrustment)(1) Pursuant to Article 72 (1) of the Act, the Minister of Environment shall delegate his/her authority over the following administrative affairs to

the heads of regional environmental agencies and offices:

1. Issuing an order or to suspend construction works or to take other necessary measures under Article 34 (4) or requesting to take such measures;
2. Receiving notices for designating a manager under Article 35 (3) of the Act;
3. Receiving notice of the results of the follow-up survey of environmental impact under Article 36 (1) of the Act;
4. Receiving notice of commencement of a project under Article 37 of the Act;
5. Receiving notice of the progress of performance of agreed terms and conditions and the ground for succession under Article 38 (2) of the Act;
6. Requesting to submit data or entering a place of business to conduct an inspection under Article 39 (2) of the Act;
7. Receiving the results of ascertaining fulfillment of agreed terms and conditions and ascertaining fulfillment thereof under Article 39 (3) of the Act;
8. Ascertaining whether agreed standards have been complied with and issuing an order to suspend construction works or to take other necessary measures under Article 40 (3) of the Act;
9. Receiving notice of an order issued to take measures or to suspend construction works and notice of results of measures taken under Article 40 (4) of the Act;
10. Issuing an order to suspend construction works or to take other necessary measures under Article 47 (3) of the Act or requesting to take such measures;
11. Receiving notice of commencement of a project under Article 48 of the Act;
12. Requesting to submit data, ascertaining the fulfillment of agreed terms and conditions, or issuing an order to take measures under Article 49 of the Act;
13. Cancelling registration or issuing an order to suspend business operations under Article 58 of the Act;
14. Issuing orders to submit a report or data or conducting an inspection under Article 60 of the Act;
15. Revoking or suspending qualification under Article 65 of the Act;
16. Holding hearings under Article 67 of the Act;
17. Imposing and collecting an administrative fine under Article 76 of the Act;
18. The authority over the following affairs with respect to any of the projects specified in attached Table 9:
 - (a) Forming and operating the Environmental Impact Assessment Council under Article 8 of the Act (excluding affairs related to the adjustment of agreed terms and conditions under Article 31 of the Act);
 - (b) Receiving draft strategic environmental impact assessment reports under Article 12 (2) of the Act and presenting opinions thereon;
 - (c) Receiving strategic environmental impact assessment reports under Article 16 of the Act;
 - (d) Reviewing, amending, and adjusting strategic environmental impact assessment reports under Article 17 of the Act;

- (e) Giving notice of agreed terms and conditions of strategic environmental impact assessment reports under Article 18 of the Act;
- (f) Receiving notice of the results of measures taken or plans for taking measures under Article 19 of the Act and consulting with the head of the competent administrative agency thereon;
- (g) Re-consulting on strategic environmental impact assessment reports under Article 20 of the Act;
- (h) Consulting on amendments to a strategic environmental impact assessment report under Article 21 of the Act;
- (i) Determining and giving notice of the items, scope, etc. of assessment under Article 24 (3) or (4) of the Act;
- (j) Receiving draft environmental impact assessment reports under Article 25 (2) of the Act and presenting opinions thereon;
- (k) Consulting on environmental impact assessment reports under Article 27 of the Act;
- (l) Reviewing, amending, and adjusting environmental impact assessment reports under Article 28 of the Act;
- (m) Giving notice of agreed terms and conditions under Article 29 of the Act;
- (n) Receiving notice of the results of reflection of agreed terms and conditions under Article 30 of the Act and requesting to reflect agreed terms and conditions;
- (o) Re-consulting on environmental impact assessment reports under Article 32 of the Act;
- (p) Consulting on amendments to an environmental impact assessment report under Article 33 of the Act;
- (q) Reviewing the results of the follow-up survey of environmental impact under Article 36 (1) of the Act;
- (r) Receiving small-scale environmental impact assessment reports under Article 44 (2) of the Act;
- (s) Giving notice of agreed terms and conditions of a small-scale environmental impact assessment report under Article 45 (1) of the Act;
- (t) Requesting to amend or adjust a small-scale environmental impact assessment report or the relevant project plan under Article 45 (3) of the Act;
- (u) Receiving notice of the results of reflection of agreed terms and conditions under Article 46 (2) of the Act and requesting to reflect agreed terms and conditions;
- (v) Receiving requests to determine whether an environmental impact assessment may be conducted in accordance with the summary process under Article 51 (3) or (4) of the Act and giving notice of the results thereof;
- (w) Giving notice of opinions, where the opinion presented under Article 52 (1) or (2) of the Act differs from agreed terms and conditions;
- (x) Giving notice of an opinion under Article 52 (3) of the Act;
- (y) Receiving environmental impact assessment reports under Article 52 (4) of the Act;
- (z) Publishing environmental impact assessment reports, etc. under Article 66 (1) of the Act;

(aa) Receiving requests for non-publication of an environmental impact assessment report, etc., under Article 66 (2) of the Act and taking measures therefor.

(2) Pursuant to Article 72 (2) of the Act, the Minister of Environment shall entrust the performance of the following administrative affairs to the institutions designated and publicly notified under paragraphs (3) and (4):

1. Registration of environmental impact assessment businesses under Article 54 of the Act and of amendments thereto;
2. Receipt of reports on permanent or temporary closure of business under Article 57 of the Act;
3. Receipt of reports from environmental impact assessment agents under Article 60 of the Act;
4. Receipt of reports from environmental impact assessment agents on the performance of environmental impact assessments under Article 61 of the Act and publication of records of performance of each environmental impact assessment agent and the details of administrative dispositions;
5. Affairs related to the qualification examinations for environmental impact assessors under Article 63 of the Act, the issuance of qualification certificates, testing, the management of qualification, etc.

(3) The institutions to which the administrative affairs under paragraph (2) may be entrusted are as follows:

1. The environmental impact assessment association under Article 71 of the Act;
2. The Korean environmental Preservation Association under Article 59 of the Framework Act on Environmental Policy;
3. A government-funded research institute established pursuant to the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes or the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes;
4. A non-profit corporation incorporated with permission of the Minister of Environment under Article 32 of the Civil Act;
5. The Korean environmental Industry and Technology Institute under Article 5-2 of the Environmental Technology and Industry Support Act;
6. The Korea Environment Corporation under the Korea Environment Corporation Act;
7. The Human Resources Development Service of Korea under the Human Resources Development Service of Korea Act.

(4) When the Minister of Environment designates an entrusted institution under paragraph (2), he/she shall publicly notify the name, address, and representative of the entrusted institution, the scope of entrusted affairs, the methods for handing such affairs, and other necessary matters.

(5) An institution entrusted with affairs under paragraph (2) shall submit a semi-annual report on the results of entrusted and handled affairs to the Minister of Environment by not later

than the last day of the month immediately following the end of each half-year.

Article 77-2 (Review of Regulations)

The Minister of Environment shall review the validity of the following matters tri-annually from the relevant reference date specified in the following subparagraphs (referring to the day immediately before every third anniversary from the reference date) and shall take measures for improvement:

1. Projects subject to environmental impact assessment and the scope thereof under Article 31 and attached Table 3: January 1, 2014;
2. The methods for submitting environmental impact assessment reports and the timing for requesting consultation under Article 47 and attached Table 3: January 1, 2014;
3. Registration of environmental impact assessment businesses: January 1, 2014.

[This Article Newly Inserted by Presidential Decree No. 25050, Dec. 30, 2013]

Article 78 (Guidelines, etc. for Imposition of Administrative Fines)

The guidelines for the imposition of administrative fines under Article 76 (1) through (3) of the Act are as provided for in attached Table 10.

Article 79 (Handling of Personally Identifiable Information)

If the Minister of Environment (including the person entrusted with the authority of the Minister of Environment under Article 77 (2)) deems it inevitable to perform the following administrative affairs, he/she may handle data containing resident registration numbers referred to in subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act: <Amended by Presidential Decree No. 26807, Dec. 30, 2015>

1. Administrative affairs for the registration of environmental impact assessment businesses under Article 54 and the registration of amendments thereto;
2. Administrative affairs for examinations for qualification of environmental impact assessors under Article 63 of the Act, the issuance of qualification certificates, etc.

ADDENDA (Omitted)

26. Soil Environment Conservation Act

[Enforcement Date 28. Mar, 2017.] [Act No.14476, 27. Dec, 2016., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prevent potential hazard to public health and environment to be caused by soil contamination, to conserve the soil ecosystem by properly maintaining and preserving soil including purifying contaminated soil, etc., to enhance the value of the soil as a resource, and to enable all citizens of the nation to live in a healthy and comfortable environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 12522,

Mar. 24, 2014>

1. The term "soil contamination" means contamination of soil caused by business or other human activities, damaging the health and property of people or the environment;
2. The term "soil contaminants" means any substance causing soil contamination, which is prescribed by Ordinance of the Ministry of Environment;
3. The term "facilities subject to the control of soil contamination" means any facilities, equipment, buildings, structures, and other things determined by Ordinance of the Ministry of Environment which are suspected of contaminating soil through the production, transportation, storage, treatment, process, disposal, etc. of soil contaminants;
4. The term "specified facilities subject to the control of soil contamination" means the facilities subject to the control of soil contamination that are feared to seriously contaminate soil and which are specified by Ordinance of the Ministry of Environment;
5. The term "soil purification" means reducing or eliminating contaminants in soil or relieving any danger caused by contaminants in soil by means of biological, physical and chemical treatment, etc.;
6. The term "detailed soil survey" means surveying the types of contaminants, the degree and extent of contamination, etc. in any area that has exceeded or is highly likely to exceed the worrisome level provided for in Article 4-2 as prescribed by Ordinance of the Ministry of Environment;
7. The term "soil purification business" means the business of performing purification of contaminated soil.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 3 (Exclusion from Application)(1) This Act shall not apply to soil contamination caused by radioactive materials nor the prevention thereof.

(2) Articles 15-3 and 15-6 shall not apply to a case where any contaminated farmland is purified due to the soil improvement project provided in Article 21 of the Farmland Act.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 4 (Formulation of Basic Plan for Soil Conservation, etc.)(1) The Minister of Environment shall formulate and enforce a basic plan for soil conservation (hereinafter referred to as the "basic plan") every 10 years.

(2) The Minister of Environment shall, when he/she formulates the basic plan, consult the heads of the relevant central administrative agencies.

(3) The basic plan shall include matters as prescribed in any of the following subparagraphs:

1. The guidelines for soil conservation policies;
2. The present condition, the on-going progress, and the prospects of soil conservation;
3. Matters concerning the prevention of soil contamination;
4. Matters concerning the soil purification and utilization of purified soil;
5. Matters concerning the development of technologies related to soil purification and promotion of associated industries;
6. Matters concerning education and fostering of technical human resources for soil

purification;

7. Other necessary matters for soil conservation.

(4) The Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor or the Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor") shall formulate a regional soil conservation plan for the region under his/her jurisdiction (hereinafter referred to as the "regional plan") in accordance with the basic plan, and shall enforce it after obtaining the approval of the Minister of Environment. The same shall apply to any modification to such regional plan.

(5) The formulation method and procedure of the basic and regional plan and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 4-2 (Worrisome Level of Soil Contamination)

The level of soil contamination, which is likely to obstruct the health and properties of persons or rearing of animals and plants (hereinafter referred to as the "worrisome level") shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 4-3 (Installation and Operation of Information System)(1) The Minister of Environment shall install and operate a information system to ensure the easy access to the following information by the people:

1. Outcomes of investigation on facilities subject to the control of soil contamination prescribed in Article 4-4;
2. Outcomes of regular measuring, surveys of the actual state of soil contamination, and detailed soil surveys under Article 5;
3. Current status of designation of soil-related specialized agencies under Article 23-2;
4. Current status of registration of the soil purification business under Article 23-7;
5. Current status of installation, etc. of specific facilities subject to control of soil contamination under Article 26-3;
6. Any other information prescribed by Ordinance of the Ministry of Environment.

(2) Matters necessary for installing, operating, etc. the information system pursuant to paragraph (1) shall be prescribed by the Minister of Environment.

[This Article Newly Inserted by Act No. 13533, Dec. 1, 2015]

Article 4-4 (Investigation on Facilities, etc. Subject to Control of Soil Contamination)(1)

The Minister of Environment shall investigate, on a regular basis (hereinafter referred to as "investigation on facilities, etc. subject to the control of soil contamination" in this Article), the distribution status of facilities subject to the control of soil contamination, detailed soil surveys prescribed in Article 5 (4), detailed soil surveys prescribed in Article 10-4 (1), and current status of implementing projects for purifying or improving contaminated soil, in order to rationally formulate or approve the basic plan and regional plan pursuant to Article 4, measures for preventing topsoil erosion and its restoration measures referred to in Article 6-2, plans on areas requiring countermeasures for soil conservation under Article 18, or

effectively measure soil contamination level pursuant to Article 5.

(2) The Minister of Environment may request the head of the relevant agency to submit the necessary data of the investigation of facilities, etc. subject to the control of soil contamination pursuant to paragraph (1). In such cases, the head of the relevant agency in receipt of the request shall follow its request except in extenuating circumstances.

(3) Necessary matters concerning the method, object, procedure, etc. of investigation, such as facilities subject to the control of soil contamination under paragraph (1), shall be prescribed by the Minister of Environment.

[This Article Newly Inserted by Act No. 13533, Dec. 1, 2015]

Article 5 (Measuring of Soil Contamination Level)(1) For the purpose of surveying the actual state of soil contamination nationwide, the Minister of Environment shall establish a measuring network and measure the soil contamination level at all times.

(2) The Mayor/Do Governor or the head of a Si/Gun/Gu (referring to the head of autonomous Gu; hereafter the same shall apply) shall conduct a survey of the actual state of soil contamination in the area under his/her jurisdiction which is feared to suffer (hereinafter referred to as the "survey of the actual state of soil contamination"). In this case, the head of a Si/Gun/Gu shall report the result of the survey of the actual state of soil contamination to the Mayor/Do Governor as prescribed by Ordinance of the Ministry of Environment and the Mayor/Do Governor shall report the result of the survey of the actual state of soil contamination that he/she conducts and the result of the survey of the actual state of soil contamination that the head of a Si/Gun/Gu reports to him/her to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(3) The standards for establishment of measuring network under paragraph (1), the selection standards for areas subject to a survey of the actual state of soil contamination, the method and procedure for such survey, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(4) If the Minister of Environment, the Mayor/Do Governor or the head of a Si/Gun/Gu deems it necessary, he/she may conduct a detailed soil survey in any of the following areas as prescribed by Ordinance of the Ministry of Environment:

1. Areas in which the results of a regular measuring under paragraph (1) (hereinafter referred to as the "regular measuring") exceed the worrisome level;
2. Areas in which the results of a survey of the actual state of soil contamination exceed the worrisome level;
3. Other areas falling under any of the following categories which are deemed by the Minister of Environment, the Mayor/Do Governor or the head of a Si/Gun/Gu to have a great possibility for exceeding the worrisome level:
 - (a) Areas where accidents of soil contamination have taken place;
 - (b) Industrial complexes (excluding agricultural and industrial complexes) under subparagraph 5 of Article 2 of the Industrial Sites and Development Act;
 - (c) Periphery areas of abandoned mines under subparagraph 4 of Article 2 of the Mining

Damage Prevention and Restoration Act;

(d) Reclamation facilities and their periphery areas from among the waste disposal facilities under subparagraph 8 of Article 2 of the Wastes Control Act;

(e) Other areas prescribed by Ordinance of the Ministry of Environment.

(5) The results of regular measuring, survey of the actual state of soil contamination, and detailed soil survey under paragraph (4) shall be disclosed to the public.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 6 (Decision and Notification of Installation Plan of Measuring Network)

The Minister of Environment shall decide and publicly announce the installation plan of the measuring network, pursuant to Article 5 (1), which indicates in detail the location and area in which the measuring network is installed, and he/she shall have the drawings thereof available for the public. The same shall apply to any modification to such installation plan.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 6-2 (Survey on Actual State of Topsoil Erosion)(1) In order to apprehend the actual state of soil environment related to erosion of topsoil, the Minister of Environment may perform a survey on the actual state and level of topsoil erosion in the areas falling under any of the following subparagraphs:

1. Areas designated and publicly announced as the water-source protection areas under Article 7 of the Water Supply and Waterworks Installation Act;

2. Areas each of which is designated and publicly announced as the waterfront areas respectively under Article 4 of Act on the Improvement of Water Quality and Support for Residents of the Han River Basin, Article 4 of the Act on Water Management and Resident Support in the Nakdong River Basin, Article 4 of the Act on Water Management and Resident Support in the Geum River Basin, and Article 4 of the Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins.

(2) Where the survey pursuant to paragraph (1) finds that the level of topsoil erosion exceeds the criteria prescribed by Ordinance of the Ministry of Environment, the Minister of Environment shall formulate and implement the necessary countermeasures.

(3) Matters necessary for the procedures and methods of the survey pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 6-3 (Soil Purification for State Property)(1) In any of the following cases, the Minister of Environment may conduct the soil purification work after carrying out a detailed soil survey in order to prevent the proliferation of soil contamination. In such cases, the detailed soil survey may be omitted, if it has been already conducted: <Amended by Act No. 12522, Mar. 24, 2014>

1. Where the soil purification is necessary because soil contamination has occurred in excess of the worrisome level due to the State property referred to in subparagraph 1 of Article 2 of the State Property Act, and the State is a person responsible for purification under Article 10-4 (1) (hereinafter referred to as the "person responsible for purification");

2. Where the soil purification work is conducted under the proviso to Article 15 (3), and the Mayor/Do Governor or the head of a Si/Gun/Gu makes an urgent request for the soil purification work;

3. Where a project designed to improve contaminated soil is carried out under Article 19 (3), and the Special Self-Governing Province Governor or the head of a Si/Gun/Gu makes an urgent request for the soil purification work.

(2) Where the Minister of Environment intends to conduct the soil purification work under paragraph (1), he/she shall consult in advance with the head of the relevant central government agency in cases referred to in subparagraph 1 of the same paragraph, and with the Mayor/Do Governor or the head of a Si/Gun/Gu and a person responsible for purification in cases referred to in subparagraph 2 or 3 of the same paragraph, on timing, area, and costs of the soil purification work. In such cases, he/she may have the local government requesting the soil purification work bear the costs required for purification, etc. pursuant to paragraph (1) 2 or 3 within the scope prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12522, Mar. 24, 2014>

(3) Where the Minister of Environment intends to conduct the soil purification work under paragraph (1), he/she shall formulate and publicly announce the soil purification plan including the following matters, as prescribed by Ordinance of the Ministry of Environment:

1. Timing and period for the soil purification work;
2. Location of land subject to the soil purification;
3. Name and address of the proprietor of land subject to the soil purification;
4. Other matters prescribed by Ordinance of the Ministry of Environment.

(4) In cases referred to in paragraph (1) 2 or 3, reimbursement of the costs required for conducting detailed soil survey or soil purification may be claimed to the relevant person responsible for purification. <Amended by Act No. 12522, Mar. 24, 2014>

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 7 (Expropriation and Use of Land, etc.)(1) The Minister of Environment, the Mayor/Do Governor or the head of Si/Gun/Gu may, where deemed necessary for the measuring, survey, installation or soil purification works falling under any of the matters prescribed in the following subparagraphs, expropriate (applicable only to subparagraphs 2 and 4) or use the land, buildings, or fixtures of the land in the relevant area or zone:

1. Regular measuring, survey of the actual state of soil contamination, or detailed soil survey;
2. Establishment of a measuring network pursuant to Article 5 (1);
3. Survey on the actual state and level of topsoil erosion pursuant to Article 6-2;
4. Soil purification for the State property pursuant to Article 6-3.

(2) In case where the Minister of Environment has publicly announced a soil purification plan pursuant to Article 6-3 (3), it shall be deemed there have been a project approval and the public announcement thereof as prescribed in Articles 20 (1) and 22 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects and application for adjudication may be filed within the soil purification period set forth in the soil purification

plan, notwithstanding Articles 23 (1) and 28 (1) of the same Act.

(3) With regard to the procedures of expropriation and use and the compensation for loss, etc. as provided for in paragraph (1), the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply except as otherwise provided for in this Act.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 8 (Entry to Land of Other Persons, etc.)(1) The Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu, or the specialized agency related to soil under Article 23-2 (hereinafter referred to as the "soil-related specialized agency") may, where deemed necessary for a regular measuring, survey of the actual state of soil contamination, detailed soil survey, survey on the actual state and level of topsoil erosion under Article 6-2 (1), or assessment of hazard as provided for in Article 15-5 (1), make the public officials under his/her control or employees of the soil-related specialized agency to enter the land of other persons and alter or remove the tree, stone, soil and other obstacles in the relevant land. In this case, the head of soil-related specialized agency shall obtain permission therefor from the Special Self-Governing Province Governor or the head of a Si/Gun/Gu.

(2) When intending to alter or remove the obstacles under paragraph (1), the competent public officials or employees of the soil-related specialized agency shall obtain consent from the proprietor, occupant, or manager of the obstacles: Provided, That when the competent public officials or employees of the soil-related specialized agency are unable to obtain consent because the proprietor, occupant, or manager is not present at the site, or his/her address or residence cannot be ascertained, they shall obtain consent from the Special Self-Governing Province Governor or the head of a Si/Gun/Gu.

(3) When intending to enter the land of other person or to alter or remove the obstacles from the surface of that land under paragraph (1), the competent public officials or employees of the soil-related specialized agency shall notify the proprietor, occupant or manager of the land or obstacles three days prior to the date of entering the land, altering or removing the obstacles: Provided, That the address or residence of the proprietor, occupant or manager of the land or obstacles cannot be found, the notification may not be given.

(4) Before sunrise and after sunset, competent public officials or employees of the soil-related specialized agency shall be prohibited from entering into the residential site or fenced land of other person without permission of the occupant of the relevant land.

(5) The occupant of the land may not interfere with or refuse the activities of the competent public officials or employees of the soil-related specialized agency under paragraph (1), without any justifiable reasons.

(6) The public officials or employees of the soil-related specialized agency who intend to enter the land of other person under paragraph (1), shall carry a certificate indicating their authority and show it to the relevant persons.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 9 (Compensation for Loss)(1) In case where the State, a local government or a soil-related specialized agency inflicts loss to other persons on account of the activities

under Article 8, it shall compensate for such loss as prescribed by Presidential Decree.

(2) Persons who intend to obtain a compensation under paragraph (1) shall claim such with the Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu or the head of soil-related specialized agency.

(3) The Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu or the head of soil-related specialized agency shall, where a claim under paragraph (2) has been made, determine the amount, etc. to be compensated through the consultation with the person suffered such loss, and notify the claimant thereof.

(4) The Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu, the head of soil-related specialized agency or the person suffered a loss may, where the consultation under paragraph (3) fails to lead to an agreement or may not be achieved, file a motion for adjudication with the competent Land Expropriation Committee as prescribed by Presidential Decree.

(5) A person who is dissatisfied with the adjudication under paragraph (4) may file an objection with the Central Land Expropriation Committee within one month from the date of receiving the original written adjudication.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 10 Deleted. <by Act No. 8038, Oct. 4, 2006>

Article 10-2 (Assessment of Soil Environment)(1) Where a site on which any of the following facilities are installed or used to be installed, or any other land which is likely to cause soil contamination is transferred or acquired (including auction under the Civil Execution Act, conversion under the Debtor Rehabilitation and Bankruptcy Act, sale of seized assets under the National Tax Collection Act, the Customs Act or the Local Tax Collection Act, and other acquisitions made in accordance with procedures similar thereto; hereinafter the same shall apply), or rented out or taken on lease, the transferor, transferee, lesser, or lessee may receive an assessment by a soil environment assessment institution as to soil contamination (hereinafter referred to as "assessment of soil environment") for the relevant site, its neighboring areas, and the land feared to suffer soil contamination: <Amended by Act No. 12522, Mar. 24, 2014; Act No. 14476, Dec. 27, 2016>

1. Facilities subject to the control of soil contamination;

2. Factories referred to in subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act;

3. National defense and military installations referred to in Article 2 (1) of the Act on National Defense and Military Installations Projects.

(2) Where a person, who has acquired by transfer a site on which any of the facilities prescribed in subparagraphs of paragraph (1) are installed or used to be installed or any other land feared to suffer soil contamination, has confirmed that the contamination level of such site or land is below the worrisome level from the findings of assessments of its soil environment conducted under the same paragraph as at the time of its acquisition, he/she shall be deemed to be in good faith and not negligent in preventing the relevant soil

contamination. <Amended by Act No. 12522, Mar. 24, 2014>

(3) Assessment of soil environment shall be conducted as prescribed in each of the following subparagraphs, and detailed matters concerning the assessment of soil environment and other necessary matters shall be prescribed by Presidential Decree:

1. Assessment items of soil environment shall include soil contaminants under subparagraph 2 of Article 2 and contaminants prescribed by Presidential Decree as necessary for the assessment of soil environment;
2. Assessment procedures for soil environment shall be divided into basic survey, overall survey, and detailed survey;
3. Assessment methods of soil environment shall include survey, analysis, and appraisal of contamination level of contaminants referred to in subparagraph 1, actual state of utilization of the subject land, and whether or not the subject falls under any facilities subject to the control of soil contamination.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 10-3 (Strict Liability, etc. for Damages Resulting from Soil Contamination)(1)

Where any damage occurs due to the soil contamination, a person who has caused the contamination shall compensate for such damage and take measures, such as purifying the contaminated soil: Provided, That the same shall not apply to cases where the soil contamination has been caused by a natural disaster, war, or force majeure. <Amended by Act No. 12522, Mar. 24, 2014>

(2) Where at least two persons have caused the contamination, and it is impracticable to find out which one has caused the damage under paragraph (1), each one shall jointly and severally compensate for such damage and take measures, such as purifying the contaminated soil. <Amended by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 10-4 (Responsibility, etc. for Purification of Soil Contamination)(1) Any of the following persons shall, as a person responsible for purification, carry out a detailed soil survey, purification of contaminated soil under Article 11 (3), 14 (1), or 15 (1) and (3), or a project for improving contaminated soil under Article 19 (1) (hereinafter referred to as "soil purification, etc." in this Article):

1. Any person who causes soil contamination by discharging, leaking, dumping, neglecting soil contaminants, or committing other acts;
2. The proprietor, occupant, or operator of a facility subject to the control of soil contamination constituting a cause for soil contamination as at the time soil contamination occurs;
3. Any person who has comprehensively succeeded to the rights and liabilities of those falling under subparagraphs 1 and 2 on account of merger, inheritance or other reasons;
4. Any person who previously owned or presently owns or occupies land on which soil contamination has occurred.

(2) Notwithstanding the provisions of paragraph (1), any of the following person shall not be

deemed a person responsible for purification referred to in paragraph (1) 4: Provided, That the same shall not apply where he/she permits, after January 6, 1996, any person prescribed in paragraph (1) 1 or 2 to use the land he/she owns or occupies:

1. Where the person ceased to own the relevant land due to transfer or other reasons before January 5, 1996;
2. Where the person acquired the relevant land before January 5, 1996;
3. Where the person was in good faith and was not negligent in preventing soil contamination as at the time he/she acquired the land on which soil contamination has occurred;
4. Where soil contamination occurs while the person owns or occupies the relevant land and such soil contamination occurs due to reasons unattributable to him/her.

(3) Where at least two persons responsible for purification exist to whom the Mayor/Do Governor or the head of a Si/Gun/Gu may issue an order for soil purification, etc. pursuant to Article 11 (3), 14 (1), 15 (1) and (3), or 19 (1), he/she shall order soil purification, etc., taking into account the degree of responsibility of each person responsible for purification for the relevant soil contamination, the possibility of prompt and smooth soil purification, etc., as prescribed by Presidential Decree, and may seek advice from the Soil Purification Advisory Committee referred to in Article 10-9, if necessary.

(4) Where a person responsible for purification, ordered to conduct soil purification, etc. pursuant to Article 11 (3), 14 (1), 15 (1) and (3), or 19 (1), has performed soil purification, etc. at his/her own expenses, he/she may claim reimbursement for the expenses to be borne by the other persons responsible for purification.

(5) In any of the following cases, the State may wholly or partially subsidize the expenses incurred in conducting soil purification, etc. pursuant to Article 11 (3), 14 (1), 15 (1) and (3), or 19 (1) (excluding both the expenses refundable through the exercise of the claim for reimbursement under Article 10-4 (4) and the amount equivalent to an increase in the value of the relevant land caused by soil purification, etc.; hereinafter the same shall apply), as prescribed by Presidential Decree:

1. Where the expenses required by a person responsible for soil purification under paragraph (1) 1, 2, or 3 to perform soil purification, etc. significantly exceed either his/her share of expenses or the profits he/she has gained or is expected to gain by owning, occupying, or operating the relevant facility subject to the control of soil contamination;
2. Where the expenses required by a person, who acquired the relevant land before December 31, 2001 or no longer owns it due to transfer thereof or other reasons, to perform soil purification, etc. as a person responsible for purification under paragraph (1) 4 exceeds the value of the relevant land;
3. Where the expenses required by a person who acquired the relevant land after January 1, 2002 to perform soil purification, etc. as a person responsible for purification under paragraph (1) 4 significantly exceeds the value of the relevant land and the profits he/she has gained or is expected to gain by owning or occupying such land;
4. Other cases determined by Presidential Decree for which expenses for soil purification,

etc. need to be subsidized.

[This Article Wholly Amended by Act No. 12522, Mar. 24, 2014]

[This Article wholly amended by Act No. 12522 on March 24, 2014 following the decision of unconstitutionality made by the Constitutional Court on August 23, 2012]

Article 10-5 (Establishment of Soil Purification Cooperative)(1) Establishers and operators of specified facilities subject to the control of soil contamination and persons who have filed registration of soil purification business under Article 23-7 (1) (hereinafter referred to as "soil purification business operators") may establish soil purification cooperatives (hereinafter referred to as the "cooperatives") with the permission from the Minister of Environment in order to guarantee for the purification work of contaminated soil under Article 11 (3) and to secure financial resources.

(2) A cooperative shall be a corporation.

(3) A cooperative shall be established by effecting its registration at the seat of its principal office.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 10-6 (Activities of Cooperatives)

The cooperatives shall be engaged in the activities prescribed in each of following subparagraphs:

1. Mutual-aid activities for the soil purification work of its members;
2. Activities related to the survey, development and distribution of technology necessary for the prevention of soil contamination and soil purification.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 10-7 (Contribution)(1) Members of the cooperatives shall pay to the cooperative their respective contributions, which is necessary for carrying out the activities referred to in Article 10-6.

(2) The basis for computing the contribution, payment procedure and other necessary matters shall be determined by the articles of association.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 10-8 (Application Mutatis Mutandis of the Civil Act)

Except as otherwise provided in this Act, the provisions of the Civil Act, which pertain to incorporated associations shall apply mutatis mutandis to the cooperatives.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 10-9 (Soil Purification Advisory Committee)(1) In order to respond to inquiries from the Mayor/Do Governor or the head of a Si/Gun/Gu under Article 10-4 (3), the Soil Purification Advisory Committee shall be established under the jurisdiction of the Ministry of Environment (hereinafter referred to as the "Committee").

(2) The Committee shall be comprised of five to nine members, including the Chairperson.

(3) Matters necessary for the organization, operation, etc. of the Committee shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 12522, Mar. 24, 2014]

Article 10-10 (Establishment, Operation, etc. of Soil Environment Center)(1) The Minister of Environment may establish or operate a soil environment center to efficiently perform the following affairs relating to soil conservation:

1. Affairs for the development and utilization of research and technology related to the soil environmental industry;
2. Dissemination of technology related to soil conservation, promotion of its commercialization and support for its advance into overseas markets;
3. Affairs for the collection and utilization of, and education, publicity, and international cooperation on, the information related to the soil environmental industry;
4. Affairs for the invigoration of the soil environmental industry, such as the operation of a soil environment assessment system;
5. Affairs entrusted by the State, local governments, or public institutions referred to in Article 4 of the Act on the Management of Public Institutions with regard to the affairs under subparagraphs 1 through 4.

(2) The Minister of Environment may wholly or partially subsidize the expenses incurred in carrying out the affairs referred to in paragraph (1).

(3) The Minister of Environment may entrust the operation of the soil environment center to the Korea Environmental Industry and Technology Institute under Article 5-3 of the Korea Environmental Industry and Technology Institute Act. <Amended by Act No. 13534, Dec. 1, 2015>

(4) Matters necessary for the operation, supervision, etc. of the soil environment center shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 12522, Mar. 24, 2014]

CHAPTER II REGULATION ON SOIL CONTAMINATION

Article 11 (Reports on Soil Contamination, etc.)(1) In any of the following cases, the relevant person shall file a report to the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu without delay: <Amended by Act No. 12522, Mar. 24, 2014>

1. Where a person who produces, transports, stores, handles, processes, or treats soil contaminants, discharges or leaks them in the process;
2. Where a person who owns, occupies, or operates facilities subject to the control of soil contamination finds the soil of the site on which such facilities are installed or its neighboring areas has been contaminated;
3. Where the proprietor or occupant of land finds the land he/she owns or occupies contaminated.

(2) When the Special Self-Governing Province Governor or the head of a Si/Gun/Gu receives a report referred to in paragraph (1) or otherwise finds the discharge or leakage of soil contaminants, he/she may have public officials belonging thereto enter the relevant land and survey the cause and the level of soil contamination.

(3) With respect to any soil whose level of contamination is found to exceed the worrisome

level of soil contamination (hereinafter referred to as the "contaminated soil") by the survey referred to in paragraph (2), the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may order the person responsible for purification to ask the soil-related specialized agency for conducting a detailed soil survey and to take measures to purify the contaminated soil within a prescribed period, as prescribed by Presidential Decree. <Amended by Act No. 12522, Mar. 24, 2014>

(4) If the soil-related specialized agency conducts the detailed soil survey pursuant to paragraph (3), it shall inform without delay the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu of the results of the detailed soil survey.

(5) Public officials who intend to enter any land of other person under paragraph (2) shall carry certificates showing their authority and produce them to the relevant persons.

(6) Where the Special Self-Governing Province Governor or the head of a Si/Gun/Gu has public officials belonging thereto enter the relevant land to survey the cause and the level of soil contamination pursuant to paragraph (2), he/she shall inform the head of a regional environment office of such fact without delay. <Newly Inserted by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 11-2 Moved to Article 13

Article 12 (Reports, etc. on Specific Facilities Subject to Control of Soil Contamination)(1) Any person who intends to install the specified facilities subject to the control of soil contamination shall, as prescribed by Presidential Decree, report on the details of such facilities and a plan for installing the facilities to prevent soil contamination under paragraph (3) to the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu. The same shall also apply where the reported matters, the details of which are prescribed by Ordinance of the Ministry of Environment, are changed (including the closure of specified facilities subject to the control of soil contamination).

(2) Permission granted or registration made under the Safety Control of Hazardous Substances Act, the Chemicals Control Act and other statutes designated by Ordinance of the Ministry of Environment concerning the installation of the specified facilities subject to the control of soil contamination shall be deemed to be a report made under paragraph (1). In such cases, the head of a permission or registration agency shall notify such facts to the competent Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu having jurisdiction over an area in which the specified facilities subject to the control of soil contamination are installed, attaching the documents concerning the facilities for preventing soil contamination, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11862, Jun. 4, 2013>

(3) The installer of the specified facilities subject to the control of soil contamination (including an operator of relevant facilities; hereinafter the same shall apply) shall, as prescribed by Presidential Decree, install the facilities for preventing soil contamination (hereinafter referred to as the "facilities for preventing soil contamination"), and maintain it

properly.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 12-2 (Legal Fiction of Report on Modification Following Other Acts)(1) Where any change is reported pursuant to the latter part of Article 12 (1), the following report on modification shall be deemed to have been made in relation to the specified facilities subject to the control of soil contamination: Provided, That matters concerning a report on modification shall be limited to where the name or a representative of the business place is changed:

1. Report on modifications concerning discharge facilities pursuant to the proviso to Article 33 (2) and (3) of the Water Quality and Aquatic Ecosystem Conservation Act;
2. Report on modifications concerning discharge facilities under Article 44 (2) of the Clean Air Conservation Act.

(2) A person who intends to be deemed to have reported on modification pursuant to paragraph (1) shall submit the relevant documents prescribed by applicable Acts, when applying for the report on modification.

(3) When the report on modification has been disposed, the head of an administrative agency in receipt of a report on modification pursuant to paragraph (1) shall without delay notify the head of the competent administrative agency under the jurisdiction of the report on modification set forth in any subparagraph of paragraph (1) of its contents.

(4) Where the report on modifications is deemed to have been made pursuant to paragraph (1), he/she shall be exempted from charges imposed in accordance with the relevant Acts.

[This Article Newly Inserted by Act No. 13533, Dec. 1, 2015]

Article 13 (Soil Contamination Inspection)(1) The installer of the specified facilities subject to the control of soil contamination shall, as prescribed by Presidential Decree, undergo the soil contamination inspection on the site of relevant facilities and the areas around it (hereinafter referred to as the "soil contamination inspection") conducted by a soil-related specialized agency: Provided, That the same shall not apply where the collection of soil samples is impossible or the soil contamination inspection is unnecessary, which fall under the requirements prescribed by Presidential Decree and the Special Self -Governing Province Governor or the head of a Si/Gun/Gu approves.

(2) The procedures for an approval under the proviso to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment, and the applicant for such approval shall attach the opinion of a soil-related specialized agency: Provided, That in cases where prescribed by Presidential Decree, such as some facilities among a large number of the same type of storage facilities are shut down, etc., the opinion of the soil-related specialized agency may not be attached.

(3) The soil contamination inspection shall be conducted in two parts which are an inspection of soil contamination levels and an leakage inspection: Provided, That the leakage inspection shall be conducted only for the facilities over which a visual verification of leakage is impossible because the storage facilities or pipes are buried underground or stuck on the

land and the inspection of which is deemed necessary by the Special-Self Governing Province Governor or the head of a Si/Gun/Gu as prescribed by Ordinance of the Ministry of Environment.

(4) The soil-related specialized agency shall, where it has conducted the soil contamination inspection, notify inspection results to the installer of the specified facilities subject to the control of soil contamination, the competent Special-Self Governing Province Governor, or the head of the competent Si/Gun/Gu, and the head of competent fire station (a notification to the head of fire station shall be limited to the case of facilities, from among those permitted under the Safety Control of Dangerous Substances Act, verified to have a leakage of contaminated substance as a result of a leakage inspection), and the installer of the specified facilities subject to the control of soil contamination shall keep the result of inspection notified to him/her, as prescribed by Ordinance of the Ministry of Environment. In such case, the installer of the specified facilities subject to the control of soil contamination may keep the result of inspection notified to him/her in the form of the electronic document as provided for in subparagraph 1 of Article 2 of the Act on Electronic Documents and Transactions. <Amended by Act No. 11461, Jun. 1, 2012>

(5) The method of collecting samples for the soil contamination inspection and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(6) Where it is deemed necessary to perform a close inspection based on the soil contamination inspection results notified by the soil-related specialized agency pursuant to paragraph (4), the competent Special-Self Governing Province Governor or the head of the competent Si/Gun/Gu may commission any soil-related specialized agency that is prescribed by Ordinance of the Ministry of Environment with the soil contamination inspection.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 14 (Order Given to Installer of Specific Facilities Subject to Control of Soil Contamination)

(1) The Special-Self Governing Province Governor or the head of a Si/Gun/Gu may, in case where the installer of the specified facilities subject to the control of soil contamination falls under any case of the following subparagraphs, order him/her to install or improve the facilities for preventing soil contamination and to take measures to purify the contaminated soil for the period that is fixed by Presidential Decree, or ask the soil-related specialized agency to conduct a detailed soil survey in the site of such facilities and surrounding areas:

1. Where he/she fails to install the facilities for preventing soil contamination or to meet the relevant criteria;
2. Where the level of soil contamination is revealed to exceed the worrisome level after an inspection of soil contamination levels conducted pursuant to Article 13 (3);
3. Where a leakage is found as a result of a leakage inspection conducted pursuant to Article 13 (3).

(2) The soil-related specialized agency shall, where it conducts the detailed soil survey

pursuant to paragraph (1), inform without delay the installer of the specified facilities subject to the control of soil contamination, the competent Special-Self Governing Province Governor, or the head of the competent Si/Gun/Gu of the result of such detailed soil survey. (3) The competent Special-Self Governing Province Governor or the head of a Si/Gun/Gu may order the installer of the specified facilities subject to the control of soil contamination to suspend the use of relevant facilities, where the said installer fails to comply with the order under paragraph (1), or where the level of soil contamination in the site of relevant facilities and surrounding areas fails to come down below the purification standards under Article 15-3 (1) even if he/she has complied with the relevant order.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15 (Orders, etc. to Take Preventive Measures against Soil Contamination)(1)

The Mayor/Do Governor or the head of a Si/Gun/Gu may order a person responsible for purification in an area falling under Article 5 (4) 1 or 2 to undergo a detailed soil survey conducted by a soil-related specialized agency by fixing a period, as prescribed by Presidential Decree. <Amended by Act No. 10551, Apr. 5, 2011; Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

(2) Where the soil-related specialized agency has conducted a detailed soil survey under paragraph (1), it shall notify without delay the person responsible for purification and the competent Mayor/Do Governor or the head of a Si/Gun/Gu of the inspection results. <Amended by Act No. 10551, Apr. 5, 2011; Act No. 12522, Mar. 24, 2014>

(3) Where the regular measuring finds that the level of soil contamination exceeds the worrisome level, the survey of the actual state of soil contamination, or the detailed soil survey, the Mayor/Do Governor or the head of a Si/Gun/Gu may order the person responsible for purification to take any of the following measures by fixing a period prescribed by Presidential Decree: Provided, That where it is impracticable to identify the person responsible for purification, or it is deemed impracticable for the person responsible for purification to purify the contaminated soil, the Mayor/Do Governor or the head of the Si/Gun/Gu may purify such contaminated soil: <Amended by Act No. 10551, Apr. 5, 2011; Act No. 12522, Mar. 24, 2014>

1. To improve or relocate the facilities subject to the control of soil contamination;
2. To limit or stop the use of relevant soil contaminants;
3. To purify contaminated soil.

(4) and (5) Deleted. <by Act No. 7291, Dec. 31, 2004>

(6) The Minister of Environment may, where any soil contamination is found to exceed the worrisome level by the measurement of soil contamination under Article 5, request the Mayor/Do Governor or the head of a Si/Gun/Gu having jurisdiction over an area to take measures referred to in paragraph (3). <Amended by Act No. 10551, Apr. 5, 2011>

(7) The Mayor/Do Governor or the head of a Si/Gun/Gu shall, upon receiving a request from the Minister of Environment under paragraph (6), take measures referred to in paragraph (3) and report the results thereof to the Minister of Environment, as prescribed by Ordinance of

the Ministry of Environment. <Amended by Act No. 10551, Apr. 5, 2011>

[This Article Wholly Amended by Act No. 6452, Mar. 28, 2001]

Article 15-2 (Reports on Execution of Order)(1) When anyone who is ordered to take measures or to conduct the suspension pursuant to Article 11 (3), 14 (1) and (3) or 15 (3) executes such order, he/she shall promptly make a report thereon to the Mayor/Do Governor or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. In such cases, the Mayor/Do Governor or the head of the Si/Gun/Gu shall confirm the execution of such order, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12522, Mar. 24, 2014>

(2) Where the person ordered to take measures pursuant to Article 11 (3) has reported on the completed execution of such order pursuant to paragraph (1), the Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall notify the head of a regional environment office of the relevant report on the completed execution of such order, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-3 (Purification of Contaminated Soil)(1) The contaminated soil shall be purified according to the purification standards and methods prescribed by Presidential Decree.

(2) The contaminated soil shall be purified by entrusting the purification work to a soil purification business operator (referring to the soil purification business operator who has registered facilities for purification of the contaminated soil brought into his/her facilities under Article 23-7 (1), in cases where the purification work is to be conducted by shipping it to other facilities under the proviso to paragraph (3)): Provided, That with respect to any soil contamination that falls under the categories and scales that are prescribed by Presidential Decree, including the soil contamination caused by organic solvents, etc., a person responsible for purification may purify it himself/herself. <Amended by Act No. 12522, Mar. 24, 2014>

(3) The contaminated soil shall be purified within a site where such soil contamination occurs: Provided, That where it is impracticable to purify the contaminated soil in the site due to inevitable reasons prescribed by Ordinance of the Ministry of Environment such as a narrow site area, the contaminated soil may be shipped out to the facilities owned by a soil purification business operator (referring to the facilities for purification of the contaminated soil under Article 23-7 (1)) for its purification, as prescribed by Ordinance of the Ministry of Environment.

(4) Any person who intends to purify the contaminated soil after shipping it out to other facilities under the proviso to paragraph (3) shall submit a contaminated soil ship-out and purification plan to the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu and receive a notification of appropriateness, as prescribed by Ordinance of the Ministry of Environment. The same shall apply to a case where he/she intends to change any important matters prescribed by Ordinance of the Ministry of

Environment in the contaminated soil ship-out and purification plan that has been notified as appropriate under paragraph (5). <Amended by Act No. 11464, Jun. 1, 2012>

(5) The Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall notify the person who has submitted a contaminated soil ship-out and purification plan of whether the plan is appropriate or not after reviewing the following matters with respect to the plan submitted under paragraph (4): <Amended by Act No. 11464, Jun. 1, 2012>

1. Whether the soil is classified as the contaminated soil that can be shipped out to other facilities and purified under the proviso to paragraph (3);

2. Whether the contaminated soil ship-out and purification plan is appropriate.

(6) Any person who has received a notification of appropriateness under paragraph (5) shall, whenever he/she ships out, transports, purifies, or uses (referring to the first use of the purified soil; hereinafter the same shall apply) the contaminated soil, submit the soil transfer form in writing to the head of a Si/Gun/Gu who has jurisdiction over an area in which soil contamination has occurred as well as the Mayor/Do Governor who has jurisdiction over the soil purification business operator taking over the contaminated soil, or shall enter such information into the contaminated soil information system under paragraph (9). <Newly Inserted by Act No. 11464, Jun. 1, 2012>

(7) Anyone who purifies the contaminated soil shall be prohibited from performing either of the following acts: <Newly Inserted by Act No. 11464, Jun. 1, 2012>

1. An act of lowering concentrations of contaminants by mixing the contaminated soil with other soil;

2. Where the contaminated soil is shipped out to other facilities for purification under the proviso to paragraph (3), an act of keeping the contaminated soil in excess of the capacity of his/her facilities registered under Article 23-7 (1).

(8) Matters necessary for the soil transfer form under paragraph (6), the timing and method for filling out the form, and the timing for transferring the soil shall be determined by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11464, Jun. 1, 2012>

(9) The Minister of Environment may install and operate the contaminated soil information system that can computerize the process of shipping-out, transporting, purifying or using the contaminated soil. <Newly Inserted by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-4 (Prohibition on Dumping Contaminated Soil, etc.)

No one shall commit an act falling under any of the following subparagraphs:

1. The act of dumping or reclaiming the contaminated soil;

2. The act of leaking and discharging the contaminated soil in the course of storing, transporting and purifying it;

3. The act of using the soil whose purification work is completed for other area where the worrisome level is more strict than that of the purified soil.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-5 (Hazard Assessment)(1) The Minister of Environment, the Mayor/Do Governor,

the head of a Si/Gun/Gu or a person responsible for purification may have a hazard assessment agency designated under Article 23-2 (2) 1 conduct an assessment of the extent of hazard that contaminants cause to human bodies and environment, in consideration of the types of contaminants, the contamination level, surrounding areas, the future land utilization plan and other necessary matters (hereinafter referred to as “ hazard assessment ”) to reflect the results thereof in the scope, timing and level of the soil purification. <Amended by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

(2) Hazard assessment may be conducted in any of the following cases (only subparagraphs 4 and 5 shall apply to a person responsible for purification): <Amended by Act No. 12522, Mar. 24, 2014>

1. Where purification of the contaminated soil is intended under Article 6-3;
2. Where purification of the contaminated soil is intended in the proviso to Article 15 (3);
3. Where improvement to the contaminated soil is intended under Article 19 (3);
4. Where purification of contaminated soil is intended on the site where it is verified by methods prescribed by Presidential Decree as being contaminated due to the natural causes (excluding cases where purification of the contaminated soil is intended after it is shipped to other facilities under the proviso to Article 15-3 (3));
5. Any other cases which necessitate the hazard assessment, as prescribed by Presidential Decree.

(3) Where the Mayor/Do Governor, the head of a Si/Gun/Gu, or a person responsible for purification intends to reflect the hazard assessment results in the timing, scope, and level of the soil purification, the results shall be verified preliminarily by the Minister of Environment. <Amended by Act No. 12522, Mar. 24, 2014>

(4) Items and methods of the hazard assessment and other necessary matters as well as the procedures and methods for verification of the hazard assessment results shall be prescribed by Ordinance of Ministry of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-6 (Verification of Soil Purification)(1) Where a person responsible for purification entrusts a soil purification business operator with the work of purifying the contaminated soil, he/she shall have a soil contamination survey agency designated under Article 23-2 (2) 2 verify the process of purification and the completion of purification: Provided, That where the detailed soil survey finds that the contaminated soil falls under the scales and categories that are prescribed by Presidential Decree such as a small scale of the contaminated soil or low concentrations of contaminants, the verification of the purification process may be omitted. <Amended by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

(2) When a person responsible for purification intends to undergo the purification process of the contaminated soil and the completion of the purification verified by the soil contamination survey agency pursuant to the main sentence of paragraph (1), he/she shall formulate a plan for purifying the contaminated soil according to details and procedures that are

prescribed by Ordinance of the Ministry of Environment to submit such plan to the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu. The same shall apply where he/she intends to make changes to matters prescribed by Ordinance of the Ministry of Environment in the plan submitted. <Amended by Act No. 12522, Mar. 24, 2014>

(3) When the soil-related specialized agency performs the verification under paragraph (1), it may collect verification fees from persons responsible for purification. In such cases, standards for calculating verification fees shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12522, Mar. 24, 2014>

(4) Procedures, details, and methods for the verification referred to in paragraph (1) and other matters necessary for the verification shall be prescribed by Ordinance of the Ministry of Environment.

(5) Where a soil purification business operator undergoes verification of the process and completion of the purification work under paragraph (1), he/she shall not ship out the contaminated soil to another place before the verification is completed by a soil-related specialized agency.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-7 (Designation, etc. of Soil Control Complexes)(1) Where the Minister of Environment deems it necessary for efficient soil purification to concentrate the facilities required for the soil purification in a certain area for the purpose of conducting purification work after shipping out to other facilities under the proviso to Article 15-3 (3) or recycling the purified soil, he/she may designate a land of which the Minister of Environment is the head of the central government agency as a soil control complex from among the State property under the State Property Act.

(2) Where the Minister of Environment intends to designate a soil control complex pursuant to paragraph (1), he/she shall, as prescribed by Presidential Decree, formulate a plan for creation of a soil control complex, hear the opinions of the competent Mayor/Do Governor, and consult the competent head of the central government agency. The same shall also apply where he/she intends to change the important matters of plan for creation of a soil control complex, which are prescribed by Presidential Decree.

(3) Notwithstanding the State Property Act, the Minister of Environment may allow by free contract any person who intends to operate the soil purification business to use or earn profit from part of the land of the soil control complex, or lend or sell it to him/her.

(4) For the smooth operation of the soil control complex pursuant to paragraph (1), the Minister of Environment may provide necessary support for establishment of infrastructure, etc. including roads.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

CHAPTER III DESIGNATION AND MAINTENANCE OF AREA REQUIRING COUNTERMEASURES FOR SOIL CONSERVATION

Article 16 (Standards of Countermeasures against Soil Contamination)

The standards of soil contamination, which is likely to obstruct human health and properties or rearing of animals and plant, and accordingly would necessitate the countermeasures (hereinafter referred to as the "countermeasure standards"), shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 17 (Designation of Area Requiring Countermeasures for Soil Conservation)(1)

The Minister of Environment may designate the area exceeding the countermeasure standards, and the area requested by the Special Self-Governing Province Governor or the head of a Si/ Gun/Gu provided in paragraph (2) as an area requiring countermeasures for soil conservation (hereinafter referred to as an "area requiring countermeasures") in consultation with the head of the relevant central administrative agency and the competent Mayor/Do Governor: Provided, That any area that falls under the case that is prescribed by Presidential Decree shall be designated as an area requiring countermeasures.

(2) When the Special Self-Governing Province Governor or the head of a Si/Gun/Gu deems that soil conservation on a particular area under his/her jurisdiction is especially necessary, he/she may ask the Minister of Environment to designate the area as an area requiring countermeasures after consulting the Mayor/Do Governor having jurisdiction over the area even if the level of soil contamination in that area does not exceed the countermeasure standards.

(3) The standards and procedures of designating an area requiring countermeasures under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

(4) Where the Minister of Environment designates an area requiring countermeasures under paragraph (1), he/she shall publicly announce the location, area, date, purpose of the designation and other matters as prescribed by Ordinance of the Ministry of Environment. This shall also apply when any matters announced are altered.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 18 (Formulation and Execution of Countermeasure Plans)(1)

The Special Self-Governing Province Governor or the head of a Si/Gun/Gu (in cases where the relevant area requiring countermeasures extends over at least two Sis/Guns/Gus (referring to an autonomous Gu; hereinafter the same shall apply), the head of a Si/Gun/Gu refers to the head of a Si/Gun/Gu prescribed by Presidential Decree) shall formulate a countermeasure plan for soil conservation (hereinafter referred to as the "countermeasure plan") with respect to an area requiring countermeasures and execute it after obtaining approval therefor from the Minister of Environment and consulting with the Mayor/Do Governor having jurisdiction over the area.

(2) The countermeasure plan shall include the following matters:

1. The project for improving contaminated soil;
2. The plan for using the land, etc.;
3. The survey of damage to the health of residents and the countermeasures against such damage;

4. Countermeasures to support the residents suffering damage;
5. Other matters deemed and prescribed by Ordinance of the Ministry of Environment as necessary for the formulation and execution of the countermeasure plan.

(3) The Special Self-Governing Province Governor or the head of a Si/Gun/Gu may have the person responsible for purification partially bear the expenses required for countermeasures to support the residents suffering from damage under paragraph (2) 4. <Amended by Act No. 12522, Mar. 24, 2014>

(4) The types, standards and other necessary matters of the projects for improving contaminated soil under paragraph (2) 1 shall be determined by Presidential Decree.

(5) Detailed matters necessary for the survey of damage to the health of residents referred to in paragraph (2) 3 and the countermeasures against such damage referred to in paragraph (2) 4 shall be prescribed by Presidential Decree.

(6) When approving the countermeasure plan under paragraph (1), the Minister of Environment shall consult with the head of the relevant central administrative agency, and after granting the approval, he/she shall notify the head of the relevant central administrative agency thereof and may request him/her to take necessary measures. In such cases, the head of the relevant central administrative agency shall comply with such request, except in extenuating circumstances.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 18-2 (Report on Results of Implementing Countermeasure Plan)

The Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall report the result of implementing the countermeasure plan to the Minister of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 19 (Projects for Improving Contaminated Soil)(1) The Special Self-Governing Province Governor or the head of a Si/Gun/Gu may order the person responsible for purification to wholly or partially execute the project for improving contaminated soil as provided for in Article 18 (2) 1. In such cases, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may, if deemed necessary for preservation of soil, require the soil-related specialized agency prescribed by Ordinance of the Ministry of Environment to direct and supervise the contaminated soil improvement project. <Amended by Act No. 12522, Mar. 24, 2014>

(2) Where a person responsible for purification intends to execute a project for improving contaminated soil as provided for in paragraph (1), he/she shall prepare the plan for such project, and obtain approval therefor from the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. This provision shall also apply when he/she intends to alter important matters prescribed by Ordinance of the Ministry of Environment from among other approved matters. <Amended by Act No. 12522, Mar. 24, 2014>

(3) In cases under paragraph (1), where a person responsible for purification does not exist or the project for improving contaminated soil is impracticable to be executed by the person

responsible for purification, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may execute the pertinent project designed to improve contaminated soil. <Amended by Act No. 12522, Mar. 24, 2014>

(4) In cases under paragraph (3), where the pertinent area requiring countermeasures extends over at least two Sis/Guns/Gus, the head of a Si/Gun/Gu who is prescribed by Presidential Decree shall implement the project for improving contaminated soil.

(5) Where the project for improving contaminated soil as provided for in paragraph (3) or (4) is impracticable to be executed by the Special Self-Governing Province Governor or the head of a Si/Gun/Gu due to the lack of technology or the excess of project costs, etc., the Minister of Environment or the Mayor/Do Governor may, upon a request from the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, provide technological and financial support to the relevant project.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 20 (Limitation on Use of Land, etc.)

The Special Self-Governing Province Governor or the head of a Si/Gun/Gu may impose limitations on the use of land or the installation of facilities deemed to have a possibility to harm the purpose of the designation of the area requiring countermeasures, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 21 (Limitations on Activities)(1) No one shall discharge into the soil in the area requiring countermeasures the specified substances harmful to water quality under subparagraph 8 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act, wastes under subparagraph 1 of Article 2 of the Wastes Control Act, toxic chemicals under subparagraph 7 of Article 2 of the Chemicals Control Act, sewage and excreta under subparagraphs 1 and 2 of Article 2 of the Sewerage Act, or livestock excreta under subparagraph 2 of Article 2 of the Act on the Management and Use of Livestock Excreta: Provided, That acts prescribed by Ordinance of the Ministry of Environment shall be excluded therefrom: <Amended by Act No. 10314, May 25, 2010; Act No. 11862, Jun. 4, 2013>

(2) No one shall install facilities deemed and prescribed by Presidential Decree as likely to violate the purpose of the designation of the area requiring countermeasures in such area. <Amended by Act No. 10551, Apr. 5, 2011>

(3) Where the soil is contaminated or likely to be contaminated due to acts or installation of the facilities referred to in paragraphs (1) and (2), the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may order a person who performed such acts to eliminate soil contaminants or an installer of such facilities to remove the facilities. <Amended by Act No. 10551, Apr. 5, 2011>

Article 22 (Cancellation of Designation of Area Requiring Countermeasures)(1) The Minister of Environment may cancel or alter the designation of an area requiring countermeasures under Article 17 (1) in case where the relevant area falls under any of the

following subparagraphs:

1. Where the level of soil contamination is improved by designing and implementing countermeasures, coming down to a level below the purification standards under Article 15-3 (1);
2. Where it is inevitable for public interest;
3. Where the purpose of designating the area requiring countermeasures has ceased to exist due to natural disasters or other reasons.

(2) The provisions of Article 17 (2) and (4) shall apply mutatis mutandis to the cancellation or alternation of the designation of an area requiring countermeasures as provided for in paragraph (1).

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23 [Moved to Article 10-3]

CHAPTER III-2 SOIL-RELATED SPECIALIZED AGENCY AND SOIL PURIFICATION BUSINESS

Article 23-2 (Classification and Designation, etc. of Soil-Related Specialized Agency)(1) Soil-related specialized agencies shall be classified into the following subparagraphs: <Amended by Act No. 11464, Jun. 1, 2012>

1. Soil environment assessment agency: an agency that assesses soil environment;
2. Hazard assessment agency: an agency that assesses hazardous levels;
3. Soil contamination survey agency: an agency that conducts the following duties:
 - (a) Detailed soil surveys;
 - (b) Inspection of soil contamination levels under Article 13 (3);
 - (c) Verification of soil purification under Article 15-6 (1);
 - (d) Guidance and supervision of projects to improve contaminated soil under Article 19 (1);
4. Leakage inspection agency: an agency that inspects leakage under Article 13 (3).

(2) Any person who intends to become a soil-related specialized agency according to the classifications in the subparagraphs of paragraph (1) shall be designated by the Minister of Environment or the Mayor/Do Governor as specified in the following subparagraphs after securing facilities, equipment and technological capabilities as prescribed by Presidential Decree. This shall also apply where the matters prescribed by Presidential Decree among those already designated are changed: <Newly Inserted by Act No. 11464, Jun. 1, 2012>

1. Soil environment assessment agencies under paragraph (1) 1 and hazard assessment agencies under paragraph (1) 2: The Minister of Environment;
2. Soil contamination survey agencies under paragraph (1) 3 and leakage inspection agencies under paragraph (1) 4: The Mayor/Do Governor.

(3) Soil contamination survey agencies under paragraph (1) 3 shall be designated from among the agencies falling under the following subparagraphs: Provided, That the agencies prescribed by Presidential Decree shall be deemed to be designated as a soil contamination survey agency under paragraph (1): <Amended by Act No. 11464, Jun. 1, 2012>

1. Regional environment offices;

2. National and public research institutes;
 3. Universities under subparagraphs 1 through 6 of Article 2 of the Higher Education Act;
 4. Special corporations established under the special Acts;
 5. Nonprofit corporations under a permit for establishment by the Minister of Environment.
- (4) The Minister of Environment or the Mayor/Do Governor shall, when he/she has designated a soil-related specialized agency, issue a certificate of designation and publicly announce such designation. <Amended by Act No. 11464, Jun. 1, 2012>
- (5) Matters to be observed by soil-related specialized agencies, fees for inspection, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.
- (6) A soil environment assessment agency and a hazard assessment agency designated under paragraph (2) 1 may allow a soil contamination survey agency designated under subparagraph 2 of the same paragraph to collect or analyze soil samples on their behalf for assessment of soil environment or of hazardous levels. <Amended by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-3 (Disqualifications of Soil-Related Specialized Agencies)

None of the following persons shall be designated as a soil-related specialized agency: <Amended by Act No. 13169, Feb. 3, 2015>

1. A person under adult guardianship or a person under limited guardianship;
2. A person who has been sentenced to a bankruptcy and not reinstated as yet;
3. A person for whom two years have not yet elapsed after the revocation of designation under Article 23-6;
4. A person who has been sentenced to imprisonment with labor or a heavier punishment for violating this Act and for whom two years have yet to pass from the date on which the execution of the sentence is completed (including where the execution of the sentence is deemed completed) or the execution of the sentence is exempted;
5. A corporation that employs persons falling under one of subparagraphs 1 through 4 from as its executive officers.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-4 (Prohibition on Lending Written Designation of Soil-Related Specialized Agency, etc.)

Anyone who is designated as the soil-related specialized agency shall be prohibited from permitting any other person to perform the work of his/her soil-related specialized agency by using his/her name or from lending the written designation of his/her soil-related specialized agency to any other person.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-5 (Prohibition on Concurrently Running other Businesses)

Neither those designated as a hazard assessment agency pursuant to Article 23-2 (2) 1 nor those designated as a soil contamination survey agency pursuant to subparagraph 2 of the same paragraph from among soil-related specialized agencies may concurrently run the soil

purification business. <Amended by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-6 (Revocation, etc. of Designation of Soil-Related Specialized Agency)(1) In case where a soil-related specialized agency falls under any of the following subparagraphs, the Minister of Environment or the Mayor/Do Governor shall revoke the designation: <Amended by Act No. 11464, Jun. 1, 2012>

1. Where it has been designated by deception or other unlawful means;
2. Where it has come to fall under any of the subparagraphs of Article 23-3: Provided, That a person falling under subparagraph 5 of Article 23-3 from among executive officers of the corporation is replaced within 3 months, this shall not apply;
3. Where it has concurrently run the soil purification business in violation of Article 23-5.

(2) In case where a soil-related specialized agency falls under any of the following subparagraphs, the Minister of Environment or the Mayor/Do Governor may either revoke the designation or order the agency to suspend business with setting a period of six months or less: <Amended by Act No. 11464, Jun. 1, 2012>

1. Where it has failed to meet the designation standards under Article 23-2 (2);
2. Where it has allowed others to conduct duties of the soil-related specialized agency by using its name or lent its certificate of designation to others in violation of Article 23-4;
3. Where it has falsely or poorly prepared the results of inspection or assessment by intention or gross negligence;
4. Where it poorly conducted the detailed soil survey under Article 11 (3), 14 (1) or 15 (1) by intention or gross negligence, reducing the scale of contaminated soil below the one subject to the verification of the purification process under the proviso to Article 15-6 (1);
5. Where it has conducted duties relating to the inspection of soil contamination levels, leakage inspection, soil environment assessment, or hazard assessment during the period of disposition of business suspension;
6. Where a person other than a technical expert falling under the requirements for designation of technological capabilities under Article 23-2 (2) has conducted a survey or assessment and notified of the result.

(3) In case where a soil-related specialized agency falls under any of the following subparagraphs, the Minister of Environment or the Mayor/Do Governor may order the agency to suspend its duty with setting a period of six months or less: <Amended by Act No. 11464, Jun. 1, 2012>

1. Where it poorly conducted the verification of soil purification under Article 15-6, failing to treat the contaminated soil below the purification standards under Article 15-3 (1);
2. Where it has failed to commence business within two years from the date of its designation (excluding the cases where it is deemed to have been designated as a soil contamination survey agency under the proviso to Article 23-2 (3)) or has no record of performance for not less than two consecutive years without any justifiable reason;
3. Where it has failed to notify without delay the competent Mayor/Do Governor or the head

of the competent Si/Gun/Gu of the result of a detailed survey under Articles 11 (4), 14 (2) and 15 (2);

4. Where it has presented an untruthful opinion concerning approval for exemption from the soil contamination inspection under Article 13 (2);

5. Where it has failed to notify the results of the soil contamination inspection under Article 13 (4) to the competent Special Self-Governing Province Governor, the head of the competent Si/Gun/Gu and the head of competent fire station;

6. Where it has violated the matters of observance of soil-related specialized agencies under Article 23-2 (5);

7. Where it has failed to make report or to present data in violation of Article 26-2 (2), or has reported or presented data fraudulently.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-7 (Registration of Soil Purification Business, etc.)(1) Anyone who intends to run a soil purification business shall secure facilities (including facilities for purification of contaminated soil brought into the facilities in case where the purification works are to be conducted by shipping it out to other facilities under the proviso to Article 15-3 (3)), equipment, technical manpower, etc. that are prescribed by Presidential Decree to register his/her business with the Mayor/Do Governor. The same shall apply where he/she changes any matter prescribed by Presidential Decree from among those already registered. <Amended by Act No. 11464, Jun. 1, 2012>

(2) The Mayor/Do Governor shall, when he/she makes the registration of a soil purification business, issue a registration certificate as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-8 (Grounds of Disqualification for Registration of Soil Purification Business)

The provision of Article 23-3 shall apply mutatis mutandis to anyone who intends to register his/her soil purification business pursuant to Article 23-7 (1). In this case, the "soil-related specialized agency" shall be deemed the "soil purification business" and the "designation" shall be deemed the "registration," respectively.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-9 (Matters to be Observed by Soil Purification Business Operators)(1) Every soil purification business operator shall be prohibited from letting any other person run the soil purification business by getting the latter to use his/her name or his/her firm name or from lending his/her registration certificate to any other person.

(2) Every soil purification business operator shall be prohibited from subcontracting in bulk his/her contracted work for the soil purification (hereinafter referred to as the "soil purification work") or the work directly connected to the soil purification that is prescribed by Presidential Decree from among the soil purification work: Provided, That this shall not apply if there exists a natural disaster or any other unavoidable ground prescribed by Presidential Decree.

(3) Other matters that soil purification business operators are required to observe other than

those prescribed in paragraphs (1) and (2) when they run their soil purification business shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-10 (Revocation, etc. of Registration of Soil Purification Business)(1) In case where a soil purification business operator falls under any of the following subparagraphs, the Mayor/Do Governor shall revoke the registration: <Amended by Act No. 11464, Jun. 1, 2012>

1. Where he/she has registered by deception or other unlawful means;
2. Where he/she has come to fall under any of the subparagraphs of Article 23-3 which shall apply mutatis mutandis under Article 23-8: Provided, That a person falling under subparagraph 5 of Article 23-3 from among the executive officers of the corporation is replaced within 3 months, this shall not apply;
3. Where he/she conducted business activities during the period of business suspension.

(2) In case where a soil purification business operator falls under any of the following subparagraphs, the Mayor/Do Governor may either revoke the registration of the soil purification business operator or order him/her to suspend business with setting a period of not more than six months: <Amended by Act No. 11464, Jun. 1, 2012>

1. Where he/she has failed to conduct purification work in conformity with the standards and methods of purification under Article 15-3 (1);
2. Where he/she has conducted purification work after shipping the contaminated soil to a place other than the relevant land where the contamination has occurred or to a place other than the facilities owned by himself/herself in violation of Article 15-3 (3);
3. Where he/she has committed an act of lowering concentrations of contaminants by mixing the contaminated soil with other soil in violation of Article 15-3 (7) 1;
4. Where he/she has kept the contaminated soil in excess of the capacity of the registered facilities in violation of Article 15-3 (7) 2;
5. Where he/she has committed an act of dumping, reclaiming, leaking or discharging the contaminated soil in violation of Article 15-4;
6. Where he/she has shipped the contaminated soil to another place before the completion of verification by a soil-related specialized agency in violation of Article 15-6 (5);
7. Where he/she has fell short of the registration standards under Article 23-7 (1);
8. Where he/she has allowed other persons to conduct the duty of the soil purification business by using his/her name or lent his/her certificate of registration to other persons in violation of Article 23-9 (1);
9. Where he/she has subcontracted the soil purification work for which he/she has been contracted in violation of Article 23-9 (2).

(3) When a soil purification business operator has failed to commence his/her duty within two years from the date of registration or has no record of performance for not less than two consecutive years without any justifiable reasons, the Mayor/Do Governor may order him/her to suspend business with setting a period of six months or less. <Amended by Act

No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-11 (Uninterrupted Work of Soil Purification Business Operator Whose Business is Revoked or Suspended, etc.)

(1) Anyone who is subjected to the revocation of his/her registration or a disposition taken to suspend his/her business pursuant to Article 23-10 may conduct only the soil purification work for which the ground is broken prior to such disposition. In such cases, anyone who continues the soil purification work shall be deemed a soil purification business operator under this Act until the work is completed.

(2) Anyone subject to the revocation of his/her registration or a disposition taken to suspend his/her business pursuant to Article 23-10 shall notify without delay a person who places an order for the soil purification work and a subcontractor of details of such disposition.

(3) Anyone who awards or is awarded a contract of soil purification work to/from a soil purification business operator may terminate the work contract only within the limited period of 30 days from the date on which he/she is informed pursuant to paragraph (2) by the relevant soil purification business operator or he/she learns of such fact unless extraordinary grounds exist.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-12 (Succession of Rights and Duties)

(1) Anyone falling under any of the following subparagraphs shall succeed the rights and duties accruing from the designation or registration of the person designated as a soil-related specialized agency under Article 23-2 or the person registered as a soil purification business operator under Article 23-7. In such case, if the inheritor falls under any grounds for disqualification under Article 23-3 or 23-8, he/she shall transfer his/her soil-related specialized agency or soil purification business to another person within the period of three months:

1. Where the person designated as a soil-related specialized agency or registered as a soil purification business operator is deceased, the inheritor;
2. Where the person designated as a soil-related specialized agency transfers his/her soil-related specialized agency or the person registered as soil purification business operator transfers his/her soil purification business, the transferee;
3. Where a corporation designated as a soil-related specialized agency or registered as a soil purification business operator is merged, the corporation which remains after or is established by such merger.

(2) Anyone who acquires a soil-related specialized agency or soil purification business through any procedure of the following subparagraphs shall succeed the rights and the duties accruing from the previous designation or the previous registration provided in this Act: <Amended by Act No. 14476, Dec. 27, 2016>

1. Auction under the Civil Execution Act;
2. Conversion under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of the seized property under the National Tax Collection Act, the Customs Act or the Local Tax Collection Act;

4. Procedures corresponding to any of the provisions of subparagraphs 1 through 3.

(3) Anyone who succeeds the status of the soil-related specialized agency or the soil purification business operator pursuant to paragraph (1) or (2) shall make a report thereon to the Minister of Environment or the Mayor/Do Governor within one month from the date on which he/she succeeds such status as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-13 (Succession of Effect of Administrative Disposition)

Where anyone who obtains the designation of his/her soil-related specialized agency pursuant to Article 23-2 or anyone who registers his/her soil purification business pursuant to Article 23-7 deceases or transfers his/her soil-related specialized agency or his/her soil purification business or in case where a merger of corporation takes place, the transferee, the inheritor, the corporation that is newly incorporated after a merger or the surviving corporation shall succeed the effect of the administrative disposition taken to the previous soil-related specialized agency or the previous soil purification business operator on the grounds of violating each subparagraph of Article 23-6 or 23-10 for one year from the date on which the disposition period expires and when the procedures for the administrative disposition are underway, such procedures for the administrative disposition to the transferee, the inheritor, the corporation that is newly incorporated after a merger or the surviving corporation may continue: Provided, That the same shall not apply to a case where the transferee, the corporation that is newly incorporated after a merger or the surviving corporation verifies that he/she or it does not learn of the disposition or the fact of violation at the time when the acquisition by transfer or the merger takes place.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-14 (Training of Technical Manpower by Soil-Related Specialized Agencies, etc.)(1) The technical manpower that works for any soil-related specialized agency and any soil purification business shall undergo training as prescribed by Ordinance of the Ministry of Environment.

(2) Anyone who employs persons liable to undergo the training referred to in paragraph (1) shall get them to undergo the training. In this case, expenses required for the training shall be borne by the employer.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 24 (Execution by Proxy)

Where any person subject to the soil contamination inspection under Article 13 (1) or any person given an order falling under any of the following subparagraphs fails to undergo such inspection or comply with such order, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may carry out the orders by proxy as prescribed by the Administrative Vicarious Execution Act, and collect the relevant expenses from the person who has violated the orders:

1. An order under Articles 11 (3) and 14 (1);
2. An order of detailed soil survey under Article 15 (1);
3. An order under Article 15 (3);
4. An order to execute the project for improving contaminated soil under Article 19 (1);
5. An order to eliminate the soil contaminants or to remove the facilities, etc. under Article 21 (3).

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 25 (Assistance from Relevant Organizations)

The Minister of Environment may request the head of the relevant central administrative agency or the Mayor/Do Governor to take the measures as prescribed by the following subparagraphs if he/she deems it necessary to achieve the purpose of this Act:

1. Cultivation of fertile agricultural soil such as bringing fertile soil from another place to prevent soil contamination, etc.;
2. Measures to prevent contamination of surrounding agricultural land on account of wastes and hazardous materials from abandoned mines;
3. Restoration of soil that is damaged by installation of industrial facilities, etc.;
4. Other matters which are prescribed by Ordinance of the Ministry of Environment as necessary for soil conservation.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26 (State Subsidy)

The State may subsidize or finance the soil conservation project that is promoted by a local government within the budget.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26-2 (Reports and Inspection, etc.)(1) The Special Self-Governing Province Governor or the head of a Si/Gun/Gu may, as prescribed by Ordinance of the Ministry of Environment, order the installer of the specified facilities subject to the control of soil contamination to furnish the data necessary for his/her supervision, and have public officials under his/her control enter the specified facilities subject to the control of soil contamination to inspect whether the facilities for preventing soil contamination are installed, the soil contamination inspection is conducted, its results are kept, etc.

(2) If deemed necessary, the Minister of Environment or the Mayor/Do Governor may request a soil-related specialized agency and a soil purification business operator to file reports or furnish the data necessary for his/her supervision, and have public officials under his/her control enter the office or business place of the soil-related specialized agency or the soil purification business operator, or other necessary places to inspect the documents, facilities, equipment, etc. <Amended by Act No. 11464, Jun. 1, 2012>

(3) The Mayor/Do Governor or the head of a Si/Gun/Gu may require the proprietor, occupant or operator of the land on which soil contamination has occurred or of the facilities subject to the control of soil contamination to submit necessary data, or have public officials belonging thereto enter the relevant land or facilities subject to the control of soil

contamination and inspect the documents, the facilities, equipment, etc. <Newly Inserted by Act No. 12522, Mar. 24, 2014>

(4) Public officials conducting the inspections under paragraphs (1) through (3) shall carry an identification indicating their authority, and present it to the relevant persons. <Amended by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26-3 (Report on Current State of Specific Facilities Subject to Control of Soil Contamination, etc.)(1) The head of a Si/Gun/Gu shall submit the material of the preceding year concerning the matters falling under each of the following subparagraphs to the Mayor/Do Governor by the end of January every year as prescribed by Ordinance of the Ministry of Environment:

1. The current state of the specified facilities subject to the control of soil contamination;
2. The result of the soil contamination inspection that is notified pursuant to Article 13 (4);
3. Details of the order given to take measures and the result of the survey provided in Article 14.

(2) The Mayor/Do Governor shall compile the material that is submitted pursuant to paragraph (1) and report such material to the Minister of Environment by the end of February every year.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26-4 (Standards for Administrative Disposition)

The detailed standards for the administrative disposition provided in Articles 23-6 and 23-10 shall be set by Ordinance of the Ministry of Environment, taking into account the categories of the act of violation and the extent of violation, etc.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26-5 (Hearing)

The Minister of Environment, the Mayor/Do Governor or the head of a Si/Gun/Gu shall, if he/she intends to make dispositions falling under any of the following subparagraphs, conduct the hearing: <Amended by Act No. 11464, Jun. 1, 2012>

1. Order to withdraw facilities under Article 21 (3);
2. Revocation of designation of the soil-related specialized agency under Article 23-6;
3. Revocation of the registration of the soil purification business provided in Article 23-10.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 27 (Delegation and Entrustment of Authority)(1) The authority of the Minister of Environment prescribed by this Act may be delegated in part to the heads of agencies under his/her control, as prescribed by Presidential Decree. <Amended by Act No. 11464, Jun. 1, 2012>

(2) The Minister of Environment may entrust part of his/her duties vested under this Act to the Korea Environment Corporation and the Korea Environmental Industry and Technology Institute in accordance with the Korea Environment Corporation Act, as prescribed by Presidential Decree. <Newly Inserted by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar.

24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

CHAPTER V PENALTY PROVISIONS

Article 28 (Penalty Provisions)

Anyone who fails to carry out an execution order pursuant to Article 19 (1) or a person who implements a project for improving soil contamination without obtaining the approval pursuant to Article 19 (2) shall be punished by imprisonment with labor for not more than five years or a fine not exceeding 50 million won. <Amended by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 29 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: <Amended by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

1. A person who has failed to execute an order given to take measures to purify contaminated soil under Article 11 (3) or 14 (1);
2. A person who has failed to execute an order issued to suspend the use of the specified facilities subject to the control of soil contamination under Article 14 (3);
3. A person who has failed to execute an order issued under Article 15 (3);
4. A person who has commissioned purification of the contaminated soil in violation of Article 15-3 (2);
5. A person who has dumped or reclaimed any contaminated soil in violation of subparagraph 1 of Article 15-4;
6. A person who has failed to execute an order to eliminate soil contaminants or withdraw facilities, etc. under Article 21 (3);
7. A person who performs the work of the soil-related specialized agency without obtaining designation required under Article 23-2 (2);
8. A person who runs the soil purification business without having his/her business registered pursuant to Article 23-7 (1).

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 30 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding 10 million won: <Amended by Act No. 10314, May 25, 2010; Act No. 10551, Apr. 5, 2011; Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

1. A person who conducts an assessment of soil environment as differently from the actual state not conforming to the items, methods and procedures under Article 10-2 (3) by intention or gross negligence;
- 1-2. A person who fails to make a report, in violation of Article 11 (1), on the fact that soil contaminants have been leaked or discharged in the course of production, transportation,

storage, handling, processing or disposal;

1-3. A person who manipulates the contamination level to be less than the scale subject to verification of the purification process pursuant to the proviso to Article 15-6 (1) by flimsily conducting the detailed soil survey under Article 11 (3), 14 (1) or 15 (1) by intention or gross negligence;

2. A person who installs specified facilities subject to the control of soil contamination without making a report thereon under the former part of Article 12 (1) or has made a false report thereon;

3. A person who fails to install the facilities for preventing soil contamination in violation of Article 12 (3);

4. A person who fails to execute an order to install or improve the facilities for preventing soil contamination pursuant to Article 14 (1);

5. A person who purifies any contaminated soil in violation of Article 15-3 (1);

6. A person who ships out any contaminated soil to a place that is neither a site where the soil is contaminated nor a site of the facilities owned by any soil purification business operator for the purpose of purifying such contaminated soil in violation of Article 15-3 (3);

7. A person who lowers concentrations of contaminants by mixing the contaminated soil with other soil in violation of Article 15-3 (7) 1;

8. A person who discharges or leaks any contaminated soil in violation of subparagraph 2 of Article 15-4;

8-2. A person who uses the soil, the purification of which is complete in an area where a stricter criteria is applied to its soil than the criteria applied to the purified soil in violation of subparagraph 3 of Article 15-4;

9. A person who fails to order the soil-related specialized agency to perform the verification in violation of Article 15-6 (1);

10. A person who fails to comply with procedures, details and methods of the verification under Article 15-6 (4) by intention or gross negligence, obstructing the contaminated soil to be treated within the purification standards under Article 15-3 (1);

11. A person who ships contaminated soil to other facilities when the verification by the soil-related specialized agency is not completed in violation of Article 15-6 (5);

12. A person who has installed any facilities in areas requiring countermeasures in violation of Article 21 (2);

13. A person who obtains designation of a soil-related specialized agency or register his/her soil purification business by fraudulent and illegal means;

14. A person who allows any other person to perform the work of the soil-related specialized agency under his/her name or who lends his/her written designation to any other person in violation of Article 23-4;

15. A person who allows any other person to run the soil purification business under his/her name or trade name or who lends his/her registration certificate to any other person in violation of Article 23-9 (1);

16. A person who subcontracts contracted soil purification work in violation of Article 23-9 (2);

17. A person who refuses, obstructs, or evades the entry and inspection by public officials under Article 26-2 (2).

[This Article Wholly Amended by Act No. 7291, Dec. 31, 2004]

Article 31 (Joint Penalty Provisions)

When the representative of a corporation, or an agent, employee, or other servant of a corporation or individual commits an offence under Articles 28 through 30 in relation to the business of such corporation or individual, not only shall such violator be punished, but the corporation or the individual shall also be punished by a fine under the relevant provisions: Provided, That this shall not apply where the corporation or the individual has not neglected to pay due attention and supervision concerning the relevant business in order to prevent such violation.

[This Article Wholly Amended by Act No. 10314, May 25, 2010]

Article 32 (Administrative Fines)(1) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

1. A person who finds out the fact that the soil has been contaminated but fails to report such fact in violation of Article 11 (1);

2. A person who fails to submit the soil transfer form or enter information in the form into the contaminated soil information system in violation of Article 15-3 (6);

3. A person who refuses, obstructs or avoids the entry and inspection by a public official under Article 26-2 (1) or (3);

(2) Any of the following persons shall be punished by an administrative fine not exceeding two million won: <Amended by Act No. 11464, Jun. 1, 2012>

1. A person who obstructs or rejects activities of the relevant public officials or staff of a soil-related specialized agency pursuant to Article 8 (5) without any justifiable grounds;

2. A person who fails to execute an order to conduct the detailed soil survey pursuant to Article 11 (3), 14 (1) or 15 (1);

3. A person who fails to promptly inform the Mayor/Do Governor or the head of a Si/Gun/Gu of the results of the detailed soil survey in violation of Article 11 (4), 14 (2) or 15 (2);

4. A person who fails to report amendments (including closedown of facilities) in violation of the latter part of Article 12 (1);

5. A person who has failed to undergo the inspection or to keep the results of the inspection pursuant to Article 13 (1) or (4);

5-2. A person who fails to report the results of the soil contamination inspection to the Special Self-Governing Province Governor or the head of a Si/Gun/Gu and the head of the competent fire station in violation of Article 13 (4);

5-3. A person who ships out and purifies the contaminated soil without receiving notification of appropriateness on a contaminated soil ship-out and purification plan in violation of Article

15-3 (4);

5-4. A person who submits or fills out the soil transfer form under Article 15-3 (6) falsely or poorly;

6. A person who fails to submit a plan for purifying the contaminated soil or the amended plan for purifying the contaminated soil pursuant to Article 15-6 (2);

7. A person who refuses, obstructs or evades the guidance and supervision pursuant to Article 19 (1);

8. A person who dumps specific substances harmful to water quality, wastes, toxic chemicals, sewage, excreta or livestock excreta in the area requiring countermeasures in violation of Article 21 (1);

9. A person who fails to obtain the changed designation pursuant to the latter part of Article 23-2 (2);

10. A person who fails to observe matters pursuant to Articles 23-2 (5) and 23-9 (3);

11. A person who fails to register the changed matters pursuant to the latter part of Article 23-7 (1);

11-2. A person who fails to file a report in violation of Article 23-12 (3);

12. A person who fails to receiving training or who prevents another person from receiving training in violation of Article 23-14 (1) or (2);

13. A person who fails to make a report or submit materials or has made a false report or submitted false materials in violation of Article 26-2 (1) or (2).

(3) The Minister of Environment, the Mayor/Do Governor, or the head of a Si/Gun/Gu shall impose and collect administrative fines under paragraphs (1) and (2), as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10314, May 25, 2010]

ADDENDA (Omitted)

27. Enforcement Decree of the Soil Environment Conservation Act

[Enforcement Date 07. Jan, 2017.] [Presidential Decree No.27767, 06. Jan, 2017., Amendment by Other Act]

Article 1 (Purpose)

The purpose of this Decree is to provide the matters delegated by the Soil Environment Conservation Act and the necessary matters for the enforcement thereof. <Amended by Presidential Decree No. 18910, Jun. 30, 2005>

Article 2 Deleted. <by Presidential Decree No. 17432, Dec. 19, 2001>

Article 3 Deleted. <by Presidential Decree No. 17432, Dec. 19, 2001>

Article 4 (Methods, etc. of Formulating Basic Plans and Regional Plans) (1) When the Minister of Environment deems it necessary to formulate the basic plan for soil conservation (hereinafter referred to as "basic plan") under Article 4 (1) of the Soil Environment Conservation Act (hereinafter referred to as the "Act"), he/she may request the heads of

relevant central administrative agencies, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor or the Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor") and the heads of the relevant agencies or organizations to submit data necessary for formulating the basic plan. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011>

(2) When a basic plan has been formulated, or the Minister of Environment has approved a regional soil conservation plan (hereinafter referred to as "regional plan") under Article 4 (4) of the Act, he/she shall, without delay, notify the heads of the relevant administrative agencies thereof. The heads of the relevant administrative agencies who have been thus notified shall take measures necessary for enforcing the basic plan or regional plan, unless special circumstances exist.

Article 5 (Compensation for Loss) (1) The amount of compensation for loss as provided in the provisions of Article 9 (1) of the Act, shall be determined in consideration of the transaction price, rent, profitability of the land, buildings, standing timber, earth and rocks, and other constructions concerned.

(2) Any person who intends to claim for the compensation for a loss in accordance with the provisions of Article 9 (2) of the Act, shall submit to the Minister of Environment, the Mayor/Do Governor, the head of a Si/ Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) or the head of any soil-related specialized agency (hereinafter referred to as "soil-related specialized agency") provided for in Article 23-2 of the Act a written claim stating the following particulars accompanied by documents evidencing the loss to it: <Amended by Presidential Decree No. 17432, Dec. 19, 2001; Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 26774, Dec. 30, 2015>

1. The name, birth date, and address of the claimant;
2. The date and place where the loss occurred;
3. The contents of the loss;
4. The amount of the loss and the method of assessing it.

(3) Upon receiving the written claim for the compensation for loss as provided in paragraph (2), the Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu or the head of any soil-related specialized agency shall, without any delay, notify the claimant of the following matters: <Amended by Presidential Decree No. 17432, Dec. 19, 2001; Presidential Decree No. 18910, Jun. 30, 2005>

1. The period and method of consultation;
2. The time, method and procedures of compensation.

(4) Any person who intends to file a motion for adjudication with the Land Expropriation Committee in accordance with the provisions of Article 9 (4) of the Act, shall submit the written motion for adjudication stating the following matters to the relevant Land Expropriation Committee:

1. The name and address of the person who has filed a motion for adjudication and of the

adverse party;

2. Kinds of the business involved;

3. The fact that the loss has been incurred;

4. The particulars with respect to the amount of the compensation for the loss as determined by the disposition bureau and the amount as claimed by the person who has filed a motion;

5. Details of the consultation.

(5) Deleted. <by Presidential Decree No. 17432, Dec. 19, 2001>

Article 5-2 (Assessment of Soil Environment) (1) The assessment of soil environment under Article 10-2 of the Act shall be conducted in the order of a basic survey, an overall survey, and a detailed survey as classified in the following; but when only the basic survey or overall survey is enough to confirm that the soil subject to the assessment has not been contaminated, the next survey may be omitted to close the assessment of soil environment: <Amended by Presidential Decree No. 24566, May 31, 2013>

1. Basic survey: A survey on the probability of soil contamination by means of data research, field research, etc.;

2. Overall survey: A survey on whether the soil is contaminated by means of collecting and analyzing soil samples;

3. Detailed survey: A survey on the severity and scope of soil contamination by means of collecting and analyzing soil samples.

(2) Details of procedures and methods for the assessment of soil environment shall be determined and announced by the Minister of Environment.

[This Article Newly Inserted by Presidential Decree No. 23196, Sep. 30, 2011]

Article 5-3 (Orders, etc. of Soil Purification, etc. for Two or More Persons Responsible for Purification) (1) In accordance with Article 10-4 (3) of the Act, where a person that is responsible for purification (hereinafter referred to as a “person responsible for purification”) referred to in Article 10-4 (1) of the Act is two or more persons, a Mayor/Do Governor or the head of a Si/Gun/Gu shall order them to conduct detailed soil surveys, to purify contaminated soil or to implement projects for improving contaminated soil pursuant to Article 11 (3), 14 (1), 15 (1) or (3), or 19 (1) (hereinafter referred to as “soil purification, etc.”), in accordance with the following order:

1. A person responsible for purification under Article 10-4 (1) 1 and a person who has comprehensively succeeded to rights and obligations thereof;

2. An occupant or an operator of facilities subject to the control of soil contamination, among persons responsible for purification under Article 10-4 (1) 2, and a person who has comprehensively succeeded to rights and obligations thereof;

3. A possessor of facilities subject to the control of soil contamination, among persons responsible for purification under Article 10-4 (1) 2, and a person who has comprehensively succeeded to the rights and obligations thereof;

4. A person who currently possesses or occupies a land where the soil contamination took place, among persons responsible for purification under Article 10-4 (1) 4;

5. A person who has possessed a land where the soil contamination took place, among persons responsible for purification under Article 10-4 (1) 4.

(2) Notwithstanding paragraph (1), in any of the following cases, a Mayor/Do Governor or the head of a Si/Gun/Gu may issue an order for the soil purification, etc. to any one of persons responsible for purification in later sequence ahead of a person responsible for purification in prior order in the sequence prescribed in paragraph (1):

1. Where a person responsible for purification in prior order is unidentified due to the address unknown, etc.;

2. Where a person responsible for purification in prior order is found that the person is less attributable to the relevant soil contamination compared to a person responsible for purification in later sequence;

3. Where it is found to be impracticable to carry out the soil purification, etc. in the event that the purification expenses to be borne by a person responsible for purification in prior order significantly exceed his/her own property value;

4. Where a person responsible for purification in later sequence raises his/her objection or fails to cooperate with respect to the fact that a person responsible for purification in prior order carries out the soil purification, etc.;

5. Where a person responsible for purification in later sequence fails to cooperate with respect to the inspection or other necessary measures for identifying a person responsible for purification in prior order.

(3) Where it is difficult to choose a person responsible for purification for ordering the soil purification, etc. pursuant to paragraph (1) or (2), a Mayor/Do Governor or the head of a Si/Gun/Gu may order at least persons responsible for purification jointly to carry out the soil purification, etc. through the selection of a person responsible for purification from the Soil Purification Advisory Committee (hereinafter referred to as the “Committee”) for soil purification pursuant to Article 10-9 of the Act and the consultation on the portion, etc. of liability to each person responsible for purification.

(4) When a Mayor/Do Governor or the head of a Si/Gun/Gu seeks advice from the Committee referred to in Article 10-4 (3) of the Act, he/she shall submit data necessary for consulting to the Committee.

[This Article Newly Inserted by Presidential Decree No. 26160, Mar. 24, 2015]

Article 5-4 (Supporting Expenses for Soil Purification, etc.) (1) Where the Minister of Environment intends to subsidize expenses incurred in the soil purification, etc. under Article 10-4 (5) of the Act, he/she shall determine whether to subsidize expenses, its scale, method, etc. upon receipt of request for support from a Mayor/Do Governor or the head of a Si/Gun/Gu who has issued an order for soil purification, etc., and notify the relevant Mayor/Do Governor or the head of a Si/Gun/Gu thereof. In such cases, the Minister of Environment may request the Korea Environment Corporation (hereinafter referred to as the “Korea Environment Corporation”) under the Korea Environment Corporation Act to examine technical matters related to the support for purification expenses.

(2) The detailed matters necessary concerning the support, such as the procedure, etc. for supporting expenses, except for the matters provided for in paragraph (1), shall be prescribed by the Minister of Environment.

(3) “Cases prescribed by Presidential Decree” prescribed in Article 10-4 (5) 4 of the Act shall mean any of the following cases:

1. Where expenses incurred in the soil purification, etc. exceeds the value of the relevant land for a person who received the relevant land before December 31, 2001, and transferred or did not own the relevant land for other grounds after January 1, 2002, as a person responsible for purification, etc. referred to in Article 10-4 (1) 4;

2. Where expenses incurred in the soil purification, etc. noticeably exceeds the value of the relevant land and the profits generated from its possession or occupation for a person who received the relevant land after January 1, 2001, and transferred or did not own the relevant land for other grounds thereafter, as a person responsible for purification, etc. referred to in Article 10-4 (1) 4.

[This Article Newly Inserted by Presidential Decree No. 26160, Mar. 24, 2015]

Article 5-5 (Composition and Operation of Committee) (1) The Chairperson of the Committee shall be appointed or commissioned by the Minister of Environment from among members; the Minister of Environment shall appoint or commission any of the following persons who have abundant knowledge and experience related to the field of soil environment as a member, in consideration of the gender:

1. A person who has worked in the affair related to soil environment for at least ten years;

2. A person who holds or has held the post of an assistant professor or higher referred to in Article 2 of the Higher Education Act;

3. A person who has been employed in business as a lawyer for at least five years;

4. Relevant public officials.

(2) The Committee shall have an executive secretary for carrying out the affairs of the Committee, and the executive secretary shall be appointed by the Minister of Environment, from among public officials belonging to the Ministry of Environment.

(3) The term of office of the member of the Committee shall be two years.

(4) The Chairperson shall represent the Committee, and exercise overall control over the Committee.

(5) The meetings of the Committee shall be open when a majority of the current members are present; issues shall be resolved by a majority of those present.

(6) The Committee may have specialized committees by field to research and examine the advisory matters professionally, may request the Korea Environment Corporation to examine technical matters related to the consultation, if necessary.

(7) Necessary matters concerning the composition, operation, etc. of the Committee, except for the matters provided for in paragraph (1) through (6), shall be determined by the chairperson through the resolution made by the Committee.

[This Article Newly Inserted by Presidential Decree No. 26160, Mar. 24, 2015]

Article 5-6 (Operation, etc. of Soil Environment Center) (1) The head of a soil environment center under Article 10-10 of the Act (hereinafter referred to as “soil environment center”) shall submit the business operation plan of the soil environment center for the next year with respect to the business performance prescribed in Article 10-10 (1) of the Act and its necessary budget to the Minister of Environment by December 15th every year.

(2) The head of the soil environment center shall submit the business operation report of the soil environment center for the corresponding year to the Minister of Environment by January 31st of the coming year.

(3) Necessary matters concerning the operation and supervision of the soil environment center, except the matters provided for in paragraph (1) and (2), shall be determined by the Minister of Environment.

[This Article Newly Inserted by Presidential Decree No. 26160, Mar. 24, 2015]

Article 5-7 (Entrustment of Operation of Soil Environment Center)

The Minister of Environment shall entrust the following affairs to the Korean Environmental Industry and Technology Institute referred to in Article 5-3 of the Environmental Industry and Technology Institute Act in accordance with Article 10-10 (3) of the Act: <Amended by Act No. 27636, Nov. 29, 2016>

1. Development and utilization of the research and technology related to the soil environmental industry of the soil environment center prescribed in Article 10-10 (1) 1 of the Act;

2. Dissemination of technology related to soil conservation of the soil environment center, promotion of its commercialization, and support for its advance into overseas markets under Article 10-10 (1) 2 of the Act;

3. Collection and utilization of, education, publicity, and international cooperation on, the information related to the soil environmental industry of the soil environment center prescribed in Article 10-10 (1) 3 of the Act;

4. Invigoration of the soil environmental industry, such as the operation of a soil environmental assessment system under Article 10-10 (1) 4 of the Act.

[This Article Newly Inserted by Presidential Decree No. 26160, Mar. 24, 2015]

Article 5-8 (Order, etc. of Detailed Investigation) (1) Where a Special Self-Governing Province Governor or the head of a Si/Gun/Gu issues an order to conduct detailed soil investigation under Article 11 (3) of the Act, he/she shall determine a performance period within up to six months, taking into consideration of the scope of soil contamination region: Provided, That the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may extend the performance period only once, within the scope of six months, for a person who has failed to complete the investigation within a given period due to unavoidable circumstances, such as scale, etc. of the investigation region. <Amended by Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree No. 26160, Mar. 24, 2015>

(2) Where the Special Self-Governing Province Governor or the head of a Si/Gun/Gu issues

an order to take measures for purification for contaminated soil (referring to the soil, the soil contamination level of which exceeds the worrisome level of soil contamination prescribed in Article 4-2 of the Act; hereinafter the same shall apply) to a person responsible for purification under Article 11 (3) of the Act, he/she shall determine a performance period within two years, taking into consideration of the scale, etc. of soil contamination: Provided, That the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may extend the performance period up to twice within one year, on every occasion, for a person who has failed to comply with an order for taking measures for purification within a given period due to unavoidable circumstances, such as the scale of purification construction, purification method of construction, etc. <Amended by Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree No. 26160, Mar. 24, 2015>

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 6 (Reporting, etc. on Specific Facilities Subject to Control of Soil Contamination) (1) Any person who intends to file a report on the installation of the specific facilities subject to the control of soil contamination under Article 12 (1) of the Act shall file such report with the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, accompanied by the following documents: Provided, That in cases of oil storage facilities installed for military use under subparagraph 1 (c) of Article 2 of the Act on National Defense and Military Installations Projects, some documents to be accompanied may be exempted or some matters to be entered in such documents may be omitted, as prescribed by Ordinance of the Ministry of Environment: <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 21542, Jun. 16, 2009; Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree 23529, Jan. 25, 2012>

1. Drawings showing the locations, structures and installations of the specific facilities subject to the control of soil contamination;
2. Permits to establish a factory, storage and office of dangerous substances under Article 6 of the Safety Control of Dangerous Substances Act and detailed statements of structures and installations by storage facilities;
3. Other matters deemed necessary by the Special Self-Governing Province Governor or the head of a Si/Gun/Gu for the prevention of soil contamination.

(2) Any person who intends to alter the specific facilities subject to the control of soil contamination (including the closure of such facilities) under the latter part of Article 12 (1) of the Act shall file a report on the alteration to the installation (or closure) of such specific facilities subject to the control of soil contamination with the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, accompanied by a statement detailing the alteration (or closure) of such facilities. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011>

[This Article Wholly Amended by Presidential Decree No. 17432, Dec. 19, 2001]

Article 7 (Installation, etc. of Facilities for Preventing Soil Contamination in Specific Facilities Subject to Control of Soil Contamination) (1) Any installer of the specific

facilities subject to the control of soil contamination (including any operator of such facilities; hereinafter the same shall apply) shall install the following facilities for preventing soil contamination by each specific facility subject to the control of soil contamination, and maintain and manage them appropriately, as prescribed in Article 12 (3) of the Act: <Amended by Presidential Decree No. 17432, Dec. 19, 2001; Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011>

1. To use anti-corrosive and anti-oxidizing coatings for the specific facilities subject to the control of soil contamination, utilize materials that have leakage-prevention performance, or install the facilities for preventing soil contaminants from leaking, such as dual wall tanks, and maintain and manage those facilities appropriately;

2. To install the facilities that can detect the leakage of soil contaminants or can confirm whether soil contaminants are leaking, such as measuring instruments, and maintain and manage those facilities appropriately where, among the specific facilities subject to the control of soil contamination, storage facilities are laid underground;

3. To install the facilities necessary for the measures to prevent diffusion of contamination or to reduce the degree of toxicity, and maintain and manage those facilities appropriately, in preparation for possible leakage of soil contaminants from the specific facilities subject to the control of soil contamination.

(2) Standards for installation, maintenance and management of the facilities for preventing soil contamination under paragraph (1) and other necessary matters shall be publicly announced by the Minister of Environment after consultation with the head of a relevant central administrative agency. <Amended by Presidential Decree No. 17432, Dec. 19, 2001; Presidential Decree No. 24566, May 31, 2013>

Article 7-2 (Recommendation and Support for Installation of Facilities for Prevention of Soil Contamination) (1) With regard to installing, maintaining and managing the facilities for preventing soil contamination under each subparagraph of Article 7 (1), the Minister of Environment may recommend any person who intends to install the specific facilities subject to the control of soil contamination that he/she should install, maintain and manage facilities in compliance with the standards for installation, maintenance and management set by Ordinance of the Ministry of Environment, which are more effective standards in prevention and diffusion of soil contamination than the standards publicly announced under paragraph (2) of the same Article.

(2) Where the facilities for preventing soil contamination is installed, maintained and managed in compliance with the standards for installation, maintenance and management recommended under paragraph (1) (hereinafter referred to as “recommended standards for installation, maintenance and management”), it shall be deemed to comply with the standards for installation, maintenance and management publicly announced under Article 7 (2).

(3) The Minister of Environment may provide administrative and financial support to installers of the specific facilities subject to the control of soil contamination, who install, maintain and

manage facilities in compliance with the recommended standards for installation, maintenance and management under paragraph (1).

[This Article Newly Inserted by Presidential Decree No. 24566, May 31, 2013]

Article 8 (Soil Contamination Inspection on Specific Facilities Subject to Control of Soil Contamination) (1) Any installer of the specific facilities subject to the control of soil contamination shall undergo the soil contamination inspection on a regular basis under Article 13 (1) of the Act according to the following classifications: Provided, That if an inspection of soil contamination levels under subparagraph 1 and a leakage inspection under subparagraph 2 shall be conducted in the same year, he/she may undergo an inspection of soil contamination levels in the following year: <Amended by Presidential Decree No. 23196, Sep. 30, 2011>

1. He/she shall undergo an inspection of soil contamination levels by a soil-related specialized agency once a year at the time prescribed by Ordinance of the Ministry of Environment: Provided, That where he/she has installed the facilities for preventing soil contamination under Article 7 and is appropriately maintaining and managing them, an inspection cycle may be adjusted within five years according to the standards prescribed by Ordinance of the Ministry of Environment;

2. Where ten years have passed after the installation of the specific facilities subject to the control of soil contamination falling under the proviso to Article 13 (3) of the Act (excluding facilities subject to regular inspections under Article 17 of the Enforcement Decree of the Safety Control of Dangerous Substances Act; hereinafter referred to as "facilities subject to a leakage inspection"), he/she shall undergo a leakage inspection conducted by a soil-related specialized agency within six months, and undergo a leakage inspection as prescribed by Ordinance of the Ministry of Environment thereafter.

(2) Any installer of the specific facilities subject to the control of soil contamination shall undergo any of the following inspections conducted by a soil-related specialized agency in addition to the soil contamination inspection under paragraph (1): Provided, That this shall not apply where a reason falling under any of subparagraphs 1 through 3 arises within three months after he/she has undergone an inspection of soil contamination levels under paragraph (1) 1: <Amended by Act No. 27299, Jun. 30, 2016>

1. Where any installer of the specific facilities subject to the control of soil contamination terminates the use of such facilities or closes such facilities, he/she shall undergo an inspection of soil contamination levels during the period from three months prior to the termination date or closing date to the preceding date of the termination date or closing date;

2. Where any operator of the specific facilities subject to the control of soil contamination is changed due to transfer, lease, etc. of the specific facilities, he/she shall undergo an inspection of soil contamination levels during the period from three months prior to the date of such change to the preceding date of the date of such change;

3. Where any installer of the specific facilities subject to the control of soil contamination replaces the facilities or changes the types of soil contaminants stored in the facilities, he/she

shall undergo an inspection of soil contamination levels during the period from three months prior to the date of replacement or change to the preceding date of the date of replacement or change;

4. In cases of facilities subject to a leakage inspection, where it has been confirmed that the soil is contaminated beyond the standards prescribed by Ordinance of the Ministry of Environment from the inspection of soil contamination levels under any of the following items, he/she shall undergo a leakage inspection without delay:

(a) An inspection of soil contamination levels under paragraph (1) 1 or 2;

(b) An inspection of soil contamination levels following change in the types of soil contaminants stored in the facilities subject to the control of soil contamination under subparagraph 3;

5. When he/she has become aware of the fact that soil contaminants have been leaked from the specific facilities subject to the control of soil contamination, he/she shall undergo an inspection of soil contamination levels and a leakage inspection (limited to facilities subject to a leakage inspection) without delay.

(3) Where he/she has undergone an inspection of soil contamination levels under paragraph (2) 1 through 3 or 5, he/she shall be deemed to have undergone the next inspection of soil contamination levels under paragraph (1) 1, and where he/she has undergone a leakage inspection under paragraph (2) 4 or 5, he/she shall undergo a leakage inspection under paragraph (1) 2 on the basis of the date he/she has undergone such inspection.

(4) Even in cases falling under any of paragraph (2) 1 through 3, if he/she has undergone an inspection under subparagraph 5 of the same paragraph within the relevant inspection period, he/she need not undergo any separate soil contamination inspection.

(5) Matters necessary for items of the soil contamination inspection shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 21542, Jun. 16, 2009]

Article 8-2 (Exemption, etc. from Soil Contamination Inspection) (1) Cases where the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may grant approval for exemption from the soil contamination inspection of the specific facilities subject to the control of soil contamination under the proviso to Article 13 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree No. 24566, May 31, 2013>

1. Where oil pipeline facilities under the Oil Pipeline Safety Control Act among the specific facilities subject to the control of soil contamination are fitted with any device with which the leakage of oil can be checked (limited to an inspection of soil contamination levels) or the safety check-up is undergone under Article 8 of the said Act (limited to a leakage inspection);

2. Where a soil contamination survey agency deems it impossible to take a soil sample due to the relevant facilities installed on the ground or in the basement of a building, etc. where soil boring cannot be conducted;

3. Where a soil-related specialized agency deems it unnecessary to conduct the soil

contamination inspection because soil contaminants have not been stored in storage facilities for at least one year or on other grounds;

4. Where, among multiple facilities storing the same type of soil contaminants, the use of some facilities is terminated or closed (limited to an inspection of soil contamination levels under Article 8 (2) 1);

4-2. Where not more than 15 years have passed from the date when the facilities for preventing soil contamination were installed in compliance with the recommended standards for installation, maintenance and management (limited to the regular inspections of soil contamination under Article 8 (1));

5. Where it is intended to change the stored soil contaminants to other types of soil contaminants on which the items of the inspection under Article 8 (5) are the same (limited to the inspection of soil contamination levels under Article 8 (2) 3);

6. Where, otherwise, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu deems it unnecessary to conduct the soil contamination inspection because purification works are being conducted in compliance with soil purification orders.

(2) In cases falling under paragraph (1) 1, 4, 5 and 6, the opinions of soil-related specialized agencies need not be presented at the time of applying for approval for exemption from the soil contamination inspection under the proviso to Article 13 (2) of the Act.

(3) Where the specific facilities subject to the control of soil contamination referred to in paragraph (1) 1 extend over at least two jurisdictions of the Special Self-Governing Province Governor and the head of a Si/Gun/Gu, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu who has jurisdiction over the main office of the specific facilities subject to the control of soil contamination shall grant approval for exemption from the soil contamination inspection of the said facilities. <Amended by Presidential Decree No. 23196, Sep. 30, 2011>

(4) Where the specific facilities subject to the control of soil contamination exempted from the soil contamination inspection no more have any grounds for such exemption, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall, without delay, withdraw approval for such exemption. <Amended by Presidential Decree No. 23196, Sep. 30, 2011> [This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 8-3 (Corrective Orders, etc.) (1) When the Special Self-Governing Province Governor or the head of a Si/Gun/Gu orders any installer of the specific facilities subject to the control of soil contamination to install or improve the facilities for preventing soil contamination, or to undergo a detailed soil survey pursuant to Article 14 (1) of the Act, he/she shall set the performance period within up to six months in consideration of the result of the soil contamination inspection conducted under Article 8 and the type, scale, etc. of the specific facilities subject to the control of soil contamination: Provided, That the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may grant an extension of such performance period only once by a further period up to six months to any person who has failed to perform the order within the performance period due to unavoidable circumstances,

such as the scale of an area to be surveyed. <Amended by Presidential Decree No. 23196, Sep. 30, 2011>

(2) When the Special Self-Governing Province Governor or the head of a Si/Gun/Gu orders any installer of the specific facilities subject to the control of soil contamination to take measures to purify contaminated soil pursuant to Article 14 (1) of the Act, he/she shall determine the performance period within up to two years: Provided, That the Special Self-Governing Province Governor or the head of a Si/Gun/Gu may grant an extension of such performance period up to two times by a further period of not exceeding one year for each time to any person who has failed to perform the order for purification measures due to unavoidable circumstances, such as the scale and method of purification works. <Amended by Presidential Decree No. 23196, Sep. 30, 2011>

[This Article Wholly Amended by Presidential Decree No. 21542, Jun. 16, 2009]

Article 9 (Orders, etc. to Undergo Detailed Soil Surveys) (1) Where a Mayor/Do Governor or the head of a Si/Gun/Gu orders any person causing the contamination to undergo a detailed soil survey under Article 15 (1) of the Act, he/she shall set the performance period within up to six months, taking account of the scope of the contaminated soil area, etc.: Provided, That with respect to any person who has failed to undergo a detailed soil survey within the performance period due to unavoidable circumstances, such as the size of the area to be surveyed, a Mayor/Do Governor or the head of a Si/Gun/Gu may extend such performance period only once by a further period up to six months. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree No. 26160, Mar. 24, 2015>

(2) Deleted. <by Presidential Decree No. 18910, Jun. 30, 2005>

[This Article Wholly Amended by Presidential Decree No. 17432, Dec. 19, 2001]

Article 9-2 (Orders Given to Take Measures, etc.) (1) Where a Mayor/Do Governor or the head of a Si/Gun/Gu orders any person that causes the contamination to take measures to prevent soil contamination under Article 15 (3) of the Act (hereinafter referred to as "order given to take measures"), he/she shall set the performance period within up to two years, taking account of soil contaminants and the type, size, etc. of facilities. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 26160, Mar. 24, 2015>

(2) With respect to any person who has inevitably failed to comply with the order given to take measures within the performance period referred to in paragraph (1) due to the scale, construction method, etc., a Mayor/Do Governor or the head of a Si/Gun/Gu may extend such performance period up to two times by a further period of not exceeding one year for each time. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 21542, Jun. 16, 2009>

[This Article Newly Inserted by Presidential Decree No. 17432, Dec. 19, 2001]

Article 10 (Standards for and Methods of Purifying Contaminated Soil) (1) Standards for purifying contaminated soil under Article 15-3 (1) of the Act shall follow the worrisome

levels of soil contamination under Article 4-2 of the Act. <Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005>

(2) The methods of purifying contaminated soil under Article 15-3 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011>

1. Biological treatment, including decomposition and absorption of contaminants, using microorganisms or plants;
2. Physical and chemical treatment, including isolation, separation, extraction and cleansing treatment of contaminants;
3. Heat treatment, including burning and decomposition of contaminants.

(3) Detailed matters concerning the methods of purification under each subparagraph of paragraph (2) shall be prescribed and announced by the Minister of Environment. <Amended by Presidential Decree No. 18910, Jun. 30, 2005>

[This Article Wholly Amended by Presidential Decree No. 17432, Dec. 19, 2001]

Article 11 (Direct Performance of Purification Works by Persons Responsible for Purification)

With respect to any of the following contaminated soil, a person responsible for purification may purify such contaminated soil himself/herself without entrusting purification works to a person who has made a registration of the soil purification business (hereinafter referred to as "soil purification business operator") under Article 23-7 (1) of the Act, pursuant to the proviso to Article 15-3 (2) of the Act: <Amended by Presidential Decree No. 26160, Mar. 24, 2015>

1. Contaminated soil in the facilities of military units prescribed in the Act on National Defense and Military Installations Projects or the soil contaminated in the course of military activities, each of which is less than 50 cubic meters in quantity;
2. Soil contaminated by organic solvents or oil, which is less than 5 cubic meters in quantity.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 11-2 (Methods of Verifying Soil Contamination due to Natural Causes) (1)

“Methods prescribed by Presidential Decree” prescribed in Article 15-5 (2) 4 of the Act means any of the following methods:

1. To prove that concentrations of the relevant contaminant in the relevant site is similar to those in the neighboring area measured from the soil analysis;
2. To prove that the relevant contaminant has come from the bed rock in the relevant site;
3. To prove otherwise by scientific methods that the relevant contaminant has originated due to natural causes.

(2) Where a Mayor/Do Governor, the head of a Si/Gun/Gu, or a person responsible for purification intends to have a hazard assessment conducted pursuant to Article 15-5 (2) 4 of the Act, he/she shall submit, to the Minister of Environment, a report concerning matters under each subparagraph of paragraph (1), which is prepared by a soil-related specialized agency. <Amended by Presidential Decree No. 26160, Mar. 24, 2015>

(3) The Minister of Environment shall confirm the report submitted under paragraph (2) and notify the relevant Mayor/Do Governor, the head of the relevant Si/Gun/Gu, or a person responsible for purification of the results thereof, including whether the soil contamination is due to natural causes. <Amended by Presidential Decree No. 26160, Mar. 24, 2015>

[This Article Newly Inserted by Presidential Decree No. 23196, Sep. 30, 2011]

Article 11-3 (Omission of Verification of Purification Process)

Where the area of contaminated soil is less than 1,000 cubic meters [excluding the soil which has been contaminated by heavy metals, the contamination level of which exceeds the countermeasure standards against soil contamination (hereinafter referred to as the "countermeasure standards") under Article 16 of the Act, and which is 500 cubic meters or more in quantity] under the proviso to Article 15-6 (1) of the Act, the verification of the purification process may be omitted.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 11-4 (Formulation of Plans to Create Soil Control Complexes)

The Minister of Environment shall include the following matters when formulating a plan to create a soil control complex under Article 15-7 (2) of the Act:

1. Purpose of creation, necessity, and period of creation and operation;
2. Current situation of the site subject to creation of the complex, including its location and size;
3. Measures to secure the site subject to creation of the complex;
4. Methods of securing funds and financing for creation of the complex;
5. Plans to establish and operate major infrastructure, including transportation facilities;
6. Plans for environment conservation;
7. Contaminated soil purification capacity;
8. Matters concerning the recycling and distribution of purified soil.

[This Article Newly Inserted by Presidential Decree No. 23196, Sep. 30, 2011]

Article 11-5 (Changes in Plans to Create Soil Control Complexes)

“Where he/she intends to change the important matters of plan for creation of a soil control complex which are prescribed by Presidential Decree” in the latter part of Article 15-7 (2) of the Act means any of the following cases:

1. Where more than 20 percent of the area of the site subject to creation of the complex is to be changed;
2. Where more than 20 percent of the contaminated soil purification capacity is to be changed.

[This Article Newly Inserted by Presidential Decree No. 23196, Sep. 30, 2011]

Article 12 (Designation of Area Requiring Measures for Soil Conservation) (1) "Any region that falls under the cases that is prescribed by Presidential Decree" in the proviso to Article 17 (1) of the Act means any of the following: <Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005>

1. Farmland where the size of land in which the contaminant content of crops cultivated

therein exceeds the maximum residue limit of heavy metal (hereinafter referred to as "maximum residue limit of heavy metal") under Article 7 of the Food Sanitation Act is at least 10,000 square meters;

2. An area requiring special measures to prevent any damage to people's health or the environment because the soil, underground water, etc. is simultaneously contaminated with soil contaminants, such as heavy metals and oil.

(2) When the Special Self-Governing Province Governor or the head of a Si/Gun/Gu requests the Minister of Environment to designate any area as an area requiring countermeasures pursuant to Article 17 (2) of the Act, he/she shall file a written application for designation of an area requiring countermeasures with the Minister of Environment. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 21542, Jun. 16, 2009; Presidential Decree No. 23196, Sep. 30, 2011>

(3) Standards for designating an area requiring countermeasures under Article 17 (3) of the Act shall be as follows: <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011>

1. In cases of farmland, areas where the soil contamination level 30 centimeters deep from the ground surface exceeds the countermeasure standards and other areas which are requested by the Special Self-Governing Province Governor or the head of a Si/Gun/Gu to be designated as an area requiring countermeasures as the contaminant content of crops cultivated in such areas is found to be in excess of the maximum residue limit of heavy metal;

2. In cases of areas other than farmland, areas where the soil contamination level between the ground surface and the upper soil of ground water (aquifer) exceeds the countermeasure standards and other areas which are requested by the Special Self-Governing Province Governor or the head of a Si/Gun/Gu to be designated as an area requiring countermeasures as such areas are feared to inflict a physical injury upon persons and the surface area of such areas is at least 10,000 square meters.

(4) When the Minister of Environment designates any area as an area requiring countermeasures and announces such designation under Article 17 (4) of the Act, he/she shall send the details of such publication and the relevant documents to the relevant Special Self-Governing Province Governor or the head of the relevant Si/Gun/Gu for public perusal and have signs publishing details of such designation installed in places that are frequented by the public within the area requiring countermeasures. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011>

[This Article Wholly Amended by Presidential Decree No. 17432, Dec. 19, 2001]

Article 12-2 (Formulation of Countermeasure Plans)

Where an area requiring countermeasures under Article 18 (1) of the Act extends over at least two Sis/Guns/Gus, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu who has jurisdiction over a wider area of the area requiring countermeasures shall formulate a countermeasure plan. In such cases, he or she shall consult it with a Special Self-Governing Province Governor or the heads of other relevant Sis/Guns/Gus who

are not main agents of the formulation of such plan. <Amended by Presidential Decree No. 23196, Sep. 30, 2011>

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 13 (Types of Projects to Improve Contaminated Soil)

The types of the projects to improve contaminated soil under Article 18 (4) of the Act shall be as follows: <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 21542, Jun. 16, 2009; Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree No. 24566, May 31, 2013>

1. Farmland improvement project, such as the use of a soil controller or bringing soil from another land and mixing it with the soil in question;
2. Dredging projects of contaminated waterways;
3. Hygienic reclamation and purification projects of contaminated soil;
4. Cultivation projects of such plants as are strong absorbents of soil contaminants;
5. Other projects deemed necessary by the Special Self-Governing Province Governor or the head of a Si/Gun/Gu.

Article 13-2 (Surveys, etc. of Damage to Health of Residents)

The details of the survey of damage to the health of residents and the countermeasures therefor as provided for in Article 18 (5) of the Act shall be as follows: <Amended by Presidential Decree No. 24566, May 31, 2013>

1. Scope of residents subject to the survey of damage to health and the methods of such survey;
2. Agencies in charge of the survey of damage to health;
3. Decision on damage to health and the countermeasures therefor;
4. Other necessary matters relating to the survey of damage to health and the countermeasures therefor.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 14 (Accommodating Jurisdiction over Areas Requiring Countermeasures) (1)

The projects to improve contaminated soil of any area requiring countermeasures under Article 19 (4) of the Act shall be implemented in each jurisdiction. If it is impractical to implement such projects individually in each jurisdiction, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu who has jurisdiction over the area with a wider contaminated area shall implement the projects to improve contaminated soil. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011>

(2) The Special Self-Governing Province Governor or the heads of relevant Sis/Guns/Gus, other than the project-implementing entity under paragraph (1), shall actively cooperate in the implementation of the pertinent projects to improve contaminated soil. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011>

Article 15 (Limitations on Use of Land, etc.)

When the Special Self-Governing Province Governor or the head of a Si/Gun/Gu intends to impose a limitation on the use of land or the installation of facilities in any area requiring countermeasures under Article 20 of the Act, he/she shall determine and announce the object, method, period, area, etc. of the limitation. In such cases, he/she shall take into consideration the balance between the purpose of designating specific-use areas under the National Land Planning and Utilization Act and the limitations on activities. <Amended by Presidential Decree No. 17816, Dec. 26, 2002; Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011>

Article 16 (Limitations on Installation of Facilities in Area Requiring Countermeasures)

“Facilities prescribed by Presidential Decree and deemed to have the probability to harm the purpose of the designation of the area requiring countermeasures in such area” in Article 21 (2) of the Act means facilities which produce contaminants mainly causing the designation of the area requiring countermeasures, facilities which use raw materials containing contaminants, or facilities which produce goods containing contaminants.

Article 17 (Special Cases concerning Abandoned Metal Mining Areas)

The Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall investigate the present condition of the metal mining areas under his/her jurisdiction, for which the responsibility of the former mining concession holder or mining leaseholder under Article 18 of the Mining Safety Act is extinguished and shall report the results of the investigation to the relevant Mayor/Do Governor and the Minister of Environment. <Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree No. 27767, Jan. 6, 2016>

Article 17-2 (Standards, etc. for Designation of Soil-Related Specialized Agency) (1)

Any person who intends to be designated as a soil-related specialized agency pursuant to the former part other than each subparagraph of Article 23-2 (2) of the Act shall secure the inspection facilities, equipment and the technical manpower as shown in attached Table 1. <Amended by Presidential Decree No. 24566, May 31, 2013>

(2) The matters which need to be designated for change pursuant to the latter part other than each subparagraph of Article 23-2 (2) of the Act shall be as follows: <Amended by Presidential Decree No. 24566, May 31, 2013>

1. Any change in the trade name or the location of business place;
2. Replacement of the representative;
3. Replacement of the technical manpower.

(3) In changing the matters provided for in each subparagraph of paragraph (2), the designation of the changed matters shall be made within 60 days from the date when the cause of such change arises. <Amended by Presidential Decree No. 21542, Jun. 16, 2009>

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 17-3 (Soil Contamination Survey Agencies)

“Agencies prescribed by Presidential Decree” in the proviso to parts other than each subparagraph of Article 23-2 (3) of the Act shall be as follows: <Amended by Presidential

Decree No. 18213, Jan. 9, 2004; Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 18953, Jul. 22, 2005; Presidential Decree No. 21078, Oct. 8, 2008; Presidential Decree No. 21542, Jun. 16, 2009; Presidential Decree No. 24566, May 31, 2013>

1. National Institute of Environmental Research;
2. City/Do health and environmental research institutes;
3. Basin environment offices or regional environment offices;
4. and 5. Deleted. <by Presidential Decree No. 21542, Jun. 16, 2009>

[This Article Newly Inserted by Presidential Decree No. 17432, Dec. 19, 2001]

Article 17-4 (Requirements, etc. for Registration of Soil Purification Business) (1) Any person who intends to file for registration to run soil purification business under the former part of Article 23-7 (1) of the Act shall secure facilities, equipment and technical manpower, as prescribed in attached Table 2.

(2) Any change to be registered under the latter part of Article 23-7 (1) of the Act is as follows:

1. Any change in the trade name or the location of business place;
2. Replacement of the representative;
3. Replacement of the technical manpower;
4. Any change in off-site soil treatment facilities provided for in subparagraph 1 (b) of attached Table 2.

(3) In changing the matters provided for in paragraph (2) 1 through 3, the registration of the changed matters shall be filed within 30 days from the date the grounds for such change arises, and in changing the matters provided for in paragraph (2) 4, the registration of such change shall be filed in advance.

(4) Where an application for registration is filed pursuant to Article 23-7 (1) of the Act, the Minister of Environment shall permit registration unless the relevant applicant falls under any of the following cases: <Newly Inserted by Presidential Decree No. 23196, Sep. 30, 2011>

1. Where he/she is subject to the prohibition on concurrently running other businesses under Article 23-5 of the Act;
2. Where he/she falls under grounds for disqualification under Article 23-8 of the Act;
3. Where he/she intends to construct facilities in an area where construction and operation of such facilities are prohibited or restricted under other Acts and subordinate statutes (only applicable to construction of off-site soil treatment facilities);
4. Where he/she fails to secure facilities, equipment and technical manpower provided for in paragraph (1);
5. Where he/she violates any restrictions imposed under this Decree, or other Acts and subordinate statutes.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 17-5 (Prohibition of Subcontract) (1) “Works prescribed by Presidential Decree” in the main sentence of Article 23-9 (2) of the Act means the operation and construction works of soil purification facilities.

(2) “Unavoidable reasons prescribed by Presidential Decree” in the proviso to Article 23-

9 (2) of the Act means reasons falling under any of the following subparagraphs: <Newly Inserted by Presidential Decree No. 24566, May 31, 2013>

1. Where urgent soil purification is needed due to a natural disaster;
2. Where urgent soil purification is needed since an area is declared as a special disaster area under Article 60 of the Framework Act on the Management of Disasters and Safety.

[This Article Newly Inserted by Presidential Decree No. 23196, Sep. 30, 2011]

Article 18 (Delegation and Entrustment of Authority) (1) The Minister of Environment shall delegate the following authority to the head of a basin environment office or the head of a regional environment office under Article 27 (1) of the Act: <Amended by Presidential Decree No. 17432, Dec. 19, 2001; Presidential Decree No. 17698, Aug. 8, 2002; Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree No. 24566, May 31, 2013; Presidential Decree No. 26160, Mar. 24, 2015>

1. Establishment of measuring networks and regular measurements prescribed in Article 5 (1) of the Act;
2. Detailed soil surveys conducted under Article 5 (4) 1 and 2, and 3 (a) of the same paragraph of the Act;
3. Expropriation or use of land, etc. under Article 7 (1) of the Act;
4. Designation of a soil environment assessment agency and announcement of such designation under Article 23-2 (2) 1 and (4) of the Act;
5. Administrative dispositions taken against a soil environment assessment agency under Article 23-6 of the Act;
- 5-2. Receipt and processing of reports concerning succession of the status of soil environment assessment agencies under Article 23-12 (3) of the Act;
- 5-3. Deleted; <by Presidential Decree No. 24566, May 31, 2013>
6. Requests for report and submission of data concerning soil environment assessment agencies and the inspection thereof under Article 26-2 (2) of the Act;
7. Hearings held on the revocation of designation of a soil environment assessment agency under subparagraph 2 of Article 26-5 of the Act;
8. Imposition and collection of fines for negligence under Article 32 of the Act.

(2) The Minister of Environment shall delegate the following authority to the president of the National Institute of Environmental Research under Article 27 (1) of the Act: <Newly Inserted by Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree No. 24566, May 31, 2013>

1. Designation of a hazard assessment agency and announcement of such designation under Article 23-2 (2) 1 and (4);
2. Administrative dispositions taken against a hazard assessment agency under Article 23-6 of the Act;
3. Receipt and processing of reports concerning succession of the status of hazard assessment agencies under Article 23-12 (3) of the Act;

4. Requests for the report and submission of data concerning hazard assessment agencies and the inspection thereof under Article 26-2 (2) of the Act;

5. Hearings held on the revocation of designation of a hazard assessment agency under subparagraph 2 of Article 26-5 of the Act.

(3) The Minister of Environment may, in accordance with Article 27 (2) of the Act, entrust the following works to the Korea Environment Corporation pursuant to the Korea Environment Corporation Act. In such cases, the Minister of Environment shall publicly announce the date of entrustment and the entrusted works: <Newly Inserted by Presidential Decree No. 24566, May 31, 2013; Presidential Decree No. 26160, Mar. 24, 2015>

1. Surveys necessary for establishing the basic plan for soil conservation under Article 4 (1) of the Act;

2. Detailed soil surveys under Article 5 (4) 3 (b) through (e) of the Act;

3. Surveys on the actual state and level of topsoil erosion under Article 6-2 (1) of the Act;

4. Detailed soil surveys and soil purification works under Article 6-3 (1) of the Act;

5. Works related to the expropriation and the use of land, etc. under Article 7 (1): Provided, That the scope thereof is limited to those necessary for the works entrusted by the Minister of Environment;

6. Formulation and change of a plan for creation of a soil control complex, and hearings and consultations thereon under Article 15-7 (2);

7. Works related to using or earning profit from part of the land of a soil control complex, or lending or selling it under Article 15-7 (3).

Article 18-2 (Reexamination of Regulations)

The Minister of Environment shall review the appropriateness of the following matters and take improvement actions, etc. every three years (referring to by the day before the same day as the base date of every third year) based on the following base dates: <Amended by Presidential Decree No. 23196, Sep. 30, 2011; Presidential Decree No. 25050, Dec. 30, 2013>

1. Corrective Orders, etc. referred to in Article 8-3: January 1, 2014;

2. Standards, etc. for designation of a soil-related specialized agency referred to in Article 17-2 and attached Table 1: January 1, 2014;

3. Requirements, etc. for registration of soil purification business referred to in Article 17-4 and attached Table 2: January 1, 2014.

[This Article Newly Inserted by Presidential Decree No. 21626, Jul. 7, 2009]

Article 19 (Standards for Imposition of Fines for Negligence)

Standards for imposition of fines for negligence under Article 32 (1) and (2) of the Act shall be as stipulated in attached Table 3. <Amended by Presidential Decree No. 23196, Sep. 30, 2011>

[This Article Wholly Amended by Presidential Decree No. 21542, Jun. 16, 2009]

ADDENDA (Omitted)

28. Environment Improvement Expenses Liability Act

[Enforcement Date 16. Jul, 2013.] [Act No.11916, 16. Jul, 2013., Partial Amendment]

Article 1 (Purpose)

The purpose of this Act is to contribute to the formation of a comfortable environment which serves as the foundation of continuous development of the State, by having those who have polluted environment pay necessary expenses for environmental improvement and raising reasonable investment resources for environmental improvement.

[This Article Wholly Amended by Act No. 10316, May 25, 2010]

Article 2 Deleted. <by Act No. 10316, May 25, 2010>

Article 3 Deleted. <by Act No. 10316, May 25, 2010>

Article 4 Deleted. <by Act No. 10316, May 25, 2010>

Article 5 Deleted. <by Act No. 6097, Dec. 31, 1999>

Article 6 Deleted. <by Act No. 6097, Dec. 31, 1999>

Article 7 Deleted. <by Act No. 6097, Dec. 31, 1999>

Article 8 Deleted. <by Act No. 6097, Dec. 31, 1999>

Article 9 (Imposition and Collection of Environmental Improvement Charges) (1) The Minister of Environment shall impose and collect environmental improvement charges (hereinafter referred to as "improvement charges") from the owners or occupants of buildings or other facilities (hereinafter referred to as "facilities") that directly cause environmental pollution through the discharge of vast amounts of environmental pollutants, and the owners of motor vehicles using light oil for fuel: Provided, That the foregoing shall not apply to facilities prescribed by Presidential Decree, such as production facilities, storage facilities, and military establishments.

(2) The scope of facilities and motor vehicles subject to the improvement charges under paragraph (1) shall be prescribed by Presidential Decree.

(3) Notwithstanding paragraph (2), improvement charges on any of the following facilities or motor vehicles may be reduced or exempted, as prescribed by Presidential Decree: <Amended by Act No. 11916, Jul. 16, 2013>

1. Facilities and motor vehicles owned by a foreign government or international organization (including motor vehicles owned by the mission of a foreign government or staff of an international organization): Provided, That the same shall not apply where the relevant country imposes any charges which have the similar nature to those of the improvement charges on facilities and motor vehicles owned by the Government of the Republic of Korea (including motor vehicles owned by the mission of the Government of the Republic of Korea);
2. Facilities for residence or other use prescribed by Presidential Decree;
3. Any part of facilities in partitioned ownership, the total of individual floor areas of which owned by each person is less than a scale prescribed by Presidential Decree;
4. Facilities subject to emission dues under the Clean Air Conservation Act or the Water Quality and Ecosystem Conservation Act;

5. Any of the following buildings as environment-friendly buildings certified under Article 65 of the Building Act:

(a) The energy performance index evaluated according to the criteria for efficient energy management under Article 66 (2) of the Building Act shall meet the criteria prescribed by Presidential Decree;

(b) The energy efficiency rating of the building under Article 66-2 of the Building Act shall meet the criteria prescribed by Presidential Decree;

6. Facilities designated as a green store pursuant to Article 18 of the Act on the Promotion of Purchase of Green Products;

7. Facilities that provide environment mark-certified services pursuant to Article 17 of the Environmental Technology and Industry Support Act;

8. Motor vehicles prescribed by Presidential Decree as being for display or having very little exhaust gas;

9. One motor vehicle registered by any of the following persons to use it for prosthetic purpose or activities to make a living:

(a) Recipients under subparagraph 1 of Article 2 of the National Basic Living Security Act;

(b) Persons of meritorious service to the State or disabled persons prescribed by Presidential Decree.

(4) Where the Minister of Environment delegates a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") with the authority to collect improvement charges in areas under his/her jurisdiction under Article 22, he/she may pay any part of the collected amount as expenses for collection, as prescribed by Presidential Decree.

(5) The Minister of Environment may permit the installment payment of improvement charges, as prescribed by Presidential Decree.

(6) Notwithstanding paragraphs (1), (3) and (5), where a person makes a lump-sum payment of all the improvement charges within the first payment date of the relevant year, the Minister of Environment may reduce ten percent of the improvement charges additionally. <Newly Inserted by Act No. 11916, Jul. 16, 2013>

(7) Articles 23 and 24 of the Framework Act on National Taxes shall apply mutatis mutandis to the succession to the obligation to pay the improvement charges. In such cases, "national taxes" shall be construed as "improvement charges," "head of tax office" as "Minister of Environment" and "payment of tax" as "payment."

(8) Areas subject to improvement charges under paragraph (1), the purpose of facilities subject to improvement charges, the methods and procedures of imposition and collection, and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10316, May 25, 2010]

Article 10 (Criteria for Calculations of Improvement Charges) (1) Improvement charges of facilities under Article 9 (2) shall be calculated in conformity with the following formula

according to air or water pollutants discharged and emitted from the relevant facilities:

1. Where air pollutants are emitted: Quantity of used fuel × amount of charges per unit × coefficient of fuel × regional coefficient;

2. Where water pollutants are discharged: Quantity of used water × amount of charges per unit × pollution-inducing coefficient × regional coefficient.

(2) Improvement charges on motor vehicles under Article 9 (2) shall be calculated in conformity with the following formula:

Basic amount of charges per motor vehicle × pollution-inducing coefficient × coefficient of motor vehicle age × regional coefficient.

(3) The amount of charges per unit, basic amount of charges per motor vehicle, coefficient of fuel, pollution-inducing coefficient, regional coefficient and coefficient of motor vehicle age under paragraphs (1) and (2) shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 10316, May 25, 2010]

Article 11 (Use of Improvement Charges)

Improvement charges collected under Article 9 shall be used only for the following purposes: <Amended by Act No. 10893, Jul. 21, 2011>

1. Support of expenses for air and water improvement projects carried out according to the mid-term comprehensive plan for environmental conservation under Article 17 of the Framework Act on Environmental Policy;

2. Financing of expenses for the air and water improvement projects carried out by entrepreneurs, and support for expenses of research and development of low-pollution technology;

3. Natural environment preservation projects or other purposes prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10316, May 25, 2010]

Article 12 Deleted. <by Act No. 10316, May 25, 2010>

Article 13 Deleted. <by Act No. 8215, Jan. 3, 2007>

Article 14 Deleted. <by Act No. 8215, Jan. 3, 2007>

Article 15 Deleted. <by Act No. 8215, Jan. 3, 2007>

Article 16 Deleted. <by Act No. 8215, Jan. 3, 2007>

Article 17 Deleted. <by Act No. 8215, Jan. 3, 2007>

Article 18 Deleted. <by Act No. 8215, Jan. 3, 2007>

Article 19 (Payment of Improvement Charges)

Improvement charges shall be the revenue of the special accounts for environmental improvement under the Framework Act on Environmental Policy. <Amended by Act No. 10893, Jul. 21, 2011>

[This Article Wholly Amended by Act No. 10316, May 25, 2010]

Article 20 (Compulsory Collection, etc.) (1) Where a person liable for payment of improvement charges fails to do so by a deadline for payment, the Minister of Environment shall urge him/her to make a payment within a prescribed period of at least ten days. In such

cases, additional dues equivalent to 3% shall be imposed on the charges in arrears: Provided, That the same shall not apply to the State and local governments. <Amended by Act No. 11916, Jul. 16, 2013>

(2) Where a person that has been urged under paragraph (1) fails to pay the charges within a fixed period, they may be collected in the same manner as national or local taxes in arrears are collected.

(3) Where it is necessary for the imposition and collection of improvement charges, the Minister of Environment may request the head of the relevant central administrative agency or a local government to submit necessary data. In such cases, unless any extenuating circumstance exists, the head of the relevant central administrative agency or local government, upon receipt of a request, shall submit the requested data.

[This Article Wholly Amended by Act No. 10316, May 25, 2010]

Article 21 Deleted. <by Act No. 8215, Jan. 3, 2007>

Article 22 (Delegation of Authority)

The authority of the Minister of Environment under this Act may be partially delegated to the Mayor/Do Governor, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10316, May 25, 2010]

ADDENDA (Omitted)

29. Environmental Dispute Adjustment Act

[Enforcement Date 23. Dec, 2016.] [Act No.13602, 22. Dec, 2015., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to conserve the environment and to relieve damage to the health and property of citizens by providing for the procedure, etc. of good offices, mediation and adjudication regarding environmental disputes for the rapid, fair and efficient settlement of the environmental disputes.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 1 (Purpose)

The purpose of this Act is to conserve the environment and to relieve damage to the health and property of citizens by providing for the procedure, etc. of good offices, mediation, adjudication, and arbitration regarding environmental disputes for the rapid, fair and efficient settlement of the environmental disputes. <Amended by Act. No. 13602, Dec. 22, 2015>

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] <<Enforcement Date: Dec. 23, 2016>>

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "environmental damage" means damage to health, property, and mentality caused by air pollution, water pollution, soil pollution, maritime pollution, noise/vibration,

offensive odor, destruction of natural ecosystems, obstruction of sunshine, obstruction of air circulation, and impediment of view, which occur or are expected to occur as a result of business activities or other human activities, or by light pollution caused by artificial lighting, or by other causes prescribed by Presidential Decree: Provided, That damage caused by radioactive contamination shall be excluded;

2. The term "environmental dispute" means strife concerning environmental damage, and strife concerning the installation or management of environmental facilities defined in subparagraph 2 of Article 2 of the Environmental Technology and Industry Support Act;

3. The term "adjustment" means good offices, mediation and adjudication regarding environmental disputes;

4. The term "dispute involving numerous persons" means an environmental dispute in which there are numerous persons who assert environmental damage caused by the same cause.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 13602, Dec. 22, 2015>

1. The term "environmental damage" means damage to health, property, and mentality caused by air pollution, water pollution, soil pollution, maritime pollution, noise/vibration, offensive odor, destruction of natural ecosystems, obstruction of sunshine, obstruction of air circulation, and impediment of view, light pollution caused by artificial lighting, or changes in water level or moving route of groundwater, which occur or are expected to occur as a result of business activities or other human activities, or by other causes prescribed by Presidential Decree: Provided, That damage caused by radioactive contamination shall be excluded;

2. The term "environmental dispute" means strife concerning environmental damage, and strife concerning the installation or management of environmental facilities defined in subparagraph 2 of Article 2 of the Environmental Technology and Industry Support Act;

3. The term "adjustment" means good offices, mediation, adjudication, and arbitration regarding environmental disputes;

4. The term "dispute involving numerous persons" means an environmental dispute in which there are numerous persons who assert environmental damage caused by the same cause.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] <<Enforcement Date: Dec. 23, 2016>>

Article 3 (Principle of Good Faith)

Each environmental dispute resolution commission referred to in Article 4 shall endeavor for the rapid, fair and economical proceeding of adjustment procedure, and the disputing parties who take part in the adjustment procedure shall faithfully participate in the procedure with mutual trust and understanding.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

CHAPTER II ENVIRONMENTAL DISPUTE ADJUSTMENT COMMITTEE

Article 4 (Establishment of Environmental Dispute Resolution Commission)

In order to administer the affairs referred to in Article 5, National Environmental Dispute Resolution Commission (hereinafter referred to as the "national resolution commission") shall be established under the Ministry of Environment, and a regional environment dispute resolution commission (hereinafter referred to as "regional resolution commission") shall be established in each Special City, Metropolitan City, Do, or Special Self-Governing Province (hereinafter referred to as "City/Do").

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 5 (Affairs under Jurisdiction of Environmental Dispute Resolution Commission)

The national resolution commission and a regional resolution commission (hereinafter referred to as the "commission") shall have jurisdiction over the following affairs:

1. Adjustment of environmental disputes (hereinafter referred to as "dispute"): Provided, That with respect to the adjustment of disputes related to the obstruction of sunshine and impediment of view due to construction defined in Article 2 (1) 8 of the Building Act, the same shall apply only to cases where such disputes are combined with other disputes caused by such construction;
2. Survey, analysis, and counselling on civil petitions concerning environmental damage;
3. Studies and suggestion of systems and policies for the prevention and settlement of disputes;
4. Education and public relations for the prevention and relief of environmental damage;
5. Other matters prescribed by statutes to be under the jurisdiction of the committee.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 5 (Affairs under Jurisdiction of Environmental Dispute Resolution Commission)

The national resolution commission and a regional resolution commission (hereinafter referred to as the "commission") shall have jurisdiction over the following affairs: <Amended by Act No. 13602, Dec. 22, 2015>

1. Adjustment of environmental disputes (hereinafter referred to as "dispute"): Provided, That with respect to the adjustment of disputes falling under any of the following items, the same shall apply only to cases referred to in the items corresponding thereto:
 - (a) Disputes related to obstruction of sunlight and impediment of view due to construction defined in Article 2 (1) 8 of the Building Act: Where they are combined with other disputes caused by the construction concerned;
 - (b) Disputes related to changes in water level or moving route of groundwater: Where they are due to construction works or operations (excluding construction works or operations for development and use of groundwater under the Groundwater Act);
2. Survey, analysis, and counselling on civil petitions concerning environmental damage;
3. Studies and suggestion of systems and policies for the prevention and settlement of disputes;
4. Education, public relations, and support for the prevention and relief of environmental

damage;

5. Other matters prescribed by statutes to be under the jurisdiction of the committee.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] < <Enforcement Date: Dec. 23, 2016>>

Article 6 (Jurisdiction)(1) The national resolution commission shall have jurisdiction over the following matters among affairs concerning the adjustment of disputes:

1. Adjudication on disputes;
2. Adjustment of disputes in which the State or a local government is a party;
3. Adjustment of disputes spanning areas under the jurisdiction of not less than two Cities/Dos;
4. Ex officio adjustment referred to in Article 30;
5. Adjustment of other disputes prescribed by Presidential Decree.

(2) Each regional resolution commission shall have jurisdiction over affairs other than the affairs referred to in paragraph (1) 2 through 5 among affairs for the adjustment of disputes which arise in the areas of the relevant City/Do: Provided, That in cases of paragraph (1) 1, it shall apply only to adjudication on disputes prescribed by Presidential Decree, excluding disputes over the obstruction of sunshine, obstruction of air circulation and obstruction of view.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 6 (Jurisdiction)(1) The national resolution commission shall have jurisdiction over the following matters among affairs concerning the adjustment of disputes: <Amended by Act No. 13602, Dec. 22, 2015>

1. Adjudication and arbitration of disputes;
2. Adjustment of disputes in which the State or a local government is a party;
3. Adjustment of disputes spanning areas under the jurisdiction of not less than two Cities/Dos;
4. Ex officio adjustment referred to in Article 30;
5. Adjustment of other disputes prescribed by Presidential Decree.

(2) Each regional resolution commission shall have jurisdiction over affairs other than the affairs referred to in paragraph (1) 2 through 5 among affairs for the adjustment of disputes which arise in the areas of the relevant City/Do: Provided, That in cases of paragraph (1) 1, it shall apply only to adjudication and arbitration on disputes prescribed by Presidential Decree, excluding disputes over the obstruction of sunshine, obstruction of air circulation and obstruction of view. <Amended by Act No. 13602, Dec. 22, 2015>

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] < <Enforcement Date: Dec. 23, 2016>>

Article 7 (Composition, etc. of Committee)(1) The national resolution commission shall be comprised of not more than 30 members, including one chairperson, in which not more than three standing members are included.

(2) Each regional resolution commission shall be comprised of not more than 20 members,

including one chairperson, in which one standing member is included.

(3) The term of office of members shall be two years, and they may be re-appointed consecutively.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 7 (Composition, etc. of Committee)(1) The national resolution commission shall be comprised of not more than 30 members, including one chairperson, in which not more than three standing members are included. <Amended by Act No. 13602, Dec. 22, 2015>

(2) Each regional resolution commission shall be comprised of not more than 20 members, including one chairperson, in which one standing member is included. <Amended by Act No. 13602, Dec. 22, 2015>

(3) The term of office of members shall be two years, and they may be re-appointed consecutively.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] <<Enforcement Date: Dec. 23, 2016>>

Article 8 (Appointment of Members of Committee)(1) The President shall appoint or commission members of the national resolution commission, including the chairperson, upon the recommendation of the Minister of Environment, from among persons with extensive knowledge and experience in the environment who fall under any of the following. In such cases, at least three persons falling under subparagraph 2 shall be included therein:

1. A person who has been in office for at least three years as a public official equivalent to Grades I through III public officials or as a public official belonging to the Senior Civil Service Corps;

2. A person who has held office as a judge, prosecutor, or lawyer for at least six years;

3. A person who has held the position of associate professor or higher or a position equivalent thereto in an officially recognized university or research institution;

4. A person who has been engaged in environment-related services for at least ten years.

(2) The chairperson of the national resolution commission shall be appointed as a public official in general service belonging to the Senior Civil Service Corps and in a fixed term position under Article 26-5 of the State Public Officials Act. <Amended by Act No. 13602, Dec. 22, 2015>

(3) Each Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, or the Governor of Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") shall appoint or commission members of a regional resolution commission from among persons falling under any of the subparagraphs of paragraph (1). In such cases, at least two persons falling under paragraph (1) 2 shall be included therein.

(4) Each Mayor/Do Governor shall appoint the chairperson of a regional resolution commission from among vice mayors or vice governors.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 9 (Grounds for Disqualification)

No person who falls under any of the following shall become a member of the commission:

1. An incompetent, a quasi-incompetent, or a person declared bankrupt and not yet reinstated;
2. A person who has been sentenced to imprisonment without labor or heavier punishment and for whom two years have not elapsed since the execution of such punishment was completed (including cases where it is deemed that the execution is completed) or he/she was exempted from such sentence;
3. A person under the suspension of execution of imprisonment without labor or heavier punishment;
4. A person whose qualification is suspended by court decision or by Acts.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 9 (Grounds for Disqualification)

No person who falls under any of the following shall become a member of the commission: <Amended by Act No. 13602, Dec. 22, 2015>

1. A person under adult guardianship, a person under limited guardianship, or a person declared bankrupt and not yet reinstated;
2. A person who has been sentenced to imprisonment without labor or heavier punishment and for whom two years have not elapsed since the execution of such punishment was completed (including cases where it is deemed that the execution is completed) or he/she was not exempted from such sentence;
3. A person under the suspension of execution of imprisonment without labor or heavier punishment;
4. A person whose qualification is suspended by court decision or by Acts.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] < <Enforcement Date: Dec. 23, 2016>>

Article 10 (Guarantee of Status)(1) Members of the commission shall perform duties independently.

(2) No member of the commission shall be dismissed nor decommissioned from office against his/her will unless it is recognized to be substantially inappropriate for him/her to perform duties due to his/her falling under any of the subparagraphs of Article 9 or having physical or mental weakness for a long time.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 11 (Duties of Chairperson, etc.)(1) The chairperson of the commission shall represent the commission and administer the overall affairs thereof.

(2) When the chairperson of the commission is unable to perform his/her duties due to any unavoidable cause, the member the chairperson of the commission designates in advance among the members of the relevant commission shall perform the duties on behalf of the chairperson.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 12 (Exclusion, etc. of Members)(1) Any member of the commission who falls under any of the following shall be excluded from the execution of relevant duties:

1. When a member or a person who is or was his/her spouse becomes a party to the relevant dispute case (hereinafter referred to as "case"), or has the relationship of joint creditor or joint debtor with a party concerned in connection with the case;
2. When a member is or was a relative of a party to the relevant case;
3. When a member has made a statement or appraisal in connection with the relevant case;
4. When a member is or was involved in the relevant case as an agent of a party;
5. When a member has taken part in a disposition or omission which is the cause of the relevant case.

(2) When a cause of exclusion exists, the commission shall render the decision of exclusion ex officio or at the request of the party.

(3) Where it is impracticable to expect a fair execution of duties from a member, any interested party may apply for challenge to the commission and the commission shall render the decision of challenge when it deems such application is reasonable.

(4) When a member falls under any cause in paragraph (1) or (3), he/she may voluntarily refrain from executing duties for the relevant case.

(5) When the committee receives a request for challenge referred to in paragraph (3), it shall suspend the adjustment procedure until a decision is rendered on such request.

(6) Paragraphs (1) through (5) shall apply mutatis mutandis to personnel involved in adjustment procedure and relevant experts referred to in Article 13 (3) (hereinafter referred to as "relevant expert").

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 13 (Secretariat)(1) A secretariat may be established in the commission in order to handle the affairs thereof.

(2) The secretariat shall have judges to take partial charge of the following affairs:

1. Fact-finding survey and investigation of causal relation, which are necessary for dispute resolution;
2. Calculation of amount of environmental damage and research and development of standards for the calculation thereof;
3. Other matters designated by the chairperson of the commission.

(3) In order to handle professional matters concerning particular cases, the chairperson of the commission may appoint relevant experts to conduct the affairs in the subparagraphs of paragraph (2).

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 14 (Legal Fiction as Public Officials in Application of Penalty Provisions)

For the purposes of Articles 127, and 129 through 132 of the Criminal Act, members of the commission who are not public officials, and relevant experts shall be deemed public officials.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 15 (Enactment of Regulations)(1) The national resolution commission may determine procedures for handling affairs under the jurisdiction of the committee and other regulations for the operation of the committee.

(2) The operation of regional resolution commissions and other necessary matters therefor shall be prescribed by municipal ordinances of relevant Cities/Dos.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 15 (Enactment of Regulations, etc.)(1) The national resolution commission may determine procedures for handling affairs under the jurisdiction thereof, other regulations for the operation thereof, and regulations for composition of a mediation committee, adjudication committee, and arbitration committee including method of appointing each chairperson. <Amended by Act No. 13602, Dec. 22, 2015>

(2) The composition and operation of regional resolution commissions and other necessary matters therefor shall be prescribed by municipal ordinances of relevant Cities/Dos. <Amended by Act No. 13602, Dec. 22, 2015>

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] < <Enforcement Date: Dec. 23, 2016>>

Article 15-2 (Notification of Opinions)

The commission may notify the heads of relevant administrative agencies of opinions on improvement measures for environment conservation and prevention of environmental damage, which are collected in the conduct of duties.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

CHAPTER III ADJUSTMENT OF DISPUTES

SECTION 1 Common Provisions

Article 16 (Requests, etc. for Adjustment)(1) Any person who desires to request adjustment shall submit a written application for good offices, mediation, or adjudication to the competent committee referred to in Article 6.

(2) The Minister of Environment shall represent the State in adjustment in which the State is a party thereto. In such cases, the Minister of Environment may designate a public official under authority of an administrative office having jurisdiction over the case as an adjuster.

(3) When the committee receives a request for adjustment pursuant to paragraph (1), it shall commence the adjustment procedure without delay.

(4) The committee may listen to the opinions of interested persons or of the competent government office before commencing the adjustment procedure referred to in paragraph (3).

(5) Matters to be indicated in written applications referred to in paragraph (1) shall be prescribed by Presidential Decree.

(6) When the committee receives a request for the adjustment of a dispute from a party thereto, it shall complete the procedure within the period prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 16 (Requests, etc. for Adjustment)(1) Any person who desires to request adjustment shall submit a written application for good offices, mediation, adjudication, or arbitration to the competent committee referred to in Article 6. <Amended by Act No. 13602, Dec. 22, 2015>

(2) The Minister of Environment shall represent the State in adjustment in which the State is a party thereto. In such cases, the Minister of Environment may designate a public official under authority of an administrative office having jurisdiction over the relevant case as an adjuster.

(3) When the committee receives a request for adjustment pursuant to paragraph (1), it shall commence the adjustment procedure without delay.

(4) The committee may listen to the opinions of interested persons or of the competent government office before commencing the adjustment procedure referred to in paragraph (3).

(5) Matters to be indicated in written applications referred to in paragraph (1) shall be prescribed by Presidential Decree.

(6) When the committee receives a request for the adjustment of a dispute from a party thereto, it shall complete the procedure within the period prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] < <Enforcement Date: Dec. 23, 2016>>

Article 16-2 (Advice to Reach Consensus)(1) When the commission receives a request for adjustment, it may advise the parties to reach consensus on indemnification for damage.

(2) No advice referred to in paragraph (1) shall affect the proceeding of adjustment.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 16-2 (Advice to Reach Consensus)(1) When the chairperson of the commission receives a request for adjustment, it may advise the parties to reach consensus on indemnification for damage. <Amended by Act No. 13602, Dec. 22, 2015>

(2) No advice referred to in paragraph (1) shall affect the proceeding of adjustment.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] < <Enforcement Date: Dec. 23, 2016>>

Article 17 (Rejection, etc. of Requests)(1) When a request for adjustment is unlawful, the commission may order the correction of defects by fixing a period appropriate therefor.

(2) When a requesting person fails to comply with an order referred to in paragraph (1) or is unable to correct defects, the commission shall reject the request for adjustment by decision.

(3) The commission shall reject by decision requests for adjustment concerning disputes which have undergone or are undergoing the adjustment procedure prescribed by other Acts.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 18 (Cooperation of Relevant Administrative Agencies)(1) If necessary for the adjustment of disputes, the commission may request the heads of relevant administrative agencies to render necessary cooperation, such as submission of materials or opinions, provision of technical knowledge, and measurement and analysis of environmental pollutants.

(2) If necessary for the removal or prevention of environmental damage at the time of adjusting disputes, the commission may advise the heads of relevant administrative agencies to take necessary administrative measures against persons causing the

environmental damage, such as the issuance of an order for improvement, an order for suspension of operation and an order for suspension of construction work.

(3) The head of any relevant administrative agency who receives a request for cooperation or an advice referred to in paragraphs (1) and (2) shall comply therewith unless he/she has any justifiable ground to the contrary.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 19 (Selected Representatives)(1) Where numerous persons become a party to adjustment jointly, they may select not more than three representatives from among themselves.

(2) If necessary when no representative referred to in paragraph (1) is selected, the commission may advise the parties to select representatives.

(3) Any representative who is selected pursuant to paragraph (1) (hereinafter referred to as "selected representative") may conduct all acts concerning the adjustment of the relevant case for other requesting persons or requested persons: Provided, That with respect to the cancellation of requests and acceptance of adjustment proposals, he/she shall obtain the consent of the other parties in writing.

(4) When representatives are selected, other parties may conduct acts concerning the relevant case only through the selected representatives.

(5) The parties who have selected representatives may, when necessary, dismiss or replace the selected representatives. In such cases, the relevant parties shall notify the commission of such fact without delay.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 20 (Participation)(1) Where a dispute remains pending in the adjustment procedure, any person who claims environmental damage caused by the same cause may participate in the relevant procedure as a party thereto by obtaining approval from the commission.

(2) Where the commission intends to grant approval referred to in paragraph (1), it shall listen to the opinions of the party.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 21 (Correction of Requested Persons)(1) When it is clear that a requested person designated by a requesting person is a wrong person, the chairperson of the commission may permit the correction of the requested person by receiving a request from the requesting person.

(2) When the chairperson of the commission grants permission referred to in paragraph (1), he/she shall notify the party and the new requested person of such fact.

(3) When permission referred to in paragraph (1) is granted, it shall be deemed that the request for adjustment regarding the former requested person is cancelled and a request for adjustment regarding the new requested person comes into existence when a request for correction referred to in paragraph (1) is made.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 22 (Agents)(1) Each relevant party may appoint the following persons as an agent:

1. The spouse, lineal ascendants and descendants or siblings of a party;
2. An executive or employee of the juristic person who is a party;
3. A lawyer;
4. A public official nominated by and under the control of the Minister of Environment or of the heads of local governments.

(2) Any party who desires to designate a person falling under paragraph (1) 1 or 2 as an agent shall obtain permission from the chairperson of the commission.

(3) The authority of each agent shall be expressed in writing.

(4) Special authority shall be delegated to agents to conduct the following acts:

1. Withdrawal of requests;
2. Acceptance of adjustment proposals;
3. Selection of a subagent.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 23 (Disobedience to Interim Decisions)(1) With regard to interim decisions of the commission which are relevant to the adjustment procedure, any party concerned may raise an objection to the relevant committee within 14 days from the date on which he/she becomes aware of such decisions.

(2) When recognizing that an objection raised pursuant to paragraph (1) has a reasonable ground, the commission shall correct its decision and when recognizing that an objection raised has no ground, it shall reject the objection.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 24 (Delegation of Adjustment Procedure)

The mediation committee referred to in Article 31 (1) or the adjudication committee referred to in Article 36 (1) may delegate part of the procedure for mediation or adjudication to its members, respectively.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 24 (Delegation of Adjustment Procedure)

The mediation committee referred to in Article 31 (1), the adjudication committee referred to in Article 36 (1), or the arbitration committee referred to in Article 45-3 (1) may delegate part of the procedure for mediation, adjudication, or arbitration to its members, respectively. <Amended by Act No. 13602, Dec. 22, 2015> <<Enforcement Date: Dec. 23, 2016>>

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 25 (Non-Disclosure of Procedure)

Except as otherwise provided for in this Act, the adjustment procedure of the commission shall not be disclosed to the public.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 26 (Requests for Adjustment of Environmental Organizations)(1) In the occurrence of damage caused by the grave destruction of natural ecosystems or when such damage is highly likely to occur, any environmental organization which satisfies each of the

following requirements may make a request for adjustment to the committee on behalf of a party to a dispute by obtaining permission from the commission:

1. A non-profit juristic person established under the permission of the Minister of Environment pursuant to Article 32 of the Civil Act;
2. An organization pursuing the protection and enhancement of the public interest, such as environment protection, according to the articles of association;
3. Other requirements prescribed by Presidential Decree.

(2) Article 22 (3) and (4) shall apply mutatis mutandis to environmental organizations requesting adjustment pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

SECTION 2 Good Offices

Article 27 (Nomination of Good Office Members)(1) Good offices by the commission shall be rendered by not more than three members (hereinafter referred to as "good office member").

(2) The chairperson of the commission shall nominate good office members from among members of the commission on a case-by-case basis.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 28 (Duties of Good Office Members)

Good office members shall endeavor to settle cases in a fair manner by confirming the main points of assertions of both parties.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 29 (Suspension of Good Offices)(1) When it is deemed impracticable to settle a dispute by means of good offices, good office members may suspend good offices.

(2) When a request for mediation or adjudication is made for a dispute for which procedures for good offices are in progress, such good offices shall be deemed suspended.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 29 (Suspension of Good Offices)(1) When it is deemed impracticable to settle a dispute by means of good offices, good office members may suspend good offices.

(2) When a request for mediation, adjudication, or arbitration is made for a dispute for which procedures for good offices are in progress, such good offices shall be deemed suspended. <Amended by Act No. 13602, Dec. 22, 2015>

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] < <Enforcement Date: Dec. 23, 2016>>

SECTION 3 Mediation

Article 30 (Ex Officio Mediation)(1) With respect to disputes which are feared to exert a huge ripple effect on society, such as grave damage to human lives and bodies caused by environmental pollution and strife over the installation or management of environmental facilities defined in subparagraph 2 of Article 2, the national resolution commission may commence the mediation procedure ex officio even without the request of the parties.

(2) Matters concerning the targets of ex officio mediation referred to in paragraph (1),

mediation procedures, and persons performing ex officio mediation shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 30 (Ex Officio Mediation)(1) With respect to disputes which are feared to exert a huge ripple effect on society, such as grave damage to human lives and bodies caused by environmental pollution and strife over the installation or management of environmental facilities defined in subparagraph 2 of Article 2, the national resolution commission may commence the mediation procedure ex officio even without the request of the parties.

(2) A Mayor/Do Governor, the head of a Si/Gu/Gu (the head of a Gu refers to the head of an autonomous Gu), or the head of a river basin environmental office or a regional environmental office may request an ex officio mediation to the national resolution commission regarding disputes for which an ex officio mediation under paragraph (1) is deemed necessary. <Newly Inserted by Act No. 13602, Dec. 22, 2015>

(3) Matters concerning the targets of ex officio mediation referred to in paragraph (1), mediation procedures, and persons performing ex officio mediation shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] <<Enforcement Date: Dec. 23, 2016>>

Article 31 (Nomination, etc. of Mediating Members)(1) Mediation shall be rendered by a committee comprised of three members (hereinafter referred to as "mediation committee").

(2) Members of the mediation committee (hereinafter referred to as "mediating member") shall be nominated by the chairperson of the commission from among the commission members on a case-by-case basis, on condition that at least one person falling under Article 8 (1) 2 shall be included therein.

(3) Meetings of the mediation committee shall be convened by the chairperson of the mediation committee.

(4) Meetings of the mediation committee shall be held in the presence of all its members and resolutions shall be passed by the concurring vote of a majority of all such members.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 32 (Right to Investigate, etc. of Mediation Committee)(1) When necessary for the mediation of disputes, the mediation committee may have the members of the mediation committee or judges enter factories or places of business which are occupied by the parties, or other places related to cases for investigation, perusal or reproduction of relevant documents or articles, or listen to the statements of references.

(2) When the mediation committee accepts the results of investigation referred to in paragraph (1) as materials for mediation, it shall listen to the opinions of the parties.

(3) In cases of paragraph (1), members of the mediation committee or judges shall carry an identification showing their authority and produce it to relevant persons.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 33 (Effect, etc. of Mediation)(1) The mediation committee may prepare mediation

proposals for the settlement of disputes and advise the relevant parties to accept such proposals by specifying a period exceeding 30 days, and mediation shall be established when the parties accept the mediation proposals and indicate such fact in a protocol.

(2) A protocol referred to in paragraph (1) shall have the same effect as that of consent judgment: Provided, That the same shall not apply to matters, which the parties cannot handle at will.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 34 (Refusal of Mediation)(1) When the mediation committee deems that a relevant dispute is not appropriate for mediation by nature or a party requests mediation for unjust purposes, it may refuse the mediation.

(2) When the mediation committee determines to refuse mediation pursuant to paragraph (1), it shall notify the parties of such fact.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 35 (Termination of Mediation)(1) When the mediation committee deems that it is impracticable to reach consensus between the disputing parties, it may terminate the mediation by the decision that it refuses to mediate.

(2) When parties concerned fail to make a notice of acceptance within a fixed period after an advice referred to in Article 33 (1) is made, the mediation between the relevant parties shall be terminated.

(3) When mediation is terminated pursuant to paragraph (1) or (2), the mediation committee shall notify the parties of such fact.

(4) Where a party who has received a notice pursuant to paragraph (3) files for a lawsuit within 30 days upon receipt of such notice, a request for mediation shall be deemed judicial claim in the interruption of prescription and calculation of period for filing a lawsuit.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 35 (Termination of Mediation)(1) When the mediation committee deems that it is impracticable to reach consensus between the disputing parties, it may terminate the mediation by the decision that it refuses to mediate.

(2) When parties concerned fail to make a notice of acceptance within a fixed period after an advice referred to in Article 33 (1) is made, the mediation between the relevant parties shall be terminated.

(3) When a request for adjudication or arbitration is made for a dispute for which procedures for mediation are in progress, such mediation shall be suspended. <Newly Inserted by Act No. 13602, Dec. 22, 2015>

(4) When mediation is terminated pursuant to paragraph (1) or (2), the mediation committee shall notify the parties of such fact.

(5) Where a party who has received a notice pursuant to paragraph (4) files for a lawsuit within 30 days upon receipt of such notice, a request for mediation shall be deemed judicial claim in the interruption of prescription and calculation of period for filing a lawsuit. <Amended by Act No. 13602, Dec. 22, 2015>

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] < <Enforcement Date: Dec. 23, 2016>>

SECTION 4 Adjudication

Article 36 (Nomination, etc. of Adjudicating Members)(1) Adjudication shall be rendered by a committee comprised of five members (hereinafter referred to as "adjudication committee"): Provided, That adjudication upon minor cases prescribed by Presidential Decree may be rendered by the adjudication committee comprised of three members.

(2) Members of the adjudication committee (hereinafter referred to as "adjudicating member") shall be nominated by the chairperson of the commission from among the commission on a case-by-case basis, on condition that at least one person falling under Article 8 (1) 2 shall be included therein.

(3) Meetings of the adjudication committee shall be convened by the chairperson of the adjudication committee.

(4) Meetings of the adjudication committee shall be held in the presence of all its members and resolutions shall be passed by the concurring vote of a majority of all such members.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 36 (Nomination, etc. of Adjudicating Members)(1) Adjudication shall be rendered by a committee comprised of five members (hereinafter referred to as "adjudication committee"): Provided, That adjudication on any of the following cases shall be rendered by the adjudication committee prescribed by the subparagraph corresponding thereto: <Amended by Act No. 13602, Dec. 22, 2015>

1. Cases prescribed by Presidential Decree, which are feared to exert a huge ripple effect on society, such as grave damage to lives and bodies of numerous persons or strife over the installation or management of environmental facilities defined in subparagraph 2 of Article 2: adjudication committee comprised of not less than ten members;

2. Minor cases prescribed by Presidential Decree: adjudication committee comprised of three members.

(2) Members of the adjudication committee (hereinafter referred to as "adjudicating member") shall be nominated by the chairperson of the commission from among the commission members on a case-by-case basis, on condition that at least one person falling under Article 8 (1) 2 shall be included therein.

(3) Meetings of the adjudication committee shall be convened by the chairperson of the adjudication committee.

(4) Meetings of the adjudication committee shall be held in the presence of all its members and resolutions shall be passed by the concurring vote of a majority of all such members.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] < <Enforcement Date: Dec. 23, 2016>>

Article 37 (Trial)(1) The adjudication committee shall have the relevant parties state their opinions by setting force a date of trial.

(2) The adjudication committee shall notify the parties of the date of trial fixed pursuant to

paragraph (1) seven days prior to the date of trial.

(3) A trial shall be open to the public: Provided, That the same shall not apply when the adjudication committee deems that it is necessary to keep privacy or business secrets of the parties, when the fairness of procedure is feared to be impaired, or when it is necessary for the public interest.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 38 (Right to Investigate, etc. of Adjudication Committee)(1) When necessary for adjudication on disputes, the adjudication committee may conduct the following acts at the request of the parties or ex officio:

1. Demanding appearance of, asking questions to, and hearing statements of a party or references;
2. Demanding appearance and appraisal of an appraiser;
3. Demanding perusal, reproduction, and submission of, and holding of documents or articles which are related to a case;
4. Entry into or investigation of places related to a case.

(2) Any interested party may participate in investigation, etc. referred to in paragraph (1).

(3) When the adjudication committee conducts an investigation, etc. referred to in paragraph (1) ex officio, it shall listen to the opinions of a party on the results thereof.

(4) When the adjudication committee has a relevant party or a reference make a statement or has an appraiser conduct appraisal pursuant to paragraph (1), it shall have the party, reference or appraiser take an oath.

(5) In cases of paragraph (1) 4, members of the adjudication committee or judges shall carry an identification showing their authority and produce it to relevant persons.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 39 (Preservation of Evidence)(1) When the commission deems that it is impracticable to secure evidence unless the evidence is taken in advance before making a request for adjudication, it may conduct the acts in the subparagraphs of Article 38 (1) upon receipt of a request from a person who intends to request adjudication.

(2) Upon receipt of a request referred to in paragraph (1), the chairperson of the commission shall nominate persons to get involved in the preservation of evidence among the members of the commission.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 40 (Adjudication)(1) Adjudication shall be rendered in writing, and adjudication documents shall include the following matters and be signed and sealed by adjudicating members:

1. Number and title of a case;
2. Name (in cases of corporations, referring to the title) and address of a relevant party, selected representative, representative party and agent;
3. Formal adjudication;
4. Purport of a request;

5. Grounds;

6. Date of adjudication.

(2) When grounds referred to in paragraph (1) 5 are stated, judgment on the assertion, etc. of relevant parties shall be indicated to the extent that it is possible to recognize the contents of text of judgement to be lawful.

(3) When the adjudication committee renders adjudication, it shall serve the original copy of adjudication documents to the party or agent without delay.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 41 (Restoration to Original State)

Where the adjudication committee deems that restoration to the original state is needed for the recovery of environmental damage, it shall render the adjudication which orders a relevant party to restore to the original state in lieu of indemnification for damage: Provided, That the same shall not apply when restoration to the original state is deemed substantially impracticable due to excessive costs and other causes.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 42 (Effect, etc. of Adjudication)(1) Any party concerned who is dissatisfied with adjudication rendered by the adjudication committee of a regional resolution commission may make a request for adjudication to the national resolution commission within 60 days from the date on which the original copy of adjudication documents is served on the party.

(2) In the circumstance that the adjudication committee has rendered adjudication, if no lawsuit is instituted by both parties or either of the parties on the ground of environmental damage which is the object of the adjudication within 60 days from the date on which the original copy of adjudication documents is served on the parties, or such lawsuit is withdrawn, or when no request referred to in paragraph (1) is made, the adjudication documents shall have the same effect as that of consent judgment: Provided, That the same shall not apply to matters which the parties cannot handle at will.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 43 (Referral to Mediation)(1) When the adjudication committee deems that it is appropriate to refer a case for which adjudication is requested for mediation, it may directly mediate the case ex officio or send the case to the competent committee for mediation.

(2) When the parties to a case referred for mediation pursuant to paragraph (1) fails to reach consensus, the adjudication procedure shall proceed, and when they reach consensus, the request for adjudication shall be deemed withdrawn.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 43-2 (Withdrawal of Request for Adjudication)

Where a request for arbitration is made for a dispute for which procedures for adjudication are in progress, the request for adjudication shall be deemed withdrawn.

[This Article Newly Inserted by Act No. 13602, Dec. 22, 2015] < <Enforcement Date: Dec. 23, 2016>>

Article 44 (Interruption, etc. of Prescription)

When a party who is dissatisfied with adjudication institutes a lawsuit, the request for adjudication shall be deemed judicial claim in the interruption of prescription and calculation of period for filing a lawsuit.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 45 (Relations with Lawsuits)(1) When a lawsuit is in progress for a case for which adjudication is requested, the court which has accepted the lawsuit may suspend the judicial procedure until adjudication is rendered.

(2) Where a judicial procedure referred to in paragraph (1) is not suspended, the adjudication committee shall suspend the adjudication procedure of the relevant case.

(3) Where a lawsuit is in progress on the same kind of a case or on a similar case which involves numerous persons due to the same cause as that of the case for which adjudication is requested, the adjudication committee may suspend the adjudication procedure by decision.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 45-2 (Nomination, etc. of Arbitrating Members)(1) Arbitration shall be rendered by a committee comprised of three members (hereinafter referred to as “arbitration committee”).

(2) Members of the arbitration committee (hereinafter referred to as “arbitrating member”) shall be nominated by the chairperson of the committee from among the committee members on a case-by-case basis and where the parties to a case select members upon agreement, the relevant members shall be nominated.

(3) The chairperson of an arbitration committees shall be a member designated by the regulations for the committee under Article 15 (1): Provided, That where the parties to a case has selected members upon agreement pursuant to Article 2, a member nominated by the chairperson of the committee from among such members shall be the chairperson of the arbitration committee.

(4) Meetings of the arbitration committee shall be convened by the chairperson of the arbitration committee.

(5) Meetings of the arbitration committee shall be held in the presence of all its members, and resolutions shall be passed by the concurring vote of a majority of all such members.

[This Article Newly Inserted by Act No. 13602, Dec. 22, 2015] <<Enforcement Date: Dec. 23, 2016>>

Article 45-3 (Trial, etc. of Arbitration Committee)

@Articles 37 through 41 shall apply mutatis mutandis to trial, right to investigate, preservation of evidence, method of arbitration, restoration to the original state, and similar matters of the arbitration committee.

[This Article Newly Inserted by Act No. 13602, Dec. 22, 2015] <<Enforcement Date: Dec. 23, 2016>>

Article 45-4 (Effect of Arbitration)

Arbitration shall have the same effect as a final and conclusive judgement of the court

between the parties.

[This Article Newly Inserted by Act No. 13602, Dec. 22, 2015] < <Enforcement Date: Dec. 23, 2016>>

Article 45-5 (Application Mutatis Mutandis of the Arbitration Act)(1) Article 36 of the Arbitration Act shall apply mutatis mutandis to disobedience to arbitration and withdrawal of arbitration.

(2) The Arbitration Act shall apply mutatis mutandis to procedures related to arbitration unless otherwise provided for in this Act.

[This Article Newly Inserted by Act No. 13602, Dec. 22, 2015] < <Enforcement Date: Dec. 23, 2016>>

CHAPTER IV ADJUSTMENT OF DISPUTES INVOLVING NUMEROUS PERSONS

Article 46 (Requests for Adjustment of Disputes Involving Numerous Persons)(1)

When environmental damage occurs or is expected to occur to numerous persons due to the same cause, one or several persons among them may make a request for adjustment as the representing parties.

(2) Any person who intends to make a request for adjustment pursuant to paragraph (1) shall obtain permission from the commission.

(3) A request for permission referred to in paragraph (2) shall be made in writing.

(4) A written request for permission referred to in paragraph (3) shall include the following matters:

1. Name and address of a requesting person;
2. Name and address of an agent when an agent makes a request;
3. Name and address of a person to become a requested person;
4. Scope of numerous persons whom a requesting person desires to represent;
5. Upper limit of amount claimed for indemnification per person when indemnification for damage is claimed;
6. Purport and grounds of a request for the adjustment of a dispute.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 47 (Requirements for Permission)

When a request for permission referred to in Article 46 satisfies each of the following requirements, the commission may grant permission:

1. The cause of a request is environmental damage which has occurred or is expected to occur due to the same cause;
2. The number of persons having a joint interest is not less than 100 persons and adjustment by selected representatives is significantly difficult;
3. In cases of claiming indemnification for damage, the amount claimed for indemnification for damage per person is not more than five million won;
4. Not less than 30 persons are consented among the numerous persons whom a requesting person intends to represent;
5. A requesting person is capable of representing the interest of members in a fair and proper

manner.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 48 (Concurrence of Requests)(1) When requests for permission for adjustment of a dispute involving numerous persons are made concurrently, the commission may recommend the method of separation, combination, etc. of cases to respective requesting persons.

(2) When a recommendation referred to in paragraph (1) fails to be accepted, the commission may render the decision of non-permission on the relevant requests.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 49 (Decision of Permission)(1) When the commission renders the decision of permission for the adjustment of a dispute involving numerous persons, it shall note details referred to in the subparagraphs of Article 46 (4) in the written decision.

(2) When the commission completes to render the decision of permission referred to in paragraph (1), it shall notify the requesting person and the requested person of such fact immediately.

(3) Where the commission completes to render the decision of permission for the adjustment of a disputing involving numerous persons, the adjustment shall be deemed requested at the time permission is requested pursuant to Article 46.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 50 (Supervision, etc. of Representing Party)(1) The commission may, when necessary, demand representing parties to make necessary reports.

(2) When the commission deems that a representing party fails to represent members in a fair and proper manner, it may replace the representing party or cancel permission upon request of members or ex officio.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 51 (Public Announcement, etc.)(1) When the commission receives a request for the adjustment of a dispute involving numerous persons, it shall publicly announce the following matters within 15 days from the date of such request and allow the public to inspect the public announcement in the office of the local government in which the dispute has occurred:

1. Name and address of a requesting person and requested person;
2. Name and address of an agent;
3. Scope of members and upper limit of amount claimed for indemnification for damage per person;
4. Purport of a request and summary of a cause;
5. Number and title of a case;
6. Method and period of making a request for participation, and the matter that adjustment shall not take effect on persons who fail to make a request for participation;
7. Other matters the commission deems necessary.

(2) Public announcement referred to in paragraph (1) may be given by placing it in the Official

Gazette or daily newspapers or by other methods the commission deems appropriate.

(3) The commission may have representing parties bear the costs incurred from public announcement referred to in paragraph (1).

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 52 (Requests for Participation)(1) Any person who is not a representing party and has an interest in the results of adjustment of a relevant dispute may make a request for participation in the adjustment procedure within 60 days from the date of public notice referred to in Article 51 (1).

(2) Any person who gives a consent pursuant to subparagraph 4 of Article 47 shall be deemed to have participated in the adjustment procedure.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 53 (Effect)

The effect of adjustment shall be exerted only on representing parties and on persons who make a request for participation pursuant to Article 52.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 54 (Prohibition of Requests for Adjustment of Same Dispute)

No person who fails to make a request for participation pursuant to Article 52 shall make a request for adjustment again with regard to cases recognized as the same dispute in terms of the cause and purport of the request

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 55 (Adjustment Procedure Applicable Mutatis Mutandis)

With respect to the adjustment procedure of disputes involving numerous persons, Chapter III shall apply mutatis mutandis to matters that are not provided for in this Chapter unless the application is against the nature thereof.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 56 (Distribution)

Where a representing party receives indemnification for damage by adjustment, he/she shall prepare a distribution plan and have it authorized by the committee and then distribute the indemnification for damage according to the distribution plan within a period determined by the committee.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 57 (Matters to be Included in Distribution Plans)

Each distribution plan shall include the following matters:

1. Persons to receive indemnification for damage and the upper limit of credit amount per person;
2. Total amount of money paid by a requested person;
3. Items of deduction referred to in Article 59 and the amount thereof;
4. Amount of money appropriated for distribution;
5. Criteria for distribution;
6. Matters concerning the period, place and method of applying for payment;

7. Matters concerning the method of confirming credits;
8. Matters concerning the period, place and method of receiving an amount distributed;
9. Other matters determined by the committee.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 58 (Criteria for Distribution)(1) Indemnification for damage shall be distributed based on the ground of adjudication or details indicated in mediation protocols.

(2) When the total amount of credits confirmed exceeds the amount appropriated for distribution, distribution shall be made in proportion to the value amount of each credit.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 59 (Deduction)

Each representing party may deduct the following costs from the amount paid by a requested person:

1. Costs incurred for the performance of the adjustment procedure;
2. Costs incurred for distribution.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 60 (Public Announcement of Distribution Plans)(1) Where the commission authorizes a distribution plan pursuant to Article 56, it shall make public the following matters:

1. Summary of adjudication or mediation protocol;
2. Matters in the subparagraphs of Article 57;
3. Address and name of representing parties;

(2) Article 51 (2) and (3) shall apply mutatis mutandis to public announcement referred to in paragraph (1).

(3) Article 23 shall apply mutatis mutandis to disobedience to authorization of distribution plans referred to in Article 56.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 61 (Revision, etc. of Distribution Plans)(1) Any party who has an objection to a distribution plan publicly notified pursuant to Article 60 (1) may submit an opinion to the commission within seven days from the date of public notice.

(2) Where the commission deems that it is necessary to revise a distribution plan after authorizing such plan pursuant to Article 56, it may revise the distribution plan by decision: Provided, That when revising by official authority, it shall listen to the opinions of representing parties.

(3) The commission shall publicly announce matters revised pursuant to paragraph (2).

(4) Article 51 (2) and (3) shall apply mutatis mutandis to public announcement referred to in paragraph (3).

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 62 (Relations with State Compensation Act)

In cases of disputes to which the State Compensation Act is applicable and which have undergone the adjustment procedure under this Act (including Articles 34 and 35), it shall be

deemed that they are deliberated and resolved by the compensation deliberation council under the State Compensation Act.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 63 (Adjustment Costs, etc.)(1) Costs incurred for the adjustment procedure of the committee shall be borne by each party except for costs incurred for matters prescribed by Presidential Decree.

(2) Any person who makes a request for adjustment, etc. to the committee shall pay fees as prescribed by Presidential Decree (in cases of regional resolution commissions, by municipal ordinances of the competent Cities/Dos).

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 64 (Provisions to be Applied Mutatis Mutandis)

The provisions concerning the service of documents in the Civil Procedure Act and Article 3 of the Act on Special Cases Concerning Expedition, etc. of Legal Proceedings shall apply mutatis mutandis to the service of documents and legal rates of interest, respectively.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

CHAPTER VI PENALTY PROVISIONS

Article 65 (Penalty Provisions)

Any person who refuses, evades, or interferes with entry, inspection, perusal, or reproduction by the members of the committee or by judges, which are referred to in Article 38 (1) 3 and 4, without any justifiable ground shall be punished by a fine not exceeding two million won.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012]

Article 65 (Penalty Provisions)

Any person who refuses, evades, or interferes with entry, inspection, perusal, or reproduction by the members of the committee or by judges, which are referred to in Article 32 (1) and Article 38 (including cases of application mutatis mutandis pursuant to Article 45-3) (1) 3 and 4, without any justifiable ground shall be punished by a fine not exceeding two million won. <Amended by Act No. 13602, Dec. 22, 2015>

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] <<Enforcement Date: Dec. 23, 2016>>

Article 66 (Administrative Fines)(1) Any of the following persons shall be punished by an administrative fine not exceeding one million won:

1. A person who fails to appear without justifiable ground when requested to appear by the adjudication committee pursuant to Article 38 (1) 1 twice consecutively;
2. A person who fails to submit documents or articles referred to in Article 38 (1) 3 or submits false documents or articles.

(2) Any party, reference, or appraiser who makes a false statement or appraisal after taking an oath pursuant to Article 38 (4) shall be punished by an administrative fine not exceeding 500 thousand won.

(3) Administrative fines referred to in paragraphs (1) and (2) shall be imposed and collected

by the Minister of Environment or by Mayors/Do Governors as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] <<Enforcement Date: Dec. 23, 2016>>

Article 66 (Administrative Fines)(1) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 13602, Dec. 22, 2015>

1. A person who fails to appear without justifiable ground when requested to appear by the adjudication committee pursuant to Article 38 (including cases of application mutatis mutandis pursuant to Article 45-3; hereafter the same shall apply in this Article) (1) 1 twice consecutively;

2. A person who fails to submit documents or articles referred to in Article 38 (1) 3 or submits false documents or articles.

(2) Any party, reference, or appraiser who makes a false statement or appraisal after taking an oath pursuant to Article 38 (4) shall be punished by an administrative fine not exceeding 500 thousand won.

(3) Administrative fines referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment or by Mayors/Do Governors as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11267, Feb. 1, 2012] <<Enforcement Date: Dec. 23, 2016>>

ADDENDA (Omitted)

30. Act on the Promotion of Saving and Recycling of Resources

[Enforcement Date 21. Jan, 2016.] [Act No.13036, 20. Jan, 2015., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the preservation of the environment and sound development of the national economy by facilitating the use of recycled resources by means of controlling the generation of wastes and facilitating recycling.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 10389. Jul. 23, 2010; Act No. 10615, Apr. 28, 2011; Act No. 12319, Jan. 21, 2014>

1. The term "recycling of resources" means using and managing the process of recycling resources in an environment-friendly manner by controlling the generation of wastes to a necessary extent and properly recycling or treating generated wastes (referring to final treatment under subparagraph 6 of Article 2 of the Wastes Control Act; hereinafter the same shall apply) in order to achieve the objectives of environmental policies;

2. The term "recyclable resources" means products or by-products collected after being disposed of in an used or unused state, which are reusable or reusable after reconditioning (including recoverable energy and waste heat, but excluding radioactive substances and substances contaminated by radioactive substances);
3. The term "by-products" means things produced incidentally in the processes of manufacturing, processing, repairing or selling products, supplying energy, or performing civil and construction works;
4. The term "designated by-products" means by-products prescribed by Presidential Decree, full or partial recycling of which is particularly necessary for efficiently using such resources;
5. The term "recycling" means recycling under subparagraph 7 of Article 2 of the Wastes Control Act;
6. The term "reuse" means re-using recyclable resources as they are or after repairing or making them re-usable for production activities;
7. The term "use after regeneration" means fully or partially re-using recyclable resources as raw materials or making them re-usable;
8. The term "energy recovery" means recovering energy from recyclable resources in accordance with the standards under subparagraph 7 of Article 2 of the Wastes Control Act (hereinafter referred to as "standards for energy recovery") or converting them into energy-recoverable substances;
- 8-2. The term "waste-to-energy" means energy recovered from wastes, such as solid fuels and syngas from wastes, or converted materials from which energy can be recovered, which are prescribed by Ordinance of the Ministry of Environment;
9. The term "recycled products" means products prescribed by Ordinance of the Ministry of Environment, which are produced by using recyclable resources;
10. The term "recycling facilities" means installations, equipment, facilities, etc. prescribed by Ordinance of the Ministry of Environment, which are used to manufacture, process, assemble, repair, collect, transport, and keep recyclable resources or recycled products;
11. The term "recycling industries" means industries prescribed by Presidential Decree, which manufacture, process, assemble, repair, collect, transport, and keep recyclable resources or recycled products, or conduct the research and development of recycling technology;
12. The term "wastes" means wastes defined under subparagraph 1 of Article 2 of the Wastes Control Act;
13. The term "bulky wastes" means wastes prescribed by Presidential Decree, which are separately measurable and the name of the article is identifiable, such as furniture and household electric appliances discharged from homes, workplaces, etc.;
14. The term "packing materials" means materials, containers, etc. used to pack products for protecting their value and condition, and preserving their quality in the processes of transportation, keeping, handling, and use;
15. The term "disposable products" means products prescribed by Presidential Decree,

which are designed to be used once for the same purpose;

16. The term "products made of biodegradable resin" means products prescribed by Ordinance of the Ministry of Environment, which has obtained a certification of eco-label under Article 17 of the Environmental Technology and Industry Support Act, or which satisfies the standards for certification of articles subject to certification;

17. The term "products subject to improvement of the quality of materials and structure" means products prescribed by Presidential Decree, the full or partial recycling of which is particularly necessary for efficiently using such resources as they are collected after being disposed of in a used or unused state, and the structure or quality of materials of which needs to be improved to make the products easily recyclable.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 2-2 (Basic Principle of Recycling of Resources) (1) A person who manufactures, processes, imports, sells, consumes materials, products, etc. or does construction works (referring to the construction works under subparagraph 4 of Article 2 of the Framework Act on the Construction Industry) shall control the generation of wastes to the utmost extent and mitigate any harm caused thereby.

(2) Generated wastes shall be recycled or properly treated in accordance with the principles in each of the following subparagraphs:

1. Wastes are required to be reused or used after regeneration in whole or in part to the utmost extent;
2. Wastes difficult to reuse or use after regeneration in whole or in part are required to be used for the purposes of energy recovery; and
3. Wastes the reuse, use after regeneration or energy recovery of which under subparagraphs 1 and 2 is impossible are required to be properly treated in a manner which minimizes their impact on the environment.

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 3 (Relation with Other Acts and Subordinate Statutes)

The Wastes Control Act shall apply to the saving of resources, the control of generation and recycling of wastes, except as otherwise provided for in this Act.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 4 (Duty of State and Local Governments) (1) The State shall devise policies to facilitate the recycling of resources.

(2) Local governments shall assume the duty to devise and implement policies for the facilitation of the recycling of resources, taking into account the characteristics of the areas under their jurisdiction in accordance with the national policies devised under paragraph (1).

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 5 (Duties of Business Operators) (1) Business operators shall endeavor to comply with basic principles under Article 2-2 and cooperate in policies implemented by the State or local governments to attain the purposes of this Act.

(2) A person who manufactures, imports or sells products (hereinafter referred to as

"manufacturer, etc.") shall prevent raw materials, products, etc. from becoming wastes and if they have become wastes, endeavor to recycle or properly treat them.

(3) A business operator that places an order for construction works shall endeavor to conserve resources, use more recycled products and recycle by-products generated in such construction works.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 6 (Duties of People)

People shall endeavor to facilitate the recycling of resources through discharging recyclable resources after separation, preferentially purchasing recycled products and preventing them from using disposable products, etc. and at the same time, cooperate in measures taken by the State, local governments and businesses to attain the purposes of this Act.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 7 (Establishment of Master Plans for Recycling of Resources) (1) The Minister of Environment shall establish a master plan for recycling of resources (hereinafter referred to as "master plan") every five years in consultation with the heads of the relevant central administrative agencies, the Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, and the Governor of a Special Self-Governing Province. <Amended by Act No. 12319, Jan. 21, 2014>

(2) The master plan referred to in paragraph (1) shall include the followings:

1. Basic direction-setting and goals for facilitating recycling of resources;
2. Matters concerning the conditions of recycling of resources, such as generation and recycling of wastes, and the current status of recycling industries;
3. Matters concerning setting the goals for recycling of resources;
4. Plans for raising funds needed to achieve goals for recycling of resources and investment plans;
5. Other matters necessary for facilitating recycling of resources.

(3) The heads of the relevant central administrative agencies, the Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, and the Governor of a Special Self-Governing Province shall establish an annual action plan of the master plan (hereinafter referred to as "action plan") and notify the Minister of Environment thereof, and implement it. In such cases, the action plan shall include an investment plan. <Amended by Act No. 12319, Jan. 21, 2014>

(4) The head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) shall establish an execution plan for recycling of resources, considering the characteristics of his/her jurisdiction, submit it to the competent Special Metropolitan City Mayor, Metropolitan City Mayor, or Do Governor, and implement it.

(5) Matters necessary for establishing master plans, action plans, and execution plans for recycling of resources under paragraphs (1), (3), and (4) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

CHAPTER II FACILITATION OF RECYCLING OF RESOURCES, ETC.

SECTION 1 Saving of Resources, Control of Generation of Wastes, etc.

Article 8 (Saving of Resources, etc.) (1) The Government may recommend matters necessary for the saving of resources, control of generation of wastes and recycling of wastes to producers and consumers or guide them.

(2) The ministers of competent ministries may request the heads of the relevant central administrative agencies for cooperation in the dissemination of equipment and technology for saving of resources and control of generation of wastes.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 8-2 (Assessment of Recyclability of Resources of Products, etc.)

The government shall devise measures necessary to mitigate the impacts of products, etc. on the environment, such as technical support to enable manufacturers, etc. to make self-assessment of the matters in each of the following subparagraphs:

1. In cases where products have become wastes, matters concerning the recycling and proper treatment thereof;
2. In cases where products have become wastes, matters concerning the weight and volume thereof;
3. Matters concerning harmful substances contained in products;
4. Durability of products;
5. Other matters prescribed by Presidential Decree, such as management of assessment information.

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 9 (Control of Generation of Packing Wastes) (1) A manufacturer, etc. of products prescribed by Presidential Decree shall comply with any of the following matters to control the generation of packing wastes and facilitate the recycling of packing wastes:

1. Standards for the quality of packing materials and methods of packing (referring to the rate of a packing space and the number of packing; hereinafter the same shall apply);
2. Standards for annual reduction of packing materials made of synthetic resin (excluding products made of biodegradable resin; the same shall apply hereafter in this Article).

(2) The Minister of Environment shall establish detailed standards for the quality of packing materials of products, methods of packing and standards for annual reduction of packing materials made of synthetic resin under paragraph (1), by Ordinance of the Ministry of Environment, in consultation with the competent minister.

(3) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may order a manufacturer, etc. found to have violated standards referred to in paragraphs (1) and (2) as a result of conducting a measurement in the simplified measurement method announced by the Minister of Environment, to undergo an inspection on the packing method of products and the quality of packing materials, by a specialized institute prescribed by Ordinance of the Ministry of Environment, within a period set by Ordinance of the Ministry of Environment. <Amended by Act No. 12319, Jan. 21,

2014>

(4) The Minister of Environment shall advise manufacturers, etc. to indicate the packing method and the quality of packing materials on the surface of packing, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 9-2 (Improvement, etc. of Quality and Structure of Packing Materials)

The Minister of Environment shall determine and publicly notify standards for improvement, etc. of the quality and structure of packing materials, to ease the recycling of such materials, and producers obligated to recycle under Article 16 (1) shall comply with such standards.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 10 (Control, etc. of Use of Disposable Products) (1) A business operator who runs any of the following facilities or types of business shall control the use of disposable products and shall not provide disposable products free of charge: Provided, that disposable products made of biodegradable resin may be provided free of charge: <Amended by Act No. 12076, Aug. 13, 2013>

1. Meal service facilities under subparagraph 12 of Article 2 of the Food Sanitation Act or food service businesses under Article 36 (1) 3 of the same Act;
2. Types of business engaged in food manufacturing or processing, specified by Presidential Decree under Article 36 (1) 1 of the Food Sanitation Act;
3. Public bath business under Article 2 (1) 3 of the Public Health Control Act;
4. Superstores under subparagraph 3 of Article 2 of the Distribution Industry Development Act;
5. Sports facilities under subparagraph 1 of Article 2 of the Installation and Utilization of Sports Facilities Act;
6. Other facilities or types of business specified by Presidential Decree, which are deemed to need to control the use of disposable products.

(2) Notwithstanding the main sentence of paragraph (1), disposable products may be used or provided free of charge in any of the following cases: <Newly Inserted by Act No. 12076, Aug. 13, 2013>

1. Where foods are provided, sold or delivered to customers for consumption at places other than meal service facilities or food service business places;
2. Where foods are sold through vending machines;
3. Where foods are provided to condolers attending funeral rites (excluding cases where foods are provided at places equipped with cooking facilities and washing facilities as prescribed by Presidential Decree);
4. Other cases prescribed by Presidential Decree.

(3) Disposable products that business operators running the facilities or types of business referred to in paragraph (1) shall refrain from using and shall not provide free of charge, and detailed matters to be observed shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 12076, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 10-2 (Usage of Sales Proceeds of Disposable Bags or Shopping Bags)

A business operator who sells disposable bags or shopping bags pursuant to Article 10 shall endeavor to use the sales proceeds for any of the following purposes: <Amended by Act No. 12076, Aug. 13, 2013>

1. Cash refunds for customers who return used disposable bags or shopping bags;
2. Cash discounts for customers who use shopping baskets;
3. Producing and supplying shopping baskets;
4. Promotion of controlling the use of disposable products;
5. Making up for losses incurred from cash refunds and cash discounts which have totaled more than the proceeds of disposable bags or shopping bags sold during the preceding year;
6. Other activities determined by the Minister of Environment for preservation of the environment.

[This Article Newly Inserted by Act No. 8427, May 11, 2007]

Article 11 (Consideration, etc. of Recyclability of Resources in Development Projects)

(1) The Government shall devise measures necessary to enable the operator of a development project (referring to projects prescribed by Presidential Decree, such as urban development projects defined under Article 2 (1) 2 of the Urban Development Act; hereinafter the same shall apply) to facilitate the recycling of resources prior to implementation of the development project, considering the following:

1. Selection of structures and materials to facilitate the recycling of resources at the time of planning and designing such development project;
2. Use of recycled aggregates at the time of performing such development project;
3. Recycling and proper treatment of wastes generated by such development project.

(2) The Special Metropolitan City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may advise business operators who construct apartment houses or accommodation facilities under Article 2 (2) 2 or 15 of the Building Act to furnish storage spaces, such as built-in closets, or built-in furniture or fixtures to restrict the generation of wastes. <Amended by Act No. 12319, Jan. 21, 2014>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 12 (Waste Charges) (1) In order to restrict the generation of wastes and prevent the waste of resources, the Minister of Environment shall impose and collect charges to cover expenses incurred in treating wastes of products, materials and containers prescribed by Presidential Decree, which contain any of the following substances or which are difficult to be recycled or likely to cause any problem in waste management, on and from a manufacturer (referring to an orderer, in cases of products, materials or containers manufactured by the method of original equipment manufacturing) or an importer thereof: <Amended by Act No. 11262, Feb. 1, 2012; Act No. 12076, Aug. 13, 2013>

1. Specific air pollutants under subparagraph 9 of Article 2 of the Clean Air Conservation Act;

2. Specific substances harmful to water quality under subparagraph 8 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act;

3. Poisonous substances under subparagraph 3 of Article 2 of the Toxic Chemicals Control Act.

(2) Notwithstanding the provisions of paragraph (1), charges shall not be imposed on expenses incurred in treating wastes generated from any of the following: <Newly Inserted by Act No. 11262, Feb. 1, 2012>

1. Products, packing materials and products made of biodegradable resin under Article 16;

2. Products, materials or containers made using plastics, which can be recovered and recycled at not less than a percentage specified by Presidential Decree, and the products, materials and containers manufactured or imported by a manufacturer or an importer who concluded a voluntary agreement with the Minister of Environment for the recovery and recycling and has fulfilled such agreement;

3. Other products, materials and containers prescribed by Presidential Decree.

(3) The amount of charges to be paid by a manufacturer or an importer under paragraph (1) (hereinafter referred to as "waste charges") shall be calculated in accordance with standards prescribed by Presidential Decree in consideration of the types and sizes of wastes by item, and the timing and procedures for the payment of waste charges, and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 11262, Feb. 1, 2012; Act No. 12076, Aug. 13, 2013>

(4) If a person liable to pay waste charges fails to pay them by a payment deadline, the Minister of Environment shall urge him/her to make the payment within at least 30 days. In such case, additional dues shall be imposed in accordance with the following classifications: <Amended by Act No. 11262, Feb. 1, 2012; Act No. 12076, Aug. 13, 2013>

1. Where the payment is made within one week past the payment deadline: The amount equivalent to 2% of the waste charges in arrears;

2. Where the payment is made after one week past the payment deadline: The amount equivalent to 5% of the waste charges in arrears.

(5) Where a person urged to make a payment under paragraph (3) fails to pay waste charges or additional dues by the deadlines thereof, the waste charges or additional dues shall be collected in the same manner as delinquent national taxes are collected. <Amended by Act No.11262, Feb. 1, 2012>

(6) The waste charges and additional dues under paragraph (3) shall become the revenue of the special accounts for environment improvement under the Framework Act on Environmental Policy. <Amended by Act No. 10893. Jul. 21, 2011; Act No.11262, Feb. 1, 2012>

(7) The Minister of Environment may, in case where he/she has entrusted the task of collecting waste charges and additional dues to a relevant specialized institution such as the Korea Environment Corporation (hereinafter referred to as the "Corporation") established under the Korea Environment Corporation Act under Article 38 (2), grant part of the collected

waste charges and additional dues to such institution as collection subsidies, as prescribed by Presidential Decree. <Amended by Act No. 9433. Feb. 6, 2009; Act No.11262, Feb. 1, 2012>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 12-2 (Deferment of Collection, Installment Payment, etc. of Waste Charges) (1)

If the Minister of Environment deems a person liable to pay waste charges is unable to pay them by a payment deadline due to any of the following causes, he/she may defer the collection thereof or have them paid in installment, as prescribed by Presidential Decree:

1. Where a grave loss has been incurred to the property of a manufacturer or an importer due to a natural disaster or any other catastrophe;
2. Where the person is in a serious managerial crisis due to business losses;
3. Other cases where the deferment of payment or installment payment is deemed inevitable due to a cause similar to that referred to in subparagraph 1 or 2.

(2) If waste charges calculated under Article 12 (3) are below an amount prescribed by Presidential Decree, the Minister of Environment may not collect them.

(3) If a person liable to pay waste charges falls under any of the following cases, the Minister of Environment may collect the waste charges already imposed, even before the payment deadline thereof arrives:

1. Where he/she receives a disposition on default of a national tax, local tax or other public dues;
2. Where he/she is forced to comply with compulsory execution;
3. Where he/she is declared bankrupt;
4. Where an auction is commenced;
5. Where the corporation is dissolved;
6. Where he/she is deemed to have committed an act to evade the waste charge.

(4) If the Minister of Environment intends to collect waste charges before a payment deadline under paragraph (3), he/she shall fix a new payment deadline as prescribed by Presidential Decree and notify the manufacturer or importer of the purport, change of the payment deadline, etc.

(5) Articles 23 and 24 of the Framework Act on National Taxes shall apply mutatis mutandis to succession to the obligation to pay waste charges.

[This Article Newly Inserted by Act No. 12076, Aug. 13, 2013]

SECTION 2 Facilitation, etc. of Separate Collection and Reuse of Wastes

Article 12-3 (Separate Storage, etc. by Waste Dischargers) (1) The owners, occupants, or managers of land or buildings prescribed by Presidential Decree, who discharge wastes (hereinafter referred to as "waste dischargers"), shall recycle recyclable wastes discharged from such land or buildings in accordance with the criteria prescribed by Ordinance of the Ministry of Environment or store them separately by kind, character, and condition to them to be recycled.

(2) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing

Province, and the head of a Si/Gun/Gu may order a waste discharger who fails to observe the criteria referred to in paragraph (1) to take necessary measures, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12319, Jan. 21, 2014>
[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 13 (Separate Collection of Recyclable Resources) (1) The Minister of Environment may establish guidelines for classification, storage, collection, etc. to separately collect recyclable resources in consideration of the quantity of wastes generated, and conditions of recycling in order to efficiently utilize recyclable resources.

(2) The Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, and Do Governors shall provide assistance to local governments under their jurisdiction for the efficient separate collection of wastes, and the Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, and the Governor of a Special Self-Governing Province shall inspect the quantity of recyclable resources generated, the quantity of recyclable resources separately collected, etc. each year in accordance with guidelines set by the Minister of Environment and publish the outcomes thereof. <Amended by Act No. 12319, Jan. 21, 2014>

(3) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall take measures necessary for separate collection in consideration of regional circumstances, such as installing facilities or containers to store recyclable resources in accordance with the guidelines referred to in paragraph (1). <Amended by Act No. 12319, Jan. 21, 2014>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 13-2 (Establishment, Operation, etc. of Recycling Centers) (1) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall establish and operate facilities necessary to facilitate the exchange of second-hand products and recycling of reusable bulky wastes (hereafter in this Article referred to as "recycling center"). <Amended by Act No. 12319, Jan. 21, 2014>

(2) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall establish at least one recycling center in the Special Self-Governing City, Special Self-Governing Province, and Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply), and an additional recycling center shall be established and operated whenever the population thereof exceeds 200,000 persons. <Amended by Act No. 12319, Jan. 21, 2014>

(3) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall utilize recycling centers preferentially when collecting, sorting, and treating bulky wastes. <Amended by Act No. 12319, Jan. 21, 2014>

(4) Where a person, other than the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu, establishes and operates a recycling center, he/she shall notify the Mayor of the competent Special Self-Governing City, the Governor of the competent Special Self-Governing Province, or the head of the

relevant Si/Gun/Gu of such fact. <Amended by Act No. 12319, Jan. 21, 2014>

(5) The Minister of Environment may provide persons who establish and operate recycling centers under paragraphs (1) through (4) with financial and technical support.

(6) The establishment of recycling centers, standards for facilities, and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 13-3 (Establishment of Special Accounts for Management of Recyclable Resources) (1) In order to secure financial resources necessary to recover recyclable resources and to efficiently administer and manage such financial resources, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may establish a special account for management of recyclable resources (hereinafter referred to as "special account"). <Amended by Act No. 12319, Jan. 21, 2014>

(2) Revenues of the special account shall be as follows:

1. Proceeds from sales of recyclable resources collected by local governments to support centers for distribution of recyclable resources under Article 28-2;
2. Proceeds from sales by recycling centers under Article 13-2;
3. Administrative fines imposed under Article 41 (2);
4. Money transferred from general accounts or other special accounts;
5. Profits generated from the management of the funds referred to in subparagraphs 1 through 4 and other proceeds related to recyclable resources.

(3) Expenditures of the special account shall be as follows:

1. Financial support, such as start-up assistance for social enterprises (referring to social enterprisers defined under subparagraph 1 of Article 2 of the Social Enterprise Promotion Act) that recover recyclable resources;
2. Support for petty collectors, transporters, etc. among persons falling under Article 46 (1) 2 of the Wastes Control Act;
3. Subsidization of expenses incurred in installing facilities or containers to store recyclable resources under Article 13 (3);
4. Other support for projects improving recovery systems of recyclable resources.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 14 (Separate Discharge Mark)

A manufacturer, etc. of products and packing materials prescribed by Presidential Decree, for which it is necessary to put a separate collection mark for the facilitation of recycling of wastes shall put a separate discharge mark on such products and packing materials in accordance with the guidelines determined and announced by the Minister of Environment.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 15 (Facilitation of Reuse of Parts, etc.) (1) A manufacturer, etc. of products shall, when distributed products have become wastes, endeavor to recover such products or parts to use them for the manufacture of new products or make them reusable.

(2) The government shall take necessary measures, such as provision of technical assistance to enable manufacturers, etc. to achieve the objectives under paragraph (1).

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 15-2 (Facilitation of Reuse of Empty Containers) (1) A manufacturer or importer of products prescribed by Presidential Decree may include a certain amount of money in the prices of products, separate from factory prices or import prices (hereinafter referred to as "container deposit") to facilitate the recovery and reuse of the containers used in such products.

(2) In order to facilitate the reuse of containers, the Minister of Environment may designate a container (hereinafter referred to as "standard container") commonly used for packaging with standardized specifications, from among containers used for products under paragraph (1), and manufacturers or importers that intend to use a standard container for products shall register it, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13036, Jan. 20, 2015>

(3) A manufacturer, etc. of products, the price of which includes the container deposit under paragraph (1), shall refund the container deposit to the person who returns the container. In such cases, the container deposit shall be determined by Ordinance of the Ministry of Environment in consideration of the cost of manufacturing the container, etc. <Amended by Act No. 13036, Jan. 20, 2015>

(4) A manufacturer or importer of products, the price of which includes the container deposit under paragraph (1) (hereinafter referred to as "manufacturer reusing empty containers"), shall reimburse wholesalers or retailers (limited to business entities engaging in retail sale in non-specialized stores, or retail sale of food, beverages and tobacco in specialized stores under the Korea Standard Industrial Classification) for expenses incurred in storing and transporting empty containers prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "handling fees"). In such cases, price fluctuations and other economic situations shall be considered in calculating handling fees. <Amended by Act No. 13036, Jan. 20, 2015>

(5) In order to ensure the efficient handling of refunding of container deposits under paragraph (3) and payment of handling fees under paragraph (4), manufacturers reusing empty containers shall require the distribution support centers established under Article 28-2 to check the condition of a returned empty container and then refund the container deposit or pay the relevant handling fee. <Newly Inserted by Act No. 13036, Jan. 20, 2015>

(6) Manufacturers reusing empty containers shall mark "container deposit refundable" and "reusable" on the containers of products, the price of which includes the container deposits, as determined and publicly notified by the Minister of Environment. <Newly Inserted by Act No. 13036, Jan. 20, 2015>

(7) Matters to be observed by manufacturers, etc. of products for the smooth recovery and reuse of empty containers, such as refund of the container deposits and payment of handling fees, depending on the volume of the container, shall be prescribed by Ordinance of the

Ministry of Environment. <Newly Inserted by Act No. 13036, Jan. 20, 2015>

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 15-3 (Usage of Remainder of Container Deposits) (1) The remainder after the container deposit is refunded under Article 15-2 (hereinafter referred to as "unclaimed deposit") shall be used for any of the following purposes: <Amended by Act No. 13036, Jan. 20, 2015>

1. Publicity to increase the rate of recovery of empty containers;
2. Installation of empty container collection depots, and manufacturing of boxes for recovery of empty containers;
3. Research and development of measures to efficiently recover and recycle empty containers;
4. Where the amount of the container deposit refunded exceeds the amount of the container deposit received in the previous year, the compensation therefor;
- 4-2. Expenses incurred in recovering and recycling empty containers;
5. Other activities to preserve the environment.

(2) Particulars for calculation of unclaimed deposits and a plan to use, and reporting the result of use of, unclaimed deposits, and calculation of expenses incurred in recovering and reusing empty containers shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13036, Jan. 20, 2015>

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 15-4 (Monetary Rewards for Reporting Retailers Refusing to Pay Container Deposits)

Pursuant to Ordinance of the Ministry of Environment, the Minister of Environment may pay a monetary reward to any person who reports retailers referred to in Article 15-2 (4) who directly sell products, the price of which includes the container deposit, to consumers but refuse to refund the container deposit, in violation of Article 15-2 (3).

[This Article Newly Inserted by Act No. 13036, Jan. 20, 2015]

SECTION 3 Facilitation, etc. of Recycling of Wastes

Article 16 (Obligations of Manufacturers, etc. to Recycle) (1) A manufacturer or importer (in cases of packing materials, including sellers of products using packing materials, but limited to those operating a place of business for the type and of scale prescribed by Presidential Decree; hereinafter referred to as a "producer obligated to recycle") of products and packing materials prescribed by Presidential Decree, the recovery and recycling of which can be facilitated by improving the quality of materials, structure or recovery system in the production stage and distribution stage, or which generate a large volume of wastes after use, shall recover and recycle wastes generated from the products or packing materials he/she has manufactured, imported or sold. <Amended by Act No. 11788, May 22, 2013>

(2) Every producer obligated to recycle wastes (excluding manufacturers reusing empty containers) shall pay contributions to jointly fulfill the recycling obligation under paragraph (1) (hereinafter referred to as "contributions") to a recycling business mutual aid cooperative

established under Article 27: Provided, That the amount of money proportional to the quantity of recovery and recycling, as calculated by the method of inspection determined and notified by the Minister of Environment, shall be deducted from the contributions in any of the following cases: <Newly Inserted by Act No. 11788, May 22, 2013; Act No. 13036, Jan. 20, 2015>

1. Where the producer directly recovers and recycles the wastes generated from products and packing materials manufactured, imported or sold;

2. Where the producer outsources the recovery and recycle process of the wastes referred to in subparagraph 1 to any of the following persons:

(a) A person licensed for any of the waste recycling business provided for in Article 25 (5) 5 through 7 of the Wastes Control Act;

(b) A person who files a report on waste treatment under Article 46 of the Wastes Control Act;

(c) Other persons prescribed by Presidential Decree as deemed capable of efficiently operating the recycling business.

(3) A producer obligated to recycle wastes or a recycling business mutual aid cooperative shall, when outsourcing the recovery and recycling process of wastes, enter into a contract which protects the rights and interests of the outsourcing contractor to the fullest extent as prescribed by Presidential Decree, such as ensuring the business territory of small-medium enterprises protected under the Act on the Promotion of Collaborative Cooperation between Large Enterprises and Small-Medium Enterprises, and parties to the contract shall implement such contract in good faith. <Amended by Act No. 11788, May 22, 2013; Act No. 13036, Jan. 20, 2015>

(4) A producer obligated to recycle wastes, a recycling business mutual aid cooperative, and an outsourcing contractor that assumes the recovery and recycling of wastes shall recycle wastes in compliance with the method and standards for recycling of products and packing materials prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11788, May 22, 2013; Act No. 13036, Jan. 20, 2015>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 17 (Mandatory Recycling Ratio) (1) The Minister of Environment shall publicly notify the ratio of the quantity to be recycled (hereinafter referred to as "mandatory recycling ratio") to the annual quantity of each product and packing material under Article 16 delivered, considering the quantity of products and packing materials delivered, the quantity of recyclable resources separately collected (including the quantity of recyclable resources separately collected published by the Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, and the Governor of a Special Self-Governing Province under Article 13 (2)), performance of recovery and recycling, conditions of recycling, etc. of producers obligated to recycle in consultation with the competent Minister. <Amended by Act No. 11788, May 22, 2013; Act No. 12319, Jan. 21, 2014>

(2) Standards for calculating the quantity to be recycled by a producer obligated to recycle pursuant to the mandatory recycling ratio (hereinafter referred to as "mandatory recycling quantity") shall be prescribed by Presidential Decree, in consideration of the delivery quantity, the mandatory recycling ratio for each product and packing material, etc.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 17-2 (Certification for Fulfillment of Obligation to Recycle) (1) Where a producer obligated to recycle recovers and recycles all of the wastes of products and packing materials manufactured, imported or sold by him/her in accordance with Article 16 or pays the contributions therefor to a recycling business mutual aid cooperative under Article 27, the Minister of Environment may issue a certification for the faithful fulfillment of obligation to recycle (hereinafter referred to as "certification for the fulfillment of obligation to recycle).

(2) A producer obligated to recycle, who has received a certification for the fulfillment of obligation to recycle, may indicate the certification on the products and packing materials that he/she intends to manufacture, import or sell.

(3) No producer obligated to recycle, who has not received a certification for the fulfillment of obligation to recycle shall indicate the certification or indicate any mark similar thereto.

(4) Matters necessary for procedures for certification, indication of certification, etc. under paragraphs (1) and (2) shall be determined and publicly notified by the Minister of Environment.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 18 (Submission, etc. of Plans to Fulfill Recovery and Recycling Obligations) (1) The following persons shall submit a plan to fulfill their recovery and recycling obligations to the Minister of Environment for approval, as prescribed by Presidential Decree. <Amended by Act No. 11788, May 22, 2013; Act No. 13036, Jan. 20, 2015>

1. A producer obligated to recycle wastes who intends to have its contribution deducted pursuant to the proviso to Article 16 (2);

2. A recycling business mutual aid cooperative;

3. A manufacturer reusing empty containers.

(2) Each person who has obtained approval of his/her plan to fulfill recovery and recycling obligations pursuant to paragraph (1), shall submit a report on the outcomes of fulfilling his/her recovery and recycling obligations and supporting documents to the Minister of Environment, as prescribed by Presidential Decree. <Amended by Act No. 11788, May 22, 2013>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 19 (Collection, etc. of Recycling Dues) (1) Where a producer obligated to recycle fails to fulfill the obligation provided for in Article 16 or a recycling business mutual aid cooperative established under Article 27 fails to fulfill the obligation to recycle on behalf of its members, the Minister of Environment shall impose and collect the dues which amounts to the sum of expenses to be incurred in recycling non-recycled wastes out of the mandatory recycling quantity and an amount equivalent to 30/100 of such expenses (hereinafter

referred to as "recycling dues") on and from the producer obligated to recycle or the recycling business mutual aid cooperative.

(2) The expenses incurred in recycling wastes, based on which recycling dues are calculated, periods of, and procedures for payment thereof, and other necessary matters shall be prescribed by Presidential Decree.

(3) Where a person liable to pay recycling dues under paragraph (1) fails to pay such dues by the payment deadline, the Minister of Environment shall urge him/her to make the payment within a specified period of no less than 30 days. In such cases, a late payment penalty shall be imposed as follows: <Amended by Act No. 13036, Jan. 20, 2015>

1. Where the person pays the recycling dues within one week after the payment deadline: An amount equivalent to 2/100 of the recycling dues that remain unpaid;

2. Where the person pays the recycling dues one week after the payment deadline: An amount equivalent to 5/100 of the recycling dues that remain unpaid.

(4) Where a person urged to make a payment under paragraph (3) fails to pay the recycling dues or late payment penalties by the specified deadline, such recycling dues or late payment penalties shall be collected in the same manner as delinquent national taxes are collected.

(5) The recycling dues and late payment penalties paid under paragraph (3) shall become the revenue of the Special Account for Environmental Improvement under the Framework Act on Environmental Policy. <Amended by Act No. 10893. Jul. 21, 2011; Act No. 10893, Jul. 21, 2011>

(6) Where the Minister of Environment has entrusted the task of collecting the recycling dues or late payment penalties to a relevant specialized institution, such as the Corporation, under Article 38 (2), he/she may grant some of the collected recycling dues or late payment penalties to cover collection expenses, as prescribed by Presidential Decree. <Amended by Act No. 9433. Feb. 6, 2009>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 20 (Usage of Waste Charges and Recycling Dues)

Waste charges and recycling dues shall be used for the purposes in each of the following subparagraphs:

1. Assistance for waste recycling projects and installation of waste disposal facilities;

2. Research and technology development for efficient recycling and reduction of wastes;

3. Assistance for recovery, recycling, and disposal of wastes by local governments;

4. Purchase and reserve of recyclable resources;

5. Assistance for projects to facilitate recycling

6. Funding for collection of waste charges (including additional dues) or recycling dues (including additional dues);

7. Others, such as assistance for projects necessary to facilitate recycling of resources.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 21 Deleted. <by Act No. 8405, Apr. 27, 2007>

Article 22 Deleted. <by Act No. 8948, Mar. 21, 2008>

Article 22-2 Deleted. <by Act No. 8948, Mar. 21, 2008>

Article 23 (Matters to be Observed by Designated Recycling Businesses) (1) An operator of any of the types of business prescribed by Presidential Decree, which are particularly necessary for the efficient use of recyclable resources (hereinafter referred to as "designated recycling business operator") shall comply with the guidelines jointly published by the Minister of Environment and the competent Ministers, in accordance with the basic policies and procedures prescribed by Presidential Decree.

(2) The guidelines referred to in paragraph (1) shall include the matters in each of the following subparagraphs:

1. Matters concerning the goal of using recyclable resources by type of recycled products (excluding by-products; hereafter the same shall apply in this Article) and facilitation of recycling;
2. Matters concerning the formulation of a plan for using recyclable resources and measures for recycling;
3. Matters concerning records on the use of recyclable resources and the management thereof; and
4. Matters concerning energy recovery and facilitation of use of exhaust heat.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 24 Deleted. <by Act No. 8405, Apr. 27, 2007>

Article 24-2 Deleted. <by Act No. 12319, Jan. 21, 2014>

Article 25 (Matters to be Observed by Designated By-Product Discharging Business Operators) (1) A business operator that discharges designated by-products (hereinafter referred to as "designated by-product discharging business operator") shall comply with the guidelines jointly published by the Minister of Environment and the competent Ministers according to the basic policy and procedures prescribed by Presidential Decree.

(2) The guidelines referred to in paragraph (1) shall include following: <Amended by Act No. 13036, Jan. 20, 2015>

1. The methods of recycling depending on the use of each designated by-product;
2. The formulation and implementation of plans to facilitate the use of designated by-products;
3. The separation, crushing, etc. of designated by-products;
4. The eco-friendly management of designated by-products.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 25-2 (Recommendations on Recycling and Orders to Take Measures) (1) Where a designated recycling business operator or designated by-product discharging business operator fails to observe the guidelines referred to in Articles 23 and 25, the Minister of Environment and the competent Minister may recommend such business operator to observe the guidelines.

(2) Where a business operator, in receipt of recommendation under paragraph (1), fails to

observe the guidelines without just grounds, the Minister of Environment and the competent Minister may disclose a list of violators and the details of violations of the guidelines, or order him/her to take necessary measures. In such cases, the Minister of Environment shall consult with the competent Minister before disclosing a list of violators and the details of violation of the guidelines or ordering the relevant business operator to take measures.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 25-3 (Installation, Operation, etc. of Energy Recovery Facilities)

Facilities to recover energy (hereinafter referred to as "energy recovery facilities") shall be installed and operated to make sure that energy recovery facilities meet the standards for energy recovery when inspected according to methods and procedures of inspection publicly notified by the Minister of Environment after consultations with the Minister of Trade, Industry, and Energy.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 25-4 (Reporting, etc. on Import and Manufacture of Solid Fuels) (1) A person who intends to import solid fuels made from wastes (hereinafter referred to as "solid fuels") among recycled products shall report thereon to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(2) A person who intends to manufacture solid fuels shall be either of the following, and report thereon to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment:

1. A person licensed to conduct a terminal waste recycling business under Article 25 (5) 6 of the Wastes Control Act;

2. A person licensed to conduct a general waste recycling business under Article 25 (5) 7 of the Wastes Control Act.

(3) The Minister of Environment, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall issue a certificate of reports on import or manufacture to each person who files a report under paragraph (1) or (2).

(4) Where an importer or manufacturer of solid fuels intends to modify matters prescribed by Ordinance of the Ministry of Environment, he/she shall report on such modification to the Minister of Environment, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu.

(5) No importer or manufacturer of solid fuels shall allow any third person to import or manufacture solid fuels using his/her trade name or name, nor lend his/her certificate of report issued pursuant to paragraph (3) to any third person.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 25-5 (Quality Inspections of Solid Fuels) (1) A person who intends to report on importation or manufacturing of solid fuels pursuant to Article 25-4 (1) or (2) shall undergo an inspection regarding the following matters (hereinafter referred to as "quality inspection")

conducted by the Waste-to-Energy Center established under Article 25-15 (hereinafter referred to as "Waste-to-Energy Center") to ascertain whether the solid fuels he/she intends to import or manufacture meet the quality standards prescribed by Ordinance of the Ministry of Environment:

1. Shape and size;
2. Caloric value;
3. Moisture content;
4. Metal content;
5. Ash, chlorine, and sulfur content;
6. Other matters prescribed by Ordinance of the Ministry of Environment.

(2) A person who intends to undergo a quality inspection shall pay fees to the Waste-to-Energy Center, as prescribed by Ordinance of the Ministry of Environment.

(3) The Waste-to-Energy Center shall verify at least once a quarter, as prescribed by Ordinance of the Ministry of Environment, whether products kept by an importer, manufacturer, or user of solid fuels meet the quality standards prescribed under paragraph (1).

(4) The Waste-to-Energy Center shall notify the Minister of Environment, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu of the results of verification under paragraph (3).

(5) The Minister of Environment shall provide a subsidy to the Waste-to-Energy Center to cover expenses incurred in relation to verifications under paragraph (3).

(6) Except as otherwise expressly prescribed in paragraphs (1) through (5), methods of quality inspections and verifications, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 25-6 (Quality Marks on Solid Fuels) (1) Every importer or manufacturer of solid fuels shall place a quality mark on solid fuels (hereinafter referred to as "quality mark"), as prescribed by Ordinance of the Ministry of Environment.

(2) An importer or manufacturer of solid fuels who intends to place a quality mark on solid fuels shall request an institution prescribed by Ordinance of the Ministry of Environment to administer an examination.

(3) The Minister of Environment may allow the Waste-to-Energy Center to inspect the appropriateness of quality marks.

(4) Matters necessary regarding quality marks, such as items of quality marks, frequency of examinations, and methods of administering examinations, shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-7 (Reporting, etc. on Use of Solid Fuels) (1) A person who intends to use solid fuels shall file a report to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance

of the Ministry of Environment, in any of the following circumstances:

1. Where he/she intends to start using solid fuels for the first time;
2. Where he/she intends to resume using solid fuels after he/she stopped using solid fuels for at least one year;
3. Where he/she intends to use solid fuels, any of the following matters of which is changed:
 - (a) Supplier of the solid fuels;
 - (b) Kinds of the solid fuels.

(2) Every user of solid fuels shall use such solid fuels in a facility (hereinafter referred to as "facility to use solid fuels") prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-8 (Regular Inspections of Facilities to Manufacture or Use Solid Fuels) (1) A person who establishes and operates a facility to manufacture (hereinafter referred to as "manufacturing facility") or use solid fuels shall undergo an inspection (hereinafter referred to as "regular inspection") conducted by the Waste-to-Energy Center or an institution prescribed by Ordinance of the Ministry of Environment to ascertain whether his/her facility meets the inspection standards prescribed by Ordinance of the Ministry of Environment.

(2) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may order the establisher and operator of a facility found to be non-compliant in a regular inspection to improve the facility to meet the inspection standards prescribed under paragraph (1) within a specified period.

(3) No person, in receipt of an order under paragraph (2), shall manufacture or use solid fuels using the relevant facility before he/she implements the order.

(4) Except as otherwise expressly prescribed in paragraphs (1) through (3), the frequency, items, procedures, and methods of regular inspections, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-9 (Matters to be Observed by Importers, Manufacturers, and Users of Solid Fuels) (1) Every importer, manufacturer or user of solid fuels shall comply with matters prescribed by Ordinance of the Ministry of Environment for environmental control, such as prevention of fugitive dust, in the process of storing such solid fuels, or operating a manufacturing facility or facility to use such solid fuels.

(2) Every user of solid fuels shall comply with the permissible emission levels of dioxin prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-10 (Orders, etc. to Prohibit Importation or Manufacturing of Solid Fuels) (1) Where an importer or manufacturer of solid fuels files a report under Article 25-4 (1) or (2) or undergoes a quality inspection by fraudulent or other illegal means, the Minister of Environment, Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall issue him/her an order prohibiting the importation or manufacturing of solid fuels for three years.

(2) Where solid fuels kept by an importer, manufacturer or user are found to be non-compliant with the quality standards prescribed under Article 25-5 (1) as a result of verification under 25-5 (3), the Minister of Environment, Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may issue an order prohibiting the importation, manufacturing or use of solid fuels or an improvement order, as prescribed by Ordinance of the Ministry of Environment: Provided, That an improvement order may be only issued when quality standards for moisture content (hereinafter referred to as "moisture standard") referred to in Article 25-5 (1) 3 are not met.
[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-11 (Penalty Surcharges in Lieu of Prohibition Orders) (1) Where the Minister of Environment, Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to issue an order prohibiting the importation or manufacturing of solid fuels pursuant to the main body of Article 25-10 (2), but the order is deemed to cause any of the following, he/she may impose a penalty surcharge not exceeding one billion won in lieu of such order:

1. Where it affects the supply of and demand for domestic electric power;
2. Where it affects the lifespan of facilities to use solid fuels due to imbalance in the supply of and demand for fuels.

(2) If the importer, manufacturer or user of solid fuels fails to pay a penalty surcharge under paragraph (1), the Minister of Environment, Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall collect it in the same manner as delinquent national or local taxes are collected.

(3) Penalty surcharges collected from importers pursuant to paragraphs (1) and (2) shall become the revenue of the environmental improvement special account, and penalty surcharges collected from manufacturers and users shall become the revenue of a Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-12 (Treatment, etc. of Solid Fuels) (1) Every importer, manufacturer or user of solid fuels that fail to meet the quality standards prescribed under Article 25-5 (1) shall treat the solid fuels pursuant to Article 13 of the Wastes Control Act: Provided, That where solid fuels fail to meet the moisture standard only, he/she may keep the solid fuels pursuant to Article 13 of the Wastes Control Act until such solid fuels meet the moisture standard.

(2) If solid fuels meet the moisture standard under the proviso to paragraph (1), the importer, manufacturer or user of such solid fuels shall, without delay, re-undergo a quality inspection.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-13 (Succession, etc. to Rights and Obligations) (1) Where a manufacturer or user of solid fuels fully transfers his/her manufacturing facility or facility to use solid fuels, or dies, or a corporation merges with another corporation, the transferee, successor, corporation surviving the merger or established in the course of the merger shall succeed to the rights and obligations of the manufacturer or user of solid fuels under this Act.

(2) A person who succeeds to rights and obligations pursuant to paragraph (1) shall report thereon to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-14 (Building, Operation, etc. of Comprehensive Waste-to-Energy Information Management System)

(1) The Minister of Environment shall build and operate a comprehensive waste-to-energy information management system (hereinafter referred to as "information management system") to maintain and manage following information on waste-to-energy in a systematic manner:

1. Quantity of waste-to-energy produced and used;
2. Quantity of solid fuels imported and used;
3. Facilities producing and using waste-to-energy;
4. Findings of quality inspections and details of quality marks;
5. Technological development and new technologies regarding waste-to-energy;
6. Current status of, and education for technical human resources regarding waste-to-energy;
7. Other information deemed necessary for managing waste-to-energy by the Minister of Environment.

(2) The following persons shall enter information referred to in paragraph (1) 1 through 4 in the information management system, as prescribed by Ordinance of the Ministry of Environment:

1. An importer, manufacturer or user of solid fuels;
2. The following persons among those who have established and operate waste treatment facilities under Article 29 of the Wastes Control Act:
 - (a) A person who produces, uses or sells landfill gas or biogas;
 - (b) A person who recovers, uses or sells remaining heat from incineration;
 - (c) A person who produces, uses or sells electric power through gasification of wastes;
3. A person who recovers waste-to-energy or converts wastes into a state from which energy can be recovered among those who recycle wastes under subparagraph 7 of Article 2 of the Wastes Control Act, who is publicly notified by the Minister of Environment after consultations with the Minister of Trade, Industry and Energy.

(3) The Minister of Environment shall keep information entered pursuant to paragraph (2) for five years from the date of entry of such information.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-15 (Waste-to-Energy Center) (1) The Minister of Environment may establish and operate a Waste-to-Energy Center to perform the following duties for the purposes of facilitating the use of waste-to-energy, quality control of solid fuels, etc.:

1. Quality inspections;
2. Inspections of appropriateness of quality mark;
3. Regular inspections of manufacturing facilities and facilities to use solid fuels, and

inspections of the actual status of operating such facilities;

4. Inspections of the actual status of using solid fuels;
5. Current status of import of solid fuels and surveys of import trends;
6. Technical assistance related to waste-to-energy and research on systems;
7. Research and development of technologies related to waste-to-energy;
8. Surveys on advanced cases regarding waste-to-energy and publicity for facilitating waste-to-energy;
9. Building and operation of the information management system;
10. Other duties necessary for the activation of waste-to-energy.

(2) The Minister of Environment may entrust the Corporation with the operation of the Waste-to-Energy Center.

(3) Except as otherwise expressly prescribed in paragraphs (1) and (2), matters necessary for the operation of the Waste-to-Energy Center shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 26 (Korea Waste-to-Energy Association) (1) A person falling under Article 25-14 (2) may establish a Korea Waste-to-Energy Association (hereinafter referred to as the "Waste-to-Energy Association") to increase the conversion of wastes into energy and to improve related technologies upon obtaining permission from the Minister of Environment, as prescribed by Presidential Decree.

(2) The Waste-to-Energy Association shall be a corporation.

(3) The Waste-to-Energy Association shall be duly formed when registration for its establishment is completed at a registry office having jurisdiction over its principal place of business.

(4) Matters to be entered in the articles of association of the Waste-to-Energy Association, and matters necessary for supervision thereof shall be prescribed by Presidential Decree.

(5) Except as otherwise expressly prescribed by this Act, provisions concerning incorporated associations under the Commercial Act shall apply mutatis mutandis to the Waste-to-Energy Association.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

CHAPTER III RECYCLING BUSINESS MUTUAL AID COOPERATIVES AND SUPPORT CENTERS FOR DISTRIBUTION OF RECYCLABLE RESOURCES

Article 27 (Establishment of Recycling Business Mutual Aid Cooperatives) (1) A producer obligated to recycle may establish a recycling business mutual aid cooperative by product or packing material (hereinafter referred to as "cooperative") to fulfill the obligation under Article 16. <Amended by Act No. 11788, May 22, 2013>

(2) Each cooperative shall be a corporation.

(3) A cooperative shall be established by registering establishment therefor at the location of its principal office.

(4) In cases where a corporation established for the purpose of recycling wastes in

accordance with Article 32 of the Civil Act and other Acts has obtained authorization, by submitting documents referred to in Article 28 (1) 1 through 5 to the Minister of Environment for the vicarious fulfillment of the obligation of a producer obligated to recycle, such corporation shall be deemed as a cooperative.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 28 (Procedures, etc. for Authorizing Establishment of Cooperatives) (1) A person who intends to establish a cooperative shall obtain authorization from the Minister of Environment, by submitting an application for authorization for establishment, which include the following matters, to the Minister of Environment: <Amended by Act No. 12076, Aug. 13, 2013>

1. The articles of association of the corporation that include the purpose, scope of business, cooperative members, contributions, and other matters concerning the operation of the cooperative;
2. The agreement of producers obligated to recycle affiliated with the cooperative on participation;
3. Resumes and written acceptance of appointments of executives;
4. Details of the cooperative's recycling facilities (limited to cooperatives which have their own recycling facilities);
5. Business plans to vicariously fulfill the obligation to recycle.

(2) The Minister of Environment shall, when he/she has granted authorization under paragraph (1) or Article 27 (4), make public notification of such fact.

(3) When a cooperative has appointed an executive for replacement, it shall file a report thereon with the Minister of Environment without delay, along with documents referred to in paragraph (1) 3 and the minutes of the general meeting or meeting by the board of directors that has adopted a resolution on appointment of an executive for replacement, and obtain approval from him/her. <Newly Inserted by Act No. 12076, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 28-2 (Establishment, etc. of Support Centers for Distributing Recyclable Resources) (1) To recover and reuse wastes from products and packing materials pursuant to Article 16 (1) and to facilitate the reuse of empty containers pursuant to Article 15-2, a cooperative and manufacturers reusing empty containers may jointly establish a center to support the distribution of recyclable resources (hereinafter referred to as "distribution support center"). <Amended by Act No. 13036, Jan. 20, 2015>

(2) A distribution support center shall be a body corporate.

(3) Upon collecting wastes from products and packing materials under Article 16 (1), the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall hand them over to a distribution support center established under paragraph (1), and the distribution support center shall reimburse him/her for expenses incurred in the collection thereof. <Amended by Act No. 12319, Jan. 21, 2014>

(4) In order to facilitate the reuse of empty containers, distribution support centers

may: <Newly Inserted by Act No. 13036, Jan. 20, 2015>

1. Refund the container deposits and pay handling fees under Article 15-2 (5);
2. Use the unclaimed deposits under Article 15-3 (1);
3. Conduct fact-finding surveys on refund of the container deposits and payment of handling fees;
4. Establish and operate a center to process reports on retailers refusing to pay the container deposit under Article 15-4;
5. Perform other projects prescribed by Ordinance of the Ministry of Environment to facilitate the recovery and reuse of empty containers.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 28-3 (Procedures, etc. for Authorization for Establishment of Distribution Support Center) (1) A person who intends to establish a distribution support center shall submit an application for authorization for establishment to the Minister of Environment which includes the following matters and obtain authorization from him/her:

1. The articles of association, including the purpose, scope of business, members, operation expenses, and other matters concerning the operation and organization of the distribution support center;
2. Plan for establishing a distribution system of recyclable resources;
3. Agreements on vicarious fulfillment of the obligation for recovery by cooperative, and business plans therefor;
4. Details of facilities of his/her own for loading, unloading and sorting of recyclable resources. (applicable only to cases where facilities are owned by himself/herself).

(2) Upon granting authorization under paragraph (1), the Minister of Environment shall make public notification thereof.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 28-4 (Corrective Orders, etc.) (1) Where the operation, execution of tasks, etc. of a cooperative or distribution support center is found to be in violation of the Acts and subordinate statutes, articles of association, etc. as a result of the report, inspection, etc. made under Article 36 (1), the Minister of Environment may issue an order for correction or request to take other necessary measures.

(2) Where any executive or employee of a cooperative or distribution support center fails to comply with the corrective order or measures referred to in paragraph (1), the Minister of Environment may request for a disciplinary action or dismissal of the relevant executive or employee.

[This Article Newly Inserted by Act No. 12076, Aug. 13, 2013]

Article 28-5 (Revocation of Authorization)

Where a cooperative or distribution support center falls under any of the following cases, the Minister of Environment may revoke the authorization therefor: Provided, That in cases falling under subparagraph 1, the authorization shall be revoked:

1. Where the authorization for establishment has been obtained by fraudulent or other illegal

means;

2. Where it becomes impossible to attain the purpose of establishment of a cooperative or distribution support center due to changes in circumstances such as an amendment of any Act and subordinate statutes;

3. Where it has failed to correct even after receiving a corrective order under Article 28-4 (1), the cases of which are prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12076, Aug. 13, 2013]

Article 29 (Contributions, etc.)

In order to deliberate on and determine the standards for calculation of contributions under Article 16, payment procedures, and other necessary matters, each cooperative and distribution support center shall constitute and operate a joint steering committee, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 13036, Jan. 20, 2015]

Article 30 (Application Mutatis Mutandis of Civil Act)

The provisions of the Civil Act, which pertain to incorporated associations, shall apply mutatis mutandis to cooperatives and distribution support centers, except as provided for in this Act. <Amended by Act No. 11788, May 22, 2013>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

CHAPTER IV ESTABLISHMENT OF FOUNDATION FOR FACILITATION OF RECYCLING OF RESOURCES

Article 31 (Financial Assistance, etc. for Fostering Recycling Industries) (1) The State or local governments may subsidize or lend funds necessary for recycling resources to an operator of any of the following businesses or projects (hereinafter referred to as "recycling business operator") to foster recycling industries, and arrange loans for the operator, if necessary: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11788, May 22, 2013; Act No. 12319, Jan. 21, 2014>

1. A business to install recycling facilities;
2. A resources recycling business conducted by a designated recycling business operator or designated by-product discharging business operator;
3. Installation and operation of energy recovery facilities under Article 25-3;
4. A project to develop a recycling complex under Article 34;
5. Waste disposal by those licensed for any of the waste recycling businesses prescribed under subparagraphs 5 through 7 of Article 25 (5) of the Wastes Control Act, or persons who have reported on waste disposal under Article 46 of the same Act;
6. A research and technological development project to facilitate recycling of resources;
7. Establishment and operation of distribution support centers;
8. Businesses prescribed by Presidential Decree, which are necessary for fostering recycling industries, other than those referred to in subparagraphs 1 through 7.

(2) The Government may preferentially provide a recycling business operator with funds necessary for facilities, research and technological development, etc. from any of the

following funds: <Amended by Act No. 9584, Apr. 1, 2009; Act No. 9685. May 21, 2009>

1. Funds for projects for industrial technology development established under the Industrial Technology Innovation Promotion Act;

2. Funds for promotion and industrial foundation of small and medium enterprises established under the Small and Medium Enterprises Promotion Act.

(3) The Minister of Environment may request cooperation necessary for providing support to recycling businesses, from the heads of the relevant central administrative agencies in charge of administering the funds referred to in the subparagraphs of paragraph (2).

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 32 Deleted. <by Act No. 7296, Dec. 31, 2004>

Article 33 (Specifications and Quality Standards of Recycled Products)

The Minister of Trade, Industry and Energy may set specifications and quality standards of each item of recycled products in consultation with the Minister of Environment. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34 (Development, etc. of Recycling Complexes) (1) The State, local governments or any person prescribed by Presidential Decree may develop recycling complexes in order to foster the recycling industry and enhance the competitiveness of the recycling industry.

(2) The development of recycling complexes as referred to in paragraph (1) shall be subject to the procedure for designation and development of national or local industrial complexes under the Industrial Sites and Development Act.

(3) Matters necessary for the development, management and operation of recycling complexes shall be prescribed by Presidential Decree.

(4) The State or local governments may devise measures to enable recycling businesses to preferentially occupy factory sites supplied by the State or local governments.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34-2 (Subsidies for Development of Recycling Complexes)

In cases where a local government or a person prescribed by Presidential Decree develops a recycling complex under Article 34 (1), the State may subsidize the expenses needed to develop such recycling complex.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34-3 (Lending, Use, etc. of State and Public Assets) (1) The State or local governments may, when deemed necessary for the expansion of recycling facilities, and development and operation of recycling complexes, establish a private contract for the lending, use or profit-making of state and public assets or sell state and public assets, notwithstanding the State Properties Act or the Public Property and Commodity Management Act.

(2) The details and conditions of the lending, use, profit-making, sale, etc. of state and public assets under paragraph (1) shall be subject to what is provided for in the State Properties Act or the Public Property and Commodity Management Act.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34-4 (Establishment of Public Recycling Infrastructure) (1) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall establish facilities to collect, keep, sort and treat bulky wastes and recyclable resources prescribed by Presidential Decree. <Amended by Act No. 12319, Jan. 21, 2014>

(2) The Special Metropolitan City Mayor, Metropolitan City Mayors, and Do Governors may provide financial and technical support to the heads of Sis/Guns/Gus who establish facilities referred to in paragraph (1), and may offer advice necessary for increasing efficiency in installing and operating such facilities.

(3) When it is necessary to collect, keep, sort, and treat bulky wastes and recyclable resources generated in at least two of a Special Self-Governing City, Special Self-Governing Province, and Si/Gun/Gu in an interstate level, the Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may jointly establish and operate the facilities referred to in paragraph (1). <Amended by Act No. 12319, Jan. 21, 2014>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34-5 (Installation, etc. of Facilities for Facilitating Recycling) (1) The State or a local government may install and operate pre-treatment facilities to recover recyclable resources to the utmost extent through mechanical treatment processes, such as crushing, grinding and sorting, or biological treatment processes, such as aerobic or anaerobic decomposition, prior to the treatment of wastes by means of incineration or reclamation.

(2) If deemed necessary for taking measures to facilitate recycling prior to the final treatment of wastes generated in at least two of the Special Metropolitan City, a Metropolitan City, Special Self-Governing City, Do, Special Self-Governing Province, and Si/Guns/Gu, the State or a local government may install and operate the facilities under paragraph (1) solely or jointly. <Amended by Act No. 12319, Jan. 21, 2014>

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 34-6 (Criteria and Indices, etc. for Assessment of Recycling of Resources) (1) The Minister of Environment may set and operate criteria and indices with which to analyze the generation, recycling, treatment, etc. of wastes and manage them.

(2) The Minister of Environment shall assess the outcomes of recycling of resources pursuant to the criteria and indices under paragraph (1) and endeavor to reflect the result of the assessment in policies for recycling of resources.

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 34-7 (Provision, etc. of Information on Recycling of Resources) (1) The Minister of Environment shall endeavor to provide people with knowledge and information on the recycling of resources.

(2) The Minister of Environment may generate and disseminate knowledge and information

on the recycling of resources and establish and operate a resources recycling information system to facilitate the generation and dissemination.

(3) The Minister of Environment may request the head of a relevant central administrative agency to submit data necessary for the establishment and operation of a resources recycling information system. In such cases, the head of the relevant central administrative agency shall act upon such request unless there is any special reason not to do so.

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 34-8 (Establishment of Voluntary Agreement) (1) The Minister of Environment or the head of a local government may conclude an agreement with a waste discharging business, recycling business, manufacturer, etc. or organization comprised thereof (hereinafter referred to as "voluntary agreement") in order to control the generation of wastes and facilitate recycling.

(2) Necessary matters concerning the objective of a voluntary agreement, method and procedure of fulfillment, etc. shall be prescribed by Ordinance of the Ministry of Environment or Municipal Ordinance of a local government concerned.

(3) The Minister of Environment or the head of a local government may provide a person who has concluded a voluntary agreement under paragraph (1) with assistance necessary for the fulfillment of such voluntary agreement.

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 34-9 (International Cooperation for Facilitation of Recycling of Resources) (1) The State shall devise necessary measures, such as exchange and provision of information and holding international conferences for the promotion of international cooperation for facilitation of recycling of resources.

(2) The Minister of Environment may promote projects in the following subparagraphs to promote international cooperation under paragraph (1):

1. Investigation and research for international cooperation related to recycling of resources;
2. International exchange of manpower and information related to recycling of resources;
3. Holding exhibitions and seminars related to recycling of resources;
4. Development of overseas markets for the fostering of recycling industries;
5. Other projects deemed necessary for the promotion of international cooperation.

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 35 (Resources Recycling Association) (1) Persons prescribed by Presidential Decree such as producers obligated to recycle, cooperatives, producers of recycled products and collectors of recyclable resources may establish an association for the facilitation of recycling (hereinafter referred to as the "Resources Recycling Association"), with the permission of the Minister of Environment as prescribed by Presidential Decree.

(2) The Minister of Environment may subsidize the expenses incurred from the operation of the Resources Recycling Association within the budgetary limit.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 35-2 (Financial and Technical Assistance, etc.)

To facilitate the recycling of resources, the State may provide necessary financial and technical assistance to a local government or an operator who conducts following projects, or a relevant agency, organization, etc. prescribed by Presidential Decree, and coordinate such projects (limited to projects referred to in subparagraphs 3 and 5, for which the State provides financial assistance): <Amended by Act No. 12076, Aug. 13, 2013; Act No. 12319, Jan. 21, 2014>

1. Assessment of recyclability of resources of products under Article 8-2;
2. Technological development, installation of facilities, etc. necessary for manufacturers, etc. under Article 15 to reuse products or parts;
3. Installation and operation of facilities installed by a local government under Article 34-5;
- 3-2. Projects for disseminating knowledge and information on the recycling of resources under Article 34-7;
4. Projects to enhance international cooperation under Article 34-9;
5. Installation and operation of waste-to-energy facilities established by a local government;
6. Other projects deemed necessary to facilitate the recycling of resources by the Minister of Environment.

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 35-3 (Legislative and Financial Measures, etc.)

The State and local governments shall take legislative and financial measures necessary for the implementation of policies to facilitate the recycling of resources.

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 36 (Reporting, Inspections, etc.) (1) The Minister of Environment, competent Ministers, the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of each Si/Gun/Gu may require any of the following persons to file a necessary report or submit data, if necessary for ascertaining whether he/she meets the criteria of the subparagraphs of Article 9 (1), or in cases prescribed by Ordinance of the Ministry of Environment, direct a relevant public official to inspect relevant documents, facilities, equipment, etc. by entering the facility, business site, workplace, etc.: <Amended by Act No. 11788, May 22, 2013; Act No. 12076, Aug. 13, 2013; Act No. 12319, Jan. 21, 2014; Act No. 13036, Jan. 20, 2015>

1. Manufacturers, etc. referred to in Article 9 (1);
2. Business operators referred to in Article 10;
3. Manufacturers or importers subject to waste charges imposed under Article 12;
4. Wastes dischargers referred to in Article 12-3;
5. Manufacturers reusing empty containers, wholesalers, and retailers referred to in Article 15-2;
6. Producers obligated to recycle under Article 16;
7. Outsourcing contractors that assume the recycling of products and packing materials under a contract with producers obligated to recycle under Article 16 (2) 2;

8. Designated recycling business operators referred to in Article 23;
9. Designated by-product discharging business operators referred to in Article 25;
10. Persons who install and operate energy recovery facilities under Article 25-3;
11. Importers or manufacturers of solid fuels reported under Article 25-4;
12. Users of solid fuels reported under Article 25-7;
13. Cooperatives established under Article 27;
14. Distribution support centers established under Article 28-2.

(2) Public officials who conduct on-site inspections under paragraph (1) shall carry a certificate indicating their authority and produce it to related persons.

(3) A person referred to in paragraph (1) 3, 5 through 10, 13 and 14 shall keep books of accounts and keep records and preserve them, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12319, Jan. 21, 2014>

(4) In order to direct a public official to conduct an on-site inspection pursuant to paragraph (1), the Minister of Environment, competent ministers, the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of each Si/Gun/Gu shall inform the relevant inspectee of the inspection plan that includes the date and details of, and grounds for such inspection, seven days prior to the scheduled date of such inspection: Provided, That the same shall not apply where urgent notice is required or giving a prior notice can defeat the purposes of the inspection due to the destruction of evidence, etc. <Amended by Act No. 12319, Jan. 21, 2014; Act No. 13036, Jan. 20, 2015>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 36-2 (Building and Operation of Operation and Management Information System)

(1) The Minister of Environment may build and operate an operation and management information system necessary for processing matters prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "operation and management information system"), such as management of information on the fulfillment of obligations by producers obligated to recycle wastes, cooperatives, distribution support centers, etc., and on the transfer and acceptance of empty containers and recyclable resources.

(2) The Minister of Environment may, where deemed necessary, authorize a relevant specialized institution, such as the Corporation, to perform duties related to the building and operation of the operation and management information system on behalf of the Minister.

(3) Where the Minister of Environment authorizes the relevant specialized institution to perform duties on behalf of him/her under paragraph (2), he/she may grant subsidies to cover the expenses incurred.

[This Article Newly Inserted by Act No. 13036, Jan. 20, 2015]

Article 36-3 (Obligation of Producers Obligated to Recycle Wastes, etc. to Prepare and Submit Management Cards)

(1) Every producer obligated to recycle wastes, cooperative, distribution support center, and outsourcing contractor that assumes the recovery, reuse or recycling process of empty containers or recyclable resources under a contract therewith shall prepare and submit a management card that states information on the transfer,

acceptance, etc. of empty containers or recyclable resources (hereinafter referred to as "management card") in compliance with the guidelines publicly notified by the Minister of Environment: Provided, That where information on the transfer, acceptance, etc. of empty containers or recyclable resources is transmitted via the operation and management information system, the management card shall be deemed prepared and submitted.

(2) Information on confidential management or business information collected by operating the operation and management information system shall be protected, and shall not be used for a purpose other than for facilitating the recovery and recycling of recyclable resources.

[This Article Newly Inserted by Act No. 13036, Jan. 20, 2015]

Article 37 (Cooperation from Relevant Agencies)

When the Minister of Environment deems it necessary to attain the purpose of this Act, he/she may require the head of a relevant administrative agency to do any of the following. In such cases, the head of the relevant administrative agency shall comply with such request, except in extenuating circumstances:

1. Submit materials necessary for formulating policies to facilitate recycling of resources;
2. Cooperate in matters necessary for formulating master plans;
3. Other matters prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 38 (Delegation and Entrustment of Authority) (1) The Minister of Environment or the competent minister may delegate part of his/her authority under this Act to the Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, the Governor of a Special Self-Governing Province, or the heads of regional environmental offices, as prescribed by Presidential Decree. <Amended by Act No. 12319, Jan. 21, 2014>

(2) The Minister of Environment or the competent minister may entrust part of his/her duties under this Act to a relevant specialized institution, such as the Corporation, as prescribed by Presidential Decree. <Amended by Act No. 9433, Feb. 6, 2009>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 38-2 (Hearings)

The Ministry of Environment shall hold a hearing in any of the following circumstances: <Amended by Act No. 12319, Jan. 21, 2014>

1. Where he/she intends to issue an order prohibiting the importation, manufacturing, or use of solid fuels pursuant to Article 25-10 (1) or the main body of Article 25-10 (2);
2. Where he/she intends to revoke authorization pursuant to Article 28-5.

[This Article Wholly Amended by Act No. 12076, Aug. 13, 2013]

CHAPTER VI PENAL PROVISIONS

Article 39 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than three years, or by a fine not exceeding 30 million won:

1. A person who imports or manufactures solid fuels after filing a report by fraudulent or other

illegal means, in violation of Article 25-4 (1) or (2);

2. A person who imports or manufactures solid fuels after undergoing a quality inspection by fraudulent or other illegal means, in violation of Article 25-5 (1);

3. A person who uses solid fuels in a facility other than a facility to use such solid fuels, in violation of Article 25-7 (2);

4. A person who imports, manufactures or uses solid fuels during a period for prohibition, in violation of an order prohibiting the importation, manufacturing, or use of solid fuels under Article 25-10 (1) or the main body of Article 25-10 (2).

[This Article Wholly Amended by Act 12319, Jan. 21, 2014]

Article 39-2 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than one year, or by a fine not exceeding ten million won:

1. A person who allows a third person to import or manufacture solid fuels using his/her trade name or name, or lends his/her certificate of reports to a third person, in violation of Article 25-4 (5);

2. A person who imports or manufactures solid fuels non-compliant with quality standards (excluding moisture standard) under Article 25-5 (1);

3. A person fails to request an inspection necessary for placing a quality mark, in violation of Article 25-6 (2), or indicates differently from the results of the inspection under the same paragraph;

4. A person who fails to undergo a regular inspection of manufacturing facility and facility to use solid fuels, in violation of Article 25-8 (1);

5. A person who manufactures or uses solid fuels using relevant facility without implementing an improvement order, in violation of Article 25-8 (3);

6. A person who fails to observe the permissible emission levels for dioxin, in violation of Article 25-9 (2).

[This Article Newly Inserted by Act 12319, Jan. 21, 2014]

Article 40 (Joint Penal Provisions)

If the representative of a corporation, or an agent, employee, or other servant of the corporation or an individual commits a violation under Article 39 or 39-2 in connection with the business of the corporation or the individual, not only shall such violator be punished, but the corporation or the individual shall also be punished by a fine under the relevant Article: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business to prevent such violation.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 41 (Administrative Fines) (1) Each of following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 11788, May 22, 2013; Act No. 12319, Jan. 21, 2014; Act No. 13036, Jan. 20, 2015>

1. A person who fails to comply with standards for the quality of packing materials, methods

of packing for products, and goals of the annual reduction of packing materials made of synthetic resin under Article 9 (1);

2. A person who disobeys an order to undergo an inspection under Article 9 (3);

3. A person who uses, or offers a disposable product free of charge, in violation of Article 10;

4. A person who fails to place a separate discharge mark or a false mark, in violation of Article 14;

5. A person who fails to refund the container deposit, in violation of Article 15-2 (3);

6. A person who fails to pay handling fees, in violation of Article 15-2 (4);

6-2. A person who fails to place a mark “container deposit refundable” and “reusable” , in violation of Article 15-2 (6);

7. A person who uses unclaimed deposits, in violation of Article 15-3 (1);

7-2. A person who indicates certification without obtaining the certification for fulfilling his/her obligation to recycle, in violation of Article 17-2 (3);

8. A person who fails to take necessary measures, in violation of an order to take measures under Article 25-2 (2);

9. A person who imports or uses solid fuels without reporting, in violation of Article 25-4 (1) or (2);

10. A person who fails to report on modification, in violation of Article 25-4 (4);

11. A person who fails to place a quality mark, in violation of 25-6 (1);

12. A person who fails to report on the use, etc. of solid fuels, in violation of Article 25-7 (1);

13. A person who fails to observe any of the matters for environmental control, in violation of Article 25-9 (1);

14. A person who fails to report on succession to rights and obligations, in violation of Article 25-13 (2);

15. A person who fails to enter information in the information management system, in violation of Article 25-14 (2);

16. A person who fails to submit a report or data under Article 36 (1), submits a false report or data, or refuses, obstructs or evades a public official’ s on-site inspection.

(2) Each of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 11788, May 22, 2013; Act No. 12076, Aug. 13, 2013; Act No. 13036, Jan. 20, 2015>

1. A person who disobeys an order to take measures issued under Article 12-3 (2);

2. A person who fails to submit a plan to fulfill the obligation for recovery and recycling, or a report on the outcomes of fulfilling the obligation for recovery and recycling under Article 18;

3. A person who fails to keep records or preserve books of accounts, or keeps false records under Article 36 (3).

(3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment, competent ministers, the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of each Si/Gun/Gu, as prescribed by Presidential Decree. <Newly Inserted by Act No. 12319, Jan. 21, 2014>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 42 Deleted. <by Act No. 12319, Jan. 21, 2014>

ADDENDA (Omitted)

31. Promotion of Installation of Waste Disposal Facilities and Assistance, etc. to Adjacent Areas Act

[Enforcement Date 27. Dec, 2016.] [Act No.14480, 27. Dec, 2016., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to environmental conservation and to improvement in the quality of nationals' livelihood by facilitating installation of waste disposal facilities and promotion of residents' welfare of the adjacent areas through promoting the securing of sites for waste disposal facilities and support for the residents of adjacent areas.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 2 (Definitions)

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

1. The term "waste disposal facilities" means the waste disposal facilities defined under Article 2 of the Wastes Control Act;
2. The term "agencies installing waste disposal facilities" means persons under the following items:

(a) The Minister of Environment or the head of a local government (including an association of local government agencies incorporated under Article 159 of the Local Autonomy Act; hereinafter the same shall apply) intending to install and operate following waste disposal facilities:

- (i) Waste landfill facilities, the created area of which is larger than 150,000 square meters, with a daily landfill capacity of 300 tons or more;
- (ii) Waste incineration facilities with a daily treatment capacity of 50 tons or more;
- (iii) Other waste disposal facilities determined and announced by the Minister of Environment in consideration of the environmental impact on the adjacent areas (referring to facilities installed by the Minister of Environment only) or prescribed by Municipal Ordinance of a local government (referring to the facilities installed by a local government);

(b) The president of Sudokwon Landfill Site Management Corporation (hereinafter referred to as the "president of Sudokwon Landfill Site Management Corporation") intending to install and operate waste disposal facilities of subitem (i) or subitem (ii) of item (a) under the Act on the Establishment and Management of Sudokwon Landfill Site Management Corporation.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 3 (Inclusion in National Land Planning)

Where the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a

Special Self-Governing City, a Do Governor, the Governor of a Special Self-Governing Province, the head of a Si or a Gun formulates a comprehensive Do plan or a comprehensive Si/Gun plan pursuant to the Framework Act on the National Land, he/she shall reflect a plan for installation of waste disposal facilities for disposal of waste produced from the relevant local government in such comprehensive plan as prescribed by Presidential Decree. <Amended by Act No. 12077, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 4 (Inclusion in Urban or Gun Master Plan)

Where the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun formulates an Si or Gun master plan pursuant to Article 18 of the National Land Planning and Utilization Act, he/she shall include a comprehensive Do plan under Article 3, a multi-districts development plan under Article 5 of the Balanced Regional Development and Support for Local Small and Medium Enterprises Act, and a plan for installation of waste disposal facilities included in a master plan for waste control under Article 9 of the Wastes Control Act, by putting them together in such urban or Gun master plan. <Amended by Act No. 12077, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 5 (Installation and Operation of Waste Disposal Facilities in Accordance with Development of Industrial Complex, etc.)(1) A person who intends to develop, install, or

enlarge any of the following industrial complex or factory shall directly install and operate waste disposal facilities prescribed by Presidential Decree for disposal of waste produced from such industrial complex, etc. or have another person install and operate such facilities: <Amended by Act No. 13170, Feb. 3, 2015>

1. Which discharges waste exceeding the amount prescribed by Presidential Decree;
2. Which exceeds the scale prescribed by Presidential Decree;
3. Deleted. <by Act No. 13170, Feb. 3, 2015>

(2) A person who intends to develop, install, or enlarge a tourist resort or a tourist complex that fulfills all the following requirements (referring to a tourist resort or a tourist complex under the Tourism Promotion Act; hereinafter the same shall apply) shall directly install and operate waste disposal facilities prescribed by Presidential Decree for disposal of waste produced from such tourist resort or tourist complex or have another person install and operate such facilities: Provided, That where the amount of waste discharged does not exceed the amount prescribed by Presidential Decree, he/she shall pay the amount of money corresponding to the expenses for installation of waste disposal facilities to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a Si/Gun or the head of a Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply): <Newly Inserted by Act No. 13170, Feb. 3, 2015>

1. Which discharges waste exceeding the amount prescribed by Presidential Decree;
2. Which exceeds the scale prescribed by Presidential Decree.

(3) In cases falling under paragraphs (1) and (2), a person who intends to install waste disposal facilities in any place other than the relevant industrial complex, factory, tourist resort, or tourist complex due to unavoidable circumstances shall make an installation plan, as prescribed by Presidential Decree, to obtain approval from the Minister of Environment, the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, a Do Governor, or the Governor of a Special Self-Governing Province, according to the following distinction. The same shall also apply when modifying approved matters: <Amended by Act No. 12077, Aug. 13, 2013; Act No. 13170, Feb. 3, 2015>

1. Waste disposal facilities to be installed extending over the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, and a Do which are different from each other: The Minister of Environment;

2. Other waste disposal facilities: The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, a Do Governor, or the Governor of a Special Self-Governing Province, who has the jurisdiction over the area where the installation of waste disposal facilities is intended.

(4) Necessary matters concerning the method of calculating the amount to pay under the proviso to paragraph (2), the payment procedure therefor, etc. shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 13170, Feb. 3, 2015>

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 6 (Installation, etc. of Waste Disposal Facilities in Accordance with Housing Lot Development Project)

(1) A person who intends to develop an apartment complex or housing lots exceeding the scale prescribed by Presidential Decree shall install waste disposal facilities prescribed by Presidential Decree for disposal of waste produced from such apartment complex or housing lots, or pay an amount equivalent to the expenses for such installation to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a Si/Gun, or the head of a Gu, having jurisdiction over the relevant area. <Amended by Act No. 12077, Aug. 13, 2013; Act No. 13170, Feb. 3, 2015>

(2) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun, or the head of a Gu shall use the amount received under paragraph (1) for the installation of waste disposal facilities for disposal of waste produced from the relevant apartment complex or housing lots. <Amended by Act No. 12077, Aug. 13, 2013>

(3) If a person who is to pay an amount equivalent to the expenses for installation under paragraph (1) fails to pay such amount within the payment deadline, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a Si/Gun, or the head of a Gu shall collect such amount of money in the same manner as delinquent local taxes are collected. <Amended by Act No. 12077, Aug. 13, 2013>

(4) Matters necessary for the method of calculation of an amount of money to be paid, the procedure for payment, etc. under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 7 (Securing Sites for Waste Disposal Facilities)

Any person who should install waste disposal facilities under Article 5 or Article 6 (1) shall take measures to include a plan for securing a site for such facilities in the plan for development, establishment, and enlargement of the industrial complex concerned in advance.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 8 (Graded Application of Fees for Waste Disposal)

The head of a local government operating waste disposal facilities may, when he/she collects fees for disposal of waste at such waste disposal facilities, collect additional dues for the waste brought from the areas other than Si/Gun or Gu (referring to autonomous Gu; hereinafter the same shall apply) where such waste disposal facilities are installed in addition to collecting such fees within the extent as prescribed by Municipal Ordinance of the local government concerned (referring to the articles of association in cases of the association of local government agencies incorporated under Article 159 of the Local Autonomy Act; hereinafter the same shall apply) prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

CHAPTER II PROMOTION OF PROJECTS INSTALLING WASTE DISPOSAL FACILITIES

Article 9 (Selection of Locations of Waste Disposal Facilities)(1) An agency installing waste disposal facilities shall, where it intends to install and operate waste disposal facilities, determine and publicly announce a plan for selection of such locations: Provided, That where it falls under any of the following subparagraphs, the same shall not apply:

1. Where it installs waste disposal facilities pursuant to Article 5;
2. In cases of installing waste disposal facilities pursuant to Article 6 (1), where the volume of waste to be brought from the areas other than the relevant apartment complex or housing lots and to be treated does not exceed 50/100 of the disposal capacity of such facilities.

(2) Matters under the following subparagraphs shall be included in a plan for selection of location under the main sentence of paragraph (1):

1. Types and volume of production of waste subject to disposal;
2. Areas subject to waste disposal;
3. Types and scale of waste disposal facilities;
4. Standards for and methods of selection of location.

(3) Where an agency installing waste disposal facilities has publicly announced a plan for selection of locations under paragraph (1), it shall, without delay, establish the Location Selection Committee (hereinafter referred to as the "Location Selection Committee") in which the representative of residents participate to select locations of the relevant waste disposal facilities as prescribed by Presidential Decree.

(4) When the Location Selection Committee selects a location pursuant to paragraph (3), it shall have the institution selected by the Location Selection Committee from among the specialized research institutions prescribed by Presidential Decree examine the

appropriateness of the location of the site proposed in advance and shall consider such result of examination: Provided, That where the Location Selection Committee deems it unnecessary for the specialized research institution to examine the appropriateness of the location of a proposed site, it may omit the examination or substitute a written opinion of examination by the related experts prescribed by Presidential Decree for the examination.

(5) The Location Selection Committee may, where a majority of the heads of households residing in the area prescribed by Presidential Decree desire the installation of waste disposal facilities in such areas pursuant to the plan for selection of a location under paragraph (1), conduct the examination on the appropriateness of the location of a proposed site under paragraph (4) for such area only.

(6) The Location Selection Committee shall open the process of the examination on the appropriateness of the location of a proposed site and the results of such examination (where it has omitted the examination of the appropriateness or substituted a written opinion of examination by the relevant experts for the examination pursuant to the proviso to paragraph (4), referring to the reason of such omission or such written opinion of examination) under paragraphs (4) and (5) to the residents of the relevant area. In such cases, an agency installing waste disposal facilities shall provide necessary support for opening to the public.

(7) Where the Location Selection Committee intends to select a place the distance of which from the boundary of another local government (excluding the association of local government agencies incorporated pursuant to Article 159 of the Local Autonomy Act; hereinafter the same shall apply in this paragraph) to the boundary of the site of relevant facilities is within a two-kilometer radius as the location when selecting the location pursuant to paragraph (3), it shall, before selecting the location, request an agency installing waste disposal facilities to consult with the head of the local government concerned with the attachment of the results of the examination on the appropriateness of the location of a proposed site and the data for the reason, etc. of selection of such site as the location. In such cases, if an agency installing waste disposal facilities fails to consult with the head of the adjacent local government, it shall make an application for adjustment to the National Environmental Dispute Resolution Commission under Article 4 of the Environmental Dispute Mediation DAct. <Amended by Act No. 11267, Feb. 1, 2012>

(8) If an agency installing waste disposal facilities intends to modify important matters prescribed by Presidential Decree, such as the area of site of the location selected pursuant to paragraph (3), etc., it shall obtain the consent of the Location Selection Committee. In such cases, unless the Location Selection Committee has been established, it shall be established in application of paragraph (3) *mutatis mutandis*.

(9) When the Location Selection Committee under paragraph (8) consents to the modification of the area of site of the location, where the distance from the boundary of the site after the modification to the boundary of another local government is within a two-kilometer radius, it shall request an agency installing waste disposal facilities to consult with

the head of the local government concerned before it consents to such modification. In such cases, if an agency installing waste disposal facilities fails to consult with the head of the local government concerned, the latter part of paragraph (7) shall apply mutatis mutandis.

(10) Matters necessary for the operation of the Location Selection Committee under paragraph (3) and the latter part of paragraph (8) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 10 (Determination, Announcement, etc. of Location of Waste Disposal Facilities)

(1) An agency installing waste disposal facilities shall, where it has selected a location for waste disposal facilities under Article 9, determine and announce such location and offer its drawings for public perusal for not less than one month. The same shall also apply to cases where it modifies important matters prescribed by Presidential Decree from among the announced matters. <Amended by Act No. 8810, Dec. 27, 2007>

(2) and (3) Deleted. <by Act No. 5867, Feb. 8, 1999>

(4) Where an agency installing waste disposal facilities intends to determine and announce a location for waste disposal facilities under paragraph (1), it shall consult with the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a Si/Gun, or the head of a Gu, having jurisdiction over the site concerned. <Amended by Act No. 8810, Dec. 27, 2007; Act No. 12077, Aug. 13, 2013>

(5) Contents of the announcement of a location for waste disposal facilities under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 8810, Dec. 27, 2007>

Article 11 (Legal Fiction as Area of Use for Location outside Urban Area)

Where the area for installation of waste disposal facilities the location of which has been announced pursuant to Article 10 is located outside the urban area under subparagraph 1 of Article 6 of the National Land Planning and Utilization Act, it shall be deemed that such area has been designated as the planned control area pursuant to Article 36 (1) of the same Act and that such facilities have been determined as the urban or Gun planning facilities pursuant to Article 43 (1) of the same Act. <Amended by Act No. 12077, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 11-2 (Restrictions, etc. on Activities within Location of Waste Disposal Facilities)

(1) A person who intends to engage in any activity falling under any of the following subparagraphs within the location of waste disposal facilities publicly announced pursuant to Article 10 (1) shall obtain permission from the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a Si/Gun, or the head of a Gu. The same shall also apply to cases where he/she intends to modify matters prescribed by Presidential Decree from among the permitted matters: <Amended by Act No. 12077, Aug. 13, 2013>

1. Making changes in the form and quality of land;
2. Construction of buildings and structures;
3. Installation of structures;

4. Gathering of earth, stone, sand, or gravel;
5. Division of land prescribed by Presidential Decree;
6. Open-air storage of objects prescribed by Presidential Decree.

(2) If the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province Governor, the head of a Si/Gun, or the head of a Gu intends to grant permission under paragraph (1), he/she shall consult with an agency installing waste disposal facilities in advance. <Amended by Act No. 12077, Aug. 13, 2013>

(3) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a Si/Gun, or the head of a Gu may order a person who has violated paragraph (1) to restore to the original state. <Amended by Act No. 12077, Aug. 13, 2013> [This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 11-3 (Approval, etc. of Plans for Installation of Waste Disposal Facilities)(1) An agency installing waste disposal facilities shall, where it has announced the location of waste disposal facilities pursuant to Article 10 (1), formulate a plan for installation of waste disposal facilities.

(2) The head of a local government or the president of the Sudokwon Landfill Site Management Corporation shall, where he/she has formulated a plan for installation of waste disposal facilities pursuant to paragraph (1), obtain approval from the Minister of Environment. The same shall also apply to cases where he/she modifies matters prescribed by Presidential Decree from among the approved matters.

(3) Where the Minister of Environment has formulated a plan for installation of waste disposal facilities pursuant to paragraph (1) or has approved a plan for installation of waste disposal facilities pursuant to paragraph (2), he/she shall publicly announce such plan in the official gazette, internet media, such as homepage, and at least one central daily newspaper, respectively.

(4) Matters to be included in the plan for installation of waste disposal facilities under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 12 (Legal Fiction, etc. as Authorization, Permission, etc. under Other Statutes)(1) Where the plan for installation of waste disposal facilities has been publicly announced pursuant to Article 11-3 (3), it shall be deemed that an agency installing waste disposal facilities has obtained permission, designation, authorization, approval, recognition, decision, license, and announcement, and public notice falling under any of the following subparagraphs: <Amended by Act Nos. 8819 & 8820, Dec. 27, 2007; Act No. 8976, Mar. 21, 2008; Act Nos. 9758 & 9763, Jun. 9, 2009; Act No. 10272, Apr. 15, 2010; Act No. 10331, May 31, 2010; Act No. 12077, Aug. 13, 2013; Act No. 12248, Jan. 14, 2014; Act No. 14480, Dec. 27, 2016>

1. Permission under Article 11-2 (1);
2. Approval of the installation of waste disposal facilities under Article 29 (2) of the Wastes Control Act;

3. Permission for development activities under Article 56 (1) of the National Land Planning and Utilization Act, designation and announcement of a project performer of the urban or Gun planning facilities under Article 86 of the same Act, and formulation, authorization, and announcement of the implementation plan under Articles 88 and 91 of the same Act;
4. Authorization of water supply projects under Articles 17 and 49 of the Water Supply and Waterworks Installation Act and authorization of the installation of exclusive water supply under Articles 52 and 54 of the same Act;
5. Permission for the performance of public sewerage works under Article 16 of the Sewerage Act;
6. Permission for the occupancy or use of public waters under Article 8 of the Public Waters Management and Reclamation Act, approval or reporting of the implementation plan for the occupancy or use of public waters under Article 17 of the same Act, approval of a reclamation license for public waters under Article 28 of the same Act, and the implementation plan for the reclamation of public waters under Article 38 of the same Act;
7. Permission for the performance of harbor works under Article 9 (2) of the Harbor Act and approval of the implementation plan under Article 10 (2) of the same Act;
8. Permission for the performance of river conservation works under Article 30 of the River Act, and permission for the occupancy of river under Article 33 of the same Act, and permission for the use of river water under Article 50 of the same Act;
9. Designation of the route of road under Articles 14 through 18 and 20 of the Road Act, determination of road zones under Article 25 of the same Act, permission for the implementation of road works by a person who is not a road management agency under Article 36 of the same Act, and permission for the occupancy and use of a road under Article 61 of the same Act;
10. Permission for the diversion of farmland under Article 34 of the Farmland Act;
11. Permission for and reporting of the diversion of mountainous districts under Articles 14 and 15 of the Mountainous Districts Management Act, permission for and reporting of the temporary use of mountainous districts under Article 15-2 of the same Act, permission for and reporting of stumpage felling, etc. under Article 36 (1) and (4) of the Creation and Management of Forest Resources Act, and permission for and reporting of any activity in a forest conservation area (excluding a conversation area for forest genetic resources) under Article 9 (1) and (2) 1 and 2 of the Forest Protection Act;
12. Permission for felling, etc. under Article 14 of the Erosion Control Work Act, and cancellation of the designation of erosion control land under Article 20 of the same Act;
13. Permission for the diversion of grassland under Article 23 of the Grassland Act;
14. Permission for the construction of private roads under Article 4 of the Private Road Act;
15. Permission for the reinterment of graves placed in another person's land, etc. under Article 27 of the Act on Funeral Services, Etc.;
16. Permission for the use of facilities other than the purpose of the infrastructure for agricultural production under Article 23 of the Rearrangement of Agricultural and Fishing

Villages Act;

17. Deleted. <by Act No. 10272, Apr. 15, 2010>

(2) Where the Minister of Environment intends to determine or approve a plan for the installation of waste disposal facilities, including matters falling under the subparagraphs of paragraph (1), he/she shall consult thereon with the head of the relevant administrative agency. In such cases, the head of the relevant administrative agency shall submit his/her opinion within 20 days from his/her receipt of a request for consultation made by the Minister of Environment, and if no opinion is submitted within such period, it shall be deemed that the consultation has been satisfactorily completed. <Amended by Act No. 12077, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 13 (Mediation of Disputes on Foreseeable Losses, etc.)(1) Where it is foreseeable that the installation and operation of waste disposal facilities under a plan for installation of waste disposal facilities under Article 11-3 will cause losses to residents in the adjacent areas of such waste disposal facilities, an agency installing waste disposal facilities shall take measures therefor.

(2) Where a dispute arises on the foreseeable losses due to the installation of waste disposal facilities under a plan for installation of waste disposal facilities under Article 11-3, one or both parties concerned may file an application for the dispute settlement with the Environmental Dispute Adjustment Committee under the Environmental Dispute Mediation Act. <Amended by Act No. 11267, Feb. 1, 2012>

(3) The Environmental Dispute Mediation Act shall apply to the resolution under paragraph (2). In such cases, the resolution under paragraph (2) shall be deemed the resolution under the same Act. <Amended by Act No. 11267, Feb. 1, 2012>

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 14 (Expropriation or Use of Land, etc.)(1) An agency installing waste disposal facilities may, where it announces a location for waste disposal facilities under Article 10, may expropriate or use the land, etc. of the following subparagraphs necessary for the installation of waste disposal facilities and the execution of measures for rehabilitation in the area included in such announcement:

1. Land, buildings and other objects fixed on such land;
2. Rights other than ownership on land, buildings and objects fixed on such land.

(2) When applying paragraph (1), where the location of waste disposal facilities has been determined and announced, it shall be deemed that a project has been approved and the approval of the project has been publicly announced under Articles 20 (1) and 22 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects, and an application for adjudication shall be made within three years from the date when the location of waste disposal facilities has been publicly announced, notwithstanding Articles 23 (1) and 28 (1) of the same Act.

(3) The Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall

be applied to the expropriation or use under paragraph (1) except for the matters especially prescribed in this Act.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 15 (Support for Residents in Location of Facilities)

An agency installing waste disposal facilities may provide support for residents residing in the site for the relevant waste disposal facilities as prescribed by Presidential Decree in consideration of the loss of their livelihood base, etc. caused by the installation of such waste disposal facilities: Provided, That the same shall not apply to persons who are to be rehabilitated according to the measures for rehabilitation under Article 18.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 16 Deleted. <by Act No. 5867, Feb. 8, 1999>

CHAPTER III SUPPORT, ETC. FOR ADJACENT AREAS AFFECTED BY WASTE DISPOSAL FACILITIES

Article 17 (Determination and Announcement of Affected Adjacent Areas)(1) An agency installing waste disposal facilities shall determine and announce the adjacent areas to be environmentally affected by the installation and operation of such waste disposal facilities (hereinafter referred to as the "affected adjacent areas") within the period prescribed by Presidential Decree from the date when the plan for installation of waste disposal facilities under Article 11-3 has been publicly announced.

(2) Where an agency installing waste disposal facilities intends to determine and announce the affected adjacent areas pursuant to paragraph (1), it shall have a specialized research institution selected by the Residents Support Consultative Body organized pursuant to Article 17-2 (hereinafter referred to as the "Support Consultative Body") investigate the environmental impact and shall collect the results of such investigation: Provided, That where the Support Consultative Body does not deem it necessary to investigate the environmental impact on the adjacent areas, it may omit the investigation concerned or substitute it by the written opinion of examination by related experts.

(3) The affected adjacent areas shall be classified as follows:

1. Sphere of direct influence: An area where the rehabilitation of residents deemed necessary because it is anticipated that activities of humans and animals, agricultural products, stock farming products, forest products or fishery products may fall under direct environmental influence as a result of investigation on the environmental impact pursuant to paragraph (2);

2. Sphere of indirect influence; An area, as an area within the extent prescribed by Presidential Decree, other than the sphere of direct influence which is anticipated to be environmentally affected as a result of investigation on the environmental impact pursuant to paragraph (2): Provided, That where it is deemed especially necessary, an area outside the extent prescribed by Presidential Decree may be included.

(4) A person who owns land, etc. in the area determined as the sphere of direct influence under paragraph (3) may request an agency installing the waste disposal facilities concerned

to purchase his/her land, etc. as prescribed by Presidential Decree. In such cases, the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall be applied to such purchase.

(5) An agency installing waste disposal facilities shall use the land purchased pursuant to paragraph (4) for convenience and beneficial facilities for residents or green belt under Articles 20 and 23 and for other purposes prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 17-2 (Criteria for Composition of Support Consultative Body, Function thereof, etc.)

(1) An agency installing waste disposal facilities shall organize the Support Consultative Body from among members of the municipal assembly of the Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu of the location of the waste disposal facilities concerned, the representative of residents, and experts recommended by the representative of residents in consultation with the competent Mayor of the Special Self-Governing City, Governor of a Special Self-Governing Province, head of the Si/Gun/Gu, and the municipal assembly of the Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu. However, a person falling under any of the following subparagraphs shall not be a constituent of the Support Consultative Body: <Amended by Act No. 12077, Aug. 13, 2013; Act No. 12322, Jan. 21, 2014; Act No. 12622, May 20, 2014>

1. A person who is declared incompetent under the adult guardianship or was declared bankrupt and has not been reinstated;
2. A person in whose case two years have not passed since his/her imprisonment without labor or greater punishment, as declared by a court, was completely executed (including cases where it is deemed that such execution has been completed) or exempted;
3. A person who is under the suspension of the execution of imprisonment without labor or greater punishment as declared by a court;
4. A person whose qualification has been suspended or repudiated by the law or a decision of the court;
5. A person in whose case two years have not passed since the punishment of a fine of not less than one million won, as declared by a court, by reason of violating Article 355 or 356 in connection with his/her duty during the period of service as a constituent of the Support Consultative Body became final and conclusive.

(2) The function of the Support Consultative Body shall be as follows: <Amended by Act No. 13170, Feb. 3, 2015>

1. Selection of a specialized research institution for investigation of environmental impact under Article 17 (2);
2. Consultation on the installation of convenience and beneficial facilities for residents of areas under Article 20;
3. Consultation on projects of support for residents of affected adjacent areas under Article 22 (5);
4. Recommendation of resident monitors under Article 25 (1);

5. Other matters prescribed by Presidential Decree.

(3) Detailed methods of composition of the Support Consultative Body shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 18 (Measures for Rehabilitation)(1) An agency installing waste disposal facilities may, where it installs waste disposal facilities exceeding the scale prescribed by Presidential Decree, may take measures for rehabilitation of residents of the site for the facilities concerned and in the sphere of direct influence thereof.

(2) The Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall be applied to the measures for rehabilitation under paragraph (1).

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 19 (Inclusion in Regional Development Plan)(1) Where a plan for installation of waste disposal facilities under Article 11-3 for waste disposal facilities exceeding the scale prescribed by Presidential Decree has been publicly announced, the head of a local government (excluding the association of local government agencies incorporated pursuant to Article 159 of the Local Autonomy Act; hereinafter the same shall apply in this paragraph) shall include the matters promoting the regional development, such as the inducement of industries for areas adjacent to such facilities and the expansion of infrastructures, etc. in the regional development plan of the relevant areas.

(2) The Minister of Environment or the president of the Sudokwon Landfill Site Management Corporation may request the Special Metropolitan City Mayor, the Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Do Governor, the Governor of the Special Self-Governing Province, or the head of the Si/Gun, having jurisdiction over the affected adjacent areas to reflect the matters promoting regional development in the regional development plan pursuant to paragraph (1). <Amended by Act No. 12077, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 20 (Installation of Convenience and Beneficial Facilities for Residents)

An agency installing waste disposal facilities shall install convenience and beneficial facilities for residents of the area, such as physical training facilities, etc. in the site for the relevant waste disposal facilities or in the adjacent area in consultation with the Support Consultative Body as prescribed by Presidential Decree: Provided, That where the Support Consultative Body does not desire the installation of all or part of such convenience and beneficial facilities, it may contribute an amount of money equivalent to expenses for installation of such facilities to the residents support fund under Article 21.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 21 (Creation of Residents Support Fund)(1) An agency installing waste disposal facilities shall create a residents support fund to provide support for residents in the affected adjacent areas.

(2) The residents support fund shall be created by the following financial resources:

1. Contributions from an agency installing waste disposal facilities;

2. An amount of money calculated as prescribed by Presidential Decree from among the fees collected for waste brought in the relevant waste disposal facilities;
3. Additional dues under Article 8;
4. Earnings accruing from the management of the fund;
5. Contributions from other local governments intending to bring and treat waste in the waste disposal facilities concerned.

(3) The Minister of Environment may delegate affairs of the operation and management of the residents support fund created pursuant to paragraph (1) to the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, a Do Governor, or the Governor of a Special Self-Governing Province. <Amended by Act No. 12077, Aug. 13, 2013>

(4) The operation and management of the residents support fund and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2008]

Article 22 (Support for Affected Adjacent Areas with Residents Support Fund)(1) The residents support fund under Article 21 shall be used for projects to subsidize the increase of income and the promotion of welfare of the residents of the affected adjacent areas.

(2) Kinds and amounts of money for support projects under paragraph (1) may vary as classified by the sphere of direct influence and the sphere of indirect influence.

(3) Support under paragraph (1) may be provided by residents or by households of the affected adjacent areas.

(4) Agencies installing waste disposal facilities shall disclose detailed plans for the support projects referred to in paragraph (1) and the performance result of the previous year. <Newly Inserted by Act No. 13170, Feb. 3, 2015>

(5) Necessary matters, such as types of support projects, standards for and methods of support, details to be disclosed, and method of disclosure under paragraphs (1) through (4) shall be prescribed by Presidential Decree. <Amended by Act No. 13170, Feb. 3, 2015>

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 23 (Standards for Installation of Facilities, such as Subsidiary Facilities, etc.)(1) An agency installing waste disposal facilities shall install subsidiary facilities, such as landscaping, dustproof and soundproof facilities, etc. around access roads in order to prevent environmental pollution of the affected adjacent areas.

(2) Necessary matters, such as types and standards for installation of subsidiary facilities, etc. under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 24 Deleted. <by Act No. 5396, Aug. 28, 1997>

Article 25 (Surveillance by Local Residents)(1) An agency installing waste disposal facilities may, if the Support Consultative Body requests, have local residents recommended by the Support Consultative Body (hereinafter referred to as "resident watchers") monitor the process, etc. of bringing in and disposal of waste.

(2) An agency installing waste disposal facilities shall supervise the activities of resident monitors under paragraph (1) and pay allowances thereto according to the following standards:

1. Where an agency installing waste disposal facilities is the Minister of Environment: Standards determined and announced by the Minister of Environment;
2. Where an agency installing waste disposal facilities is the head of a local government: Standards as prescribed by Municipal Ordinance of the local government concerned;
3. Where an agency installing waste disposal facilities is the president of the Sudokwon Landfill Site Management Corporation: Standards determined and announced by the president of the Sudokwon Landfill Site Management Corporation.

(3) Number and scope of activities of resident monitors under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 25-2 (Qualifications for Resident Monitors)

Resident monitors shall be persons who have been residing in the affected adjacent area for not less than two years consecutively at the time of appointment and experts with extensive knowledge on and experience in environmental field (limited to a person residing in the area to which wastes are brought to the relevant waste disposal facilities), who are recommended by the Support Consultative Body: Provided, That a person falling under any of the following subparagraphs shall not be a resident monitor: <Amended by Act No. 12622, May 20, 2014>

1. A person who is declared incompetent under the adult guardianship or a person who was declared bankrupt and has not been reinstated;
2. A person in whose case two years have not passed since his/her imprisonment without labor or greater punishment, as declared by a court, was completely executed (including cases where it is deemed that such execution has been completed) or exempted;
3. A person who is under the suspension of the execution of imprisonment without labor or greater punishment as declared by a court;
4. A person whose qualification has been suspended or repudiated by the law or a decision of the court.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 26 (Investigation of Environmental Impact and Disclosure to the Public)

An agency installing waste disposal facilities which has installed and operates waste disposal facilities exceeding the scale prescribed by Presidential Decree shall regularly investigate the environmental impact thereof on the adjacent areas due to such installation and operation and disclosure such environmental impact to the public as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 27 (Support, etc. for Private Capital Inducement Project)

The Minister of Environment or the head of a local government may provide financial and administrative support to a person who intends to install waste disposal facilities pursuant to the Balanced Regional Development and Support for Local Small and Medium Enterprises Act and the Act on Public-Private Partnerships in Infrastructure.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 28 (Support for Installation of Comprehensive Waste Disposal Facilities)

The Minister of Environment and the head of a local government may provide financial support to any person who installs or intends to install waste disposal facilities comprehensively handling the matters of the following subparagraphs for the efficient disposal of waste:

1. Reduction of volume of waste by compression, crushing, sorting or such;
2. Recycling of waste and covering waste to compost;
3. Reduction or elimination of harmful components of waste;
4. Incineration or landfill of waste.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 29 (Research and Development, etc.)

The Minister of Environment and the head of a local government may have a specialized research institution prescribed by Presidential Decree promote research and development, and provide financial support therefor to develop and disseminate the technology of installation and operation of waste disposal facilities.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 30 (Delegation and Entrustment of Authority and Operations)(1) The authority of the Minister of Environment under this Act may be partially delegated to the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, a Do Governor, the Governor of a Special Self-Governing Province, or the head of a local environmental government agency as prescribed by Presidential Decree. <Amended by Act No. 12077, Aug. 13, 2013>

(2) The Minister of Environment or the head of a local government may, if deemed necessary to effectively manage and operate waste disposal facilities installed pursuant to this Act, entrust an agency prescribed by Presidential Decree with such management and operation.

(3) When applying the provisions of Articles 129 through 132 of the Criminal Act, it shall be deemed that executive officers and employees of an agency which has been entrusted with affairs by the Minister of Environment, the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, a Do Governor, and the Governor of a Special Self-Governing Province are public officials pursuant to paragraph (2). <Amended by Act No. 12077, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

CHAPTER V PENALTY PROVISIONS

Article 31 (Penalty Provisions)

Any person who, without permission under Article 11-2 (1), has engaged in any conduct

falling under any of the subparagraphs of the same paragraph or a person who has violated an order for restoration to original state under paragraph (3) of the same Article shall be punished by a fine not exceeding 3,000,000 won.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 32 (Joint Penalty Provisions)(1) If the representative, an agent, an employee, or any other employed person of a juristic person commits an act in violation of Article 31 with respect to the affairs of such juristic person, not only shall such an offender be punished, but such juristic person shall be also punished by a fine under each relevant Article.

(2) If an agent, an employee, or any other employed person of an individual commits an act in violation of Article 31 with respect to the affairs of such individual, not only shall such offender be punished but such individual shall also be punished by a fine under each relevant Article.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

ADDENDA (Omitted)

32. Water Quality and Aquatic Ecosystem Conservation Act

[Enforcement Date 28. Jun, 2017.] [Act No.14490, 27. Dec, 2016., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prevent harm to citizens' health and environmental hazards due to water pollution and to appropriately manage and preserve water quality and aquatic ecosystems of public waters, including rivers, lakes and marshes, in order to enable citizens to enjoy benefits accruing from such endeavors, and leave such benefits to future generations

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended by Act No. 13879, Jan. 27, 2016>

1. The term "point pollution source" means any single source of pollution from which water pollutants are discharged to a certain point through conduits, waterways, etc., which includes, but not limited to, a wastewater discharge facility, sewage-generating facility, and a pen;
2. The term "non-point pollution source" means any source from which water pollutants at unspecified places, such as a city, road, farmland, mountainous area, and a construction site, are discharged in an unspecified manner;
3. The term "other water pollution source" means other facilities or places discharging water pollutants, which are not managed as point pollution sources and non-point pollution sources and are prescribed by Ordinance of the Ministry of Environment;
4. The term "wastewater" means water mixed with liquid or solid water pollutants, which cannot be used as it is for any purpose;

5. The term "stormwater runoff" means rainwater, snowmelt, etc. mixed with water pollutants discharged from non-point pollution sources that flows over the ground;
6. The term "impermeable layer" means any asphalt or concrete-paved road, parking lot, sidewalk, etc. that prevents rainwater, snowmelt, etc. from soaking into the ground;
7. The term "water pollutant" means any substance prescribed by Ordinance of the Ministry of Environment, which causes water pollution;
8. The term "specific substance harmful to water quality" means any water pollutant prescribed by Ordinance of the Ministry of Environment, which is likely to harm, either directly or indirectly, human health, property, or the growth of animals and plants;
9. The term "public waters" means rivers, lakes, marshes, harbors, coastal seas, other waters used for public purposes, and waterways prescribed by Ordinance of the Ministry of Environment, which are connected to the aforesaid waters and used for public purposes;
10. The term "wastewater discharge facility" means any facility, machine, equipment, and other objects prescribed by Ordinance of the Ministry of Environment, which discharge water pollutants: Provided, That excluded herefrom are ships and maritime facilities, as defined in subparagraph 16 and 17 of Article 2 of the Marine Environment Management Act;
11. The term "wastewater non-discharge facility" means any wastewater discharge facility which does not discharge wastewater to public waters by treating wastewater generated by wastewater discharge facilities using water pollution prevention facilities in the relevant place of business, or by reusing wastewater for the same wastewater discharge facilities;
12. The term "water pollution prevention facility" means any facility prescribed by Ordinance of the Ministry of Environment, which removes or reduces water pollutants discharged from point pollution sources, non-point pollution sources, and other water pollution sources;
13. The term "facility reducing non-point source pollution" means any facility prescribed by Ordinance of the Ministry of Environment, which removes or reduces water pollutants discharged from non-point pollution sources, among water pollution prevention facilities;
14. The term "lake and marsh" means water and land in any of the following full-water-level places or areas (referring to a planned flood level in cases of a dam):
 - (a) A place where the flowing water of a river or valley is stored by a dam, reservoir, dike, etc. (excluding any erosion control facilities installed under the Erosion Control Work Act);
 - (b) A place where the flowing water of a river is naturally stored;
 - (c) A caved in-area by any volcanic activity and filled with water;
15. The term "water manager" means any person who manages a lake and marsh pursuant to other Acts and subordinate statutes. In such cases, where at least two persons manage the same lake and marsh, the person, other than the river management authority designated under the River Act, shall be the water manager;
16. The term "lake and marsh serving as a water source" means any lake and marsh prescribed and announced by the Minister of Environment, where water intake facilities referred to in subparagraph 17 of Article 3 of the Water Supply and Waterworks Installation Act are established inside or outside such lake and marsh (hereinafter referred to as "water

intake facilities") to use the water of that lake and marsh as potable water, among lakes and marshes located outside any water-source protection area designated pursuant to Article 7 of the Water Supply and Waterworks Installation Act (hereinafter referred to as "water source protection area") and any special-measures area designated pursuant to Article 38 of the Framework Act on Environmental Policy (hereinafter referred to as "special-measures area") to preserve water quality;

17. The term "public wastewater treatment facility" means any treatment facility to treat wastewater in a public wastewater treatment area and discharge treated wastewater into public waters, and ancillary facilities;

18. The term "public wastewater treatment area" means an area designated by the Minister of Environment pursuant to Article 49 (3), where wastewater can be discharged into public wastewater treatment facilities for treatment;

19. The term "water play facility" means any facility installed and made available to the general public for water play in direct contact with their body, among artificial structures, such as fountains, ponds, falls and streamlets, which artificially store, circulate and use tap water, ground water, etc.: Provided, That the following are excluded herefrom:

(a) An amusement facility or structure for water play activities, which is installed by a person who has obtained permission or has reported to conduct amusement facility business pursuant to Article 5 (2) or (4) of the Tourism Promotion Act;

(b) A swimming pool among sports facilities referred to in Article 3 of the Installation and Utilization of Sports Facilities Act;

(c) A place in which a signboard and a fence is installed to inform that a facility is not for water play, or to which a warden is assigned to prevent people from playing in the water, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 3 (Responsibilities and Duties)(1) The State and local governments shall formulate policies to prevent the contamination or degradation of water quality and aquatic ecosystems and to properly recover contaminated or degraded water quality and aquatic ecosystems in order to manage and preserve the water quality and aquatic ecosystems of public waters, such as rivers, lakes and marshes, and further ensure that all citizens could live in a healthy and pleasant environment.

(2) All citizens shall reduce the production of water pollutants in their daily lives and business activities, and pro-actively participate and cooperate in policies implemented by the State or local governments to preserve water quality and aquatic ecosystems.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 4 (Total Water Pollution Load)(1) The Minister of Environment may control the total load of water pollutants discharged in each sphere of influence of the river basin classified under Article 22 (2) with regard to any of the following regions: Provided, That in cases of a region subject to the Act on Water Management and Resident Support in the Geum River Basin, the Act on Water Management and Resident Support in the Nakdong River Basin,

the Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins, and the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin (hereinafter referred to as "Acts on four major River Basins"), the total water pollution load shall be controlled, as prescribed by the relevant provisions of the Acts on four major River Basins, and in cases of a region subject to the total pollution load control under the Marine Environment Management Act, the total water pollution load shall be controlled, as prescribed by the relevant provisions of the Marine Environment Management Act:

1. A region belonging to the basin of a river system where the target standards for water quality and aquatic ecosystems fail to be achieved and maintained as a result of the evaluation conducted under Article 10-2 (2) and (3);

2. A region belonging to the basin of a river system where water pollution is deemed likely to cause serious harm to the health or property of residents or aquatic ecosystems.

(2) The Minister of Environment shall designate and publicly announce regions subject to the total pollution load control pursuant to paragraph (1), as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 4-2 (Public Notice or Announcement of Target Water Quality to be Achieved by Total Pollution Load Control and Formulation of Basic Guidelines for Total Pollution Load Management)

(1) The Minister of Environment shall determine and publicly notify the target water quality to be achieved by the total pollution load control (hereinafter referred to as "target water quality to be achieved by the total pollution load control") for each section of a river system, as prescribed by Presidential Decree, in consideration of the status of use and water quality of the river system of the regions designated and publicly notified under Article 4 (2) (hereinafter referred to as "region subject to the total pollution load control"): Provided, That the foregoing shall not apply where a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, and a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") publicly announces the target water quality to be achieved by the total pollution load control for each section of a river system located within the jurisdiction of the relevant City/Do upon obtaining approval from the Minister of Environment, as prescribed by Presidential Decree, in order to achieve the target water quality by the total pollution load control at the boundary points of the Special Metropolitan City, the Metropolitan City, the Special Self-Governing City, the Do, and the Special Self-Governing Province (hereinafter referred to as "City/Do") determined and publicly notified by the Minister of Environment.

(2) In order to achieve and maintain the target water quality by the total pollution load control, the Minister of Environment shall formulate basic guidelines for quantity regulation of pollutants (hereinafter referred to as "basic guidelines for the total pollution load management") including matters prescribed by Presidential Decree, in consultation with the related Mayor/Do Governor and related agencies, and notify the related Mayor/Do Governor thereof.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 4-3 (Formulation, etc. of Master Plans for Total Pollution Load Management)(1)

Every Mayor/Do Governor who has jurisdiction over a region subject to the total pollution load control shall formulate a master plan, including the following matters, (hereinafter referred to as "master plan for the total pollution load management") in accordance with basic guidelines for the total pollution load management, and obtain approval thereof from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply to any alteration to the important matters prescribed by Presidential Decree in the master plan for the total pollution load management:

1. Details of the plan to develop the relevant region;
2. Allotment of pollution loads to each local government, and each section of the river system;
3. Total pollution loads discharged in his/her jurisdictional region and a reduction plan thereof;
4. Pollution loads additionally discharged based on the plan to develop the relevant region and a reduction plan thereof.

(2) Requirements for granting approval of master plans for the total pollution load management shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 4-4 (Formulation, Implementation, etc. of Action Plans for Total Pollution Load Management)(1)

The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun (excluding the head of a Gun within a Metropolitan City; hereafter the same shall apply in this Article) who has jurisdiction over the region which fails to achieve or maintain the target water quality, as prescribed by Ordinance of the Ministry of Environment, among the regions subject to the total pollution load control, shall formulate an action plan in accordance with the relevant master plan for the total pollution load management (hereinafter referred to as "action plan for the total pollution load management") and implement such action plan after obtaining approval from the Minister of Environment or the competent Mayor/Do Governor, as prescribed by Presidential Decree. The same shall also apply to any alteration to the important matters prescribed by Presidential Decree in the action plan for the total pollution load management.

(2) The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun who implements an action plan for the total pollution load management pursuant to paragraph (1) (hereinafter referred to as "head of a local government in charge of the total pollution load management") shall prepare an evaluation report of the action plan for the total pollution load management of the preceding year, and submit the report to the head of a regional environment office, as prescribed by Ordinance of the Ministry of Environment. In such cases, the head of a Si/Gun shall submit such report via the competent Do Governor.

(3) Where the head of a regional environment office deems it necessary to smoothly implement an action plan for the total pollution load management after having reviewed the

report submitted under paragraph (2), he/she may request the head of a local government in charge of the total pollution load management to formulate and implement necessary actions or measures. In such cases, the head of the local government shall comply therewith, except in exceptional circumstances.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 4-5 (Allotment, etc. of Pollution Loads to each Facility)(1) Where deemed necessary to achieve and maintain the target water quality by the total pollution load control, the Minister of Environment may allot the pollution load or designate the discharge quantity, by final discharge outlet, and by unit period, to facilities prescribed by Presidential Decree, to which any of the following standards or limits applies, as prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall consult with the head of the competent local government in charge of the total pollution load management in advance:

1. Standards for effluent water quality established under Article 12 (3);
2. Permissible discharge limits set under Article 32;
3. Standards for effluent water quality established under Article 7 of the Sewerage Act;
4. Standards for effluent water quality established under Article 13 of the Act on the Management and Use of Livestock Excreta.

(2) Where deemed necessary to achieve and maintain the target water quality by the total pollution load control, the head of a local government in charge of the total pollution load management may allot the pollution load or designate the discharge quantity, by final discharge outlet, and by unit period, to facilities prescribed by Ordinance of the Ministry of Environment to which the standards or limits referred to in paragraph (1) apply, other than the facilities prescribed by Presidential Decree under paragraph (1), as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment or the head of a local government in charge of the total pollution load management allots the pollution load or designates the discharge quantity pursuant to paragraph (1) or (2), he/she shall hear the opinions of interested persons in advance, and take necessary measures to inform interested persons of the details thereof.

(4) Any person who installs or operates facilities to which the pollution load or the discharge quantity has been allotted or designated pursuant to paragraph (1) or (2) (hereinafter referred to as "business operator, etc. who has been allotted pollution load") shall have such facilities equipped with a device that can measure the pollution load and the discharge quantity, and conscientiously record and keep the measurement readings, as prescribed by Presidential Decree: Provided, That the foregoing shall not apply to business operators, etc. who have installed measuring instruments under Article 38-3.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 4-6 (Disposition Orders, etc. to Persons who have Discharged Water Pollutants in Excess of Alloted Pollution Load)(1) The Minister of Environment or the head of a local government in charge of the total pollution load management may order any person who

discharges water pollutants in excess of the pollution load or the discharge quantity allotted or designated under Article 4-5 (1) or (2) (hereinafter referred to as "allotted pollution load, etc.") to improve the relevant water pollution prevention facilities or take other necessary dispositions.

(2) A person in receipt of a disposition order under paragraph (1) shall implement such order after submitting a plan for improvement to the Minister of Environment or the head of a local government in charge of the total pollution load management, as prescribed by Ordinance of the Ministry of Environment.

(3) Article 45 shall apply mutatis mutandis to the reporting and confirmation of implementation of a disposition order under paragraph (2). In such cases, "improvement order, order to suspend operation, order to suspend use, or order for closure under Article 38-4 (2), 39, 40, 42, or 44" shall be construed as "disposition order under Article 4-6 (1)", and "the Minister of Environment" as "the Minister of Environment, or the head of a local government in charge of the total pollution load management", respectively.

(4) Where any person in receipt of a disposition order issued under paragraph (1) fails to comply with such order, or continues exceeding the allotted pollution load, etc. based on the inspection despite his/her compliance with the order within the given period, the Minister of Environment or the head of a local government in charge of the total pollution load management may order him/her to fully or partially suspend the operation of the relevant facilities for a prescribed period not exceeding six months, or to close such facilities: Provided, That the Minister of Environment or the head of a local government in charge of the total pollution load management shall order the closure of the relevant facility in circumstances prescribed by Ordinance of the Ministry of Environment, where it is deemed impossible to reduce the discharge of pollutants below the allotted pollution load, etc. even if the relevant person improves water pollution prevention facilities or take necessary measures.

(5) Article 43 shall apply mutatis mutandis to penalty surcharges imposed in lieu of the suspension of operation under paragraph (4). In such cases, "the Minister of Environment" shall be construed as "the Minister of Environment or the head of a local government in charge of the total pollution load management"; "business operator" as "business operator, etc. who has been allotted pollution load"; "Article 42" as "Article 4-6 (4)"; and "in the same manner as delinquent national taxes are collected" as "in the same manner as delinquent national or local taxes are collected", respectively.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 4-7 (Charges for Excess of Total Pollution Load)(1) The Minister of Environment or the head of a local government in charge of the total pollution load management shall impose and collect charges for excess of total pollution load (hereinafter referred to as "charges for excess of total pollution load") from persons who have discharged pollutants in excess of the allotted pollution load, etc.

(2) Methods and criteria for calculating charges for excess of total pollution load, and other

necessary matters shall be prescribed by Presidential Decree.

(3) Upon imposing charges for excess of total pollution load pursuant to paragraph (1), the Minister of Environment or the head of a local government in charge of the total pollution load management shall deduct an effluent charge referred to in Article 41 or a penalty surcharge (only applicable to a penalty surcharge imposed regarding water quality) under Article 12 of the Act on the Control and Aggravated Punishment of Environmental Offenses, etc. from the charges for excess of total pollution load.

(4) Article 41 (4) through (8) shall apply mutatis mutandis to the payment, collection, etc. of charges for excess of total pollution load. In such cases, "the Minister of Environment" shall be construed as "the Minister of Environment or the head of a local government in charge of the total pollution load management," and "effluent charge" shall be construed as "charge for excess of total pollution load," respectively.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 4-8 (Support to Local Governments having Jurisdiction over Regions Subject to Total Pollution Load Control, Sanctions against Noncompliance, etc.)

(1) The State may partially subsidize the expenses incurred in relation to the total pollution load management to local governments which formulate and implement an action plan for the total pollution load management.

(2) No head of any related administrative agency shall grant approval, permission, etc. to implement, develop or install any of the following in the jurisdiction of a local government which exceed the pollution load allotted for the local government or for each section of the river system pursuant to Article 4-3 (1) 2 or fail to formulate and implement a master plan for the total pollution load management or an action plan for the total pollution load management, without exceptional circumstances:

1. An urban development project defined in Article 2 (1) 2 of the Urban Development Act;
2. An industrial site defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act;
3. A tourist destination or a tourism complex defined in subparagraph 6 or 7 of Article 2 of the Tourism Promotion Act;
4. A structure, including a building, of at least the scale prescribed by Presidential Decree.

(3) Where the head of a related administrative agency violates paragraph (2) or the head of a local government in charge of the total pollution load management fails to comply with a request made under Article 4-4 (3) without exceptional circumstances, the Minister of Environment or the heads of other related central administrative agency may suspend or reduce financial support, or take other necessary measures.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 4-9 (Inter-Agency Cooperation and Operation, etc. of Survey and Research Teams for Total Pollution Load Management)

(1) To build an information system for the efficient use of data necessary for total pollution load management, the Minister of Environment may request the submission of necessary data from the heads of related

agencies, including related central administrative agencies, local governments, and public institutions referred to in Article 4 of the Act on the Management of Public Institutions. In such cases, the heads of related agencies shall comply therewith, except in exceptional circumstances.

(2) The Minister of Environment may operate a survey and research team comprised of relevant experts, as prescribed by Ordinance of the Ministry of Environment, to adjust pollutants subject to the total pollution load control, and the target water quality for each section of the river system to be achieved by the total pollution load control, and to conduct reviews, surveys, and research on the total pollution load control.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 5 (Provision, etc. of Information)(1) The Minister of Environment shall build and operate a computer network for citizens to have easy access to the results of regular measurements and surveys under Article 9, the results of surveys of pollution sources under Article 23, the level of pollution and the discharged quantity of wastewater generated from wastewater discharge facilities, and other information prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment may request related administrative agencies and public institutions referred to in Article 4 of the Act on the Management of Public Institutions to provide data necessary to build and operate the computer network under paragraph (1). In such cases, the head of each related administrative agency or public institution in receipt of such request shall comply therewith, except in exceptional circumstances.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 6 (Support for Private Sector' s Activities to Preserve Water Quality and Aquatic Ecosystems)(1) The State and local governments may support local residents and non-governmental organizations in their voluntary activities to preserve water quality and aquatic ecosystems, and to monitor the pollution and damage of water quality and aquatic ecosystems. <Amended by Act No. 13879, Jan. 27, 2016>

(2) Each local government may fully or partially subsidize expenses incurred in establishing or operating a non-governmental organization referred to in paragraph (1). In such cases, standards for subsidies, eligible organizations, and other necessary matters shall be prescribed by municipal ordinance of such local government. <Newly Inserted by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 6-2 (Support for Survey and Research Activities on Water Quality and Aquatic Ecosystems)

The State or local governments may support survey and research activities on water quality and aquatic ecosystems performed by companies, universities, non-governmental organizations, government-funded research institutes, national or public research institutes, etc.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 7 (Support for Environment-Friendly Goods)

The Government may provide subsidies, etc. to the producers, sellers, or consumers of products that could prevent water pollution of rivers, lakes and marshes, etc. by saving water, reducing the use of synthetic compounds, including detergents, or reducing the generation of water pollutants, and may formulate policies for promoting technological development and related industries.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 8 Deleted. <by Act No. 8038, Oct. 4, 2006>

CHAPTER II PRESERVATION OF WATER QUALITY AND AQUATIC ECOSYSTEMS IN PUBLIC WATERS

SECTION 1 General Provisions

Article 9 (Regular Measurement, etc. of Water Quality)(1) To ascertain the water conditions of rivers, lakes and marshes, and other public waters prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "river, lake, and marsh") on a nationwide scale, the Minister of Environment shall build a measuring network; regularly measure the level of water pollution; and conduct a nationwide survey for such purposes as designating water pollutants and managing water quality. <Amended by Act No. 14490, Dec. 27, 2016>

(2) The Minister of Environment shall consult with the Minister of Land, Infrastructure and Transport to formulate a plan to survey the river districts defined in subparagraph 2 of Article 2 of the River Act among areas in which he/she intends to survey the water conditions, the status of aquatic ecosystems, and the healthiness of ecosystems pursuant to paragraph (1).

(3) A Mayor/Do Governor may building a measuring network, regularly measure the level of water pollution, and survey the water conditions, the status of aquatic ecosystems, and the health of aquatic ecosystems in his/her jurisdiction to ascertain the water conditions and the status of aquatic ecosystems in his/her jurisdiction. In such cases, he/she shall report the findings from such regular measurements or surveys to the Minister of Environment.

(4) Matters necessary for regular measurements and reporting under paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 9-2 (Surveying Status of Aquatic Ecosystems and Assessment of Aquatic Ecosystem Health)(1) The Minister of Environment shall conduct a nationwide survey on the status of aquatic ecosystems to formulate a plan for conserving aquatic ecosystems, and to predict changes in aquatic ecosystems due to development projects.

(2) A Mayor/Do Governor or the Mayor of a large city may survey the status of aquatic ecosystems within his/her jurisdiction if necessary to ascertain the conditions of aquatic ecosystems. In such cases, the Mayor/Do Governor or the Mayor of the large city shall report the results of the survey to the Minister of Environment.

(3) The Minister of Environment shall assess the health of aquatic ecosystems based on the results of the surveys conducted under paragraphs (1) and (2), and make public the findings

thereof.

(4) Matters necessary for surveying the status of aquatic ecosystems and reporting the results of the survey under paragraphs (1) and (2), and assessing the health of aquatic ecosystems and making public the findings of the assessment under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 14490, Dec. 27, 2016]

Article 10 (Determination and Public Notification of Plans for Building Measuring Networks)(1) The Minister of Environment shall determine a plan for building a measuring network which specifies the locations of the measuring network referred to in Article 9 (1), measurement items, the time frames and frequency of surveys and publicly notify such plan, as prescribed by Ordinance of the Ministry of Environment, and make the drawings of the measuring network available for public perusal. The same shall also apply to any amendment to the plan.

(2) Paragraph (1) shall apply mutatis mutandis where a Mayor/Do Governor builds a measuring network pursuant to Article 9 (3).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 10-2 (Determination and Evaluation of Target Criteria for Water Quality and Aquatic Ecosystems)(1) The Minister of Environment shall determine and publicly notify the target criteria for water quality and aquatic ecosystem (hereinafter referred to as "target criteria") of each sphere of influence of the river basin classified under Article 22 and each lake and marsh subject to surveys and measurements under Article 28, based on the use of the relevant river, lake and marsh, the current status of water quality and aquatic ecosystems, the healthiness of aquatic ecosystems, the current status of and prospects for pollution sources, etc.

(2) The Minister of Environment shall evaluate the following and disclose the results of the evaluation to the general public:

1. Whether the target criteria has been met;
2. Evaluation of hazards of potential harm to human or the ecosystem caused by water pollution of a river, lake or marsh.

(3) The determination and public notification of target criteria, the evaluation as to whether the target criteria has been met, and the disclosure of the results of the evaluation thereof under paragraphs (1) and (2), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 10-3 Deleted. <by Act No. 13879, Jan. 27, 2016>

Article 11 (Relationship with other Acts)(1) When the Minister of Environment or a Mayor/Do Governor decides on and publicly notifies a plan for building a measuring network pursuant to Article 10, he/she shall be deemed to have obtained the following permission: <Amended by Act No. 12248, Jan. 14, 2014>

1. Permission to implement river works under Article 30 of the River Act, permission to

occupy and use a river under Article 33 of the aforesaid Act, and permission to use river water under Article 50 of the aforesaid Act;

2. Permission to occupy and use a road under Article 61 of the Road Act;

3. Permission to occupy and use, or to use public waters under Article 8 of the Public Waters Management and Reclamation Act.

(2) Where matters subject to permission referred to in the subparagraphs of paragraph (1) are included in a plan for building a measuring network under Article 10, the Minister of Environment or a Mayor/Do Governor shall consult with the heads of related agencies before he/she decides on and publicly notifies the plan for building such measuring network.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 12 (Installation, Management, etc. of Public Facilities)(1) Where deemed specifically necessary to prevent water pollution in public waters, the Minister of Environment may require a Mayor/Do Governor or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) to install and maintain sewer lines, a public wastewater treatment facility, a public sewage treatment facility defined in subparagraph 9 of Article 2 of the Sewerage Act (hereinafter referred to as "public sewage treatment facility"), or a waste disposal facility defined in subparagraph 8 of Article 2 of the Wastes Control Act (hereinafter referred to as "waste disposal facility"), etc. within their jurisdictions. <Amended by Act No. 13879, Jan. 27, 2016>

(2) Where the quality of water discharged from a public wastewater treatment facility exceeds the standards for effluent water quality established under paragraph (3), the Minister of Environment may require a person who has installed and manages the facility to improve such facility or take other necessary measures. <Amended by Act No. 13879, Jan. 27, 2016>

(3) Quality standards of water discharged from public wastewater treatment facilities (hereinafter referred to as "standards for effluent water quality") shall be prescribed by Ordinance of the Ministry of Environment after consultation with the heads of related central administrative agencies, and quality standards of water discharged from public sewage treatment facilities or waste disposal facilities shall be governed by the Sewerage Act or the Wastes Control Act. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 13 (Inclusion in National Land Planning)

Where a Mayor/Do Governor or the head of a Si/Gun formulates a Do comprehensive plan or Si/Gun comprehensive plan pursuant to the Framework Act on the National Land, he/she shall include management measures referred to in Article 22 (1), and a plan for building public sewage treatment facilities, human excreta treatment plants defined in subparagraph 10 of Article 2 of the Sewerage Act (hereinafter referred to as "human excreta treatment plant"), etc. in the relevant comprehensive plan in order to prevent pollution of public waters, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 14 (Inclusion in City/Gun Master Plans)

Where the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun formulates a City/Gun master plan pursuant to Article 18 of the National Land Planning and Utilization Act, he/she shall consolidate the plans for establishing public sewage treatment facilities, human excreta treatment plants, etc. included in a Do comprehensive plan referred to in Article 13 and a multi-districts development project plan formulated under Article 5 of the Balanced Regional Development and Support for Local Small and Medium Enterprises Act, and include them in the relevant City/Gun master plan.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 15 (Prohibition of Discharge, etc.)(1) No person shall engage in any of the following activities without just cause: <Amended by Act No. 11862, Jun. 4, 2013; Act No. 12519, Mar. 24, 2014>

1. Leaking, discharging, or dumping a specific substance harmful to water quality, designated wastes under the Wastes Control Act, a petroleum product, a fake petroleum product, petroleum substitute fuel, or crude oil defined in the Petroleum and Petroleum Substitute Fuel Business Act (excluding petroleum gas; hereinafter referred to as "oils"), a toxic substance under the Chemicals Control Act (hereinafter referred to as "toxic substance"), or a pesticide defined in the Pesticide Control Act (hereinafter referred to as "pesticide") into public waters;
2. Dumping excreta, livestock excreta, animal corpses, wastes (excluding the designated wastes under the Wastes Control Act), or sludge into public waters;
3. Washing a motor vehicle in a river, lake or marsh;
4. Discharging or dumping earth and sand into public waters, in excess of the scale prescribed by Ordinance of the Ministry of Environment.

(2) Where any activity provided for in paragraph (1) 1, 2 or 4 causes or is likely to cause water pollution, the offender, a corporation to whom such offender belongs, and an employer of such offender (hereinafter referred to as "offender, etc.") shall take measures to prevent and eliminate pollution (hereinafter referred to as "prevention and elimination measures"), such as removing the relevant substances, as prescribed by Ordinance of the Ministry of Environment.

(3) Where an offender, etc. fails to take prevention and elimination measures as required under paragraph (2), the relevant Mayor/Do Governor may order the offender, etc. to implement such prevention and elimination measures.

(4) In any of the following circumstances, the relevant Mayor/Do Governor may take the relevant prevention and elimination measures on his/her behalf or require the head of the competent Si/Gun/Gu to implement such prevention and elimination measures on his/her behalf:

1. Where it is deemed impracticable to prevent or eliminate water pollution upon taking the relevant prevention and elimination measures only;

2. Where he/she fails to comply with an order issued under paragraph (3);
3. Where it is deemed impracticable to prevent or eliminate water pollution through the prevention and elimination measures taken by a person in receipt of an order to take prevention and elimination measures under paragraph (3);
4. Where the relevant offender, etc. cannot take prompt prevention and elimination measures in circumstances requiring urgent prevention and elimination measures.
- (5) Upon taking prevention and elimination measures on behalf of a person subject to an order to implement such measures under paragraph (4), the head of the Si/Gun/Gu may request support from the Korea Environment Corporation (hereinafter referred to as the "Korea Environment Corporation") established under the Korea Environment Corporation Act.
- (6) The Korea Environment Corporation shall consult with the head of the relevant Si/Gun/Gu about details of support before it provides support at the request of the head of such Si/Gun/Gu under paragraph (5),
- (7) When the Korea Environment Corporation has provided support at the request of the head of a Si/Gun/Gu under paragraph (5), the head of the Si/Gun/Gu shall reimburse expenses incurred in providing such support to the Korea Environment Corporation, as prescribed by Ordinance of the Ministry of Environment.
- (8) The Administrative Vicarious Execution Act shall apply to taking prevention and elimination measures on behalf of a person subject to an order to implement such measures under paragraph (4). In such cases, an order issued by a Mayor/Do Governor under paragraph (3) shall be construed as an order issued by the head of a Si/Gun/Gu (excluding vicarious execution by a Mayor/Do Governor).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 16 (Reporting of Water Pollution Incidents)

When a person who transports and stores oils, toxic substances, pesticides, or specific substances harmful to water quality pollutes water with the relevant substances, he/she shall immediately report thereon to related administrative agencies, such as a regional environment office, a City/Do or a Si/Gun/Gu (referring to an autonomous Gu).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 16-2 (Inspections as to whether Radioactive Materials, etc. Flow in)(1) The Minister of Environment shall inspect rivers, lakes, marshes, etc to ascertain whether radioactive materials or radioactive wastes defined in subparagraph 5 or 18 of Article 2 of the Nuclear Safety Act flow therein.

(2) If necessary for conducting inspections under paragraph (1), the Minister of Environment may request cooperation from the heads of administrative agencies, local governments, and other related institutions. In such cases, those in receipt of such request shall comply therewith, except in exceptional circumstances.

(3) Procedures and methods for conducting inspections under paragraph (1), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 11670, Mar. 22, 2013]

Article 16-3 (Operation of Water Pollution Prevention Center)(1) The Minister of Environment shall operate a water pollution prevention center (hereinafter referred to as "Prevention Center") to quickly and effectively respond to water pollution incidents in public waters. In such cases, the Minister of Environment may require the Korea Environment Corporation to operate the Prevention Center on his/her behalf, as prescribed by Presidential Decree.

(2) The Prevention Center shall perform the following tasks:

1. Monitoring water pollution incidents in public waters;
2. Supporting prevention and elimination measures under Article 15 (6);
3. Establishing and operating facilities for keeping and storing equipment, materials, chemical, etc. used for water pollution incidents;
4. Education, training, research and development, and public relations related to technology to prevent and eliminate water pollution;
5. Collecting and treating water pollutants when water pollution incidents occur.

(3) The Minister of Environment may subsidize expenses incurred in operating the Prevention Center on his/her behalf, within the budgetary limits.

[This Article Newly Inserted by Act No. 11979, Jul. 30, 2013]

Article 16-4 (Building and Operating Information System on Prevention of Water Pollution)

The Prevention Center may build and operate an information system on prevention of water pollution, with which it may collect, analyze and manage information on water quality of nationwide rivers in real time, and promptly inform related administrative agencies of the occurrence of a water pollution incident.

[This Article Newly Inserted by Act No. 11979, Jul. 30, 2013]

Article 17 (Traffic Restrictions to Preserve Water Quality of Water Sources)(1) No driver of any motor vehicle transporting a substance that could pollute water sources if an accident, such as a rollover or fall, occurs, shall drive through a road or section prescribed by Ordinance of the Ministry of Environment pursuant to paragraph (4) among the following areas or zones or adjacent areas:

1. Water source protection areas;
2. Special-measures areas;
3. Riparian zones designated and publicly notified respectively under Article 4 of the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin, Article 4 of the Act on the Management of Water and Resident Support in the Nakdong River Basin, Article 4 of the Act on Water Management and Resident Support in the Geum River Basin, and Article 4 of Water Management and Resident Support in the Yeongsan and Seomjin River Basins;
4. Areas prescribed by Ordinance of the Ministry of Environment because such areas may cause serious pollution to water sources.

(2) "Substance that could pollute water sources" referred to in paragraph (1) means any of the following substances:

1. Specific substances harmful to water quality;
2. Designated wastes as defined in subparagraph 4 of Article 2 of the Wastes Control Act (limited to liquid wastes and wastes prescribed by Ordinance of the Ministry of Environment);
3. Oils;
4. Toxic substances;
5. Pesticides and technical concentrate defined in subparagraphs 1 and 3 of Article 2 of the Pesticide Control Act;
6. Radioactive materials and radioactive wastes defined in subparagraphs 5 and 18 of Article 2 of the Nuclear Safety Act;
7. Other substances prescribed by Presidential Decree.

(3) The Commissioner General of the National Police Agency shall take the following measures if deemed necessary for placing traffic restrictions of motor vehicles under paragraph (1):

1. Installation of signs indicating traffic restrictions of motor vehicles;
2. Crackdown on motor vehicles that violate traffic restrictions.

(4) Roads, sections and motor vehicles, subject to traffic restrictions under paragraph (1), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment after consultation with the Commissioner General of the National Police Agency. [This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 18 (Prevention of Water Pollution due to Occupancy and Use, or Reclamation of Land from Public Waters)(1) Any administrative agency that intends to permit or approve the occupancy and use of public waters or reclamation of land from public waters may attach conditions necessary to prevent the water pollution of such public waters.

(2) The details of the conditions attached under paragraph (1), methods for preventing water pollution, and other necessary matters, shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 19 (Recommendations, etc. on Cultivation of Specific Crops)(1) Where deemed necessary to preserve the water quality and aquatic ecosystem of public waters, a Mayor/Do Governor may recommend a person who cultivates crops in a river, lake or marsh area to change the kinds of crops intended for cultivation, and methods of cultivation, or to let such area lie fallow.

(2) The Mayor/Do Governor may compensate for losses sustained by cultivators from growing crops or letting their land lie fallow upon the recommendation made under paragraph (1).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 19-2 (Recommendation on Measures for Preserving Water Quality and Aquatic Ecosystems)(1) If it is found, as a result of the measurement and survey conducted under Article 9, that the water quality and aquatic ecosystems of a river, lake, and marsh could be

substantially deteriorated if left neglected, the Minister of Environment may recommend any manager of public waters (referring to the water manager, the river management agencies provided for in Article 8 of the River Act, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, and the head of a Si/Gun/Gu; hereinafter referred to as "public waters manager") to take measures necessary for preserving water quality and aquatic ecosystems. <Amended by Act No. 13879, Jan. 27, 2016>

(2) The Minister of Environment may partially subsidize expenses incurred in implementing any recommendation made under paragraph (1), within budgetary limits.

(3) The Minister of Environment may require a person in receipt of a recommendation to take measures to seek advice from a related specialized institution prescribed by Ordinance of the Ministry of Environment if deemed necessary for the person to implement the recommendation made under paragraph (1).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 19-3 (Purchase and Creation of Riparian Ecological Zones)(1) When deemed necessary for preserving the water quality and aquatic ecosystems of rivers, lakes and marshes, the Minister of Environment may purchase parcels of riparian wetland and riparian land meeting standards prescribed by Presidential Decree (hereinafter referred to as "riparian ecological zone") or ecologically create and manage such riparian wetland and riparian land, as prescribed by Ordinance of the Ministry of Environment.

(2) In cases prescribed by Presidential Decree, where it is inevitable to protect water sources in the jurisdictional area, a Mayor/Do Governor may purchase a riparian ecological zone in compliance with the standards under paragraph (1) or ecologically create and manage it, as prescribed by Ordinance of the Ministry of Environment.

(3) Land that consists of a river zone defined in subparagraph 2 of Article 2 of the River Act shall be excluded from land subject to purchase under paragraph (1) or (2).

(4) The Minister of Environment shall first consult with the heads of related central administrative agencies and the heads of competent local governments when selecting land subject to purchase or creation under paragraph (1).

(5) In purchasing land pursuant to paragraphs (1) and (2), criteria for selecting land subject to purchase, calculation of the purchase price, methods and procedures for purchase, and other necessary matters, shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 19-4 (Investigation of Discharging Facilities about Vulnerability to Climate Change and Recommendations)(1) The Minister of Environment may investigate wastewater discharge facilities, non-point pollution reduction facilities, public wastewater treatment facilities about their vulnerability to climate change, and recommend the improvement of facilities if such facilities are found vulnerable to climate change as a result of the investigation. <Amended by Act No. 13879, Jan. 27, 2016>

(2) Specific items of investigations conducted under paragraph (1), methods and procedures therefor, and other necessary matters, shall be prescribed by Ordinance of the Ministry of

Environment.

(3) The Minister of Environment may partially subsidize costs necessary for, or expenses incurred in, implementing the recommendation made under paragraph (1) for wastewater discharge facilities, non-point pollution reduction facilities, and public wastewater treatment facilities, within budgetary limits. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Newly Inserted by Act No. 11979, Jul. 30, 2013]

Article 20 (Restrictions on Fishing)(1) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may designate “no-take” zones or fishing-restricted zones, considering the purposes and the water quality of rivers (excluding national rivers and local rivers under Article 7 (2) and (3) of the River Act), lakes and marshes, and other factors, as prescribed by Presidential Decree. In such cases, he/she shall consult with the relevant water manager.

(2) A person who intends to fish in any fishing-restricted zone designated under paragraph (1) shall comply with matters prescribed by Ordinance of the Ministry of Environment, such as methods of and allowed periods for fishing. In such cases, the Minister of Environment shall consult with the Minister of Oceans and Fisheries when enacting an Ordinance of the Ministry of Environment.

(3) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may collect fees from persons who intend to fish in fishing-restricted zones designated under paragraph (1), as prescribed by municipal ordinance, to cover the expenses incurred in collecting litters, etc. for prevent water pollution in the fishing-restricted zones designated under paragraph (1) and surrounding areas thereof.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 21 (Water Pollution Alert System)(1) Where the Minister of Environment or a Mayor/Do Governor deems that water pollution is likely to cause grave damage to the use of water in a river, lake and marsh, or grave hazard to the health and property of residents, or the growth of animals and plants, he/she may issue a water pollution alert for the relevant river, lake and marsh. <Amended by Act No. 11979, Jul. 30, 2013>

(2) and (3) Deleted. <by Act No. 8466, May 17, 2007>

(4) The Minister of Environment may subsidize operating costs incurred in taking measures, etc. following the issuance of a water pollution alert within the budgetary limits. <Amended by Act No. 11979, Jul. 30, 2013>

(5) Types of water pollution alerts, objects of the issuance of each type of alert, issuers of water pollution alerts, water pollutants subject to water pollution alerts, standards for issuing such alerts, phases of alerts, measures to be taken in each phase of alert, standards for canceling alerts, and other necessary matters, shall be prescribed by Presidential Decree. <Amended by Act No. 11979, Jul. 30, 2013>

Article 21-2 (Restricted Activities in Contaminated Public Waters)(1) Where the Minister of Environment deems that playing in the water, including swimming, or doing activities

prescribed by Presidential Decree in a contaminated river, lake or marsh causes grave damage to the health or livelihood of citizens, he/she may recommend the relevant Mayor/Do Governor to take measures prescribed by Ordinance of the Ministry of Environment, such as directing residents in his/her jurisdiction, and interested persons to refrain from doing such activities in the relevant river, lake, or marsh.

(2) Upon receipt of a recommendation pursuant to paragraph (1), the Mayor/Do Governor shall take measures as recommended, except in exceptional circumstances.

(3) Criteria for selecting contaminated rivers, lakes, or marshes on which recommendations can be made under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 21-3 (Special Measures to Improve Water Quality of Water Sources)(1) Where any of the following applies to water pollution of a water source, the Minister of Environment may order special measures, such as prohibiting the discharge of pollutants, with regard to pollutants that cause water pollution:

1. Where it is expected impracticable to meet standards for management of drinking water quality (referring to water quality standards provided for in Article 26 of the Water Supply and Waterworks Installation Act) due to water pollution of the water source;

2. Where it is deemed that pollutants which are not included in the standards for water quality management referred to in subparagraph (1) are likely to cause grave damage to health of residents.

(2) Procedures for taking the special measures pursuant to paragraph (1), the details of and standards for such special measures, and other necessary matters, shall be prescribed by Presidential Decree.

(3) The Minister of Environment may partially subsidize the expenses incurred in taking the special measures under paragraph (1), within budgetary limits.

[This Article Newly Inserted by Act No. 10152, Mar. 22, 2010]

Article 21-4 (Installation and Management of Buffer Storage Facilities)(1) The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun (excluding the head of a Gun within a Metropolitan City) having jurisdiction over an area prescribed by Ordinance of the Ministry of Environment among industrial areas designated under Article 36 (1) of the National Land Planning and Utilization Act, or an industrial complex prescribed by Ordinance of the Ministry of Environment among industrial complexes defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act shall install and operate buffer storage facilities that can temporarily store wastewater, sewage, etc. discharged from such industrial area or industrial complex.

(2) The head of a local government liable to install and operate buffer storage facilities pursuant to paragraph (1) shall formulate a plan to install and operate the buffer storage facilities, including matters prescribed by Ordinance of the Ministry of Environment, such as

an implementation schedule and a place where such buffer storage facilities will be installed, and consult with the Minister of Environment. The same shall also apply where he/she intends to amend important matters prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment may fully or partially subsidize the expenses incurred in installing and operating buffer storage facilities, within the budgetary limits.

(4) Matters necessary concerning standards for installation and operation of buffer storage facilities, such as standards for calculation of the capacity of buffer storage facilities, shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12519, Mar. 24, 2014]

Article 21-5 (Prevention of Damage Caused by Algae)(1) Where the Minister of Environment deems the occurrence, etc. of algae adversely affects the water quality and aquatic ecosystems of a river, lake, and marsh, he/she may order a special measure to be taken in relation to the pollution source causing water pollution pursuant to Article 21-3; request public water managers or the heads of related central administrative agencies to take measures to prevent damage due to the occurrence, etc. of algae; or order managers of water intake facilities or water purification facilities whose water source is the river, lake, and marsh to take measures to prevent damage due to the occurrence, etc. of algae.

(2) Each person in receipt of a request or an order under paragraph (1) shall comply therewith, except in exceptional circumstances.

(3) Details of the measures referred to in paragraph (1), and other matters necessary for taking such measures shall be prescribed by Presidential Decree.

(4) The Minister of Environment may partially subsidize expenses incurred in taking measures under paragraph (1) within budgetary limits.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

SECTION 2 Preservation of Water Quality and Aquatic Ecosystems for each Sphere of Influence of River Basin

Article 22 (Management of Water Quality and Aquatic Ecosystems for Each Sphere of Influence of River Basin)(1) The Minister of Environment or the head of a local government shall ascertain the current status of water quality and aquatic ecosystems, and the healthiness of aquatic ecosystems in accordance with a plan for preserving water quality and aquatic ecosystems for each sphere of influence of the river basin formulated under Articles 24 through 26, and take adequate measures for the management thereof.

(2) The Minister of Environment shall classify the spheres of influence of the river system referred to in paragraph (1) into large spheres of influence, medium spheres of influence, and small spheres of influence in compliance with standards prescribed by Ordinance of the Ministry of Environment, based on the characteristics of catchment basins, such as the surface area and geographical features, and publicly notify them.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 23 (Survey on Sources of Pollution)

The Minister of Environment shall regularly survey types of sources of pollution, the quantity

of water pollutants generated, etc. for each area of the sphere of influence of the river basin, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 24 (Formulation of Plans for Preserving Water Quality and Aquatic Ecosystems in Large Sphere of Influence)(1) The Minister of Environment shall formulate a master plan for preserving water quality and aquatic ecosystems in each large sphere of influence (hereinafter referred to as "plan for the large sphere of influence") every ten years.

(2) The plan for the large sphere of influence shall include the following matters:

1. Trends in change in water quality and aquatic ecosystems and target criteria therefor;
2. Current status of use of water sources and water;
3. Status of distribution of point pollution sources, non-point pollution sources, and other water pollution sources;
4. Quantity of water pollutants discharged from point pollution sources, non-point pollution sources, and other water pollution sources;
5. Measures to prevent and reduce water pollution;
6. Direction-setting for implementing measures to preserve water quality and aquatic ecosystems;
7. Measures to cope with climate change defined in subparagraph 12 of Article 2 of the Framework Act on Low Carbon, Green Growth;
8. Other matters prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall consult with the heads of related central administrative agencies and related River Basin Management Committees established under the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin and other Acts when formulating plans for the large sphere of influence. The same shall also apply where he/she amends the plans for the large sphere of influence.

(4) Upon having formulated a plan for the large sphere of influence, the Minister of Environment shall notify the heads of related central administrative agencies and the heads of related local governments of such plan.

(5) Where five years have elapsed from the date on which a plan for the large sphere of influence was formulated or the Minister of Environment deems it necessary to amend the plan for the large sphere of influence, he/she may amend the plan for the large sphere of influence after reviewing the validity thereof.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 25 (Formulation of Plans for Preserving Water Quality and Aquatic Ecosystems in Medium Areas of Influence)(1) The head of a Basin Environmental Office or the head of a regional environmental office shall formulate a plan for preserving water quality and aquatic ecosystems in each medium sphere of influence (hereinafter referred to as "plan for the medium sphere of influence") according to the plan for the large sphere of influence.

(2) The head of a Basin Environmental Office or the head of a regional environmental office shall consult with the relevant Mayor/Do Governor to formulate the plan for the medium

sphere of influence. The same shall also apply where he/she intends to amend the plan for the medium sphere of influence.

(3) Upon having formulated the plan for the medium sphere of influence, the head of a Basin Environmental Office or the head of a regional environmental office shall notify the relevant Mayor/Do Governor of such plan.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 26 (Formulation of Plans for Preserving Water Quality and Aquatic Ecosystems in Small Spheres of Influence)

(1) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall formulate a plan for preserving water quality and water ecosystems in each small sphere of influence (hereinafter referred to as "plan for the small sphere of influence") according to the plan for the large sphere of influence and the plan for the medium sphere of influence, and implement such plan after obtaining approval from the competent Mayor/Do Governor (excluding where the Mayor of a Special Self-Governing City or the Governor of a Special Self-Governing Province formulates a plan for the small sphere of influence).

(2) Notwithstanding paragraph (1), where an area subject to formulation of a plan for the small sphere of influence extends over at least two Cities/Dos, the relevant Mayors/Do Governors shall jointly formulate a plan for the small sphere of influence following consultation, and where an area subject to formulation of a plan for the small sphere of influence extends over at least two Sis/Guns/Gus (referring to autonomous Gus) in the jurisdiction of the same City/Do, the competent Mayor/Do Governor shall formulate a plan for the small sphere of influence after hearing opinions of the heads of relevant Sis/Gun/Gus.

(3) A Mayor/Do Governor shall consult with the Minister of Environment before he/she approves a plan for the small sphere of influence pursuant to paragraph (1) or formulates a plan for the small sphere of influence pursuant to paragraph (2).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 27 (Formulation of Plans for Small Spheres of Influence by Minister of Environment or Mayor/Do Governor)

(1) Where a Mayor/Do Governor fails to formulate a plan for the small sphere of influence without exceptional circumstances, the Minister of Environment may formulate such plan, and where the head of a Si/Gun/Gu fails to formulate a plan for the small sphere of influence without exceptional circumstances, the competent Mayor/Do Governor may formulate such plan.

(2) A Mayor/Do Governor or the head of a Si/Gun/Gu shall conscientiously implement the plan for the small sphere of influence formulated by the Minister of Environment or the Mayor/Do Governor.

(3) Where a Mayor/Do Governor or the head of a Si/Gun/Gu fails to implement the plan for the small sphere of influence formulated under paragraph (1), the Minister of Environment, the head of a related central administrative agency, or the competent Mayor/Do Governor may take the following measures, as prescribed by Presidential Decree:

1. Discontinue or reduce financial support, and other necessary measures;

2. Restrict the installation (including alteration) of wastewater discharge facilities.

(4) Where the Minister of Environment imposes a restriction pursuant to paragraph (3) 2, he/she shall publicly announce facilities and areas subject to such restriction.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 27-2 (Formulation, etc of Plans for Restoring Aquatic Ecosystems)(1) The Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu may formulate and implement a plan for restoring the aquatic ecosystem (hereinafter referred to as "restoration plan") of an area which requires improvements in water quality or an area, the aquatic ecosystems within which has been substantially damaged, thus requires restoration as a result of the measurement and survey conducted under Article 9.

(2) Where the Minister of Environment deems it certainly necessary to formulate a restoration plan for any of the areas referred to in paragraph (1), he/she may make an order requiring a Mayor/Do Governor or the head of a Si/Gun/Gu to formulate and implement the restoration plan.

(3) The Minister of Environment shall consult with the heads of related central administrative agencies and the heads of competent local governments to formulate or alter a restoration plan.

(4) A Mayor/Do Governor or the head of a Si/Gun/Gu shall obtain approval from the Minister of Environment, as prescribed by Presidential Decree, to formulate a restoration plan for his/her jurisdiction. The foregoing shall also apply to the alteration of important matters prescribed by Presidential Decree.

(5) A Mayor/Do Governor or the head of a Si/Gun/Gu may formulate or alter an action plan for a restoration plan in consultation with the Minister of Environment if deemed necessary to implement the restoration plan efficiently.

(6) Contents of, procedures for formulating, restoration plans, and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

SECTION 3 Preservation of Water Quality and Aquatic Ecosystems in Lakes and Marshes

Article 28 (Regular Surveys and Measurement)(1) The Minister of Environment and the Mayors/Do Governors shall regularly survey and measure the status of use of water of lakes and marshes, the current status of water quality and aquatic ecosystems, the healthiness of aquatic ecosystems, the distribution of water pollution sources, and the quantity of water pollutants generated, as prescribed by Presidential Decree, in order to preserve the water quality and aquatic ecosystems of lakes and marshes.

(2) The Minister of Environment and each Mayor/Do Governor shall disclose the results of surveys and measurement conducted under paragraph (1) to the citizens, such as producing and distributing the map of each river basin, indicating the current status of water quality and aquatic ecosystems and the healthiness of aquatic ecosystems, based on the results of surveys and measurement.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 29 Deleted. <by Act No. 13879, Jan. 27, 2016>

Article 30 (Restrictions on Granting Licenses for Aquaculture)

No head of any administrative agency shall grant a license for aquaculture that installs a floating fish cage in a lake and marsh serving as a water source among the aquaculture provided for in Article 6 (1) of the Inland Water Fisheries Act.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 31 (Collection and Disposal of Litters in Lakes and Marshes)(1) The water manager shall collect litters in a lake and marsh, and the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu having jurisdiction over the lake and marsh shall transport and dispose of the litters collected.

(2) The water manager shall conclude an agreement for selecting a main agent to transport and dispose of litters under paragraph (1), and for apportioning expenses incurred in transporting and disposing of the litters collected, with the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu.

(3) Where the water manager, and the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu fails to conclude an agreement under paragraph (2), he/she may file an application for mediation with the Minister of Environment. In such cases, if the Minister of Environment makes mediation, an agreement under paragraph (2) shall be deemed concluded.

(4) Procedures for filing applications for mediation under paragraph (3), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 31-2 (Designation, etc. of Reservoirs with Priority Management)(1) The Minister of Environment may designate any of the following reservoirs as a reservoir with priority management through consultation with the heads of related central administrative agencies, and require the managers of the reservoir and the Mayor/Do Governor having jurisdiction over the location of the reservoir to control the water quality so that such reservoir can be used to provide water for domestic purposes as well as for tourism and leisure purposes:

1. A reservoir with the total water storage capacity of at least 10,000,000 cubic meters;
2. A reservoir in which the level of pollution exceeds the standards prescribed by Presidential Decree;
3. Other cases deemed necessary by the Minister of Environment for preserving the water quality of relevant river systems, including water sources.

(2) Where the ground for designation of a reservoir with priority management under paragraph (1) has ceased, the Minister of Environment may cancel such designation.

(3) Matters necessary for designation of reservoirs with priority management and the cancellation thereof under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 11258, Feb. 1, 2012]

Article 31-3 (Improvement of Water Quality, etc. of Reservoirs with Priority Management)

(1) The Minister of Environment shall require the managers of reservoirs with priority management and the Mayors/Do Governors having jurisdiction over the locations of such reservoirs to formulate and promote measures to prevent water pollution and improve water quality in the reservoirs with priority management.

(2) Each Mayor/Do Governor having jurisdiction over the location of any reservoir with priority management shall prepare reports on the outcomes of conducting activities to prevent water pollution and the outcomes of implementing the plans to improve water quality for the reservoir with priority management, and submit them to the Minister of Environment each year.

(3) The Minister of Environment may fully or partially subsidize expenses incurred in managing and improving water quality of reservoirs with priority management, within budgetary limits.

[This Article Newly Inserted by Act No. 11258, Feb. 1, 2012]

CHAPTER III CONTROL OF POINT POLLUTION SOURCES

SECTION 1 Regulation of Discharge of Industrial Wastewater

Article 32 (Permissible Discharge Limits)(1) Permissible limits for water pollutants discharged from wastewater discharge facilities (hereinafter referred to as "discharging facilities") shall be prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall consult with the heads of related central administrative agencies when enacting an Ordinance of the Ministry of Environment under paragraph (1).

(3) Where a City/Do (excluding a Si with population over 500,00 within a City/Do; hereafter the same shall apply in this Article) or a Si with population over 500,00 (hereinafter referred to as "large city") deems it impracticable to maintain the local environmental standards established under Article 12 (3) of the Framework Act on Environmental Policy, it may, by its municipal ordinance, set permissible discharge limits more stringent than the permissible discharge limits prescribed under paragraph (1): Provided, That the foregoing shall only apply where the authority of the Minister of Environment provided for in Articles 33, 37, 39, and 41 through 43 is delegated to a Mayor/Do Governor or the Mayor of a large city pursuant to Article 74 (1).

(4) A Mayor/Do Governor or the Mayor of a large city shall immediately report to the Minister of Environment whenever he/she sets or alters permissible discharge limits under paragraph (3), and take necessary measures to inform interested parties thereof.

(5) Where the Minister of Environment deems it necessary to prevent water pollution in a special-measures area, he/she may set permissible discharge limits more stringent than the permissible discharge limits prescribed under paragraph (1) for discharging facilities installed in the special-measures area, and set special permissible discharge limits for new discharging facilities installed in such special-measures area.

(6) Where an area, to which permissible discharge limits set under paragraph (3) do not apply, exists in a City/Do or a large city subject to such permissible discharge limits, the

permissible discharge limits set under paragraph (3) shall also apply to discharging facilities installed or to be installed in such area.

(7) Paragraphs (1) through (6) shall not apply to the following discharging facilities:

1. Wastewater non-discharge facilities, which are installed pursuant to the proviso to Article 33 (1), and Article 33 (2);
2. Discharging facilities prescribed by Ordinance of the Ministry of Environment, which do not discharge wastewater into public waters by fully reusing wastewater or entrusting the treatment of all wastewater.

(8) Notwithstanding paragraph (1), the Minister of Environment may otherwise set and announce permissible discharge limits only for items that can be appropriately treated by public wastewater treatment facilities or public sewage treatment facilities in relation to discharging facilities that discharge all wastewater into such public wastewater treatment facilities or public sewage treatment facilities via drainage facilities. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 33 (Permission for, and Reporting on, Installation of Discharging Facilities)(1)

Any person who intends to install discharging facilities shall obtain permission from the Minister of Environment or report thereon to the Minister of Environment, as prescribed by Presidential Decree: Provided, That any person who intends to install wastewater non-discharge facilities pursuant to paragraph (7) shall obtain permission from the Minister of Environment.

(2) Where a person who has obtained permission pursuant to paragraph (1) intends to alter any important matter prescribed by Presidential Decree among the terms and conditions of such permission, he/she shall obtain permission for alteration: Provided, That where he/she intends to alter or has altered any matter prescribed by Ordinance of the Ministry of Environment, he/she shall file a report thereon.

(3) Where a person who has reported pursuant to paragraph (1) intends to alter or has altered any matter prescribed by Ordinance of the Ministry of Environment among reported matters, he/she shall report on such alteration, as prescribed by Ordinance of the Ministry of Environment.

(4) Where a person who intends to obtain permission or permission for alteration or to file a report or a report on alteration pursuant to paragraphs (1) through (3) falls under the proviso to Article 35 (1), or intends to install or alter common prevention facilities under Article 35 (4), he/she shall submit documents prescribed by Ordinance of the Ministry of Environment.

(5) Where the Minister of Environment deems that it is impracticable to maintain environmental standards due to water pollutants discharged from discharging facilities in the upstream area of a water source protection area, a special-measures area and the upstream area thereof, an area in which water intake facilities are located, and the upstream area thereof, or that water pollutants are likely to cause grave harm to the health and property of residents or the growth of animals and plants, he/she may restrict the installation (including

alteration) of discharging facilities after hearing the opinion of the competent Mayor/Do Governor and consulting with the heads of related central administrative agencies.

(6) The range of areas in which the Minister of Environment may restrict the installation of discharging facilities pursuant to paragraph (5) shall be prescribed by Presidential Decree, and the Minister of Environment shall publicly announce facilities, the installation of which is restricted in each area.

(7) Notwithstanding paragraphs (5) and (6), discharging facilities which discharge specific substances harmful to water quality prescribed by Ordinance of the Ministry of Environment may be installed as wastewater non-discharge facilities within an area in which the installation of such discharge facilities is restricted.

(8) The Minister of Environment shall determine and publicly announce areas within which wastewater non-discharge facilities may be installed and allowed facilities in the areas in which the installation of discharging facilities is restricted pursuant to paragraph (7).

(9) Criteria for granting permission or permission for alteration under paragraphs (1) and (2) shall be as follows:

1. Discharging facilities shall be capable of treating pollutants discharged therefrom below the permissible discharge limits set under Article 32;
2. Discharging facilities shall not violate any of the provisions on restrictions on installation of discharging facilities under other Acts and statutes;
3. Where a person intends to install wastewater non-discharge facilities, he/she shall install all facilities prescribed by Presidential Decree in accordance with standards prescribed by Presidential Decree to prevent flow or leak of wastewater into public waters.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 33-2 (Reports on Alterations Deemed Filed under Other Acts)(1) Where a person has filed a report on any alteration pursuant to the proviso to Article 33 (2) and paragraph (3) of the aforesaid Article, the person shall be deemed to have filed a report on any of the following alterations in relation to the discharging facilities: Provided, That the foregoing shall be limited to reports on alterations to the name of the place of business or the representative:

1. A report on any alteration to a specified facility subject to control of soil contamination referred to in the latter part of Article 12 (1) of the Soil Environment Conservation Act;
2. A report on any alteration to a discharging facility under Article 44 (2) of the Clear Air Conservation Act.

(2) A person who intends to be deemed to have filed a report on any alteration under paragraph (1) shall also submit related documents prescribed by the relevant Act when he/she files a report on any alteration.

(3) Where the head of an administrative agency in receipt of a report on any alteration filed under paragraph (1) has processed the report on such alteration, he/she shall immediately notify the heads of administrative agencies having jurisdiction over the report on the alteration referred to in paragraph (1) of the details thereof.

(4) Where a person is deemed to have filed a report on any alteration pursuant to paragraph

(1), the person is exempted from a fee imposed pursuant to related Acts.

[This Article Newly Inserted by Act No. 13530, Dec. 1, 2015]

Article 34 (Permission to Install Wastewater Non-Discharge Facilities)(1) Any person who intends to obtain permission to install or to alter wastewater non-discharge facilities pursuant to the proviso to Article 33 (1) and paragraph (2) of the aforesaid Article shall submit documents prescribed by Ordinance of the Ministry of Environment, such as a plan to install the wastewater non-discharge facilities, to the Minister of Environment.

(2) Upon receipt of an application for permission under paragraph (1), the Minister of Environment shall hear the opinions of relevant specialized institutions prescribed by Ordinance of the Ministry of Environment as to whether wastewater non-discharge facilities and water pollution prevention facilities that treat water pollutants without discharging wastewater are appropriate.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 35 (Installation of Prevention Facilities, Exemption from Installation, and Matters, etc. to be Observed by Persons Exempt from Installation)(1) Where any person who has obtained permission or permission for alteration, or has filed a report or a report on alteration (hereinafter referred to as "business operator") pursuant to Article 33 (1) through (3) installs or alters discharging facilities, he/she shall install water pollution prevention facilities (in cases of wastewater non-discharge facilities, referring to water pollution prevention facilities capable of treating water pollutants without discharging wastewater; hereinafter the same shall apply) capable of treating water pollutants from such discharging facilities below the permissible discharge limits set under Article 32: Provided, That the foregoing shall not apply to discharging facilities (excluding wastewater non-discharge facilities) meeting standards prescribed by Presidential Decree.

(2) Any person who uses discharging facilities without installing water pollution prevention facilities (hereinafter referred to as "prevention facilities") pursuant to the proviso to paragraph (1) shall observe matters prescribed by Ordinance of the Ministry of Environment concerning the management of discharging facilities (hereinafter referred to as "matters to be observed"), such as the methods of treating and storing wastewater.

(3) Where a person who installs and operates discharging facilities without installing prevention facilities pursuant to the proviso to paragraph (1) violates any of the matters to be observed, the Minister of Environment may revoke permission or permission for alteration under Article 33 (1) through (3), or order him/her to close the discharging facilities, fully or partially improve the discharging facilities, or suspend the operation thereof for a prescribed period not exceeding six months.

(4) Business operators may install common prevention facilities (hereinafter referred to as "common prevention facilities") to commonly treat water pollutants discharged from discharging facilities (excluding wastewater non-discharge facilities). In such cases, each business operator shall be deemed to have installed prevention facilities of water pollutants in each place of business.

(5) When business operators install and operate common prevention facilities, they shall establish an operating body of the relevant facilities and appoint the representative thereof.

(6) Other matters necessary for the installation and operation of common prevention facilities shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 36 (Succession to Rights and Duties)(1) Any of the following persons shall succeed to the former business operator' rights and duties vested or imposed under permission, permission for any alteration, a report or a report on any alteration:

1. Where the business operator dies, his/her heir;
2. Where the business operator transfers his/her discharging facilities or prevention facilities, the transferee of such facilities;
3. Where the corporate business operator is merged with another corporation, the corporation surviving the merger or the corporation incorporated in the course of the merger.

(2) Any person who acquires discharging facilities and prevention facilities of a business operator through any of the following procedures shall succeed to the business operator' rights and duties vested or imposed under permission or permission for any alteration, a report or a report on any alteration: <Amended by Act No. 14476, Dec. 27, 2016>

1. Auction under the Civil Execution Act;
2. Conversion under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act;
4. Other procedures corresponding to any of the procedures referred to in subparagraphs 1 through 3.

(3) For the purposes of Articles 38, 38-2 through 38-5, 39 through 41, and 42 (excluding revocation of permission), 43, 46, 47, and 68 (1) 1, a lessee of discharging facilities and prevention facilities shall be construed as a business operator.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 37 (Reporting on Startup Operation of Discharging Facilities, etc.)(1) Where a business operator intends to operate discharging facilities and prevention facilities after completing the installation of the discharging facilities or prevention facilities, or completing the alteration of discharging facilities (limited to alterations prescribed by Presidential Decree where he/she alters discharging facilities after reporting the alteration thereto), he/she shall report the startup operation thereof to the Minister of Environment in advance, as prescribed by Ordinance of the Ministry of Environment. Where he/she changes the reported date of the startup operation, he/she shall report such change to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(2) Any business operator who has reported startup operation under paragraph (1) shall operate prevention facilities to treat water pollutants discharged from the relevant discharging facilities (excluding wastewater non-discharge facilities) below the permissible discharge limits set under Article 32 within the period prescribed by Ordinance of the Ministry

of Environment. In such cases, Articles 39 through 40 shall not apply for the period prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall check the operation status of discharging facilities and prevention facilities within the period prescribed by Ordinance of the Ministry of Environment following the expiration of the period determined under paragraph (2), and require any testing institution prescribed by Ordinance of the Ministry of Environment to test the level of pollution after collecting water pollutants.

(4) The Minister of Environment shall inspect whether wastewater non-discharge facility, the startup operation of which has been reported pursuant to paragraph (1), meets criteria for permission or permission for alteration under Article 33 (9) within ten days from the date of the report.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 38 (Operation of Discharging Facilities and Prevention Facilities)(1) Neither a business operator (excluding a business operator who has obtained permission to install or permission to alter wastewater non-discharge facilities pursuant to the proviso to Article 33 (1) or Article 33 (2)) nor a person who operates prevention facilities (including the representative of the operating body of common prevention facilities referred to in Article 35 (5); hereinafter the same shall apply) shall engage in any of the following conduct:

1. Discharging water pollutants from discharging facilities without flowing them into prevention facilities, or installing facilities that can discharge water pollutants without flowing them into prevention facilities;
2. Discharging water pollutants that flow into prevention facilities without passing through the final discharge outlet, or installing facilities that can discharge water pollutants without passing through the final discharge outlet;
3. Treating water pollutants from discharging facilities by mixing with water not discharged during the process or unpolluted water discharged during the process, or discharging water pollutants exceeding the permissible discharge limits set under Article 32 by mixing with water to lower the pollution level before such water pollutants pass through the final discharge outlet: Provided, That the foregoing shall not apply where the Minister of Environment deems that water pollutants can be treated only when they are diluted, as prescribed by Ordinance of the Ministry of Environment, and other cases prescribed by Ordinance of the Ministry of Environment;
4. Discharging water pollutants exceeding the permissible discharge limits set under Article 32 due to the business operator' s failure to normally operate discharging facilities and prevention facilities without good cause.

(2) No business operator who has obtained permission to install or permission to alter wastewater non-discharge facilities pursuant to the proviso to Article 33 (1) or paragraph (2) of the aforesaid Article shall engage in any of the following conduct:

1. Removing wastewater discharged from wastewater non-discharge facilities from the place of business, discharging it to public waters, or installing facilities that can discharge such

wastewater into public waters;

2. Treating wastewater discharged from wastewater non-discharge facilities by mixing it with sewage or wastewater discharged from other discharging facilities, or installing facilities that can treat the wastewater in the aforementioned manner;

3. Where wastewater discharged from wastewater non-discharge facilities is reused, reusing wastewater in other discharging facilities without reusing it in the same wastewater non-discharge facilities or using such wastewater for flushing toilets, landscaping, fire fighting, etc.

(3) Each business operator or prevention facility operator shall record and keep the operating status of the relevant discharging facilities and prevention facilities as they are, as prescribed by Ordinance of the Ministry of Environment, when operating discharging facilities and prevention facilities.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 38-2 (Installation, etc. of Measuring Instruments)(1) The following persons shall install instruments prescribed by Presidential Decree (hereinafter referred to as "measuring instruments"), such as a wattmeter, a flow meter, and an automatic water quality tester, to ascertain whether the discharged water pollutants meet the permissible discharge limits set under Article 32, and standards for effluent water quality established under Article 12 (3) of this Act or Article 7 of the Sewerage Act: <Amended by Act No. 13879, Jan. 27, 2016>

1. A business operator who operates a place of business discharging wastewater in excess of the quantity of discharge prescribed by Presidential Decree: Provided, That excluded herefrom is a business operator who has obtained permission to install or permission to alter wastewater non-discharge facilities under the proviso to Article 33 (1) or Article 33 (2);

2. An operator of prevention facilities (including common prevention facilities) in excess of the treatment capacity prescribed by Presidential Decree;

3. A person who operates public wastewater treatment facilities or public sewage treatment facilities in excess of the treatment capacity prescribed by Presidential Decree.

(2) Methods for, and timing of, installing measuring instruments pursuant to paragraph (1), and other matters necessary for installing measuring instruments, shall be prescribed by Presidential Decree.

(3) A person who has installed measuring instruments (hereinafter referred to as "business operator, etc. equipped with measuring instruments") pursuant to paragraph (1) may require a person who has been registered pursuant to Article 38-6 (hereinafter referred to "measuring instruments management agency") to manage measuring instruments on his/her behalf. <Newly Inserted by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 38-3 (Prohibited Acts of Business Operators, etc. who Have Installed Measuring Instruments and Standards for Operation and Management)(1) No business operator, etc. who has installed measuring instruments shall engage in any of the following conduct when operating the measuring instruments: <Amended by Act No. 13879, Jan. 27,

2016>

1. Intentionally defaulting on the operation of the measuring instruments, or on normal measurement;
2. Leaving the measuring instruments which do not work normally due to corrosion, wear and tear, breakdown, or damage, unattended without good cause;
3. Omitting or falsely keeping a measurement reading.

(2) Each business operator, etc. who has installed measuring instruments and each measuring instruments management agency shall observe standards for operation and management of measuring instruments prescribed by Ordinance of the Ministry of Environment to maintain the reliability and accuracy of the measurement readings of such measuring instruments. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 38-4 (Orders to Business Operators, etc. Equipped with Measuring Instruments to Take Measures and Suspend Operation)(1) The Minister of Environment may order a business operator, etc. equipped with measuring instruments who fails to observe any of the standards for operation and management referred to in Article 38-3 (2) to take measures necessary for operating and managing the measuring instruments in compliance with such standards within a prescribed period, as prescribed by Presidential Decree.

(2) The Minister of Environment may order any person who fails to comply with an order to take measures under paragraph (1) to fully or partially suspend the operation of the relevant discharging facilities, etc. for a prescribed period not exceeding six months.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 38-5 (Technical Support to Business Operators, etc. Equipped with Measuring Instruments, and Exemption from Reporting and Inspections)(1) The Minister of Environment may operate a computer network capable of electronically processing the measurement readings being connected with measuring instruments of business operators, etc. equipped with the measuring instruments in order to manage and analyze measurement data.

(2) The Minister of Environment may provide technical support, etc. to business operators, etc. equipped with measuring instruments to normally install, maintain, and manage measuring instruments. In such cases, the Minister of Environment may require employees of a relevant specialized institution entrusted with the authority pursuant to Article 74 (2) to collect necessary water pollutants or inspect related documents, facilities, equipment, etc., upon gaining access to the relevant facilities or the place of business of a business operator, etc. equipped with measuring instruments, in order to adequately manage measuring instruments.

(3) An employee of a relevant specialized institution who intends to gain access or conduct inspections pursuant to the latter part of paragraph (2) shall carry a certificate of identification, indicating his/her authority, and produce it to related persons.

(4) The Minister of Environment may exempt business operators, etc. equipped with measuring instruments from reporting or undergoing inspections under Article 68 regarding items measured with measuring instruments, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 38-6 (Registration, etc. of Measuring Instrument Management Services)(1) A person who intends to receive the outsourcing of measuring instrument management services shall be registered with the Minister of Environment upon meeting requirements, such as facilities, equipment and technical personnel prescribed by Presidential Decree. The foregoing shall also apply to any alteration to important matters prescribed by Presidential Decree among registered matters.

(2) Upon completing the registration of a measuring equipment management service, the Minister of Environment shall issue a certificate of registration to the relevant person, as prescribed by Ordinance of the Ministry of Environment.

(3) Procedures for registration under paragraph (1) and other matters necessary for registration shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

Article 38-7 (Grounds for Disqualification)

None of the following persons is entitled to be registered as a measuring instruments management agency:

1. A person under adult guardianship or person under limited guardianship;
2. A person declared bankrupt and not yet reinstated;
3. A person in whose case two years have not passed since his/her imprisonment with prison labor or heavier punishment declared by a court for violating this Act was completely executed (including where the execution of his/her imprisonment is deemed completed) or exempted;
4. A person in whose case two years have not passed after his/her registration was revoked pursuant to Article 38-9 (excluding revocation of his/her registration on grounds of subparagraph 1 or 2 of this Article);
5. A corporation that has any of the persons referred to in subparagraphs 1 through 4 as its executives.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

Article 38-8 (Compliance, etc. by Measuring Instrument Management Agencies)(1) No measuring instruments management agency shall engage in any of the following conduct:

1. Lending his/her certificate of registration to a third person, or outsourcing measuring instrument management services outsourced to him/her, to a third party;
2. Permitting any person other than registered technical personnel to provide measuring instrument management services;
3. Violating any matters prescribed by Ordinance of the Ministry of Environment, which must be complied with in relation to measuring instrument management services.

(2) Each measuring instruments management agency shall require his/her technical

personnel to undergo education conducted by an educational institution prescribed by Ordinance of the Ministry of Environment.

(3) Curricula of the education referred to in paragraph (2) and other matters necessary for conducting such education shall be prescribed by Ordinance of the Ministry of Environment. [This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

Article 38-9 (Revocation, etc. of Registration)(1) Where a measuring instruments management agency falls under any of the following circumstances, the Minister of Environment may revoke its registration, or issue an order to fully or partially suspend its business for a specified period not exceeding six months: Provided, That the Minister of Environment must revoke its registration where a measuring instruments management agency falls under subparagraphs 1 through 3:

1. Where registration is made by fraud or other improper means;
2. Where measuring instrument management services are provided during the period of suspension of its business;
3. Where the ground for disqualification provided for in Article 38-7 occurs: Provided, That the foregoing shall not apply where the ground for disqualification provided for in subparagraph 5 of Article 38-7 ceases to exist within two months from the date of occurrence thereof;
4. Where measuring instrument management services are unconscientiously provided due to willful misconduct or gross negligence;
5. Where any of the requirements for registration referred to in the former part of Article 38-6 (1) ceases to be met;
6. Where any alteration under the latter part of Article 38-6 (1) are not registered;
7. Where any of the compliance referred to in Article 38-8 (1) is violated.

(2) Detailed criteria for administrative dispositions provided for in paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

Article 38-10 (Evaluation and Public Announcement of Capabilities to Provide Management Services)(1) To assist business operators, etc. equipped with measuring instruments in selecting a proper measuring instruments management agency, the Minister of Environment shall, upon receipt of an application filed by a measuring instruments management agency, evaluate and publicly announce its capabilities to provide management services based on its management service performance and the status of administrative disposition imposed on it.

(2) A measuring instruments management agency that intends to undergo an evaluation under paragraph (1) shall submit to the Minister of Environment its management service performance; the status of its technical personnel and equipment; the status of education its technical personnel undergone in the preceding year; and other matters prescribed by Ordinance of the Ministry of Environment.

(3) Methods for evaluating the capabilities to provide measuring instruments management

services; materials to be submitted; and procedures for public announcement under paragraphs (1) and (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

Article 39 (Improvement Orders to Business Operators in Excess of Permissible Discharge Limits)

Where the Minister of Environment deems that the level of water pollutants from discharging facilities (excluding wastewater non-discharge facilities) in operation after filing a report under Article 37 (1) exceeds the permissible discharge limits set under Article 32, he/she may order the relevant business operator (including the representative of the operating body of common prevention facilities under Article 35 (5)) to take measures (hereinafter referred to as "improvement order") necessary for lowering the level of such water pollutants below the permissible discharge limits within a prescribed period, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 40 (Orders to Suspend Operation)

Where a person subject to an improvement order pursuant to Article 39 fails to comply with such improvement order, or has complied with the improvement order within a given period, but the result of inspection shows that the level of waste pollutants still exceeds the permissible discharge limits set under Article 32, the Minister of Environment may order him/her to fully or partially suspend the operation of the relevant discharging facilities.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 41 (Effluent Charges)(1) The Minister of Environment shall levy and collect an effluent charge on and from business operators discharging water pollutants (including those who operate facilities prescribed by Ordinance of the Ministry of Environment among public wastewater treatment facilities and public sewage treatment facilities) or persons who have installed or altered discharging facilities without obtaining permission or permission for alteration, or filing a report or a report on alteration under Article 33 (1) through (3), to prevent or reduce water pollution and damage to aquatic ecosystems due to water pollutants. In such cases, the effluent charge shall be levied as classified below, and methods and criteria for calculating such effluent charge, and other necessary matters, shall be prescribed by Presidential Decree: <Amended by Act No. 13879, Jan. 27, 2016>

1. Basic effluent charges:

(a) Where water pollutants in wastewater discharged from discharging facilities (excluding wastewater non-discharge facilities) are below the permissible discharge limits set under Article 32, but exceed the standards for effluent water quality;

(b) Where water pollutants in wastewater discharged from public wastewater treatment facilities or public sewage treatment facilities exceed the standards for effluent water quality;

2. Excess effluent charges:

(a) Where water pollutants are discharged in excess of the permissible discharge limits set

under Article 32;

(b) Where water pollutants are discharged into public waters (limited to wastewater non-discharge facilities).

(2) The Minister of Environment shall take into account the following when levying effluent charges pursuant to paragraph (1):

1. Whether water pollutants exceed the permissible discharge limits set under Article 32;
2. Types of water pollutants discharged;
3. Period for which water pollutants are discharged;
4. Quantity of water pollutants discharged;
5. Whether self-measurements are performed under Article 46;
6. Other matters prescribed by Ordinance of the Ministry of Environment regarding the pollution and improvement of the water environment.

(3) No effluent charges referred to in paragraph (1) shall be levied on any business operator (excluding business operators who operate wastewater non-discharge facilities; hereafter the same shall apply in this paragraph) who discharges water pollutants below the standards for effluent water quality, and the Minister of Environment may reduce effluent charges for business operators who discharge water pollutants below the quantity prescribed by Presidential Decree and business operators who has borne the cost of treatment of water pollutants pursuant to other Acts. In such cases, effluent charges for business operators who have borne the cost of treatment of water pollutants pursuant to other Acts shall be reduced by up to the amount of such cost.

(4) Where any person liable to pay effluent charges pursuant to paragraph (1) fails to pay such charges by the payment due date, the Minister of Environment shall collect a late-payment penalty from him/her.

(5) Article 21 of the National Tax Collection Act shall apply mutatis mutandis to late-payment penalties collected under paragraph (4).

(6) Effluent charges collected under paragraph (1) and late-payment penalties collected under paragraph (4) shall be deposited, as the revenue, into the special account for environmental improvement under the Framework Act on Environmental Policy.

(7) Where the Minister of Environment delegates his/her authority over the collection of effluent charges or late-payment penalties to a Mayor/Do Governor in his/her jurisdiction pursuant to Article 74, the Minister may pay some of the collected effluent charges and late-payment penalties to the Mayor/Do Governor as collection expenses, as prescribed by Presidential Decree.

(8) Where any person liable to pay effluent charges or late-payment penalties fails to pay the charges or penalties by the payment due date, the Minister of Environment or a Mayor/Do Governor referred to in paragraph (7) shall collect such charges or penalties in the same manner as delinquent national or local taxes are collected.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 42 (Revocation of Permission, etc.)(1) Where a business operator or an operator

of prevention facilities falls under any of the following cases, the Minister of Environment may revoke permission to install or to alter the relevant discharging facilities, or order him/her to close the relevant discharging facilities or suspend the operation thereof for up to six months: Provided, That where he/she falls under subparagraph 2, the Minister of Environment must revoke permission to install or to alter the relevant discharging facilities, or order him/her to close the relevant discharging facilities:

1. Where he/she exceeds the permissible discharge limits set under Article 32 (1);
2. Where he/she obtains permission or permission for alteration, or files a report or a report on alteration under Article 33 (1) through (3) by fraud or other illegal means;
3. Where he/she fails to install discharging facilities or prevention facilities within five years after he/she obtained permission or filed a report under Article 33 (1) without exceptional circumstances, or where the destruction of discharging facilities or the closure of his/her business has been confirmed;
4. Where a person who has installed wastewater non-discharge facilities pursuant to the proviso to Article 33 (1) operates discharging facilities without installing prevention facilities;
5. Where he/she fails to obtain permission for alteration under Article 33 (2);
6. Where he/she installs or operates discharging facilities in the area in which the installation of discharging facilities is restricted under Article 33 (6), without obtaining permission to install such discharging facilities (including permission for alteration) or filing a report under Article 33 (1) through (3);
7. Where he/she installs, operates, or alters discharging facilities without installing prevention facilities under the main sentence of Article 35 (1);
8. Where a person exempted from installation of prevention facilities pursuant to the proviso to Article 35 (1) discharges pollutants in excess of the permissible discharge limits set under Article 32;
9. Where he/she operates discharging facilities without reporting startup operation or alteration under Article 37 (1);
10. Where he/she engages in any conduct referred to the subparagraphs of Article 38 (1) or the subparagraphs of paragraph (2) of the aforesaid Article;
11. Where he/she fails to install measuring instruments under Article 38-2 (1);
12. Where he/she engages in any conduct referred to in the subparagraphs of Article 38-3 (1);
13. Where he/she fails to comply with an order to suspend operation issued under Article 38-4 (2), 40, or this Article;
14. Where he/she fails to comply with an improvement order issued under Article 39;
15. Where a business operator who installed or operated discharging facilities dismantles the relevant discharging facilities to close his/her business.

(2) Where a business operator or an operator of prevention facilities falls under any of the following cases, the Minister of Environment may order him/her to suspend the operation for up to six months:

1. Where he/she fails to report an alteration under Article 33 (2) or (3);
2. Where he/she falsely prepares or fails to keep management records regarding the operation of the discharging facilities and prevention facilities under Article 38 (3);
3. Where he/she fails to appoint an environmental engineer under Article 47 or appoints an environmental engineer not meeting qualification standard, or an environmental engineer does not work on a regular basis.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 43 (Imposition of Penalty Surcharges)(1) Where the Minister of Environment must order a business operator who installs or operates any of the following discharging facilities (excluding wastewater non-discharge facilities) to suspend the operation thereof pursuant to Article 42, but such suspension of operation is deemed likely to substantially hinder the livelihood of residents, the national economy, including the nation's international credit rating, employment, and prices, or the public interest, the Minister may impose a penalty surcharge not exceeding 300 million won, in lieu of ordering the suspension of operation:

1. Discharging facilities of medical institutions referred to in the Medical Service Act;
2. Electricity-generating facilities and equipment of power plants;
3. Discharging facilities of schools referred to in the Elementary and Secondary Education Act and the Higher Education Act;
4. Discharging facilities of manufacturing businesses;
5. Other discharging facilities prescribed by Presidential Decree.

(2) Notwithstanding paragraph (1), the Minister of Environment shall order the suspension of operation for the following violations: <Amended by Act No. 13879, Jan. 27, 2016>

1. Where a person liable to install prevention facilities (including common prevention facilities) pursuant to Article 35 operates discharging facilities without installing the prevention facilities;
2. Where a person has engaged in any conduct referred to in the subparagraphs of Article 38 (1) and becomes subject to suspension of operation for at least 30 days;
3. Where a person has engaged in any conduct referred to in the subparagraphs of Article 38-3 (1) and becomes subject to suspension of operation for at least 5 days;
4. Where a person fails to comply with an improvement order issued under Article 39.

(3) Where a business operator fails to pay a penalty surcharge under paragraph (1) by the payment due date, the Minister of Environment shall collect the penalty surcharge in the same manner as delinquent national taxes are collected.

(4) Penalty surcharges collected under paragraph (1) shall be deposited, as the revenue, into the special account for environmental improvement under the Framework Act on Environmental Policy.

(5) Where the Minister of Environment delegates his/her authority over the imposition and collection of penalty surcharges to a Mayor/Do Governor pursuant to Article 74, Article 41 (7) and (8) shall apply mutatis mutandis to the payment of collection expenses.

(6) Types of violations subject to penalty surcharges under paragraph (1), the amount of penalty surcharges depending on the severity of violations, and other necessary matters,

shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 44 (Orders to Close Illegal Facilities, etc.)

The Minister of Environment shall order a person who installs or uses discharging facilities without obtaining permission or filing a report under Article 33 (1) through (3) to suspend the use of the relevant discharging facilities: Provided, That where the Minister of Environment deems that the improvement of the relevant discharging facilities or the installation or improvement of prevention facilities could not lower the level of water pollutants discharged from such discharging facilities below the permissible discharge limits set under Article 32 (referring to where wastewater discharged from wastewater non-discharge facilities is deemed likely to be discharged into public waters), or the place in which the discharging facilities are installed is a place subject to prohibition of the installation of the relevant discharging facilities pursuant to other Acts, the Minister of Environment shall order him/her to close such discharging facilities.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 45 (Reporting on, and Verification of, Compliance with Orders)(1) Where any person subject to an improvement order, an order to suspend operation, an order to suspend use, or an order of closure under Article 38-4 (2), 39, 40, 42, or 44 complies with such order, he/she shall immediately report thereon to the Minister of Environment.

(2) Upon receipt of a report under paragraph (1), the Minister of Environment shall immediately require relevant public officials to verify the compliance with the relevant order or the completion of improvement, and where he/she deems it necessary to test the level of pollution of wastewater, he/she shall require relevant public officials to collect samples, and instruct or request a testing institution prescribed by Ordinance of the Ministry of Environment to test the level of pollution.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 46 (Measurement of Water Pollutants)

A business operator may conduct self-measurements of water pollutants released from discharging facilities and prevention facilities he/she operates, and may require any measuring agency business operator registered under Article 16 of the Environmental Testing and Inspection Act to measure the water pollutants, in order to properly operate his/her discharge facilities and prevention facilities. <Amended by Act No. 10615, Apr. 28, 2011>

Article 47 (Environmental Engineers)(1) A business operator shall appoint environmental engineers to ensure the normal operation and management of discharging facilities and prevention facilities, as prescribed by Presidential Decree.

(2) Environmental engineers shall direct and supervise persons who work in discharging facilities and prevention facilities to comply with this Act or orders issued under this Act, and manage discharging facilities and prevention facilities to operate normally.

(3) Business operators shall oversee matters managed by environmental engineers under

paragraph (2).

(4) No business operator or person who works for discharging facilities and prevention facilities shall interfere with the business practices of any environmental engineer for the normal operation and management of discharging facilities and prevention facilities, and upon receipt of a request necessary to conduct business affairs from environmental engineers, he/she shall comply therewith, without just grounds.

(5) The scope of places of business that must employ environmental engineers pursuant to paragraph (1) and qualification standards for environmental engineers shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

SECTION 2 Public Wastewater Treatment Facilities

Article 48 (Installation of Public Wastewater Treatment Facilities)(1) To jointly treat water pollutants discharged from places of business in an area where it is deemed impracticable to maintain environmental standards or that it is deemed necessary to preserve water quality and aquatic ecosystems due to worsening water pollution, and discharge treated wastewater, the State, local governments, and the Korea Environment Corporation may install and operate public wastewater treatment facilities, and the State and local governments may outsource the installation or operation of public wastewater treatment facilities to any of the following. In such cases, business entities or other persons who have directly caused water pollution (hereinafter referred to as "polluter") shall fully or partially bear expenses incurred in the installation and operation of the public wastewater treatment facilities: <Amended by Act No. 13879, Jan. 27, 2016>

1. The Korea Environment Corporation;
2. An undertaker of an industrial complex development project designated under Article 16 (1) (excluding subparagraphs 5 and 6) of the Industrial Sites and Development Act;
3. A project undertaker defined in subparagraph 7 of Article 2 of the Act on Public-Private Partnerships in Infrastructure;
4. Any person prescribed by Presidential Decree, who has the capability to install or operate wastewater treatment facilities, corresponding to those referred to in subparagraphs 1 through 3.

(2) Types of public wastewater treatment facilities to be installed under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 48-2 (Imposition and Collection of Charges for Installation of Public Wastewater Treatment Facilities)(1) Any person who installs and operates public wastewater treatment facilities (hereinafter referred to as "operator") pursuant to Article 48 may impose and collect charges for installation of public wastewater treatment facilities (hereinafter referred to as "charge for installation of public wastewater treatment facilities") on and from polluters to fully or partially cover expenses incurred in the installation of such public wastewater treatment facilities. <Amended by Act No. 13879, Jan. 27, 2016>

(2) The total amount of charges for the installation of public wastewater treatment facilities shall not exceed the amount an operator spends in relation to the installation of such public wastewater treatment facilities. <Amended by Act No. 13879, Jan. 27, 2016>

(3) A charge for installation of public wastewater treatment facilities imposed on a polluter shall be determined based on the type and scale of business of the polluter, and the quantity of pollutants, etc. discharged by the polluter. <Amended by Act No. 13879, Jan. 27, 2016>

(4) The State and local governments may take measures necessary to provide tax breaks or financial support to small and medium business operators so that their production activities and investment motivation may not be discouraged due to their cost burdens under this Act.

(5) Methods for calculating charges for installation of public wastewater treatment facilities under paragraphs (1) through (3), methods and procedures for imposing and collecting such charges, and other necessary matters, shall be prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 48-3 (Imposition and Collection of User Fees of Public Wastewater Treatment Facilities)

(1) An operator may impose and collect a fee for the use of public wastewater treatment facilities (hereinafter referred to as "user fee for public wastewater treatment facilities") on and from polluters to fully or partially cover the expenses incurred in operating the public wastewater treatment facilities.

(2) A user fee for public wastewater treatment facilities imposed on a polluter shall be determined based on the type and scale of business of the polluter, and the quantity of pollutants, etc, discharged by the polluter.

(3) No user fee for public wastewater treatment facilities collected pursuant to paragraph (1) shall be used for any purpose other than for the public wastewater treatment facilities.

(4) Methods for calculating user fees for public wastewater treatment facilities under paragraphs (1) and (3), methods and procedures for imposing and collecting such fees, and other necessary matters, shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

Article 49 (Master Plans for Public Wastewater Treatment Facilities)(1) The Minister of Environment shall formulate a master plan to install public wastewater treatment facilities (including any alteration thereto) pursuant Article 48 (1). <Amended by Act No. 13879, Jan. 27, 2016>

(2) An operator (excluding the Minister of Environment) who intends to install public wastewater treatment facilities (including any alteration thereto) pursuant to Article 48 (1) shall formulate a master plan for the public wastewater treatment facilities and obtain approval thereof from the Minister of Environment, as prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

(3) Upon having formulated or approved (including approval for any alteration; hereafter the same shall apply in this Article) a master plan for public wastewater treatment facilities

pursuant paragraphs (1) and (2), the Minister of Environment shall designate a public wastewater treatment area and announce the details of such designation and the master plan for public wastewater treatment facilities formulated or approved, and forward a copy of the master plan to the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu having jurisdiction over the proposed project area. <Amended by Act No. 13879, Jan. 27, 2016>

(4) Upon receipt of a copy of the master plan for public wastewater treatment facilities forwarded under paragraph (3), the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of the Si/Gun/Gu shall immediately allow interested parties to access it. <Amended by Act No. 13879, Jan. 27, 2016>

(5) Any person who intends to install public wastewater treatment facilities after obtaining approval of a master plan pursuant to paragraph (2) shall incorporate the conditions of the approval in the basic design and detailed design of such facilities, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 49-2 (Cost Apportionment Plans)(1) Upon having formulated a master plan pursuant to Article 49 (1), the Minister of Environment shall formulate a plan regarding apportionment of costs (hereinafter referred to as "cost apportionment plan") necessary for the relevant project, and notify polluters of the cost apportionment plan, as prescribed by Presidential Decree.

(2) Upon having obtained approval of a master plan for public wastewater treatment facilities pursuant to Article 49 (2), an operator (excluding the Minister of Environment) shall formulate a cost apportionment plan and obtain approval thereof from the Minister of Environment, as prescribed by Presidential Decree. The same shall also apply to any alteration to such plan. <Amended by Act No. 13879, Jan. 27, 2016>

(3) To approve a cost apportionment plan or any alteration thereto pursuant to paragraph (2), the Minister of Environment shall determine a period for implementing the relevant project.

(4) Upon having obtained approval of a cost apportionment plan or approval for an alteration thereto pursuant to paragraph (2), an operator (excluding the Minister of Environment) shall notify polluters of such approval.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 49-3 (Succession to Rights and Duties)

A person who has acquired a factory, a place of business, or other establishment subject to the imposition of charges for installation of public wastewater treatment facilities shall succeed to the transferor's rights and duties regarding the charges for installation of public wastewater treatment facilities imposed pursuant to this Act prior to the transfer, unless otherwise expressly agreed upon between interested parties. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 49-4 (Expropriation and Use)(1) Any operator may expropriate or use land, buildings or fixtures on such land necessary to install public wastewater treatment facilities, or rights, other than the ownership of the land, buildings, and fixtures. <Amended by Act No. 13879, Jan. 27, 2016>

(2) The Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply to expropriation or use under paragraph (1), except as otherwise expressly provided for in this Act.

(3) Where the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects applies pursuant to paragraph (2), approval of a master plan for public wastewater treatment facilities under Article 49 of this Act or approval for any alteration thereto shall be construed as project approval under Article 20 (1) of the aforesaid Act; and notwithstanding Articles 23 (1) and 28 (1) of the aforesaid Act, an application for ruling shall be filed within the implementation period of the relevant project determined when a cost apportionment plan or any alteration thereto is approved under Article 49-2 of this Act. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 49-5 (Payment of Charges for Installation of Public Wastewater Treatment Facilities and User Fees)

Charges for installation of public wastewater treatment facilities (only applicable to where an operator is the State) or user fees for public wastewater treatment facilities (only applicable to where an operator is the State) shall be deposited, as the revenue, into the Special Account for Environmental Improvement under the Framework Act on Environmental Policy: Provided, That where the State outsources an operation project of public wastewater treatment facilities to other entities pursuant to Article 48 (1), the State shall transfer the collected user fees for public wastewater treatment facilities to the outsourcees. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 49-6 (Compulsory Collection)(1) Where a person liable to pay charges for installation of public wastewater treatment facilities or user fees for public wastewater treatment facilities fails to do so by the payment due date, an operator shall issue a demand notice to the person, specifying a period of at least ten days. In such cases, the operator shall levy a late-payment penalty equivalent to three percent of unpaid charges for installation of public wastewater treatment facilities or user fees for public wastewater treatment facilities. <Amended by Act No. 13879, Jan. 27, 2016>

(2) Where any person in receipt of the demand notice issued under paragraph (1) fails to pay charges for installation of public wastewater treatment facilities or user fees for public wastewater treatment facilities by the specified due date, an operator may collect such charges or user fees in the same manner as delinquent national or local taxes are collected. In such cases, the operator shall obtain a prior approval from the Minister of Environment if such operator is any of the entities referred to in Article 48 (1) (hereinafter referred to as the

"Korea Environment Corporation, etc."). <Amended by Act No. 13879, Jan. 27, 2016>

(3) The Korea Environment Corporation, etc. may entrust the collection of charges for installation of public wastewater treatment facilities or user fees for public wastewater treatment facilities to a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree, and the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of the Si/Gun/Gu entrusted with such collection shall collect the charges in the same manner as delinquent local taxes are collected. In such cases, the Korea Environment Corporation, etc. shall pay some of the collected charges to him/her as collection expenses, as prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 49-7 (Reporting, Etc.)

An operator may request the submission of necessary report or data from polluters of a public wastewater treatment area if deemed necessary to formulate a master plan under Article 49 and a cost apportionment plan under Article 49-2. In such cases, the polluters shall comply therewith, except in exceptional circumstances. <Amended by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 50 (Operation, Management, etc. of Public Wastewater Treatment Facilities)(1)

No person who operates public wastewater treatment facilities shall engage in any of the following conducts unless good cause prescribed by Ordinance of the Ministry of Environment exists, such as rainfall, an accident or otherwise necessary for the treatment process: <Amended by Act No. 13879, Jan. 27, 2016>

1. Discharging water pollutants that flow into drainage facilities under Article 51 (1) without flowing them into public wastewater treatment facilities, or installing facilities that can discharge water pollutants without flowing them into public wastewater treatment facilities;
2. Discharging water pollutants that flow into public wastewater treatment facilities without passing through the final discharge outlet, or installing facilities that can discharge water pollutants without passing through the final discharge outlet;
3. Treating water pollutants that flow into public wastewater treatment facilities by mixing them with unpolluted water, or discharging water pollutants by mixing them with water to lower the pollution level before water pollutants that exceed the standards for effluent water quality pass the final discharge outlet.

(2) Every operator of public wastewater treatment facilities shall operate such facilities appropriately in compliance with standards for maintenance and management prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13879, Jan. 27, 2016>

(3) The Minister of Environment may regularly evaluate the operation and management of public wastewater treatment facilities, and shall prescribe and announce matters necessary for such evaluation, including evaluation indicators and methods. <Newly Inserted by Act No. 13879, Jan. 27, 2016>

(4) Where the Minister of Environment deems that public wastewater treatment facilities are operated and managed not in compliance with the standards referred to in paragraph (2), he/she may order the operator of the public wastewater treatment facilities to take necessary measures, such as improving such facilities, within a specified period, as prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

(5) The Minister of Environment may pay prize money to operators that have shown outstanding performance in an evaluation of the operation and management of their public wastewater treatment facilities under paragraph (3) within budgetary limits; and matters necessary for paying the prize money, including criteria and procedures for payment, shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 50-2 (Technical Diagnosis, etc.)(1) Every operator shall conduct a technical diagnosis of public wastewater treatment facilities every five years to inspect the management conditions of such facilities, and notify the Minister of Environment of the findings of such diagnosis.

(2) An operator may outsource a technical diagnosis referred to in paragraph (1) to the Korea Environment Corporation or an institution specializing in technical diagnosis under Article 20-2 of the Sewerage Act (hereinafter referred to as "institution specializing in technical diagnoses"): Provided, That upon outsourcing the operation of public wastewater treatment facilities, an operator shall not outsource a technical diagnosis.

(3) Where public wastewater treatment facilities are found to be managed inappropriately through the technical diagnosis conducted under paragraph (1), an operator shall take necessary measures, such as formulating and implementing an improvement plan.

(4) Articles 20-2 and 20-4 of the Sewerage Act shall apply mutatis mutandis where an institution specializing in technical diagnoses conducts a technical diagnosis of public wastewater treatment facilities.

(5) Public wastewater treatment facilities that should undergo the technical diagnosis under paragraph (1), the details of such technical diagnosis, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

Article 51 (Installation, Management, etc. of Drainage Facilities)(1) A person prescribed by Presidential Decree, who intends to install drainage facilities or discharge wastewater in a public wastewater treatment area, shall flow wastewater discharged from the place of his/her business into public wastewater treatment facilities, and install necessary drainage facilities, such as drainage conduits. <Amended by Act No. 13879, Jan. 27, 2016>

(2) Methods of installation and structural standards of drainage facilities that should be installed under paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment: Provided, That if otherwise prescribed by other statutes, such other statutes shall apply thereto.

(3) The Korea Environment Corporation, etc. may request the Minister of Environment or a Mayor/Do Governor to conduct an inspection under Article 68 (1) on a person who flows wastewater into public wastewater treatment facilities where necessary for the management, etc. of wastewater discharged. <Newly Inserted by Act No. 13879, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

SECTION 3 Control of Domestic Sewage and Livestock Excreta

Article 52 (Management of Domestic Sewage and Livestock Excreta)

The management of domestic sewage and livestock excreta shall be governed by the Sewerage Act, and the Act on the Management and Use of Livestock Excreta, respectively.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

CHAPTER IV CONTROL OF NON-POINT POLLUTION SOURCES

Article 53 (Reporting on Installation of Non-Point Pollution Sources, Matters to be Observed, Improvement Orders, etc.)

(1) The following persons shall file a report to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply where he/she intends to alter any matters prescribed by Presidential Decree among the reported matters:

1. A person who intends to perform a project prescribed by Presidential Decree, which is to an urban development project or industrial complex creation project of at least the scale prescribed by Presidential Decree, or which causes pollution by non-point pollution sources;
2. A person who installs steelmaking facilities, fabric dyeing facilities, or other wastewater discharge facilities prescribed by Presidential Decree in a place of business of at least the scale prescribed by Presidential Decree;
3. A person who falls under subparagraph 1 or 2 due to the occurrence of circumstances prescribed by Presidential Decree, such as the resumption of business, or extension of a place of business.

(2) Where a person files a report or a report on alteration under paragraph (1), he/she shall submit documents prescribed by Ordinance of the Ministry of Environment, such as a plan for reducing non-point source pollution, including a plan for installing non-point pollution reduction facilities.

(3) Any person who has filed a report or a report on alteration pursuant to paragraph (1) (hereinafter referred to as "business operator who reports the installation of non-point pollution source") shall install non-point pollution reduction facilities in accordance with standards prescribed by Ordinance of the Ministry of Environment by the time prescribed by Ordinance of the Ministry of Environment: Provided, That he/she need not install non-point pollution reduction facilities in any of the following circumstances: <Amended by Act No. 12519, Mar. 24, 2014>

1. Where the level of pollution of stormwater runoff at a place of business referred to in paragraph (1) 2 or 3 is always below the permissible discharge limits set under Article 31, which is acknowledged by the Minister of Environment, as prescribed by Presidential Decree;
2. Where he/she treats stormwater runoff by flowing it into buffer storage facilities installed

under Article 21-4;

3. Where one site is occupied by at least persons falling under any subparagraph of paragraph (1), deemed, by the Minister of Environment, capable of properly managing non-point pollution sources, as prescribed by Ordinance of the Ministry of Environment.

(4) Every business operator who has reported the installation of a non-point pollution source shall observe the following matters in conducting his/her business, or installing and operating facilities:

1. Implementing as specified in his/her plan for reducing non-point source pollution;
2. Operating and managing non-point pollution reduction facilities, as prescribed by Ordinance of the Ministry of Environment, including maintenance in compliance with standards for installation prescribed under paragraph (3);
3. Other matters prescribed by Ordinance of the Ministry of Environment in order to properly manage non-point pollution sources.

(5) The Minister of Environment may order a person who has failed to observe matters provided for in paragraph (4) to implement as specified in his/her plan for reducing non-point source pollution or to install or improve non-point pollution reduction facilities within a fixed period, as prescribed by Presidential Decree.

(6) Where the Minister of Environment intends to review a plan for reducing non-point source pollution submitted under paragraph (2) or to acknowledge a place of business which does not require non-point pollution reduction facilities pursuant to paragraph (3) 1 or 3, he/she may hear the opinions on the appropriateness thereof from relevant specialized institutions prescribed by Ordinance of the Ministry of Environment.

(7) Article 36 shall apply mutatis mutandis to succession to the rights and duties of a business operator who has reported the installation of a non-point pollution source. In such cases, "business operator" shall be construed as "business operator who has reported the installation of a non-point pollution source"; "discharging facilities and prevention facilities" as "non-point pollution source or non-point pollution reduction facilities"; "permission, permission for alteration, a report or a report on alteration" as "report or a report on alteration"; "lease" as "lease or replacement of the main agent of operation and management"; a "lessee" shall be construed as a "lessee or a replaced operation and management body"; and "Articles 38, 38-2 through 38-5, 39 through 41, 42 (excluding revocation of permission), 43, 46, 47, and 68 (1) 1" as "paragraphs (4) and (5) and Article 68 (1) 3", respectively.

(8) Methods of preparing plans for reducing non-point source pollution under paragraph (2), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 53-2 (Installation of Non-Point Pollution Reduction Facilities to Ensure Water Quality of Water Sources)(1) The State or local governments shall install non-point pollution reduction facilities on a road prescribed by Presidential Decree among roads defined in subparagraph 1 of Article 2 of the Road Act, if such road is located in any of the

following areas:

1. A water source protection area;
2. A certain area in the upstream or downstream of water intake facilities, which is within a distance prescribed by Ordinance of the Ministry of Environment in cases of areas not publicly announced as water source protection areas;
3. A special-measures area;
4. A riparian zone designated and publicly notified, respectively, under Article 4 of the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin, Article 4 of the Act on the Management of Water and Resident Support in the Nakdong River Basin, Article 4 of the Act on Water Management and Resident Support in the Geum River Basin, and Article 4 of Water Management and Resident Support in the Yeongsan and Seomjin River Basins;
5. An area prescribed by Ordinance of the Ministry of Environment as it could seriously pollute the water source.

(2) The State may provide subsidies to local governments that intend to install non-point pollution reduction facilities as prescribed in paragraph (1).

[This Article Newly Inserted by Act No. 11670, Mar. 22, 2013]

Article 53-3 (Formulation of Comprehensive Plan to Manage Non-Point Pollution Sources)(1) To manage non-point pollution sources comprehensively, the Minister of Environment shall formulate a comprehensive plan to manage non-point pollution sources (hereinafter referred to as "comprehensive plan") every five years in consultation with the heads of related central administrative agencies and relevant Mayors/Do Governors, as prescribed by Presidential Decree.

(2) A comprehensive plan shall include the following:

1. Status and outlooks of non-point pollution sources;
2. Status of the occurrence of, and outlooks of non-point source pollutants;
3. Basic goals of, and direction-setting for, the management of non-point pollution sources;
4. Detailed implementation measures to reduce non-point source pollutants;
5. Other matters prescribed by Presidential Decree to manage non-point pollution sources.

(3) Upon formulating a comprehensive plan, the Minister of Environment shall notify the heads of related central administrative agencies and relevant Mayors/Do Governors of the comprehensive plan.

(4) The Minister of Environment may request the heads of related central administrative agencies and relevant Mayors/Do Governors to submit materials necessary to assess the implementation of their jurisdictional affairs in the comprehensive plan. In such cases, the heads of related central administrative agencies and relevant Mayors/Do Governors in receipt of a request for the submission of materials shall comply therewith, except in exceptional circumstances.

(5) The Minister of Environment shall annually compile results of the assessment conducted under paragraph (4) and evaluate them, as prescribed by Presidential Decree; and reflect

the outcomes of such evaluation in the formulation and implementation of policies for managing non-point pollution sources.

(6) The Minister of Environment may entrust a specialized institution with research, analysis, etc. necessary to conduct the evaluation referred to in paragraph (5) efficiently.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

Article 54 (Designation, etc. of Management Areas)(1) The Minister of Environment may designate an area, in which stormwater runoff released from a non-point pollution source compromise, or is likely to compromise, the purposes of rivers, lakes and marshes, or causes or is likely to cause serious harm to the health or property of residents, or the natural ecosystems, as a non-point pollution source management area (hereinafter referred to as "management area") in consultation with the competent Mayor/Do Governor.

(2) The Mayor/Do Governor may request the Minister of Environment to designate an area within his/her jurisdiction, in which non-point pollution sources need to be managed, as a management area.

(3) Where the Minister of Environment deems it necessary to cancel the designation of a management area as the ground for designation has ceased or it is impracticable to accomplish the purposes of the designation thereof, he/she may wholly or partially cancel the designation of the management area.

(4) Criteria and procedures for designation of management areas, and other necessary matters, shall be prescribed by Presidential Decree.

(5) Where the Minister of Environment designates a management area or cancels the designation thereof, he/she shall publicly notify the location and surface area of the management area, the date of designation, the purposes of designation, the date of cancellation, grounds for cancellation, and other matters prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 55 (Formulation of Management Measures)(1) Upon having designated or announced a management area, the Minister of Environment shall formulate management measures for non-point pollution sources (hereinafter referred to as "management measures"), including the following matters, in consultation with the heads of related central administrative agencies and the Mayors/Do Governors:

1. Management objectives;
2. Types and quantity of water pollutants subject to management;
3. Prevention of the generation of water pollutants subject to management and a plan to reduce them;
4. Other matters prescribed by Ordinance of the Ministry of Environment to properly manage the management area.

(2) When the Minister of Environment has formulated management measures, he/she shall notify the Mayors/Do Governors of the management measures.

(3) The Minister of Environment may request the heads of related central administrative

agencies, Mayors/Do Governors, and the heads of related institutions or organizations to submit materials necessary to formulate management measures.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 56 (Formulation of Action Plans)(1) Upon receipt of notice of management measures from the Minister of Environment pursuant to Article 55 (2), a Mayor/Do Governor shall formulate a plan to implement the management measures (hereinafter referred to as "action plan") including the following matters, and implement the action plan after obtaining approval from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply where the Mayor/Do Governor intends to alter matters prescribed by Ordinance of the Ministry of Environment in the action plan:

1. Current status of, and plans for, development of the management area;
2. Current status of the generation of water pollutants subject to management measures in the management area, and expected changes in the quantity of water pollutants to be generated due to a regional development plan;
3. Prevention of the generation of water pollutants subject to management measures, such as environment-friendly development;
4. A plan to reduce water pollutants subject to management measures, including installing and operating prevention facilities and reducing the area of the impermeable layer;
5. Other matters prescribed by Ordinance of the Ministry of Environment to implement management measures.

(2) Each Mayor/Do Governor shall prepare a report assessing the outcomes of implementation of the action plan of the preceding year and submit the report to the Minister of Environment by the end of March each year, as prescribed by Ordinance of the Ministry of Environment.

(3) If deemed necessary for efficiently implementing the management measures and the action plan after reviewing the assessment report submitted pursuant to paragraph (2), the Minister of Environment may request a relevant Mayor/Do Governor to supplement or alter the action plan. In such cases, the relevant Mayor/Do Governors shall comply therewith, except in exceptional circumstances.

(4) Where the relevant Mayor/Do Governor fails to comply with a request made under paragraph (3), the Minister of Environment may take measures, such as suspending or curtailing financial support.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 57 (Subsidies from Budget, etc.)

The Minister of Environment may fully or partially subsidize expenses incurred in formulating or implementing action plans, within budgetary limits.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 57-2 (Technical Development and Research)

In order to develop and disseminate technology necessary to manage and reduce non-point pollution sources, the Minister of Environment may require a specialized research institution

prescribed by Ordinance of the Ministry of Environment to promote the research and development of such technology, and provide the specialized research institution with financial support.

[This Article Newly Inserted by Act No. 11979, Jul. 30, 2013]

Article 58 (Tolerances for Pesticide Residues)(1) The Minister of Environment may set tolerances for pesticide residues in water or soil, if deemed necessary to prevent the pollution of water or soil.

(2) When the Minister of Environment deems that levels of pesticide residues in water or soil exceed or are likely to exceed tolerances set under paragraph (1), he/she may request the heads of related administrative agencies to take necessary measures, such as prohibiting manufacturing or alteration of the relevant pesticide, or collecting and discarding the relevant products. In such cases, the heads of the related administrative agencies shall comply therewith, except in exceptional circumstances.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 59 (Recommending on Methods of Cultivating Land in High Altitude Regions)(1) In order to preserve water quality and aquatic ecosystems of public waters, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may recommend persons who cultivate farmland with at least a gradient prescribed by Ordinance of the Ministry of Environment among farmland located in areas higher than the sea level prescribed by Ordinance of the Ministry of Environment to alter the methods of cultivation, reduce the use of pesticides and fertilizer, and let farmland lie fallow.

(2) The Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may compensate for losses incurred to farmers by cultivating crops, or by letting their farmland lie fallow upon recommendation under paragraph (1), as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

CHAPTER V CONTROL OF OTHER WATER POLLUTION SOURCES

Article 60 (Reporting, etc. on Installation of other Water Pollution Sources)(1) Any person who intends to install or manage other water pollution sources shall report thereon to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply where he/she intends to alter any reported matter.

(2) Any person who installs or manages other water pollution sources shall take necessary measures, such as installing facilities to prevent or control discharge of water pollutants, as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment deems that facilities or measures to control discharge of water pollutants under paragraph (2) are inappropriate, he/she shall order the improvement of such facilities or measures within a fixed period, as prescribed by Ordinance of the Ministry of Environment.

(4) Where a person who has filed a report pursuant to paragraph (1) violates an improvement order issued under paragraph (3), the Minister of Environment may order him/her to suspend operation or close the relevant water pollution source.

(5) Articles 36 and 44 shall apply mutatis mutandis to other water pollution sources.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 61 (Restrictions on Use of Pesticides on Golf Courses)(1) No person who installs or manages a golf course shall use any pesticides prescribed by Presidential Decree, which are fatally or highly poisonous (hereinafter referred to as "fatally or highly poisonous pesticides"), among pesticides defined in subparagraph 1 of Article 2 of the Pesticide Control Act, on the lawn and trees of the golf course: Provided, That the foregoing shall not apply where the head of the competent administrative agency deems it inevitable to prevent and exterminate harmful insects and infectious tree diseases.

(2) The Minister of Environment shall ascertain whether fatally or highly poisonous pesticides are used on golf courses, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 61-2 (Reporting and Management of Water Play Facilities)(1) A person who intends to establish and operate the following water play facilities, shall report to the Minister of Environment or a Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to important matters prescribed by Ordinance of the Ministry of Environment:

1. Water play facilities (including those operated by a private business entity, etc. under an entrustment contract) established and operated by the State, a local government or any other public institution prescribed by Presidential Decree (hereinafter referred to as "public institution");

2. Water play facilities installed and operated by any person other than a public institution within any of the following facilities:

(a) An institution providing public health and medical services, as defined in subparagraph 4 of Article 2 of the Public Health and Medical Services Act;

(b) A tourist destination and a tourist complex, as defined in subparagraphs 6 and 7 of Article 2 of the Tourism Promotion Act;

(c) An urban park, as defined in subparagraph 3 of Article 2 of the Act on Urban Parks, Green Areas, Etc.;

(d) A sports facility, as defined in subparagraph 1 of Article 2 of the Installation and Utilization of Sports Facilities Act;

(e) A children's amusement facility, as defined in subparagraph 2 of Article 2 of the Act on the Safety Control of Children's Amusement Facilities.

(2) Every person who operates water play facilities pursuant to paragraph (1) shall comply with water quality standards and management standards prescribed by Ordinance of the Ministry of Environment, and undergo water quality tests on a regular basis, as prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

CHAPTER VI WASTEWATER TREATMENT BUSINESS

Article 62 (Registration of Wastewater Treatment Business)(1) Any person who intends

to conduct a business of treating wastewater upon entrustment (hereinafter referred to as "wastewater treatment business") shall be registered with the Minister of Environment, upon being equipped with technical capability, facilities, and equipment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply where he/she alters any important matters prescribed by Ordinance of the Ministry of Environment among the registered matters.

(2) A person whose wastewater treatment business (hereinafter referred to as "wastewater treatment business operator") has been registered pursuant to paragraph (1) shall observe the following matters:

1. To be entrusted with wastewater treatment in consideration of the capacity of and potential for treating wastewater;
2. To ensure the proper operation of his/her wastewater treatment business by maintaining and inspecting his/her technical capacity, facilities, equipment, etc. under paragraph (1);
3. Not to install or operate facilities below the capability or capacity of treatment prescribed by Ordinance of the Ministry of Environment;
4. Not to re-outsource the treatment of wastewater with which he/she was entrusted to another wastewater treatment business operator: Provided, That the foregoing shall not apply where wastewater is left untreated for a period prescribed by Ordinance of the Ministry of Environment because it is impossible to normally treat wastewater due to an event, etc.;
5. Other matters prescribed by Ordinance of the Ministry of Environment to properly treat the wastewater entrusted.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 63 (Grounds for Disqualification)

None of the following persons shall be registered to conduct the wastewater treatment business:

1. An incompetent under adult guardianship or a quasi-incompetent under limited guardianship;
2. A person declared bankrupt but yet to be reinstated;
3. A person in whose case two years have not passed since the registration of his/her wastewater treatment business was revoked pursuant to Article 64;
4. A person in whose case two years have not passed since his/her imprisonment with labor declared by a court, for a violation of this Act, the Clean Air Conservation Act, or the Noise and Vibration Control Act, was completely executed or exempted;
5. A corporation, any of the executives of which falls under any of subparagraphs 1 through 4.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 64 (Revocation, etc. of Registration)(1) Where a wastewater treatment business operator falls under any of the following, the Minister of Environment shall revoke his/her registration:

1. Where he/she falls under any of the subparagraphs of Article 63: Provided, That the

foregoing shall not apply where an executive of a corporation that falls under subparagraph 5 of Article 63 is replaced with another person within six months;

2. Where he/she has been registered by fraud or other illegal means;

3. Where he/she fails to commence his/her business within two years from the date of registration or has had no business performance for at least two consecutive years;

4. Where he/she is unable to maintain standards for technical capacity, facilities, and equipment referred to in the former part of Article 62 (1) due to the expiration of the designated period of the waste discharge under the Marine Environment Management Act or the revocation of the ocean waste discharge business.

(2) Where a wastewater treatment business operator falls under any of the following, the Minister of Environment may revoke his/her registration or order him/her to suspend his/her business for a fixed period not exceeding six months:

1. Where he/she lends his/her registration certificate to any other person;

2. Where he/she has been subject to the suspension of business at least two occasions a year;

3. Where he/she conducts the wastewater treatment business unconscientiously, either intentionally or by gross negligence;

4. Where he/she engages in business activities during the suspension period of business.

(3) Where a wastewater treatment business operator falls under any of the following, the Minister of Environment may order him/her to suspend business for a fixed period not exceeding six months:

1. Where he/she fails to register an alteration pursuant to the latter part of Article 62 (1);

2. Where he/she fails to comply with any of the matters to be observed under Article 62 (2).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 65 (Succession to Rights and Duties)(1) Any of the following persons shall succeed to the former wastewater treatment business operator' s rights and duties vested or imposed under this Act. In such cases, a transferee, heir or corporation falling under any of subparagraphs 1 through 4 of Article 63 may transfer his/her or its business to a third person or corporation within three months:

1. Where a business operator dies, his/her heir;

2. Where a business operator has transferred his/her business, the transferee of the business;

3. Where a corporate business operator is merged with another corporation, a corporation surviving the merger or the corporation incorporated in the course of the merger.

(2) A person who acquires wastewater treatment business facilities according to any of the following procedures shall succeed to the former wastewater treatment business operator' s rights and duties vested or imposed under this Act: Provided, That the foregoing shall not apply where the person who acquires facilities falls under any of the subparagraphs of Article 63: <Amended by Act No. 14476, Dec. 27, 2016>

1. Auction under the Civil Execution Act;

2. Conversion to cash under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act;
4. Other procedures corresponding to those referred to in subparagraphs 1 through 3.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 66 (Imposition of Penalty Surcharges)(1) Where the Minister of Environment must order a person whose wastewater treatment business has been registered pursuant to Article 62 (1) to suspend his/her business pursuant to Article 64, and he/she deems that such suspension of business is likely to substantially hinder the livelihood of residents and the public interest, he/she may impose a penalty surcharge not exceeding 200 million won, in lieu of ordering the suspension of business: Provided, That the foregoing shall not apply where he/she falls under Article 64 (2) 1 through 3, (3) 1 or 2 (only applicable to where he/she fails to comply with any of the matters to be observed under Article 62 (2) 4).

(2) Article 43 (3) through (6) shall apply mutatis mutandis to the imposition, collection, etc. of penalty surcharges under paragraph (1).

(3) Types of violations subject to penalty surcharges under paragraph (1), the amount of penalty surcharges depending on the severity of violations, and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 67 (Education of Environmental Engineers, etc.)(1) Any person who employs technicians or environmental engineers engaged in the wastewater treatment business shall require such technicians or environmental engineers to receive education conducted by the Minister of Environment, the Mayor/Do Governor, or the Mayor of a large city, as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment, the Mayor/Do Governor, or the Mayor of a large city may collect expenses incurred in conducting education under paragraph (1) from those who employ persons who should receive education, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 68 (Reporting, Inspections, etc.)(1) In circumstances prescribed by Ordinance of the Ministry of Environment, the Minister of Environment or a Mayor/Do Governor may require the following persons to submit necessary reports or materials, and require related public officials to access the relevant facilities, places of business, etc. to collect water pollutants and examine relevant documents, facilities, equipment, etc. to verify whether such facilities, places of business, etc. meet the standards for effluent water quality, permissible discharge limits set under Article 32, and standards for permission or permission for alteration under Article 33; measuring instruments are operated normally; matters to be observed under Article 53 (4) are observed; and water quality standards and management standards referred to in Article 61-2 (2) are satisfied: <Amended by Act No. 13879, Jan. 27,

2016>

1. A business operator;
2. A person who installs or operates public wastewater treatment facilities (including public sewage treatment facilities prescribed by Ordinance of the Ministry of Environment);
- 2-2. A measuring instruments management agency;
3. A person who falls under Article 53 (1);
4. A person who has filed a report on the installation or management of other water pollution sources under Article 60;
- 4-2. A person who installs and operates water play facilities pursuant to Article 61-2 (1);
5. A wastewater treatment business operator registered under Article 62 (1);
6. A person entrusted with the affairs of the Minister of Environment or a Mayor/Do Governor pursuant to Article 74 (2).

(2) Where water pollutants are collected pursuant to paragraph (1) to verify whether the permissible discharge limits and standards for effluent water quality are met; whether water pollutants are discharged from wastewater non-discharge facilities; or whether water play facilities comply with water quality standards, the Minister of Environment shall request a testing institution prescribed by Ordinance of the Ministry of Environment to test the level of pollution: Provided, That the foregoing shall not apply where it can be judged on the spot whether water pollutants prescribed by Ordinance of the Ministry of Environment exceed permissible discharge limits, standards for effluent water quality, or water quality standards of water play facilities. <Amended by Act No. 13879, Jan. 27, 2016>

(3) Any public official who gains access or conducts inspections pursuant to paragraph (1) shall carry a document certifying his/her authority and produce it to related persons.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 68-2 (Monetary Rewards for Reporting)(1) The Minister of Environment may pay a monetary reward to a person who reports a person who has engaged in any prohibited act in violation of Article 38-3 (1), or who has failed to meet any of the standards for operation and management, in violation of paragraph (2) of the aforesaid Article to an administrative agency or investigative agency within budgetary limits.

(2) Criteria, methods and procedures for paying monetary rewards for reporting under paragraph (1), a specific amount to be paid, and other related matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

Article 69 (National Subsidies)

The State may subsidize funds necessary for local governments to conduct projects for preserving water quality and aquatic ecosystems, within the budgetary limits.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 70 (Cooperation from Related Institutions)

The Minister of Environment may request the heads of related institutions to take the following measures where deemed necessary to accomplish the purposes of this Act. In

such cases, the heads of the related institutions shall comply therewith, except in exceptional circumstances: <Amended by Act No. 13879, Jan. 27, 2016>

1. Improving methods for preventing and exterminating noxious insects;
2. Regulating the use of pesticides and fertilizer;
3. Regulating the use of water for farming;
4. Designating green areas and scenic areas;
5. Installing public wastewater treatment facilities or public sewage treatment facilities;
6. Dredging public waters;
7. Revoking permission to occupy and use a river, suspending the execution of river conservation works or an alteration thereto, or relocating or removing artificial structures thereof;
8. Revoking permission to occupy and use public waters, suspending or limiting the use of public waters, or rebuilding or removing facilities, etc.;
9. Preventing water pollution regarding facilities that could cause water pollution, such as oil pipelines, oil storage facilities, pesticide storage facilities, and submitting data on the status of such facilities;
10. Other measures prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 71 (Criteria for Taking Administrative Dispositions)

Criteria for taking administrative dispositions for violations of this Act or any order issued under this Act shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 72 (Hearings)

The Minister of Environment shall hold a hearing to issue any of the following dispositions: <Amended by Act No. 13879, Jan. 27, 2016>

1. Revoking permission or issuing an order to close discharging facilities under Article 35 (3), 42 or 44;
- 1-2. Revoking registration under Article 38-9;
2. Issuing an order to close other water pollution sources under Article 60 (4);
3. Revoking registration under Article 64.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 73 (Fees)

Any person who intends to obtain any of following permission, etc. or file any of the following reports, etc. shall pay fees, as prescribed by Ordinance of the Ministry of Environment:

1. Permission or permission for alteration, or reporting or reporting on alteration of discharging facilities under Article 33 (1) through (3);
2. Reporting or reporting on alteration under Article 53;
3. Reporting on installation of other water pollution sources or alteration thereto under Article 60 (1);
4. Registration of wastewater treatment business or alteration thereto under Article 62 (1).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 74 (Delegation and Entrustment)(1) The Minister of Environment may delegate part of his/her authority vested under this Act to a Mayor/Do Governor, the Mayor of a large city, the head of an environment research institution under the jurisdiction of the Ministry of Environment, or the head of a regional environment office, as prescribed by Presidential Decree.

(2) The Minister of Environment or a Mayor/Do Governor may entrust part of his/her affairs under this Act to a relevant specialized institution, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 74-2 (Deemed Public Officials for Purposes of Penalty Provisions)

A person who performs affairs entrusted pursuant to Article 74 (2) shall be deemed a public official for the purposes of Articles 129 through 132 of the Criminal Act.

[This Article Newly Inserted by Act No. 13879, Jan. 27, 2016]

CHAPTER VIII PENALTY PROVISIONS

Article 75 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than seven years, or by a fine not exceeding 70 million won: <Amended by Act No. 12519, Mar. 24, 2014>

1. A person who installs or alters a discharging facility without obtaining permission under Article 33 (1) or permission for alteration under Article 33 (2), or upon obtaining permission or permission for alteration by fraud means, or operates his/her business using such discharging facility;
2. A person who installs a restricted discharging facility in an area in which the installation of discharging facilities is restricted pursuant to Article 33 (5) and (6), or operates his/her business using such facilities;
3. A person who engages in any conduct referred to in the subparagraphs of Article 38 (2).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 76 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding 50 million won: <Amended by Act No. 12519, Mar. 24, 2014>

1. A person who fails to comply with an order to suspend operation or close a facility under Article 4-6 (4);
2. A person who installs a discharging facility without filing a report under Article 33 (1), or upon filing a false report, or operates using such discharging facility;
3. A person who engages in any conduct referred to in the subparagraphs of Article 38 (1);
4. A person who fails to take a measure to install measuring instruments pursuant to Article 38-2 (1) (excluding a person who fails to install a wattmeter, or flow meter);
5. A person who engages in any conduct referred to in Article 38-3 (1) 1 or 3;
6. A person who violates an order to suspend operation under Article 40;

7. A person who violates an order to suspend operation or close a facility under Article 42;
 8. A person who violates an order to suspend the use of, or close a facility under Article 44;
 9. A person who engages in any conduct referred to in the subparagraphs of Article 50 (1).
- [This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 77 (Penal Provisions)

Any person who leaks, discharges, or dumps a specific substance harmful to water, etc., in violation of Article 15 (1) 1, shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won. <Amended by Act No. 12519, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 78 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than one year, or by a fine not exceeding ten million won: <Amended by Act No. 12519, Mar. 24, 2014; Act No. 13879, Jan. 27, 2016>

1. A person who violates an order to take measures, such as improving facilities, under Article 12 (2);
2. A person who leaks or discharges a specific substance harmful to water due to professional negligence or by gross negligence, in violation of Article 15 (1) 1;
3. A person who dumps human excreta, livestock excreta, etc., in violation of Article 15 (1) 2;
4. Deleted; <by Act No. 13879, Jan. 27, 2016>
5. A person who violates an order to implement prevention and elimination measures under Article 15 (3);
6. A person who violates a traffic restriction imposed under Article 17 (1);
7. A person who violates an order to take special measures under Article 21-3 (1);
8. A person who operates without reporting startup operation under Article 37 (1);
9. A person who refuses, interferes with, or evades an inspection conducted under Article 37 (4);
10. A person who fails to comply with an order to suspend operation under Article 38-4 (2);
- 10-2. A person who provides measuring instrument management services for third parties without registration or registration of any alteration thereto, in violation of Article 38-6 (1);
11. A person who violates an order to take measures, such as improving facilities, under Article 50 (4);
12. A person who fails to install non-point pollution reduction facilities under the main sentence of Article 53 (3);
13. A person who violates an order to implement a plan for reducing non-point source pollution, or an order to install or improve non-point pollution reduction facilities under Article 53 (5);
14. A person who installs or manages other water pollution sources without filing a report under Article 60 (1);

15. A person who violates an order to suspend the operation of facilities or close facilities under Article 60 (4) or (5);

16. A person who engages in wastewater treatment business without registration or registration of any alteration thereto under Article 62 (1);

17. A business operator who installs or operates wastewater non-discharge facilities, who refuses, interferes with, or evades the access and inspections of a related public official under Article 68 (1).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 79 (Penal Provisions)

Any of the following persons shall be punished by a fine not exceeding five million won:

1. A person who fails to comply with an order to take measures under Article 38-4 (1);

2. A wastewater treatment business operator who fails to observe matters to be observed under Article 62 (2) 1 or 2;

3. A person who refuses, interferes with, or evades the access and inspections of a related public official under Article 68 (1) (excluding a business operator who installs or operates wastewater non-discharge facilities).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 80 (Penal Provisions)

Any of the following persons shall be punished by a fine not exceeding one million won:

1. A person who fails to install a wattmeter or flow meter pursuant to Article 38-2 (1);

2. A person who interferes with the business practices of an environmental engineer or refuses a request of an environmental engineer without just grounds, in violation of Article 47 (4).

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 81 (Joint Penal Provisions)

If the representative of a corporation, or an agent, employee or other servant of a corporation or an individual commits an offence referred to in Articles 75 through 80 in connection with the business of the corporation or the individual, not only shall such offender be punished, but also the corporation or individual shall be punished by a fine under the relevant Article: Provided, That the foregoing shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business to prevent such offence.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

Article 82 (Administrative Fines)(1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 13879, Jan. 27, 2016>

1. A person who fails to install or operate a measuring instrument under Article 4-5 (4);

2. A person who fails to record or keep the measurement readings under Article 4-5 (4), or records or keeps false measurement readings;

2-2. A person who discharges or dumps earth and sand in excess of the scale prescribed by

- Ordinance of the Ministry of Environment, in violation of Article 15 (1) 4;
3. A person who fails to observe the compliance under Article 35 (2);
 4. A person who fails to appoint an environmental engineer, in violation of Article 47 (1);
 5. A person who fails to file a report under Article 53 (1);
 6. A person who uses fatally or highly poisonous pesticides on the lawns and trees of the golf course, in violation of Article 61;
 7. A wastewater treatment business operator who fails to observe any of the matters to be observed under Article 62 (2) 4 or 5.

(2) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 13879, Jan. 27, 2016>

1. A person who fishes in a “no-take” zone designated under Article 20 (1);
2. A person who fails to keep records on the operating status of discharging facilities, etc., or falsifies such records, in violation of Article 38 (3);
3. A person who engages in the conduct provided for in Article 38-3 (1) 2;
4. A person who fails to meet any of the standards for operation and management, in violation of Article 38-3 (2);
- 4-2. A person who fails to conduct a technical diagnosis, in violation of Article 50-2 (1);
5. A person who fails to report an alteration under the latter part of Article 53 (1);
6. A person who fails to install facilities or to take other necessary measures, in violation of Article 60 (2);
7. A person who operates water play facilities without reporting the installation of such facilities or reporting any alteration thereto, in violation of Article 61-2 (1);
8. A person who fails to meet any of the water quality standards or management standards for water play facilities under Article 61-2 (1), or fails to undergo a water quality test.

(3) Any of the following persons shall be punished by an administrative fine not exceeding one million won:

1. A person who violates Article 15 (1) 3;
2. A person who fishes in a fishing-restricted zone, in violation of restrictions imposed under Article 20 (2);
3. A person who fails to report an alteration under the proviso to Article 33 (2) or paragraph (3) of the aforesaid Article;
4. A person who fails to report an alteration under the latter part of Article 60 (1);
5. A person who fails to require an environmental engineer, etc. to undergo education, in violation of Article 67;
6. A person who fails to file a report under Article 68 (1) or files a false report, or fails to submit materials or submits false materials.

(4) The Minister of Environment, the Mayors/Do Governors or the heads of Sis/Guns/Gus shall impose and collect administrative fines under paragraphs (1) through (3), as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11979, Jul. 30, 2013]

ADDENDA (Omitted)

33. Enforcement Decree of the Water Quality and Aquatic Ecosystem Conservation Act

[Enforcement Date 26. May, 2015.] [Presidential Decree No.26249, 26. May, 2015., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Water Quality and Aquatic Ecosystem Conservation Act and matters necessary for the enforcement thereof.

Article 2 (Designation and Publishment of Regions Subject to Regulation of Total Quantity of Pollutants)

(1) The Minister of Environment shall, when he/she intends to designate and publish an area, the total amount of water quality pollutants of which is to be regulated (hereinafter referred to as "region subject to the regulation of total quantity of pollutants") in accordance with Article 4 (2) of the Water Quality and Aquatic Ecosystem Conservation Act (hereinafter referred to as the "Act"), include the following matters:

1. The river system whose water pollutants to be regulated on the basis of the total quantity and the river basin that may have influence on such river system;
2. The section of river system for which the water quality that serves as the target for the regulation of total quantity of pollutants (hereinafter referred to as "target water quality for regulation of total quantity of pollutants") shall be determined and the river basin that may have influence on such section of river system (hereinafter referred to as "unit basin for the regulation of total quantity of pollutants").

(2) The Minister of Environment shall, when he/she intends to designate and publish a region subject to the regulation of total quantity of pollutants in accordance with paragraph (1), hold prior consultation with the heads of relevant local governments.

Article 3 (Notice, Public Notice, etc. of Water Quality Targets for Quantity Regulation of Pollutants)

(1) When the Minister of Environment intends to publish the water quality targets for quantity regulation of pollutants for each section of a river system in accordance with the main sentence of Article 4-2 (1), he/she shall include the following matters: <Amended by Presidential Decree No. 25127, Jan. 28, 2014>

1. The water quality targets for quantity regulation of pollutants at the lower end of the river system under Article 2 (1) 1;
2. The water quality targets for quantity regulation of pollutants on the border points of a Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, or a Special Self-Governing Province (hereinafter referred to as "City/Do");
3. The water quality targets for quantity regulation of pollutants for each section of a river system under Article 2 (1) 2.

(2) When the Minister of Environment intends to publish the water quality targets for quantity regulation of pollutants under paragraph (1), he/she shall notify the Mayors/Do Governors

of the deadline for informing the intention of establishing of the water quality targets for quantity regulation of pollutants for each section of river systems of the jurisdiction area (hereinafter referred to as "water quality targets for quantity regulation of pollutants of the jurisdiction area") to the Minister of Environment and the deadline for applying for approval to the Minister of Environment, by the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Do, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") before the publication has been made in accordance with the proviso to Article 4-2 (1) of the Act. <Amended by Presidential Decree No. 25127, Jan. 28, 2014>

(3) When a Mayor/Do Governor intends to publish the water quality targets for quantity regulation of pollutants of the jurisdiction area under the proviso to Article 4-2 (1) of the Act, he/she shall determine the water quality targets for quantity regulation of pollutants of the jurisdiction area with which the water quality targets for quantity regulation of pollutants of the jurisdiction area pursuant to paragraph (1) 1 and 2 may be achieved and maintained by considering the following matters after notifying the intention of establishing of the water quality targets for quantity regulation of pollutants of the jurisdiction area to the Minister of Environment within the deadline for notification under paragraph (2), and shall apply for approval to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment within the deadline for applying for approval under paragraph (2):

1. The current status of use of water for specific purposes and the quantity of flow by unit basins for quantity regulation of pollutants;
2. The current status of, and prospect on the natural and geological sources of pollution of the unit basin for quantity regulation of pollutants;
3. The quantity of creating and discharging water pollutants by source of pollution of the unit basin for quantity regulation of pollutants;
4. Relation between the water quality and the pollutants.

(4) The Minister of Environment shall grant approval only where the water quality targets for quantity regulation of pollutants referred to in paragraph (1) 1 and 2 may be achieved and maintained with the water quality targets for quantity regulation of pollutants of the jurisdiction area for which the Mayor/Do Governor applies for approval in accordance with paragraph (3).

(5) Upon obtaining approval from the Minister of Environment under paragraph (4), a Mayor/Do Governor shall immediately publish the approved water quality targets for quantity regulation of pollutants of the jurisdiction area.

(6) In the following cases, the Minister of Environment shall publish the water quality targets for quantity regulation of pollutants for each section of river systems of the relevant district:

1. Where the Mayor/Do Governor has failed to inform the intention of establishing the water quality targets for quantity regulation of pollutants of the jurisdiction area or to apply for approval within the deadline under paragraph (2);
2. Where the approved water quality targets for quantity regulation of pollutants of the

jurisdiction area has failed to be published in accordance with paragraph (5).

(7) The Minister of Environment shall measure the water quality of the lower end of the unit basin for regulating the total quantity of pollutants, as prescribed by Ordinance of the Ministry of Environment, in order to confirm whether the water quality targets for quantity regulation of pollutants have been achieved or maintained.

Article 4 (Basic Guidelines for Regulation of Total Quantity of Pollutants)

The basic guidelines for regulation of total quantity of pollutants under Article 4-2 (2) of the Act (hereinafter referred to as "basic guidelines") shall include the following matters:

1. The purposes of the regulation of total quantity of pollutants;
2. The kinds of water quality pollutants subject to regulation of total quantity of pollutants;
3. Surveys on pollution sources and methods of calculating the loading quantity for contamination;
4. The subjects, contents, means and deadline of the basic plan for regulation of total quantity of pollutants pursuant to Article 4-3 of the Act;
5. The contents and means of the implementation plan for regulation of total quantity of pollutants pursuant to Article 4-4 of the Act.

Article 5 (Subject to Approval for Change of Basic Plan for Regulation of Total Quantity of Pollutants)

"Important matters prescribed by Presidential Decree" in the latter part of the main body of Article 4-3 (1) of the Act means the matters falling under Article 4-3 (1) 2 and 4 of the Act.

Article 6 (Approval, etc. on Action Plan for Quantity Regulation of Pollutants)(1) The Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, or the Governor of a Special Self-Governing Province shall formulate an action plan for quantity regulation of pollutants (hereinafter referred to as "action plan for quantity regulation of pollutants") which includes the following matters in accordance with Article 4-4 (1) of the Act, and shall obtain approval thereof from the Minister of Environment: <Amended by Presidential Decree No. 25127, Jan. 28, 2014>

1. The current status of the river basin subject to the action plan for quantity regulation of pollutants;
2. The current status of and forecast on pollution sources;
3. The loading quantity for contamination to be additionally discharged subsequent to the annual regional development plan and the detailed contents of the relevant annual development plan;
4. The annual targets for reduction of the loading quantity for contamination and the specific scheme for reduction;
5. The reduction quantity, by facility, allotted with the loading quantity for contamination in accordance with Article 4-5 of the Act and the implementation timing thereof;
6. The calculated data for the forecast of the water quality and the plan for monitoring the implementations thereof.

(2) The head of a Si/Gun (excluding the head of a Gun under the jurisdiction of any

Metropolitan City; hereafter the same shall apply in this Article and Article 12) shall formulate an action plan for quantity regulation of pollutants, which includes matters referred to in the subparagraphs of paragraph (1), and obtain approval thereof from the competent Do Governor: <Amended by Presidential Decree No. 23520, Jan. 17, 2012>

(3) A Do Governor shall consult in advance with the Minister of Environment before approving an action plan pursuant to paragraph (2). <Newly Inserted by Presidential Decree No. 23502, Jan. 17, 2012>

(4) Matters necessary for the procedures, criteria, etc. for approval under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 23520, Jan. 17, 2012>

Article 7 (Changes of Implementation Plan for Regulation of Total Quantity of Pollutants Subject to Approval)

"Cases where important matters prescribed by Presidential Decree are to be changed" in the latter part of Article 4-4 (1) of the Act means cases falling under each of the following subparagraphs:

1. Increases in the annual loading quantity for contamination pursuant to Article 6 (1) 3;
2. Decreases in the reduction target for the annual loading quantity for contamination pursuant to Article 6 (1) 4;
3. Changes in the reduction quantity by the allotment facility of the loading quantity for contamination and the time for implementation thereof pursuant to Article 6 (1) 5.

Article 8 (Facilities Alloted with Loading Quantities for Contamination, etc.)

"Facilities prescribed by Presidential Decree" in the former part of the main body of Article 4-5 (1) of the Act means the following facilities:

1. Wastewater terminal treatment facilities under Article 48 of the Act (hereinafter referred to as "wastewater terminal treatment facilities");
2. Public sewer treatment facilities under subparagraph 9 of Article 2 of the Sewerage Act (hereinafter referred to as "public sewer treatment facilities") and excreta treatment facilities under subparagraph 10 of Article 2 of the said Act;
3. Public treatment facilities under subparagraph 9 of Article 2 of the Act on the Management and Use of Livestock Excreta.

Article 9 (Gauges for Measuring Loading Quantities for Contamination or Discharge Quantities)

(1) Any person who installs and operates a facility (hereinafter referred to as "business entity of allotted contamination, etc.") for which the loading quantity for contamination has been allotted or the discharge quantity has been designated in accordance with Article 4-5 (4) of the Act shall equip with each of the following gauges:

1. Devices capable of automatically recording the water pollutants allotted in accordance with Article 4-5 (1) or (2) of the Act;
2. Integrating flowmeters that can automatically measure discharge quantities;
3. Devices capable of automatically transmitting the results of measurement to the Tele-Monitoring System Control Center under Article 37.

(2) Business entities of allotted contamination, etc. shall install the gauges in accordance with Article 4-5 (1) and (2) of the Act, by 90 days before the date of observing the loading quantities for contamination or the discharge quantities and measure the discharge quantities of the water pollutants, etc. and preserve the results of measurement for two years.

(3) Kinds of gauges and methods of installing them under paragraph (1) and methods of recording the results of measurement and methods of preserving these results under paragraph (2) shall be determined and published by the Minister of Environment.

Article 10 (Methods and Criteria for Calculating Charges for Release of Pollutants in Excess of Total Quantity)

(1) Charges for release of pollutants in excess of the total quantity under Article 4-7 (1) of the Act (hereinafter referred to as "charges for release of pollutants in excess of the total quantity") shall be calculated by multiplying the profits obtained by excess release by imposition coefficients by excess rates, by frequency of violations, and by area, and the detailed methods of calculation shall be as specified in attached Table 1.

(2) The frequency of violations under paragraph (1) shall be the frequency for receiving orders to take measures, orders for the suspension of operation, or orders for the closure of facilities under Article 4-6 (1) and (4) of the Act for the preceding two years and shall be calculated by place of business.

Article 11 (Notice of Payment of Charges for Release of Pollutants in Excess of Total Quantity)

(1) The notice of payment of charges for release of pollutants in excess of the total quantity calculated in accordance with Article 10 shall be served within 60 days from the date when the grounds for imposition arise.

(2) The notice of payment of charges for release of pollutants in excess of the total quantity under paragraph (1) shall be served in writing by prescribing the quality of water pollutants, the amount imposed, the deadline and place for payment, and other necessary matters. In such cases, the deadline for payment of charges for release of pollutants in excess of the total quantity shall be 30 days from the date the notice of payment is issued.

Article 12 (Application for Adjustment of Charges for Release of Pollutants in Excess of Total Quantity)

(1) Any person who has been served a notice of payment of charges for release of pollutants in excess of the total quantity in accordance with Article 11 may apply for an adjustment of the amount of charges for release of pollutants in excess of the total quantity to the Minister of Environment, or the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun who executes the action plan for quantity regulation of pollutants (hereinafter referred to as "head of a local government in charge of quantity regulation of pollutants") within 30 days from receipt of such notice. <Amended by Presidential Decree No. 25127, Jan. 28, 2014>

(2) Upon receipt of an application under paragraph (1), the Minister of Environment or the head of a local government in charge of quantity regulation of pollutants shall inform the relevant applicant of the decision on the matter under consideration within 30 days after receipt of the application, and in cases falling under any subparagraph of Article 13 (1), such

Minister or head shall recalculate and adjust the charges for release of pollutants in excess of the total quantity, and re-impose or refund the relevant difference.

(3) Applications for adjustment filed under paragraph (1) shall not affect the payment deadline for charges for release of pollutants in excess of the total quantity.

Article 13 (Adjustment of Charges for Release of Pollutants in Excess of Total Quantity)(1) In any of the following cases, the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants shall adjust the charges for release of pollutants in excess of the total quantity:

1. Where the discharge period of water pollutants that serves as the basis for the computation of the charges for release of pollutants in excess of the total quantity has been changed because orders to take measures, orders for the suspension of operation, or orders for the closure of facilities under Article 4-6 (1) or (4) of the Act, has not been performed until the scheduled date for implementing orders or has been completed before such date;

2. Where the discharge quantity of water pollutants has been changed from the originally measured quantity as a result of the improvement of relevant facilities after imposing the charges for release of pollutants in excess of the total quantity;

3. Where an error is detected in the computation of charges for release of pollutants in excess of the total quantity.

(2) When the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants intends to adjust the charges for release of pollutants in excess of the total quantity in accordance with paragraph (1), he/she shall recalculate the charges for release of pollutants in excess of the total quantity according to the following classifications:

1. In cases falling under paragraph (1) 1, the discharge period of the water pollutants shall be recalculated by counting the number of days between the scheduled date for implementing orders and the actually completed date for implementing orders;

2. In cases falling under paragraph (1) 2, the discharge quantity of the water pollutants shall be recalculated on the basis of the water pollutants newly measured for the period after the date when a reinspection on the relevant facilities has been made.

(3) When the charges for release of pollutants in excess of the total quantity which are calculated in accordance with paragraph (2) differs from the amount already paid, the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants shall reimpose or refund the relevant difference: Provided, That where the discharge period has been adjusted in accordance with paragraph (1) 1, the recalculated charges for release of pollutants in excess of the total quantity shall be imposed or refunded within 30 days from the date when the implementation of orders to take measures, orders for suspension of operation, or orders for closure has been confirmed.

(4) When the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants intends to reimpose or refund the relevant difference after adjusting the charges for release of pollutants in excess of the total quantity calculated

in accordance with paragraph (3), he/she shall serve the payment obligor a written notice by prescribing the amount, grounds, place for payment or refund, and other necessary matters.

Article 14 (Deferment of Collection, Installment Payments and Procedures for Collection of Charges for Release of Pollutants in Excess of Total Quantity)(1) In cases falling under any of the following, the person responsible for paying the charges for release of pollutants in excess of the total quantity may file an application to defer the relevant collection or to pay the charges for release of pollutants in excess of the total quantity in installments to the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants:

1. Where the property of the business entity is affected by serious harm due to natural disasters or other calamity;
2. Where the business entity faces a considerable crisis due to apparent losses occurred to his/her business;
3. Where any reason similar to those prescribed in subparagraphs 1 and 2 occurs.

(2) When the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants, upon receipt of an application as provided for in paragraph (1), recognized that the charges for release of pollutants in excess of the total quantity can not be paid due to a reason falling under any subparagraph of paragraph (1), he/she may allow the deferred collection of charges for release of pollutants in excess of the total quantity or their installment payments. In such cases, the period for the deferment of collection shall be within one year from the date immediately following the date on which the deferment of collection is decided upon; the number of instalments into which the payment is divided within the said period shall not exceed six.

(3) Where the imposed amount to be paid by the person who is subject to the deferment of collection of the charges for release of pollutants in excess of the total quantity or the installment payments pursuant to paragraph (2), exceeds the capital or the total equity investment of the payment obligor (in cases of an individual business entity, referring to the total amount of assets) by not less than two times the latter and where it is deemed that the said amount of charges for release of pollutants in excess of the total quantity cannot be paid even within one year for such reasons as fall under any subparagraph of paragraph (1) continue, the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants may prescribed the period for deferred collection within the scope of three years from the day immediately following the date on which the deferment of collection is decided upon; the number of instalments into which the payment is divided within the said period shall not exceed 12, notwithstanding the provisions of paragraph (2).

(4) When the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants has decided upon the deferment of collection in accordance with the provisions of paragraph (2) or (3), he/she may order the provision of collateral or measures necessary for the preservation of collateral, the value of which

corresponds to the deferred amount to the person for whom the deferment of collection has been decided.

(5) Where a person responsible for paying the charges for release of pollutants in excess of the total quantity falls under any of the following subparagraphs, the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants may cancel the deferment of collection and collect the delinquent dues:

1. Where the relevant person has not paid the outstanding amount by the expiration date of the designated period;
2. Where the relevant person has not complied with the order from the Minister of Environment or the head of a local government in charge of regulation of total quantity of pollutants, necessary for an alteration of the relevant collateral or preservation of the relevant collateral;
3. Where deferment of collection is deemed unnecessary on account of a change in the property or other relevant circumstances.

(6) Matters necessary for the imposition, collection, refund, deferment of collection, and installment payments of charges for release of pollutants in excess of the total quantity shall be prescribed by Ordinance of the Ministry of Environment.

Article 15 (Punishment on Local Government which fails to Formulate and Implement Master Plans for Quantity Regulation of Pollutants)

"Structures, including buildings, of at least the scale prescribed by Presidential Decree" in Article 4-8 (2) 4 of the Act means any of the following facilities, the area of which on the business plan is at least the area on the business plan by region under attached Table 4 of the Enforcement Decree of the Environmental Impact Assessment Act: <Amended by Presidential Decree No. 25127, Jan. 28, 2014>

1. Places of business falling under classes 1 through 3 according to the classification by scale of places of businesses under attached Table 13;
2. Facilities referred to in the subparagraphs of Article 3 of the Enforcement Decree of the Seoul Metropolitan Area Readjustment Planning Act.

CHAPTER II PRESERVATION OF WATER QUALITY AND AQUATIC ECOSYSTEMS IN PUBLIC WATERS

SECTION 1 General Provisions

Article 16 (Functions of Committee for Deliberation of Policy on Water Quality and Aquatic Ecosystems)

"Matters prescribed by Presidential Decree" in Article 10-3 (1) 7 of the Act means the following matters:

1. Matters on the basic direction for the establishment of plans by wide area under Article 24 of the Act;
2. Matters required for consultations between the relevant agencies regarding policies for water quality and aquatic ecosystems;
3. Matters on the implementation and evaluation of international treaties regarding water

quality and aquatic ecosystems;

4. Other matters recognized by the chairperson of the Committee for the Deliberation of Policy on Water Quality and Aquatic Ecosystems as necessary and submitted to the meeting of the Committee.

Article 17 (Composition of Committee for Deliberation of Policy on Water Quality and Aquatic Ecosystems)

"Relevant agencies or organizations prescribed by Presidential Decree" in Article 10-3 (4) 4 of the Act means any of the following agencies or organizations: <Amended by Presidential Decree No. 21565, Jun. 26, 2009; Presidential Decree No. 21904, Dec. 24, 2009>

1. Non-profit civic organizations under Article 2 of the Assistance for Non-profit, Non-governmental Organizations Act;
2. The Korea Water Resources Corporation under the Korea Water Resources Corporation Act;
3. The Korea Rural Community Corporation under the Korea Rural Community Corporation and Farmland Management Fund Act;
4. The Korea Environment Corporation under the Korea Environment Corporation Act.

Article 18 (Operation of Committee for Deliberation of Policy on Water Quality and Aquatic Ecosystems)

(1) The chairperson (hereinafter referred to as the "chairperson") of the Committee for the Deliberation of Policy on Water Quality and Aquatic Ecosystems (hereinafter referred to as the "Committee") under Article 10-3 (1) of the Act shall represent the Committee and exercise overall control of the works of the Committee.

(2) When the chairperson is unable to perform his/her duties on grounds of inevitability, the vice-chairperson shall act on behalf of the chairperson in performing the latter's duties and when the chairperson and vice-chairperson are both unable to perform their duties, a member who has been nominated by the chairperson in advance shall act on behalf of the chairperson in performing the latter's duties.

(3) Committee's meetings shall be convened by the chairperson and shall open with the attendance of a majority of the total members on the register and pass resolutions with the concurrent vote of a majority of those present.

(4) Where the chairperson intends to convene a Committee meeting in accordance with paragraph (3), the date and time, meeting venue, and its agenda shall be known to Committee members at least three days before the opening of each meeting: Provided, That the same shall not apply to cases of urgent situations.

(5) Where deemed necessary, the chairperson may request the head of the relevant administrative agency to submit necessary data and may hear opinions from relevant public officials and non-official specialists by having them attend a meeting.

(6) The Committee shall have one secretary for dealing with affairs of the Committee, who shall be appointed by the chairperson from among public officials belonging to the Minister of Environment.

(7) The secretary of the Committee shall prepare minutes for each meeting, report them

during the next meeting and keep them.

(8) Matters necessary for the operation of the Committee, other than the provisions of paragraphs (1) through (7), shall be prescribed by the chairperson after going through a resolution thereof by the Committee.

Article 19 (Allowances, etc.)

Members who are present at Committee meetings may be paid allowances within budget limits: Provided, That the same shall not apply where members who are public officials are present at a Committee meeting in connection with their official business.

Article 20 (Term of Office for Committee Members)(1) The term of office for each committee member, other than public officials, shall be two years, and any committee member may be reappointed.

(2) A person appointed to fill a vacancy shall hold office for the remainder of the predecessor's term.

Article 21 (Matters to be Reflected in Plan for National Land)

Where the Mayor/Do Governor or the head of a Si/Gun establishes comprehensive plans for Do, or comprehensive plans for Si/Gun in accordance with the provisions of Article 13 of the Act, he/she shall reflect installation plans of the following facilities in such plans:

1. Wastewater terminal treatment facilities;
2. Public sewer treatment facilities;
3. Excreta treatment facilities under subparagraph 10 of Article 2 of the Sewerage Act;
4. Public treatment facilities under subparagraph 9 of Article 2 of the Act on the Management and Use of Livestock Excreta.

Article 21-2 (Submission, etc. of Business Management Plans for Water Pollution Prevention Center)

(1) Where the Korea Environment Corporation established under the Korea Environment Corporation Act performs management of the Water Pollution Prevention Center (hereinafter referred to as the "Prevention Center") on behalf of the Minister of Environment pursuant to Article 16-3 (1) of the Act, the Korea Environment Corporation Shall submit a business management plan for the Prevention Center for the following year to the Minister of Environment by December 15 each year and obtain approval of such plan from him/her.

(2) The business management plan for the Prevention Center under paragraph (1) shall include:

1. Matters concerning the performance of tasks under the subparagraphs of Article 16-3 (2) of the Act;
2. Matters concerning a budget necessary to perform tasks under the subparagraphs of Article 16-3 (2) of the Act;
3. Matters concerning the establishment and operation of a water pollution prevention information system under Article 16-4 of the Act.

(3) Where the Korea Environment Corporation established under the Korea Environment Corporation Act performs management of the Prevention Center on behalf of the Minister of

Environment, the Korea Environment Corporation shall submit a report on the management of the Prevention Center in the relevant year to the Minister of Environment by January 31 of the following year.

[This Article Newly Inserted by Presidential Decree No. 25127, Jan. 28, 2014]

Article 22 (Details of Conditions for Preventing Water Pollution of Public Waters)

The following matters shall be included in the conditions attached to prevent water pollution of public waters as provided for in Article 18 (1) of the Act:

1. Wastes shall be treated in accordance with Article 13 of the Wastes Control Act;
2. If public waters are to be filled with wastes, such filling shall be carried out only after such wastes are disposed of in conformity with the criteria and methods for disposal of wastes as provided for in Article 13 of the Wastes Control Act.

Article 23 (Compensation for Loss from Recommendations, etc. for Growing Specific Agricultural Crops)

Where the Mayor/Do Governor compensates for a loss suffered by any farmer in accordance with Article 19 (2) of the Act, he/she shall calculate the amount of such compensation according to the standards determined and publicly announced by the Minister of Environment, in consideration of the area of farmland, kinds of agricultural crops, income per unit of area, etc.

Article 24 (Standards for Measures for Preservation of Water Quality and Aquatic Ecosystems, etc.)

When the Minister of Environment intends to recommend a person to manage public waters in accordance with Article 19-2 of the Act on the measures necessary for the preservation of water quality and aquatic ecosystems, he/she shall include the following matters:

1. Matters on objectives of preserving water quality and aquatic ecosystems;
2. Matters on concrete methods of preserving water quality and aquatic ecosystems;
3. Matters on the raising of funds necessary for preserving water quality and the aquatic ecosystems;
4. Other matters necessary for the preservation of water quality and aquatic ecosystems.

Article 25 (Criteria, etc. for Purchase, etc. of Riverine Ecological Zone)(1) The Minister of Environment may purchase or ecologically create and manage riverine wetlands and riverine land (hereinafter referred to as "riverine ecological zone") which satisfy all of the following subparagraphs in accordance with Article 19-3 (1) of the Act: <Amended by Presidential Decree No. 22073, Mar. 9, 2010>

1. It is to be located within one kilometer from the borderlines of rivers, lakes and marshes: Provided, That forest protection zones under Article 7 of the Forest Protection Act and test forests under Article 47 of the Creation and Management of Forest Resources Act shall be excluded from the purchase, or creation and management, and forests under subparagraph 1 of Article 2 of the Act shall be excluded from creation and management;
2. It is to be fall under any of the following items, to purchase a riverine ecological zone or to ecologically create and manage such zone:

(a) Where riverine land is to be ecologically managed in order for the protection of water supply source;

(b) Where relevant riversides of rivers, lakes, marshes, etc. are to be systematically managed for the preservation or the restoration of aquatic ecology, etc. which are worthy of protection;

(c) Where riverine land is necessarily to be managed in order to control non-point pollutants, etc.

(2) In any of the following cases, the Mayor/Do Governor may purchase a riverine ecological zone or ecologically create and manage it in accordance with Article 19-3 (2) of the Act:

1. Where the Minister of Environment recognizes that the purchase, or the creation and management of land located on the fringe of relevant public waters is necessary to implement the measures for preservation of water quality and aquatic ecosystems pursuant to Article 19-2 of the Act;

2. Where it is necessary for the implementation of a plan for reduction of water pollutants, including the installation or operation of reduction facilities for non-point pollution, from among implementation plans established in accordance with Article 56 of the Act.

Article 26 (Calculation of Purchase Price and Means and Procedures for Purchase, etc.)(1) The owner of land or any fixture on such land (hereinafter referred to as "land, etc.") located in a riverine ecological zone which the Minister of Environment or the Mayor/Do Governor intends to purchase in accordance with Article 19-3 (1) and (2) of the Act, may apply for the purchase of land, etc. to the Minister of Environment or the Mayor/Do Governor as prescribed by Ordinance of the Ministry of Environment.

(2) When the Minister of Environment or the Mayor/Do Governor has received an application for purchase in accordance with paragraph (1), he/she shall determine whether to purchase the relevant land, etc. according to the priority order for purchase published or publicly announced by the Minister of Environment or the Mayor/Do Governor, and inform the owner of the relevant land, etc. of the determined matters (where the relevant land has been determined to be purchased, the determined matters and the purchase price calculated under paragraph (3)).

(3) The purchase price of land, etc. under paragraph (2) shall be the amount appraised, based on the standard official land price under the Public Notice of Values and Appraisal of Real Estate Act, by taking into account the location, shape, environs, and status of use of the relevant land, and it shall be the arithmetic mean of the amounts evaluated by two or more appraisers under subparagraph 9 of Article 2 of the said Act.

Article 27 (Designation, etc. of Angling-Prohibited or Angling-Restricted Area)(1) Where the head of a Si/Gun/Gu (referring to autonomous Gu; hereinafter the same shall apply) intends to designate an angling-prohibited area or an angling-restricted area, he/she shall take into account the following matters:

1. The objective of water for a specific use;
2. The current status of sources of pollution;

3. The level of water pollution;
4. The current presence of litter around angling areas and conditions for the disposal thereof;
5. The number of people enjoying the fishing on a yearly basis;
6. The current status of underwater ecosystem, such as the species and number of fish inhabiting the relevant water.

(2) When the head of a Si/Gun/Gu shall designates an angling prohibited area or an angling-restricted area in accordance with Article 20 (1) of the Act, he/she shall immediately publish any of the following matters in the public bulletin of the relevant local government, prepare the drawing, etc. for public inspection, and install a signboard making the details of such announcement known to the public in the relevant angling-prohibited area or the angling-restricted area:

1. The name and location of an angling-prohibited area or an angling restricted area;
2. Restricted matters, such as methods of and times for angling (limited to angling-restricted areas) under Article 20 (2) of the Act;
3. The administrative fines to be levied on any person who violates the prohibition of or restriction on angling under Article 82 (2) 1 or (3) 2 of the Act;
4. The amount of fees to be levied to meet costs involved in removing litter, etc., and the method of and the place for paying such fees under Article 20 (3) of the Act;
5. The method of disposing of litter, etc. accumulating from angling restricted areas;
6. Other matters necessary to prohibit or restrict angling.

(3) The standards and details for the signboard referred to in para graph (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 28 (Warnings against Water Pollution)(1) The types of warnings against water pollution under Article 21 (5) of the Act shall be as follows:

1. Warnings against algae;
2. Warnings to watch for water pollution.

(2) The objects for issuance of alerts for water pollution, persons who may issue alerts, and water pollutants for issuing alerts shall be as specified in attached Table 2.

(3) The phases by which alerts for water pollution are issued according to kind, and standards for issuing and canceling alerts, etc. shall be as specified in attached Table 3.

(4) Measures to take by kind of warning and at various stages of warnings against water pollution shall be as specified in attached Table 4.

Article 29 (Recommendations for Restrictions on Activities in Contaminated Public Waters)(1) "Activities prescribed by Presidential Decree" in Article 212 (1) of the Act means any of the following acts:

1. Drinking water from the relevant rivers, lakes, marshes, etc. or using it for cooking;
2. Eating any aquatic produce, including fishes and sell fishes, of the relevant rivers, lakes, marshes, etc.;
3. Drawing water from the relevant rivers, lakes, marshes, etc. for agricultural use.

(2) The criteria for selecting rivers, lakes, marshes, etc. for which the restriction of activities

may be recommended in accordance with Article 21-2 (3) of the Act shall be as follows:

1. Where it has exceeded the target quality of water by river system spheres of influence published by the Minister of Environment in accordance with Article 22 (2) of the Act and may hinder the intended purpose for use of water;
2. Where it has exceeded the criteria prescribed in attached Table 5 other than subparagraph 1 and may have a great effect on the health and livelihood of people.

Article 29-2 (Procedures, Contents, etc. of Special Measures to Improve Water Quality of Water Supply Source)(1) Where it is deemed necessary to order the special measures under Article 21-3 (1) of the Act (hereinafter referred to as "special measures" in this Article), the Minister of Environment may have the Mayor/Do Governor, the head of a river basin environmental office, or the head of a regional environmental office (hereinafter referred to as "Mayor/Do Governor, etc.") submit the data on pollution status, trend of increasing pollution which is expected in the future, countermeasure plan, etc. of the relevant water supply source.

(2) Matters to be included in the special measures shall be as follows:

1. Water pollutants subject to the special measures;
2. Method of the special measures, such as prohibition or limitation of discharge of water pollutants pursuant to subparagraph 1;
3. Matters concerning control measures of water pollutants discharged prior to ordering the special measures;
4. Matters concerning management of performance of the order of the special measures.

(3) The Mayor/Do Governor, etc. may, where water pollution falling under each subparagraph of Article 21-3 (1) of the Act is feared to occur in the competent jurisdiction, request the Minister of Environment to order the special measures. In such cases, the Mayor/Do Governor, etc. shall submit the data on pollution status, trend of increasing pollution which is expected in the future, countermeasure plan, etc. of the relevant water supply source.

(4) The Minister of Environment shall, where he/she has ordered the special measures, notify such fact by posting the relevant contents on the official gazette or through Internet homepage, etc.

(5) The Minister of Environment shall endeavor so that damage incurred to a business entity, etc. due to the special measures may be minimized.

[This Article Newly Inserted by Presidential Decree No. 22213, Jun. 22, 2010]

Article 29-3 (Measures, etc. to be Taken for Failure to Implement Plans for Small Areas of Influence)(1) Where the Minister of Environment, the head of a relevant central administrative agency, or the Mayor/Do Governor intends to take measures under Article 27 (3) of the Act against the Mayor/Do Governor or the head of a Si/Gun/Gu who fails to implement a plan for small areas of influence under Article 27 (1) of the Act, he/she shall first hear the opinion of the head of the relevant local government.

(2) Where the Minister of Environment, the head of a relevant central administrative agency,

or the Mayor/Do Governor deems that a plan for small areas of influence can be properly implemented because the Mayor/Do Governor or the head of a Si/Gun/Gu who has failed to implement the plan for small areas of influence under Article 27 (1) of the Act submits the conditions of implementation of the relevant plan for small areas of influence or a plan for the implementation thereof, he/she need not take measures under Article 27 (3) of the Act, or may revoke such measures.

[This Article Newly Inserted by Presidential Decree No. 25127, Jan. 28, 2014]

SECTION 2 Preservation of Water Quality and Aquatic Ecosystems in Lakes and Marshes

Article 30 (Survey and Measurement of Water Use in Lakes and Marshes)(1) The Minister of Environment shall designate and publicly announce lakes and marshes which fall under any of the following subparagraphs and require the preservation of water quality and aquatic ecosystems in accordance with Article 28 of the Act and shall survey and measure water quality and aquatic ecosystems of such lakes and marshes on a regular basis:

1. Any lake or marsh from which raw water is collected in excess of 300,000 tons per day;
2. Any lake or marsh which is a habit at for animals and plants, including migratory birds, or which is so rich in biological diversity that it specially needs to be conserved;
3. Any lake or marsh, the water pollution of which is so severe to the extent that it specially needs to be managed.

(2) The Mayor/Do Governor shall survey and measure water quality and aquatic ecosystems in lakes and marshes on a regular basis, the area of which at the time of full water level is not less than 500,000 square meters, other than lakes and marshes designated and publicly announced by the Minister of Environment in accordance with paragraph (1).

(3) Matters to be surveyed and measured under paragraphs (1) and (2) shall be as follows:

1. Basic data necessary for managing a lake or a marsh, such as the year it came into being or was created, the area of basin and the quantity of water stored in the lake or marsh;
2. The use of water in a lake or marsh, such as the objective for using the water of a lake or a marsh, the location of a place of intake and the quantity of water collected;
3. The degree of water pollution, the current status of the distribution of sources of pollution, and the occurrence, treatment and influx of pollutants;
4. The current status of aquatic ecosystems, such as the biological diversity and ecosystem of a lake or marsh.

(4) The Minister of Environment or the Mayor/Do Governor shall, in principle, survey and measure the matters in paragraph (3) 1 and 2 every three years and the matters in paragraph (3) 3 every five years, and if necessary, he/she may survey and measure such matters annually. In such cases, the Mayor/Do Governor shall report the results of such survey and measurement to the Minister of Environment by the end of February of the following year.

Article 30-2 (Standards for Designation of Reservoirs with Priority Management)

"Standards prescribed by Presidential Decree" in Article 31-2 (1) 2 of the Act means the standards as classified in the below:

1. Reservoirs for agricultural purpose: Slightly bad (IV) grade among the living environmental standards for lakes and marshes referred to in subparagraph 3 (b) (2) of attached Table 1 of the Enforcement Decree of the Framework Act on Environmental Policy;
2. Other reservoirs: Ordinary (III) grade among the living environmental standards for lakes and marshes referred to in subparagraph 3 (b) (2) of attached Table 1 of the Enforcement Decree of the Framework Act on Environmental Policy.

[This Article Newly Inserted by Presidential Decree No. 23938, Jul. 5, 2012]

CHAPTER III CONTROL OF POINT-POLLUTION SOURCES

SECTION 1 Regulation of Discharge of Industrial Wastewater

Article 31 (Scope, etc. of Wastewater Discharging Facilities Requiring Permission or Reporting for Installation)(1) Wastewater discharging facilities which require permission for installation under the main body of Article 33 (1) of the Act (hereinafter referred to as "discharging facilities") are as follows: <Amended by Presidential Decree No. 23967, Jul. 20, 2012; Presidential Decree No. 25773, Nov. 24, 2014>

1. Discharging facilities which discharge specific substances harmful to water quality in excess of the standards prescribed by Ordinance of the Ministry of Environment;
2. Discharging facilities installed on the zone for special countermeasures under Article 38 of the Framework Act on Environmental Policy (hereinafter referred to as "zone for special countermeasures");
3. Discharging facilities installed within an area in which the installation of the discharge facilities is restricted, that is publicly notified by the Minister of Environment in accordance with Article 33 (6) of the Act;
4. Discharging facilities installed within the protection zone for water supply source (hereinafter referred to as "protection zone for water supply source") under Article 7 of the Water Supply and Waterworks Installation Act, or which are established within a 10km flow-distance upstream from its boundary;
5. In cases of an area, among the areas in which no protection zone for water supply source has been designated, where water collection facilities are installed, the discharging facilities installed within a 15km flow-distance upstream from said water collection facilities;
6. Discharging facilities the installation of which has been reported under the main body of Article 33 (1) of the Act, which newly discharge specific substances harmful to water quality in excess of the standards referred to in subparagraph 1 as a result of changes in the raw material, constituent raw materials, the manufacturing process, etc.

(2) In any of the following cases, the installation of discharging facilities shall be reported under the main body of Article 33 (1) of the Act: <Amended by Presidential Decree No. 25773, Nov. 24, 2014>

1. Where discharging facilities are installed, other than those which require permission for installation under paragraph (1);
2. Where the whole quantity of wastewater discharged from discharging facilities falling under any subparagraph of paragraph (1), is treated on entrustment and the entrusted

wastewater treatment facilities are located outside areas or districts under paragraph (1) 2 through 5;

3. Where discharging facilities which does not discharge specific substances harmful to water quality in excess of the standards referred to in paragraph (1) 1 among discharging facilities under paragraph (1) 2 through 5 and flow the whole quantity of discharged wastewater into wastewater terminal treatment facilities or public sewer treatment facilities.

(3) In any of the following cases, a person who has obtained permission for installation of discharging facilities shall obtain permission to alter the discharging facilities under the main body of Article 33 (2) of the Act: <Amended by Presidential Decree No. 20761, Apr. 3, 2008; Presidential Decree No. 25773, Nov. 24, 2014>

1. Where the quantity of discharged wastewater increases by at least 50/100 (or 30/100 in cases of facilities which discharge specific substances harmful to water quality in excess of the standards referred to in paragraph (1)) of the quantity of discharged wastewater measured at the time of permission, or where the quantity of discharged wastewater increases by at least 700 m³ per day;

2. Where the improvement of discharging facilities or water pollution preventative facilities provided for in Article 35 (1) of the Act (hereinafter referred to as "prevention facilities") is necessary due to the generation of new water pollutants to such extent in excess of the standards for permissible discharge under Article 32 of the Act (hereinafter referred to as "standards for permissible discharge");

3. Where an alteration is required for the method of disposals in a solid state under paragraph (7) 2 in wastewater non-discharge facilities for which permission has been obtained under the proviso to Article 33 (1) of the Act.

(4) In all of the following cases, permission for alteration under paragraph (3) may be replaced by reporting on alteration, notwithstanding paragraph (3):

1. Where consultation with the representative of joint prevention facilities provided for in Article 35 (4) of the Act (hereinafter referred to as "joint prevention facilities") or persons who operate wastewater terminal treatment facilities has been held with regards to the treatment of wastewater and the bearing of expenses therefor;

2. An alternation of discharge facilities within the scope not exceeding wastewater treatment capacity or treatable volume.

(5) A person who intends to obtain permission for installation or alteration of discharging facilities or to report on installation thereof in accordance with Article 33 (1) or (2) of the Act, shall submit (including submission by means of information and communications network defined in subparagraph 10 of Article 2 of the Electronic Government Act) to the Minister of Environment an application for permission for installation or alteration of discharging facilities or written report on installation thereof together with the following documents: <Amended by Presidential Decree No. 22151, May 4, 2010>

1. A map indicating the locations of the discharging facilities and a flow chart for the process of wastewater discharge;

2. A detailed statement of raw materials to be used (including water to be used for specific purposes), the quantity of goods to be produced, and water pollutants anticipated to be generated;

3. A detailed statement of the establishment of prevention facilities and a drawing thereof: Provided, That such drawing may be replaced by a plot-plan in cases of a report on installation;

4. The certificate of permission for installation of discharging facilities (limited to permission for alteration).

(6) Where the Minister of Environment has granted permission for installation of discharging facilities or accepted a written report on installation of discharging facilities, he/she shall issue to the relevant applicant a certificate of permission for installation of such discharging facilities or a report certificate on installation of such discharging facilities: Provided, when the Minister of Environment has granted permission for alteration discharging facilities, the altered matters shall be stated on the existing certificate.

(7) "Facilities prescribed by Presidential Decree" in Article 33 (9) 3 of the Act means the following facilities, and "standards prescribed by Presidential Decree" means as prescribed by attached Table 6:

1. Facilities to separate or collect wastewater generated from wastewater non-discharge facilities in order to prevent such wastewater from mixing with wastewater generated from other discharge facilities;

2. Prevention facilities to dispose of substances harmful to water quality in wastewater, in the form of solid wastes;

3. Interception or storage facilities that prevent wastewater from emitting or leaking out into public waters due to defects or accidents in facilities or rainwater, etc.

Article 32 (Areas where Installation of Discharging Facilities is Restricted)

The scope of areas where the installation of discharging facilities may be restricted pursuant to Article 33 (6) of the Act shall be as follows: <Amended by Presidential Decree No. 23520, Jan. 17, 2012; Presidential Decree No. 23967, Jul. 20, 2012; Presidential Decree No. 25773, Nov. 24, 2014>

1. Areas where water collection facilities are installed;

2. Zones for special countermeasures which are designated and published in order to preserve water quality pursuant to Article 38 of the Framework Act on Environmental Policy;

3. Areas where the establishment of factories is restricted pursuant to Article 7-2 (1) of the Water Supply and Waterworks Installation Act (limited to discharging facilities under Article 31 (1) 1);

4. Upstream areas of the areas or zones referred to in subparagraphs 1 through 3 (limited to discharging facilities under Article 31 (1) 1).

Article 33 (Criteria for Exemption from Establishment of Prevention Facilities)

"Discharge facilities (excluding wastewater non-discharge facilities) which meet the criteria determined by Presidential Decree" in the proviso to Article 35 (1) of the Act means any of

the following cases:

1. Where water pollutants are always discharged below the standards for permissible discharge owing to the function of and the work procedures for such discharge facilities;
2. Where the whole quantity of the wastewater prescribed by Ordinance of the Ministry of Environment is treated entirely under consignment by a person who has registered for a wastewater treatment business in accordance with Article 62 of the Act or a specialized agency that is acknowledged and publicly announced by the Minister of Environment;
3. Other cases where the proper treatment of water pollutants is possible, without installing prevention facilities, by such means as, for instance, recycling all of the wastewater to occur and, at the same time, which are determined by Ordinance of the Ministry of Environment.

Article 34 (Discharging Facilities, etc. Subject to Reporting on Startup Operation due to Reporting on Alterations)

"Alterations prescribed by Presidential Decree" in the former part of Article 37 (1) of the Act means any of the following cases:

1. Where quantity of the discharged wastewater increases by at least 50/100 of the quantity of wastewater discharged initially reported;
2. Where discharging facilities or prevention facilities need to be improved due to the generation of new water pollutants from the relevant discharging facilities in excess of the standards for permissible discharge;
3. Where the method of wastewater treatment at prevention facilities established in discharging facilities is altered;
4. Where prevention facilities are newly established in the discharging facilities in which any prevention facilities have not been established pursuant to the proviso to Article 35 (1) of the Act.

Article 35 (Object, Methods and Period for Installing Measuring Instruments, etc.)(1)

Discharge quantities or treatment quantities of wastewater and kinds of measuring instruments to be installed at the places of business, the prevention facilities (including joint prevention facilities), the wastewater terminal treatment facilities, and the public sewer treatment facilities (hereinafter referred to as "place of business, etc. equipped with measuring instrument") under Article 38-2 (1) of the Act shall be as detailed in attached Table 7.

(2) Any persons obliged to install the measuring instruments pursuant to Article 38-2 (1) of the Act (hereinafter referred to as "business entity, etc. obliged to install measuring instruments") shall install the relevant measuring instruments according to the methods stated in attached Table 8 within the time periods classified below: <Amended by Presidential Decree No. 22051, Feb. 18, 2010; Presidential Decree No. 25127, Jan. 28, 2014>

1. Any person who installs and operates wastewater terminal treatment facilities: Before the installation of wastewater terminal treatment facilities under Article 48 (1) of the Act has been completed: Provided, That where the relevant person becomes a business entity, etc.

obliged to install measuring instruments as a result of an increased treatment quantity, the measuring instruments shall be installed by the end of September of the following year;

2. Any person who installs and operates public sewer treatment facilities: Before the publication for use of public sewers under Article 15 of the Sewerage Act: Provided, That where the relevant person becomes a business entity, etc. obliged to install measuring instruments as a result of an increase in quantity treated, the measuring instruments shall be installed within nine months from the date the publication for use of public sewers has been made;

3. A person other than those referred to in subparagraphs 1 and 2: In cases of integrating wattmeter and integrating flowmeter, before the report of startup operation has been made pursuant to Article 37 of the Act and in cases of water quality automatic gauges and supplementary facilities, within two months after the report on the commencement of operation has been made pursuant to Article 37 of the Act: Provided, That where the relevant person becomes a business entity, etc. obliged to install measuring instruments as a result of an increased quantity of discharge wastewater, the water quality automatic gauges and supplementary facilities shall be installed within nine months from the date when permit for alternation has been obtained or report on alternation has been made pursuant to Article 33 (2) and (3) of the Act.

(3) Where a business entity, etc. obliged to install measuring instruments has installed the measuring instruments under paragraph (2), he/she shall immediately notify the Mayor/Do Governor, etc. of such fact. In such cases, the Mayor/Do Governor, etc. shall verify whether the installed measuring instruments are installed in compliance with the environmental pollution process testing standards under Article 6 of the Environmental Examination and Inspection Act. <Amended by Presidential Decree No. 22213, Jun. 22, 2010>

(4) A Mayor/Do Governor, etc. may use the data automatically transmitted from the relevant measuring instruments to the Tele-Monitoring System Control Center under Article 37 (hereinafter referred to as the "automatically measured data") as any of the following administrative data, after six months from the date whether the such measuring instruments have been properly installed is verified under paragraph (3): Provided, That where there are errors in the automatically measured data, due to intentional operation of measuring instruments, disorder, unexpected event such as thunder, electromagnetic waves, or a malfunction in the computer network, the substitute data (hereinafter referred to as "alternative automatically measured data") may be created and used:

1. Data for calculating the charges for release of pollutants in excess of the total quantity according to each of the following items:

(a) Article 13 of the Act on the Management of Water and Resident Support in the Gum River Basin;

(b) Article 13 of the Act on the Management of Water and Resident Support in the Yeongsan and Seomjin River Basins;

(c) Article 13 of the Act on the Management of Water and Resident Support in the Nakdong

River Basin;

(d) Article 10;

2. Data for verifying whether the standards for the quality of discharged water of the wastewater terminal treatment facilities are exceeded in accordance with Article 12 (3) of the Act;

3. Data for verifying whether the standards for permissible discharge are exceeded in accordance with Article 32 of the Act;

4. Data for calculating discharge dues in accordance with Article 41 of the Act;

5. Data for verifying whether the standards for the quality of discharged water of the public sewer treatment facilities are exceeded in accordance with Article 7 of the Sewerage Act.

(5) The procedures for, and methods of, verification under paragraph (3), the specific means of utilizing administrative data under paragraph (4), the kinds, the ways of selection, and the ways of treating abnormal automatically measured data, and the ways of creating alternative automatically measured data, etc. shall be determined and published by the Minister of Environment.

Article 36 (Improvement Period for Person under Order to Take Measures regarding Gauges, etc.)(1) When the Minister of Environment issues orders to take measures pursuant to Article 38-4 (1) of the Act, he/she shall prescribe the improvement period within the scope of six months.

(2) Where a person who has been served an order to take measures pursuant to Article 38-4 (1) of the Act may not complete the relevant measures within the period for improvement due to natural disasters or other inevitable grounds, the Minister of Environment may, upon receipt of an application from the person who has been served an order to take measures, extend the period for improvement within the scope of six months.

Article 37 (Establishment and Operation of Tele-Monitoring System Control Center)(1) With the aim to operate the computer network under Article 38-5 (1) of the Act, the Minister of Environment may establish and operate the Tele-Monitoring System Control Center (hereinafter referred to as "Control Center") in the Korea Environment Corporation under the Korea Environment Corporation Act. <Amended by Presidential Decree No. 21904, Dec. 24, 2009>

(2) Matters necessary for the functions and operation of the Control Center, management of automatically measured data, etc. shall be determined and publicly notified by the Minister of Environment.

Article 38 (Exemption from Reporting or Inspection of Place of Business, etc. Equipped with Gauges)

Where automatically measured data might be utilized as administrative data pursuant to Article 35 (4), the Minister of Environment may be exempted from the reporting or the inspection performed in order to confirm the following matters in accordance with Article 38-5 (4) of the Act:

1. Whether the standards for the quality of discharged water of the wastewater terminal

treatment facilities are exceeded in accordance with Article 12 (3) of the Act;

2. Whether the standards for permissible discharge are exceeded in accordance with Article 32 of the Act.

Article 39 (Improvement Period, etc.)(1) When the Minister of Environment intends to issue an order for improvement in accordance with Article 39 of the Act, he/she may determine the improvement period within the range of one year, taking into consideration measures necessary for the improvement or installation period for necessary facilities.

(2) Where a person who has been served an order for improvement under Article 39 of the Act may not implement such order within the period due to natural disasters or other inevitable grounds, he/she may apply for the extension of period to the Minister of Environment within the scope of six months before the prescribed period expires.

Article 40 (Improvement of Business Entities not Subject to Order for Measures or Improvement)(1) Where a person who does not receive an order to take measures under Article 38-4 (1) of the Act or a business entity who does not receive an improvement order under Article 39 of the Act recognizes that the gauges may not be operated normally or the pollutants are likely to be discharged in excess of the standards for permissible discharge owing to any of the following reasons, and intends to improve the gauges, discharge facilities, or prevention facilities (hereafter referred to as "discharge facilities, etc." in this Article), he/she may improve his/her discharge facilities, etc. after filing a facility improvement plan stating the grounds for improvement, the improvement period, the details of such improvement, the anticipated quantity and concentration of the water pollutants to be discharged during the improvement period, with the Minister of Environment: Provided, That where abnormalities happen in measured data temporarily due to insignificant matters prescribed by Ordinance of the Ministry of Environment, such as correction of gauges or cleaning, he/she may improve the relevant discharge facilities, etc. after submitting a statement on the grounds of improvement to the Minister of Environment by using an electronic data processing program, as prescribed by Ordinance of the Ministry of Environment: <Amended by Presidential Decree No. 23520, Jan. 17, 2012>

1. Where the following emergency measures have been taken after the relevant public officials collect pollutants of water quality under Article 68 (1) of the Act, and the improvement of discharge facilities, etc. is needed:

(a) Measures to cease the discharge of water pollutants, where the operation of the discharge facilities, etc. has been completely suspended for the improvement, alteration or repair thereof or the operation of discharge facilities, etc. ceases completely due to force majeure, such as natural disaster, fire or sudden breakdown;

(b) Measures to reduce the discharge of water pollutants by consigning the treatment of wastewater to be treated in the prevention facilities as provided for in subparagraph 2 of Article 33;

2. Any of the following cases, other than cases under subparagraph 1:

(a) Where it is necessary to improve, alter or repair the discharge facilities, etc.;

(b) Where he/she is unable to operate the discharge facilities, etc. properly due to a sudden breakdown in the main mechanical devices of such facilities, etc., a power outage, a suspension of water supply, or force majeure, such as natural disaster or fire;

(c) Where he/she is unable to operate his/her discharge facilities, etc. properly due to weather changes or an inflow of abnormal substances when treating water pollutants through the biochemical method.

(2) Where any person who files an improvement plan pursuant to the main sentence of paragraph (1) completes the improvement of the discharge facilities, etc. by the improvement period, he/she may file an improvement completion report with the Minister of Environment and commence operation: Provided, That where the measures for improvement may not be completed within the period for improvement due to natural disasters or other inevitable grounds, an application for extension of period for improvement may be submitted to the Minister of Environment before the prescribed period expires. <Amended by Presidential Decree No. 23520, Jan. 17, 2012>

(3) With regard to a person who files an improvement plan pursuant to the main sentence of paragraph (1) or a person who files an improvement completion report pursuant to paragraph (2), the Minister of Environment shall, without delay, instruct the competent public officials to confirm the details and results of improvement, and quantity of discharged water pollutants, etc. and may collect samples to entrust the test of their pollution levels to a testing institution prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 23520, Jan. 17, 2012>

Article 41 (Criteria and Method for Computing Basic Discharge Dues)(1) The basic discharge dues as prescribed in Article 41 (1) 1 (a) and (b) of the Act (hereinafter referred to as "basic discharge dues") shall be the amount computed by the following formula on the basis of the quantity and concentration of water pollutants discharged: Quantity discharged below the criteria \times Amount imposed per kilogram of water pollutants \times Computation index of dues by year \times Imposition coefficient by place of business \times Imposition coefficient by area \times Imposition coefficient by rate exceeding standards for quality of discharged water.

(2) The quantity discharged below the criteria under paragraph (1) shall be the quantity discharged according to the following classifications:

1. Cases falling under Article 41 (1) 1 (a) of the Act: The quantity discharged exceeding the standards for the quality of discharged water of wastewater terminal treatment facilities under Article 12 (3) of the Act within the scope of the standards for permissible discharge;
2. Cases falling under Article 41 (1) 1 (b) of the Act: The quantity discharged exceeding the standards for the quality of discharged water of the wastewater terminal treatment facilities under Article 12 (3) of the Act.

(3) The provisions of Article 45 (5) shall apply mutatis mutandis to the imposed amount per kilogram of water pollutants necessary for computation of basic discharge dues, and those of Article 49 (1) shall apply mutatis mutandis to the computation index of dues by year; and the imposition coefficient by place of business shall be as specified in attached Table 9, the

imposition coefficient by area shall be as specified in attached Table 10, and the imposition coefficient by rate exceeding standards for the quality of discharged water shall be as specified in attached Table 11.

(4) The basic discharge dues of the joint prevention facilities shall be the amount added by respective place of business computed under the provisions of paragraphs (1) through (3).

(5) In cases of places of business, etc. equipped with gauges to which gauges have been affixed in accordance with Article 38-2 of the Act, and transmits the automatically measured data to the Control Center, the quantity and concentration of water pollutants discharged under paragraph (1) shall be calculated according to the following classifications: <Amended by Presidential Decree No. 22051, Feb. 18, 2010>

1. Where the automatically measured data has been measured and transmitted normally: Data obtained during three hours in accordance with the official testing method with respect to environmental pollution processes under Article 6 of the Environmental Examination and Inspection Act (hereinafter referred to as "average value for each three-hour period");

2. Where the automatically measured data has not been measured and transmitted normally:
(a) When the period of an order to take measures under Article 38-4 of the Act or the improvement period expressly prescribed in the improvement plan (limited to improvement plans for gauges) under Article 40 remains current: The value obtained by calculating the arithmetic mean of average value for each three-hour period of the normally measured and transmitted automatically measured data during the recent three months: Provided, That where only the normally and automatically measured data for a period shorter than three month are available, it shall be obtained by calculating the arithmetic mean of average value for each three-hour period for the available period;

(b) When the period of an improvement order under Article 39 of the Act or the improvement period expressly prescribed in the improvement plan (limited to the improvement plan for gauges of discharge facilities or prevention facilities) under Article 40 remains current: The value obtained by calculating the arithmetic mean of average values for each three-hour period of the normally measured and transmitted automatically measured data for the recent three months during the period of improvement order or the improvement period: Provided, That where no normal automatically measured data exists, it shall be calculated by using the quantity and concentration of water pollutants discharged, expressly prescribed on the improvement order or the quantity and concentration of water pollutants discharged, surveyed after collecting them in accordance with Article 40 (3) at the time when the improvement plan has been filed pursuant to Article 40 (1).

Article 42 (Kinds of Water Pollutants Subject to Imposition of Basic Discharge Dues)

The kinds of water pollutants subject to imposition of basic discharge dues shall be as follows:

1. Organic substances;
2. Suspended solids.

Article 43 (Period for Imposition of Basic Discharge Dues, etc.)

Basic discharge dues shall be imposed on a semi-annual basis, and the reference date for imposition and imposition period shall be as specified in attached Table 12.

Article 44 (Calculation of Quantity Discharged below Criteria, etc.)(1) Where it is necessary to confirm the quantity discharged below the criteria under Article 41 (1), the Minister of Environment may have the relevant business entity to submit (including submission by means of computer network under subparagraph 10 of Article 2 of the Electronic Government Act) any of the following data in accordance with Article 68 (1) of the Act within 30 days from the last day of the imposition period: <Amended by Presidential Decree No. 22151, May 4, 2010>

1. Data on the quantity discharged below the criteria (hereinafter referred to as the "fixed discharge quantity") that has been actually discharged during the relevant imposition period of the basic discharge dues;

2. Data on the quantity of the water pollutants discharged by business entities who send the wastewater into the joint prevention facilities (only the business entity who has established and operated the joint prevention facilities shall submit).

(2) The fixed discharge quantity shall be computed by any of the following methods:

1. The fixed discharge quantity shall be the quantity obtained by multiplying the average daily quantity discharged below the criteria during the imposition period by the actual days of operation during the relevant imposition period, and indicated in kilograms as a unit;

2. The average daily quantity discharged below the criteria under subparagraph 1 shall be computed by the methods defined in each of the following items on the basis of the result of measurement of the water pollutants under Article 46 of the Act:

(a) The discharge quantity discharged within the daily criteria shall be the remaining quantity obtained by deducting the quantity discharged, computed by multiplying the standard concentration of discharged water quality by the daily average volumes of flow, from the average daily quantity discharged;

(b) The average daily quantity discharged shall be computed by dividing the average daily quantity of pollutants discharged that has been measured by discharge openings in accordance with Article 46 of the Act, and this by the frequency of measuring the water pollutants: Provided, That where a notice on the results of inspection under Article 68 of the Act has been received during the imposition period, it shall be computed after adding the daily average quantity discharged, computed in accordance with the results of measuring water pollutants in accordance with Article 46 of the Act to the notified average daily quantity discharged of pollutants, and by dividing this by the value obtained from adding one to the number of inspections;

(c) The daily quantity discharged of pollutants shall be computed by multiplying the discharge concentration at the time of measurement by the total quantity of wastewater of that day (hereinafter referred to as "daily volumes of flow"), and Article 47 (4) shall apply mutatis mutandis to the computation of daily volumes of flow; however, where an operator of public sewer treatment facilities measures the quantity of wastewater that has flowed from

places of business of Classes I through IV under attached Table 13 into such facilities from the zone of sewage treatment, the daily volumes of flow shall be the quantity of wastewater measured and in cases where an operator of public sewer treatment facilities does not measure, the daily volumes of flow shall be based on the data that have been submitted by places of business of Classes I through IV at the time when an application for a permit for installing or modifying the discharge facilities or a report or modification thereon has been filed under the provisions of Article 33 (1) through (3) of the Act, the recording books of operations of discharge facilities and prevention facilities under Article 38 (3) of the Act and the results of inspections under Article 68 of the Act;

(d) The methods of computations under item (b) shall apply mutatis mutandis to the calculation of the average daily volume of flow;

3. The fixed discharge quantity of a place of business, etc. equipped with gauges shall be calculated by multiplying the excess concentration (in cases of Article 41 (1) 1 (a) of the Act, referring to the excess concentration of standards for quality of discharged water under the standards for permissible discharge concentration) of the standards for quality of discharged water for three hours during which the average value of the relevant three hours of the imposition period exceeds the standards for quality of discharged water (including the alternative automatically measured data and data falling under each item of Article 41 (5) 2; hereafter the same shall apply in this Article and Article 47), by the relevant average discharge volumes of flow of the relevant three hours.

(3) Matters necessary for the kinds of data to be submitted in accordance with paragraph (1) and ways of preparing them shall be prescribed by Ordinance of the Ministry of Environment.

Article 45 (Computation Criteria and Methods for Excess Discharge Dues)(1) The excess discharge dues under Article 41 (1) 2 of the Act (hereinafter referred to as "excess discharge dues") shall be the amount obtained from adding the amount classified under each subparagraph of paragraph (3) to the amount computed by the following formula on the basis of the quantity and concentration of water pollutants discharged: Provided, That where excess discharge dues under Article 41 (1) 2 (a) of the Act are to be imposed on the person operating gauge-installing business, etc. not subject to an order for improvement under Article 39 of the Act who has slightly exceeded the standards for permissible discharge, or on the business entity who has submitted a plan for improvement under Article 40 (1) 2 and has implemented any improvements, the imposition coefficients by excess rate of the standards for permissible discharge and the imposition coefficients by frequency of violations shall not be applied and the amount of paragraph (3) 1 shall not be added: <Amended by Presidential Decree No. 22051, Feb. 18, 2010>

Quantity discharged in excess of standards × Amount imposed per kilogram of water pollutants × Computation index of dues by year × Imposition coefficients by area × Imposition coefficients by excess rate of the standards for permissible discharge (emission/leakage coefficients in cases of Article 41 (1) 2 (b) of the Act) × Imposition coefficients by frequency of violation of the standards for permissible discharge.

(2) When the computation criteria under paragraph (1) applies to a business entity who has submitted the improvement plan and makes improvements under Article 40 (1) 1, he/she shall be deemed to have been subject to an order for improvement under Article 39 of the Act.

(3) The amount to be added to the amount computed under the formula pursuant to paragraph (1) for the computation of the excess discharge dues shall be as follows:

1. In cases of excess discharge dues under Article 41 (1) 2 (a) of the Act, the amount to be added shall be four million won for Class- I place of business under attached Table 13, three million won for Class- II place of business, two million won for Class-III place of business, one million won for Class-IV place of business, and one half million won for Class- V place of business;

2. In cases of excess discharge dues under Article 41 (1) 2 (b) of the Act, the amount to be added shall be five million won.

(4) The quantity discharged in excess of the standards under the formula of paragraph (1) shall be the quantity discharged according to the following classifications:

1. In cases falling under Article 41 (1) 2 (a) of the Act: The quantity exceeding the standards for permissible discharge;

2. In cases falling under Article 41 (1) 2 (b) of the Act: The quantity of water pollutants discharged.

(5) The amount imposed per kilogram of the water pollutants, the imposition coefficients by excess rate of the standards for permissible discharge, the emission and leakage coefficients, and the imposition coefficients by area necessary for a computation of the excess discharge dues under paragraphs (1) and (4), shall be as specified in attached Table 14.

(6) Excess discharge dues of the joint prevention facilities shall be the total amount computed in accordance with the provisions of paragraphs (1) through (4) by respective place of business.

(7) Article 41 (5) shall apply mutatis mutandis to the discharge quantity and concentration of the water pollutants necessary for the calculation of excess discharge dues to be imposed on the place of business, etc. equipped with gauges.

Article 46 (Kinds of Water Pollutants Subject to Imposition of Excess Discharge Dues)

The kinds of water pollutants subject to the imposition of the excess discharge dues shall be as follows:

1. Organic substances;
2. Suspended solids;
3. Cadmium and its compounds;
4. Cyanide;
5. Organo posohoric compounds;
6. Lead and its compounds;
7. Hexavalent chromium compounds;

8. Arsenic and its compounds;
9. Mercury and its compounds;
10. Polychlorinated biphenyl;
11. Copper and its compounds;
12. Chrome and its compounds;
13. Phenols;
14. Trichloroacetic ethylene;
15. Tetrachloroethylene;
16. Manganese and its compounds;
17. Zinc and its compounds;
18. Total nitrogen;
19. Total phosphorous.

Article 46-2 (Criteria for Imposition of Penalty Surcharges)(1) The criteria for the imposition of penalty surcharges under Article 43 (1) of the Act shall be as specified in attached Table 14-2.

(2) The deadline for payment of penalty surcharges under Article 43 (3) of the Act shall be 30 days from the date of issuance of a notice of the payment of penalty surcharges, and the notice of the payment of penalty surcharges shall be issued, as prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Presidential Decree No. 25127, Jan. 28, 2014]

Article 47 (Computation of Quantity Discharged in Excess of Standards of Discharge Facilities)(1) The quantity discharged in excess of the standards under Article 45 (1) (excluding cases of discharge from wastewater non-discharge facilities) shall be the quantity of water pollutants discharged by making operations in excess of the standards for permissible discharge during the discharge period pursuant to the classification under any of the following subparagraphs, and the said quantity shall be computed by multiplying the quantity discharged in excess of the daily standards by the number of days in the discharge period: Provided, That the quantity discharged in excess of the standards of the place of business, etc. equipped with gauges shall be calculated by multiplying the excess concentration (referring to the value obtained by deducting the concentration of standards for permissible discharge from the average value during three hours during which the standards for permissible discharge has been exceeded) of the standards for permissible discharge for the three hours during which the average value of the relevant three hours exceeds the standards for permissible discharge by the relevant average discharge volumes of flow of the relevant three hours:

1. Where an improvement has been made in accordance with Article 40 (1) 1 after an improvement plan has been submitted: The period from the date when the water pollutants begin being discharged (referring to the date when the relevant public officials collect water pollutants in accordance with Article 68 (1) of the Act, if the date when the water pollutants begin being discharged is unknown) to the date when the operation ceases or when the

entire quantity is treated under consignment (where the treatment is made under consignment in accordance with Article 40 (1) 1 (b), but part of wastewater not designated by subparagraph 2 of Article 33 is partly discharged, the expiration date of the improvement period stipulated in the improvement plan) prescribed in the improvement plan;

2. Where an improvement has been made in accordance with Article 40 (1) 2 after the improvement plan has been submitted: The period from the date when the standards for permissible discharge clarified in the improvement plan has been exceeded to the expiration date of the improvement period;

3. In cases other than those falling under subparagraphs 1 and 2: The period from the date a discharge of water pollutants has been commenced (referring the date when the relevant public officials collect water pollutants for examination as to whether the standards for permissible discharge have been exceeded, if the date when the water pollutants begin being discharged is unknown) to the scheduled date the order for improvement, the order for suspension of operation, the order for suspension of use, or the order for closure is completely fulfilled, or the date of revocation of permission under Article 39, 40, 42 or 44 of the Act, or the date when the infringing activities have been suspended where any subparagraph of Article 38 (1) of the Act has been violated.

(2) The quantity discharged in excess of the daily criteria under paragraph (1) shall be the quantity indicated in kilograms as a unit, being the quantity computed by multiplying the concentration of water pollutants discharged in excess of the standards for permissible discharge on the collection date of discharged pollutants forming grounds for the order for improvement, order for suspension of operation, revocation of permit, order for suspension of use, or order for closure under Article 39, 40, 42 or 44 of the Act (where the improvement plan has been submitted in accordance with Article 40 (1) 1, referring to the date when the water pollutants are collected under Article 68 (1) of the Act by the relevant public officials. Where the improvement plan has been submitted in accordance with Article 40 (1) 2, referring to the date when the test samples are collected by the relevant public officials under Article 68 (3) of the Act) by the daily volumes of flow computed in accordance with the wastewater volumes of flow at the time of measuring the relevant concentration (hereinafter referred to as "measured volumes of flow").

(3) The discharge period under paragraph (1) shall be indicated by the number of days, after calculating as prescribed in the Civil Act, including the first day.

(4) The quantity discharged in excess of the daily standards and the daily volumes of flow under paragraph (2) shall be computed in accordance with attached Table 15. The measured volumes of flow shall be computed in accordance with the official testing method with respect to environmental pollution processes under Article 6 of the Environmental Examination and Inspection Act: Provided, That where the volume of flow cannot be measured or measured volumes of flow are deemed to be remarkably different from the actual volumes of flow, the volume of flow shall be computed by any of the following methods:

1. Computation by integrating flowmeters;

2. Where the method under subparagraph 1 is deemed to be inadequate, it shall be computed by the average volumes of flow for 30 working days immediately preceding the collection date of test samples on the daily record of operation of the prevention facilities;

3. Where the methods under both subparagraphs 1 and 2 are deemed to be inadequate, it shall be computed by reducing the quantity of water used for living, product contents and other water not generating any wastewater from the quantity of water used at the relevant place of business (including all water used at the relevant place of business, such as tap water, water used for industrial purposes, groundwater, river water, sea water, etc.).

Article 48 (Computation of Quantity Discharged in Excess of Standards for Wastewater Non-discharge Facilities)(1) The quantity discharged in excess of the standards under Article 45 (1) (limited to cases of discharges from wastewater non-discharge facilities) shall be the quantity of pollutants discharged by emissions or leakage from wastewater non-discharge facilities from the date when the discharge of water pollutants is commenced in contravention of Article 38 (2) of the Act (where the date the discharges commenced cannot be ascertained, referring to the collection date of water pollutants) until the date the said activities cease. However, the said quantity shall be computed by multiplying the quantity discharged in excess of the daily standards by the number of days in the discharge period.

(2) The quantity discharged in excess of the daily criteria under paragraph (1) shall be the quantity indicated in kilograms as a unit, being the quantity computed by multiplying the discharge concentration of the water pollutants on the collection date of discharged pollutants by the daily volumes of flow calculated by the measured volumes of flow.

(3) Article 47 (3) and (4) shall apply mutatis mutandis to the computation of the discharge period, quantity discharged in excess of the daily criteria and daily volumes of flow under paragraphs (1) and (2).

Article 49 (Computation Index of Dues by Year and Imposition Coefficients by Frequency of Violations)(1) The computation index of dues by year under Article 45 (1) shall be derived by multiplying the computation index of dues of the preceding year by the price fluctuation index publicly announced by the Minister of Environment by taking into account the rates of price increase, etc. of the preceding year.

(2) The imposition coefficients by frequency of violations under Article 45 (1) shall be as specified in attached Table 16.

Article 50 (Adjustment of Quantity Discharged below Criteria)

Where the data referred to in Article 44 (1) are not submitted or the said data, having been submitted, are deemed to be unfair, for example, the fixed discharge quantity is remarkably different from that of other places of business with the similar size, the Minister of Environment may adjust the quantity discharged below the criteria as prescribed in the following:

1. Where the relevant business entity does not submit data concerning the fixed discharge quantity as provided for in Article 44 (1), the discharge quantity of water pollutants

(hereinafter referred to as "discharge quantity of inspection") shall be computed as prescribed in the following items, deeming that pollutants have been, so far, discharged in the same state as the discharge concentration and the daily volumes of flow at the time of inspection prescribed in Article 68 of the Act; and the discharge quantity equivalent to 120/100 of the discharge quantity of inspection shall be regarded as the quantity discharged below the criteria:

(a) The daily discharge quantity of inspection shall be calculated by multiplying the discharge concentration at the time of inspection by daily volume of flow at the time of inspection;

(b) The average daily discharge quantity of inspection shall be calculated by, first, adding the daily discharge quantities of inspection, computed according to item (a), and then, dividing the sum thereof by the number of inspections carried out;

(c) The discharge quantity of inspection shall be calculated by, first, subtracting the quantity discharged within the standards for quality of discharged water from the average daily discharge quantity of inspection, and then, multiplying the valance thereof by the number of working days;

2. Where the fixed quantity of discharge submitted by the business entity in accordance with Article 44 (1) is less than the discharge quantity of inspection by not less than 20/100 of the latter, the discharge quantity equivalent to 120/100 of the discharge quantity of inspection shall be regarded as the quantity discharged below the criteria.

Article 51 (Request for Submission of Data on Adjustment of Quantity Discharged below Criteria, etc.)(1) Where necessary for the adjustment of the quantity discharged below the criteria pursuant to Article 50, the Minister of Environment may have the business entity submit related data in accordance with Article 68 (1) of the Act.

(2) In order to confirm the matters concerning the discharge quantity of water pollutants, etc., submitted by the relevant business entity in accordance with Article 44 (1), or to adjust the quantity discharged below the criteria under Article 50, the Minister of Environment shall carry out an inspection on the level of pollution as prescribed by Ordinance of the Ministry of Environment or entrust the inspection on the level of pollution to an inspection agency designated by Ordinance of the Ministry of Environment.

Article 52 (Reduction or Exemption of Discharge Dues, etc.)(1) "Business entity who discharges water pollutants in not more than such quantity as determined by Presidential Decree" in the former part of Article 41 (3) of the Act means any of following persons: <Amended by Presidential Decree No. 22051, Feb. 18, 2010>

1. Any business entity, the place of business of which is Class-V under attached Table 13;
2. Any business entity who sends wastewater into wastewater terminal treatment facilities;
3. Any business entity who sends wastewater into public sewer treatment facilities;
4. Any business entity who has not discharged water pollutants in excess of the standards for quality of discharged water for not less than six months prior to the commencement date of the relevant imposition period;
5. Any business entity who reuses wastewater discharged from discharge facilities prior to

discharging such wastewater through the final outlet.

(2) The kinds of dues to be abated or exempted under Article 41 (3) of the Act shall be the basic discharge dues, and the scope of the abatement or exemption shall be as follows:

1. In cases of the business entity falling under any of paragraph (1) 1 through 3, basic discharge dues shall be exempted;

2. In cases of the business entity falling under paragraph (1) 4, basic discharge dues shall be reduced according to the period falling under any of the following items, during which he/she discharges pollutants not exceeding the standards for quality of discharged water, and the corresponding reduction rate:

(a) Between not less than six months and not more than one year: 20/100;

(b) Between not less than one year and not more than two years: 30/100;

(c) Between not less than two years and not more than three years: 40/100;

(d) Not less than three years: 50/100;

3. In cases of the business entity falling under paragraph (1) 5, basic discharge dues shall be reduced according to the reduction rate computed by the reuse rate of wastewater falling under any of the following:

(a) Where the reuse rate is between not less than 10 percent and less than 30 percent: 20/100;

(b) Where the reuse rate is between not less than 30 percent and less than 60 percent: 50/100;

(c) Where the reuse rate is between not less than 60 percent and less than 90 percent: 80/100;

(d) Where the reuse rate is not less than 90 percent: 90/100.

(3) Any business entity who desires a reduction of or exemption from basic discharge dues in accordance with Article 41 (3) of the Act shall submit relevant documents that can prove his/her entitlement to such reduction or exemption, by no later than the last day of the month following the month in which the imposition period expires as prescribed by Ordinance of the Ministry of Environment: Provided, That any business entity falling under paragraph (2) 1 or 2 may be exempted from the submission of such data.

Article 53 (Payment Notices of Discharge Dues)(1) Payment notices of discharge dues shall be served within the period falling under any of the following subparagraphs: Provided, That in cases of places of business, etc. equipped with gauges, payment notices may be served by summing up excess discharge dues on a quarterly basis:

1. In cases of basic discharge dues, within sixty days after the date on which the period for submission of documents concerning the fixed discharge quantity of the relevant imposition period expires;

2. In cases of excess discharge dues, at the time an incidence for imposition of excess discharge dues occurs.

(2) Where discharge dues are decided to be imposed in accordance with paragraph (1) (including cases where discharge dues are imposed after undergoing adjustment pursuant

to Article 54), payment notices shall be issued by indicating the quantity of the water pollutants subject to imposition, the amount imposed, the deadline and place for payment, and other necessary matters therefor. In such cases, the payment period for discharge dues shall be 30 days from the date when the payment notice has been issued.

Article 54 (Adjustment of Discharge Dues)(1) In any of the following cases, the Minister of Environment shall recalculate and adjust the amount of discharge dues, and where there is a difference between the amount already paid and the adjusted amount, he/she shall re-impose or refund an amount equivalent to the difference:

1. Where the discharge period of water pollutants on the basis of which the computation of the excess discharge dues is made has changed due to the fact that, until the expiration date of the improvement period (including suspension of operation and treatment of the entire quantity on consignment), the scheduled date of fulfilling performance of orders, date of revoking permission or date of suspending infringing activities as provided for in Article 47 (1) 1 through 3, the relevant improvement, performance of the relevant order or suspension of infringing activities has not been fulfilled or the fact that, before the said periods expire, the relevant improvement, performance of the relevant order or suspension of violative activities has been fulfilled;

2. Where the discharge quantity of water pollutants or as turned out to have changed from the originally measured quantity as a result of the remeasurement thereof according to acknowledgement of the fact that the state of pollutants, etc. being discharged after imposition of the excess discharge dues changed from the state thereof at the time of the original measurement;

3. Where an error is detected in the computation of fixed discharge quantity submitted by the relevant business entity in accordance with Article 44 (1) or where an error is detected in the adjustment of quantity discharged below the criteria performed by the Minister of Environment in accordance with Article 50.

(2) In cases of adjustment of excess discharge dues for a reason prescribed in paragraph (1) 1, the final day of the discharge period of water pollutants or discharged material necessary for a computation of excess discharge dues shall be as follows:

1. Where an improvement plan under Article 40 (1) has been submitted: The day of fulfillment of the relevant improvement as determined by Ordinance of the Ministry of Environment;

2. Where an order for improvement, order for suspension of operation, order for suspension of use, or order for closure under Article 39, 40, 42 or 44 of the Act has been issued: The day on which the report on performance of the relevant order is made in accordance with Article 45 (1) of the Act (limited to cases where completion of improvement is confirmed under Article 45 (2) of the Act);

3. All cases other than subparagraphs 1 and 2: The day of ceasing infringing activities under any subparagraph of Article 38 (1) of the Act or the day of revoking permission under Article 42 of the Act.

(3) In cases of adjustment of excess discharge dues for a reason prescribed in paragraph

(1) 2, the amount of excess discharge dues shall be computed on the basis of the discharge quantity remeasured during the period following the day of reinspection.

(4) The impositions subsequent to adjustment or refunds of excess discharge dues as prescribed in paragraph (1) 1 shall be made within 30 days following the date on which it is confirmed as to whether improvement of relevant discharge facilities or prevention facilities, the performance of the relevant order or the suspension of infringing activities has been fulfilled.

(5) Where basic discharge dues must be adjusted for a reason prescribed in paragraph (1) 3, the basic discharge dues shall be computed on the basis of the documents submitted at the time the permit for the establishment or modification of discharge facilities was applied for or the report or modification report thereon was made in accordance with Article 33 (1) through (3) of the Act, the record on operation of the discharge facilities and prevention facilities as prescribed in Article 38 (3) of the Act, the results of the inspection as prescribed in Article 68 of the Act, etc.

(6) Where the Minister of Environment shall has decided to impose or refund the difference in accordance with paragraph (1), he/she shall notify the relevant person in writing by indicating the relevant amount, date, place and other necessary matters.

Article 55 (Application for Adjustment of Discharge Dues)(1) Where any business entity for which a payment notice for discharge dues has been issued (hereinafter referred to as "payment obligor") falls under any subparagraph of Article 54 (1), he/she may apply for the adjustment of the discharge dues.

(2) An application for adjustment of discharge dues pursuant to paragraph (1) shall be filed within 60 days from the date when a payment notice of discharge dues has been served. <Amended by Presidential Decree No. 22213, Jun. 22, 2010>

(3) When the Minister of Environment has accepted an application for adjustment, he/she shall notify the applicant of his/her decision on the matter under consideration within 30 days following the date on which the application is received.

(4) The application for adjustment referred to in paragraph (1) shall not affect the payment deadline for discharge dues.

Article 56 (Deferment of Collection, Installment Payments and Procedures for Collection of Discharge Dues)(1) In any of the following cases, the payment obligor of discharge dues may file an application to the Minister of Environment to defer the collection thereof or to pay the dues in installments:

1. Where the property of a business entity is affected by serious harm due to a natural disaster or other calamities;
2. Where a business entity faces a considerable crisis due to apparent losses;
3. Where any reason similar to those prescribed in subparagraphs 1 and 2 occurs.

(2) When the Minister of Environment, upon receipt of an application provided for in paragraph (1), recognized that the discharge dues may not be paid due to any reason falling under any subparagraph of paragraph (1), he/she may allow the deferred collection of

discharge dues or payment installments. In such cases, the period for deferment of collection shall be within two years from the day immediately following the date on which the deferment of collection is decided upon and the number of installments into which the payment may be divided within the said period shall not exceed 12. <Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 22213, Jun. 22, 2010>

(3) Where the originally imposed amount to be paid by a person who is subject to deferment of collection of discharge dues or installment payments pursuant to paragraph (2), exceeds the capital or the total equity investment of the payment obligor (in cases of an individual business entity, referring to the total amount of assets) by not less than two times the latter, and where it is deemed that the said amount of discharge dues cannot be paid even within the period under paragraph (2) as a reason falling under any subparagraph of paragraph (1) continues, the Minister of Environment may prescribe the period for deferred collection within the scope of three years from the day immediately following the date on which the deferment of collection is decided upon; the number of installments into which the payment may be divided within the said period shall not exceed 18, notwithstanding paragraph (2). <Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 22213, Jun. 22, 2010>

(4) When the Minister of Environment has decided upon the deferment of collection in accordance with paragraph (1) or (3), he/she may order the provision of collateral or measures necessary for the preservation of collateral, the value of which corresponds to the deferred amount to a person for whom the deferment of collection has been decided.

(5) Where a payment obligor falls under any of the following subparagraphs, the Minister of Environment may cancel the deferment of collection and collect the outstanding dues:

1. Where the relevant person has not paid the outstanding amount until the expiration date of the designated period;
2. Where the relevant person has not complied with the order of the Minister of Environment necessary for an alteration of the relevant collateral or preservation of the relevant collateral;
3. Where the deferment of collection is deemed to be unnecessary on account of a change in the property or other relevant circumstances.

(6) Matters necessary for the imposition, collection, refund and installment payments of discharge dues shall be prescribed by Ordinance of the Ministry of Environment.

Article 57 (Grant of Collection Expenses)(1) Where the Minister of Environment has entrusted collection of discharge dues and additional dues to a Mayor/Do Governor in accordance with Article 81 (1) 10, he/she shall grant to the Mayor/Do Governor the amount equivalent to 10/100 of the discharge dues and the additional dues or the adjusted discharge dues and additional dues as provided for in Article 54 collected by the Mayor/Do Governor as collection expenses.

(2) When the Minister of Environment intends to grant the collection expenses under paragraph (1), he/she shall monthly calculate the collection expenses out of the discharge dues and the additional dues paid into the Special Accounts for Environment Improvement

as prescribed by the Act on the Special Accounts for Environment Improvement, and pay the said collection expenses to the relevant Mayor/Do Governor by the end of each upcoming month.

Article 58 (Discharge Facilities Subject to Disposition of Imposing Penalty Surcharge)

"Discharge facilities determined by Presidential Decree" in Article 43 (1) 5 of the Act means any of the following facilities:

1. Discharge facilities of the defence businesses under subparagraph 9 of Article 3 of the Defense Acquisition Program Act;
2. Discharge facilities acknowledged by the Minister of Environment to be susceptible to such accidents as an explosion or a fire due to the fact that raw materials, auxiliary raw materials, water for a specific purpose, products (including semi-finished goods), etc. placed into the said discharge facilities manifest chemical responses, etc., where the said discharge facilities cease operating;
3. Waterworks under subparagraph 17 of Article 3 of the Water Supply and Waterworks Installation Act;
4. Facilities for reserving petroleum installed in accordance with the plan for reserving petroleum under Article 15 (1) of the Petroleum and Petroleum Substitute Fuel Business Act;
5. Bases in which liquefied natural gases of gas supply facilities under subparagraph 5 of Article 2 of the Urban Gas Business Act are taken over.

Article 59 (Appointment of, Qualification Standard, etc. for Environmental Engineers, etc.)

(1) A business entity who intends to appoint an environmental engineer pursuant to Article 47 (1) of the Act shall appoint the environmental engineer according to the following classifications: <Amended by Presidential Decree No. 25127, Jan. 28, 2014>

1. Where the business entity has installed new discharge facilities: At the same time he/she reports the startup operation of the discharge facilities;
2. Where an environmental engineer is to be replaced: Within five days from the date on which the grounds for such replacement have occurred.

(2) Qualification standards for environmental engineers who shall be employed at different types of places of business in accordance with Article 47 (5) of the Act shall be prescribed in attached Table 17.

SECTION 2 Wastewater Terminal Treatment Facilities

Article 60 (Matters, etc. for Consultation of Establishment and Operation of Wastewater Terminal Treatment Facilities)

(1) Where the State or a local government intends to have a person falling under any subparagraph of Article 48 (1) of the Act establish and operate wastewater terminal treatment facilities in accordance with Article 48 (1) of the Act, it shall consult with a person who is to establish and operate the relevant facilities on the following matters:

1. The scale of a project for the establishment and operation of wastewater terminal treatment facilities (hereinafter referred to as "project for wastewater terminal treatment facilities");

2. The means of raising and managing expenses for the project;
3. Implementation period of the project and means of implementation;
4. Expenses to be paid subsequent to establishment and operation;
5. Other matters prescribed by Ordinance of the Ministry of Environment.

(2) "Person prescribed by Presidential Decree" in Article 48 (1) 4 of the Act means any of the following persons. In such cases, the scope of projects for the wastewater terminal treatment facilities shall be limited to projects operated by wastewater terminal treatment facilities: <Amended by Presidential Decree No. 21565, Jun. 26, 2009; Presidential Decree No. 22051, Feb. 18, 2010; Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 23938, Jul. 5, 2012>

1. The Korea Rural Community Corporation under the Korea Rural Community Corporation and Farmland Management Fund Act;
2. The Korea Water Resources Corporation under the Korea Water Resources Corporation Act;
3. The local public enterprises and local industrial complexes under the Local Public Enterprises Act;
4. The Korea Industrial Complex Corporation or the council for moved-in enterprises (where the requirements for the establishment of a council for moved-in enterprises has not been satisfied due to the move-in of a single place of business, etc., referring to relevant moved-in company) established in accordance with Article 31 of the Industrial Cluster Development and Factory Establishment Act;
5. Any person who registers environmental specialized construction business in accordance with Article 15 of the Environmental Technology and Industry Support Act;
- 5-2. Small and medium enterprise cooperatives under the Small and Medium Enterprise Cooperatives Act (limited to cases where wastewater terminal treatment facilities are installed in an industrial complex referred to in subparagraph 8 of Article 2 of the Industrial Sites and Development Act and at least 90 percent of small and medium enterprises which move to the relevant industrial complex are the members thereof);
6. Other persons who are allowed to operate wastewater terminal treatment facilities in accordance with other Acts.

Article 61 (Kinds of Wastewater Terminal Treatment Facilities)

The kinds of wastewater terminal treatment facilities pursuant to Article 48 (2) of the Act shall be as follows:

1. The wastewater terminal treatment facilities for industrial complexes: Industrial complexes designated in accordance with Articles 6, 7, and 7-2 of the Industrial Sites and Development Act or wastewater terminal treatment facilities to be established on the manufacturing area designated in accordance with Article 36 (1) 1 (c) of the National Land Planning and Utilization Act;
2. The wastewater terminal treatment facilities for agricultural or industrial complexes: Wastewater terminal treatment facilities to be established on agricultural or industrial

complexes designated in accordance with Article 8 of the Industrial Sites and Development Act;

3. The wastewater terminal treatment facilities other than subparagraphs 1 and 2: Wastewater terminal treatment facilities installed in an area designated and publicly announced by the Minister of Environment as deemed necessary for them to be installed for preservation of the water quality of rivers, lakes, and marshes.

Article 62 (Calculation of Expenses Required for Project for Wastewater Terminal Treatment Facilities)(1) The expenses required for the project for wastewater terminal treatment facilities under Article 48-2 (1) of the Act shall be determined within the scope of expenses falling under the following, necessary for implementing the relevant project:

1. Plan and survey expenses;
2. Main and accessory construction expenses;
3. Land acquisition costs (including indemnification costs);
4. Operation and administrative and maintenance expenses;
5. Equipment acquisition cost and installation cost;
6. Office management expenses, interest paid, and other incidental costs.

(2) The expenses incurred in the project for the wastewater terminal treatment facilities under paragraph (1) shall be calculated by subtracting revenues from disposing of land, buildings, other articles, etc.

Article 63 (Total Expenses for Project of Wastewater Terminal Treatment Facilities Borne by Causing Person)(1) The charges for the establishment and operation of the wastewater terminal treatment facilities (hereinafter referred to as "charges for wastewater terminal treatment facilities") to be borne by the person who has performed the business activity that causes project for wastewater terminal treatment facilities in the relevant area, in accordance with Article 48-2 of the Act or has directly caused the water pollution (hereinafter referred to as "causing person") shall be determined by taking into account any of the following:

1. The level of pollution related to the relevant project for wastewater terminal treatment facilities of the causing person under consideration;
2. The period during which the substance responsible for causing contamination has accumulated;
3. The quantity causing water pollutants;
4. The expenses for using facilities related to the project for wastewater terminal treatment facilities by persons other than the causing person.

(2) Expenses to be borne by the causing person in accordance with paragraph (1) shall be the amount obtained by subtracting the subsidies under the Act on the Budgeting and Management of Subsidies and other Acts from the total expenses for the project for wastewater terminal treatment facilities.

(3) Where the causing person bears only a part of the total expenses incurred in the project for wastewater terminal treatment facilities under paragraphs (1) and (2), a person who

installs and operates the wastewater terminal treatment facilities (hereinafter referred to as "implementing person") in accordance with Article 48 of the Act shall devise a plan for stocking deficient financial resources.

Article 64 (Criteria for Apportionment of Expenses Bearing by Causing Person)

The amount of charges for wastewater terminal treatment facilities to be borne by each causing person in accordance with Article 48-2 of the Act, shall be the distributed amount of the total amount of the charges for the wastewater terminal treatment facilities to be borne by the relevant causing person by taking into account any of the following matters which have contributed to the water pollution, and the relation between the relevant business activities and the project of wastewater terminal treatment facilities under consideration:

1. Kinds and scale of facilities that have caused water pollution;
2. Quantity and quality of the water pollutants discharged;
3. Expenses for the treatment of water pollutants;
4. Scale of business in view of the capital, the number of employees, annual production volumes, sales, etc.

Article 65 (Procedures for Imposition and Collection of Charges for Wastewater Terminal Treatment Facilities, etc.)

Where the implementing person intends to impose and collect the total amount of charges for the wastewater terminal treatment facilities in accordance with Article 48-2 of the Act, he/she shall inform the person subject to the imposition of the amount of dues, the deadline and place for payment, and other necessary matters in writing.

Article 66 (Approval on Basic Plan for Wastewater Terminal Treatment Facilities)

Each implementing person (excluding the Minister of Environment) shall, when he/she intends to establish or alter wastewater terminal treatment facilities in accordance with Article 49 (2) of the Act, establish a basic plan in which each of the following matters is included and obtain approval from the Minister of Environment as prescribed by Ordinance of the Ministry of Environment:

1. Matters on the area subject to treatment by the relevant wastewater terminal treatment facilities;
2. Matters on the dispersion of pollution sources, the quantity of discharge wastewater and a forecast thereof;
3. Matters concerning the wastewater treatment process diagrams, treatment capacity and treatment methods of the wastewater terminal treatment facilities under consideration;
4. An evaluation of the effects of the wastewater to be treated at the wastewater terminal treatment facilities under consideration on the water quality of the waterways into which the treated wastewater is to be discharged;
5. Matters concerning persons who install and operate the wastewater terminal treatment facilities under consideration;
6. Matters on the apportionment of the charges for the wastewater terminal treatment facilities;

7. Total expense for project, the expense for project by field and the grounds for calculation thereof under Article 62;
8. An annual investment plan and fund raising plan;
9. Matters on the exploitation and use of land, etc.;
10. Other matters necessary for the installation and operation of the wastewater terminal treatment facilities.

Article 67 (Establishment of Expense Apportionment Plan and Application for Approval)(1) Where the Minister of Environment establishes an expense apportionment plan in accordance with Article 49-2 (1) of the Act, the following matters shall be included therein:

1. The total expenses for project required for the project of the wastewater terminal treatment facilities;
2. Persons who bear the expenses incurred in the project and the standards for apportionment;
3. The scope of causing persons and the standards for selection;
4. The total amount to be borne by the causing person and the standards for calculation;
5. The standards for expense bearing by the causing person;
6. Means of and timing for imposing and collecting charges for wastewater terminal treatment facilities;
7. Other matters necessary for expense funding.

(2) The implementing person (excluding the Minister of Environment) shall, when he/she has established the basic plan in accordance with Article 66, establish an expense apportionment plan in which the matters falling under each subparagraph of paragraph (1) in accordance with Article 49-2 (2) of the Act are included and obtain approval from the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

Article 68 (Notification of Expense Apportionment Plan)

The implementing person (excluding the Minister of Environment) shall, when he/she has obtained approval or approval for modification on the expense apportionment plan shall immediately inform each causing person of the purports of expense apportionment plan in which the matters falling under each subparagraph of Article 67 (1) are indicated.

Article 69 (Entrustment of Collection of Charges for Wastewater Terminal Treatment Facilities)(1) Where the person falling under any subparagraph of Article 48 (1) of the Act intends to entrust the collection of charges for wastewater terminal treatment facilities to the head of a Si/Gun/Gu in accordance with Article 49-6 (3) of the Act, he/she shall send a written notice of entrustment for collection in which the name and address of the person who bears the charges, the amount imposed, the reason for and the deadline of payment, and other necessary matters.

(2) The head of a Si/Gun/Gu who has been entrusted with the collection in accordance with paragraph (1) shall reserve an amount equivalent to 5/100 of the collected charges as expenses for collection, and immediately pay the balance to the entrusting person.

Article 70 (Deadlines for Taking Measures for Performing Orders such as Improvement of Wastewater Terminal Treatment Facilities, etc.)(1) Where the Minister of Environment has decided to issue an order to take necessary measures, such as the improvement of facilities in accordance with Article 50 (3) of the Act, he/she shall set the improvement deadline within the scope of one year, by taking into consideration the period necessary for the improvement, etc.

(2) Where anyone who received an order to take measures as provided for in Article 50 (3) of the Act cannot fulfill performance of the order within the period prescribed in paragraph (1) due to natural disaster or other unavoidable grounds, he/she may file an application, before the deadline for improvement expires, with the Minister of Environment for extension of the period for improvement within the scope of one year.

Article 71 (Scope of Persons Required to Send Wastewater into Wastewater Terminal Treatment Facilities)

"Person determined by Presidential Decree" in Article 51 (1) of the Act means the person who seeks to discharge wastewater in excess of the standards for the quality of water discharged for purposes of discharging water pollutants to be treated at the relevant wastewater terminal treatment facilities.

CHAPTER IV CONTROL OF NON-POINT SOURCES OF POLLUTION

Article 72 (Projects and Facilities Subject to Reports on Non-Point Sources of Pollution)(1) Projects for urban development and projects for creation of industrial complexes under Article 53 (1) 1 of the Act shall be limited to projects falling under subparagraphs 1 and 2 of attached Table 3 of the Enforcement Decree of the Environmental Impact Assessment Act. <Amended by Presidential Decree No. 21185, Dec. 24, 2008; Presidential Decree No. 23966, Jul. 20, 2012>

(2) "Other projects prescribed by Presidential Decree" in Article 53 (1) 1 of the Act means projects falling under subparagraphs 3 through 17 of attached Table 3 of the Enforcement Decree of the Environmental Impact Assessment Act: Provided, That projects conducted only at the sea defined in subparagraph 1 (a) of Article 2 of the Public Waters Management and Reclamation Act, which fall under subparagraph 4 or 10 of attached Table 3 of the Enforcement Decree of the Environmental Impact Assessment Act, shall be excluded. <Amended by Presidential Decree No. 21185, Dec. 24, 2008; Presidential Decree No. 23966, Jul. 20, 2012; Presidential Decree No. 26249, May 26, 2015>

(3) "Places of business of a scale not smaller than that prescribed by Presidential Decree" in Article 53 (1) 2 of the Act means places of business, the site areas of which are not less than 10,000 square meters.

(4) "Wastewater discharge facilities prescribed by Presidential Decree" in Article 53 (1) 2 of the Act means wastewater discharge facilities installed in places of business falling under any of the following subparagraphs, from among in the standard classifications under Article 22 of the Statistics Act:

1. Manufacture of wood and products of wood;

2. Manufacture of pulp, paper and paper products;
3. Manufacture of coke, refined petroleum products and nuclear fuel;
4. Manufacture of chemicals and chemical products;
5. Manufacture of rubber and plastic products;
6. Manufacture of non-metallic mineral products;
7. Primary metal industry;
8. Mining of charcoal, petroleum, and uranium;
9. Metal mining;
10. Non-metallic mineral mining (excluding those for fuel);
11. Manufacture of drinks and foods;
12. Electricity, gas and steam supply business;
13. Wholesale trade and commission trade;
14. Wastewater treatment business, waste disposal business, and cleaning-related service provider.

(5) "Cases prescribed by Presidential Decree" in Article 53 (1) 3 of the Act means any of the following subparagraphs: <Amended by Presidential Decree No. 21185, Dec. 24, 2008; Presidential Decree No. 23966, Jul. 20, 2012>

1. Cases falling under Article 54 of the Enforcement Decree of the Environmental Impact Assessment Act and are subject to re-writing and re-consultation of the written assessment in accordance with Article 32 of the same Act;
2. Cases of places of business which has obtained permission for changes or made a report on changes in accordance with Article 33 (2) and (3) of the Act, the area of site of which has increased by not less than 30/100.

Article 73 (Reports on Changes in Non-Point Sources of Pollution)

Where a report on change is required under the latter part of Article 53 (1) of the Act, with the exception of its subparagraphs, shall be as follows: <Amended by Presidential Decree No. 26249, May 26, 2015>

1. Change of trade name, representative person, title of project or type of business;
2. Where the whole land area of the project, the land area for development, or the land area of the site for the place of business increases by not less than 15/100 of the initially reported land area;
3. Where the types, locations, and volumes of reduction facilities for non-point pollution are changed;
4. Where the non-point sources of pollution or reduction facilities for non-point pollution are closed in whole or in part: Provided, That in cases of projects under Article 53 (1) 1 of the Act, upon the completion of construction, wholly or partly shutting down the reduction facilities for non-point pollution which are installed for disposing of non-point pollutants discharged during the construction activities, shall be excluded.

Article 74 (Business Entities Exempted from Installation of Reduction Facilities for Non-Point Pollution)

Any business entity who has reported the establishment of non-point sources of pollution in accordance with Article 53 (3) 1 of the Act may be exempted from the installation of reduction facilities for non point pollution, where the Minister of Environment recognized that the pollution level of rainfall runoff does not exceed the standards for permissible discharge of the relevant place of business at all times by taking into account the following matters:

1. The location of the place of business;
2. The status of use and management of the land within the place of business;
3. The occurrence and flow of runoff from the non-point sources of pollution, etc.

Article 75 (Period of Execution of Orders for Implementation, Installation, or Improvement)(1) The Minister of Environment shall, when he/she orders the implementation of the plan for reduction of non-point pollution, or the installation or improvement of facilities in accordance with Article 53 (5) of the Act (hereafter referred to as "order for implementation, etc." in this Article), determine the period for such implementation, installation or improvement within each scope of the following subparagraphs, by taking into consideration the period necessary for the implementation of the plan for reduction of non-point pollution, or the installation or improvement of facilities:

1. Cases of the implementation of the plan for reduction of non-point pollution (excluding cases of the installation or improvement of facilities): Two months;
2. Cases of the installation of facilities: One year;
3. Cases of the improvement of facilities: Six months.

(2) Where a person who has been served an order for implementation, etc. may not complete the ordered measures within the period under paragraph (1) due to natural disasters or other inevitable grounds, he/she may apply for the extension of period to the Minister of Environment within the scope of six months before the prescribed period expires.

(3) Where a person who has been served an order for implementation, etc. has finished measures for implementation, he/she shall report the result thereof to the Minister of Environment without delay.

(4) Where the Minister of Environment has received a report pursuant to paragraph (3), he/she shall have the relevant public official to confirm the outcome of taking measures for the order for implementation, etc.

Article 75-2 (Roads to Install Non-Point Source Pollution Reduction Facilities)

"Road prescribed by Presidential Decree" in Article 53-2 (1) of the Act means: <Amended by Presidential Decree No. 25456, Jul. 14, 2014>

1. Motorways referred to in subparagraph 1 of Article 10 of the Road Act;
2. Roads for which the section to install non-point source pollution reduction facilities is determined and publicly announced by the Minister of Environment, in consultation with the heads of relevant administrative agencies, because it is necessary to reduce non-point source pollution for water quality control of water supply sources among roads referred to in subparagraphs 2 through 7 of Article 10 of the Road Act.

[This Article Newly Inserted by Presidential Decree No. 25045, Dec. 30, 2013]

Article 76 (Criteria and Procedure for Designation of Control Areas)(1) Criteria for designating control areas under Article 54 (1) and (4) of the Act shall be as follows:

1. Basin areas falling short of environmental standards concerning the water quality and the aquatic ecosystems of rivers, lakes and marshes under Article 2 of the Enforcement Decree of the Framework Act on Environmental Policy, where the non-point pollution contribution ratio out of the delivery pollutant load exceeds 50 percent;
2. Areas where significant damage has been, or is expected to be, caused to the natural ecosystems by non-point pollutants;
3. Cities with a population of not less than one million, for which the management of the non-point sources of pollution is necessary;
4. Areas designated as a national industrial complex or general industrial complex under the Industrial Sites and Development Act, for which the management of the non-point sources of pollution is necessary;
5. Areas acknowledged for which special management is necessary due to peculiar geological features and strata;
6. Other areas determined by Ordinance of the Ministry of Environment.

(2) When the Minister of Environment intends to designate control areas under Article 54 (1) of the Act, he/she shall develop a designation plan including details of the following subparagraphs and publicly announce such control areas in accordance with Article 54 (5) of the Act after consulting with the relevant Mayor/Do Governor:

1. Reasons why the designation of control areas is necessary;
2. Impact of the non-point sources of pollution on water pollution in the relevant area;
3. Detailed scope of area where the designation of control areas is necessary;
4. Other matters necessary for the designation of control areas, prescribed by Ordinance of the Ministry of Environment.

(3) When requesting designation of control areas under Article 54 (2) of the Act, any Mayor/Do Governor shall prepare the request form of designation, including details of each subparagraph of paragraph (2) and submit it to the Minister of Environment. In such cases, if the Minister of Environment acknowledges that the area requested to be designated as a control area falls under any subparagraph of paragraph (1), he/she shall publicly announce the relevant area as a control area under Article 54 (5) of the Act.

Article 77 (Compensation of Loss from Discontinuous Cultivation, etc.)

Where a Mayor/Do Governor compensates for any loss suffered by any highland farmer in accordance with Article 59 (2) of the Act, he/she shall calculate the amount of such compensation according to the standards published by the Minister of Environment, taking into account the area of farmland, kinds of agricultural products, income per unit of area, etc.

CHAPTER V CONTROL OF OTHER WATER SOURCES OF POLLUTION

Article 78 (Agricultural Chemicals Whose Use Is Restricted in Golf Courses)

"Agricultural chemicals prescribed by Presidential Decree" in the main sentence of Article 61 (1) of the Act means deadly or highly poisonous agricultural chemicals under

subparagraph 1 of attached Table 1 of the Enforcement Decree of the Pesticide Control Act.

CHAPTER VI WASTEWATER TREATMENT BUSINESS

Article 79 (Types of Wastewater Treatment Businesses)

The types of wastewater treatment businesses, as prescribed in Article 62 (1) of the Act, and the business activities of each type shall be as follows:

1. Entrusted wastewater treatment businesses: Referring to businesses equipped with wastewater treatment facilities, which treat the entrusted wastewater in ways other than recycling or using;
2. Wastewater reuse businesses: Referring to businesses which recycle or reuse entrusted wastewater as a raw material and resource for goods.

Article 79-2 (Criteria, etc. for Imposition of Penalty Surcharges)(1) The criteria for the imposition of penalty surcharges under Article 66 (1) of the Act shall be as specified in attached Table 17-2.

(2) The deadline for payment of penalty surcharges under Article 66 (1) of the Act shall be 30 days from the date of issuance of a notice of the payment of penalty surcharges, and the notice of the payment of penalty surcharges shall be issued, as prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Presidential Decree No. 25127, Jan. 28, 2014]

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 80 (Matters of Cooperation with Relevant Agencies)

"Matters prescribed by Presidential Decree" in subparagraph 10 of Article 70 of the Act means matters of the following subparagraphs:

1. Designation of the urban development-restricted zones;
2. Restoration, into its original state, of the land damaged by installation of tourism facilities, industrial facilities, etc.;
3. Control of the water quantity to be discharged, where the water stored in a dam is required to be discharged because the collection of water to be used as tap water is not possible due to accidents of water pollution or the deterioration of water quality.

Article 81 (Delegation of Authority)(1) The Minister of Environment shall delegate his/her authority over the following affairs to a Mayor/Do Governor in accordance with Article 74 (1) of the Act: <Amended by Presidential Decree No. 23520, Jan. 17, 2012; Presidential Decree No. 23938, Jul. 5, 2012; Presidential Decree No. 25127, Jan. 28, 2014; Presidential Decree No. 26249, May 26, 2015>

1. Investigation of vulnerability to climate changes on wastewater discharge facilities, and recommendation on the improvement thereof under Article 19-4 (1) of the Act;
- 1-2. Investigation of pollution sources by river-system spheres of influence under Article 23 of the Act;
2. Permission to install discharge facilities, acceptance of reports thereon, and permission to install wastewater non-discharge facilities under Article 33 (1) of the Act, permission to modify discharge facilities, acceptance of reports thereon, and permission to modify

- wastewater non-discharge facilities under paragraphs (2) and (3) of the same Article;
3. Revocation of permits and permits for modification, orders for closure, orders for improvement, and orders for the suspension of business under Article 35 (3) of the Act;
 4. Acceptance of reports of startup operation of discharge facilities and prevention facilities under Article 37 (1) of the Act, the inspection and entrustment of tests of pollution levels under paragraph (3) of the same Article, and the investigation of wastewater non-discharge facilities under paragraph (4) of the same Article;
 5. Recognition of the dilution treatment of water pollutants under the proviso to Article 38 (1) 3 of the Act;
 6. Orders to take measures (excluding orders to take measures issued to a person who has installed and operated wastewater terminal treatment facilities and public sewerage treatment facilities) under Article 38-4 (1) of the Act;
 7. Orders to suspend the operation (excluding orders to suspend the operation issued to a person who has installed and operated wastewater terminal treatment facilities and public sewerage treatment facilities) under Article 38-4 (2) of the Act;
 8. Orders for improvement under Article 39 of the Act;
 9. Orders to suspend operation issued against discharge facilities under Article 40 of the Act;
 10. Imposition and collection of charges for effluent water (excluding the charges for effluent water for wastewater terminal treatment facilities and public sewerage treatment facilities) under Article 41 of the Act;
 11. Revocation of permits, issuance of orders for suspension of operation, or orders for closure under Article 42 of the Act;
 12. Imposition and collection of penalty surcharges under Article 43 of the Act;
 13. Issuance of orders to suspend the use of unlawful facilities or for closure of such facilities under Article 44 of the Act (including cases to be applied mutatis mutandis under Article 60 (5) of the Act);
 14. Acceptance of reports on performance of orders, confirmation, and instruction and entrustment of inspecting pollution levels under Article 45 of the Act;
 15. Deleted; <by Presidential Decree No. 25127, Jan. 28, 2014>
 16. Acceptance of reports on installation of other water pollution sources or reports on the alteration thereof under Article 60 (1) the Act;
 17. Issuance of orders for improvement under Article 60 (3) the Act;
 18. Issuance of orders for suspension of operation or orders for closure under Article 60 (4) of the Act;
 19. Confirmation on the use of pesticides under Article 61 (2) of the Act;
 20. Registration of wastewater treatment business and modification registration thereof under Article 62 (1) of the Act;
 21. Revocation of registration and business suspension of a wastewater treatment business under Article 64 of the Act;
 22. Imposition and collection of penalty surcharges under Article 66 of the Act;

23. Issuance of orders for report, request for submission of data, entrance and exit, collection and inspection under Article 68 (1) 1, 4 and 5 of the Act;
 24. Requests for inspection of the pollution level under Article 68 (2) of the Act;
 25. Hearings on the delegated authority among those falling under any subparagraph of Article 72 of the Act;
 26. Imposition and collection of administrative fines under Article 82 of the Act (excluding administrative fines under Article 82 (1) 5 and (2) 3 through 5 of the Act; and in cases of administrative fines under Article 82 (3) 6 of the Act, limited to persons stipulated in Article 68 (1) 1, 4, and 5 of the Act and persons commissioned with the affairs of a Mayor/Do Governor under Article 68 (1) 6 of the Act);
 27. Acceptance of applications for extension of the improvement period under Article 39 (2);
 28. Receipt and confirmation of improvement plans or improvement completion reports, entrustment of inspecting pollution levels, and acceptance of applications for extension of the period of improvement under Article 40 (excluding cases of improving wastewater terminal treatment facilities and public sewage disposal facilities);
 29. Requests for submission, and receipt of data relating to the calculation of the quantity discharged below the criteria under Article 44 (1);
 30. Adjustment of the quantity discharged below the criteria under Article 50;
 31. Requests for submission of documents and inspection of pollution levels under Article 51;
 32. Acknowledgement of discharge facilities under subparagraph 2 of Article 58.
- (2) The Minister of Environment shall delegate his/her authority over the following affairs to the head of a river basin environmental office or the head of a regional environmental office in accordance with Article 74 (1) of the Act: <Amended by Presidential Decree No. 23520, Jan. 17, 2012; Presidential Decree No. 23938, Jul. 5, 2012; Presidential Decree No. 25127, Jan. 28, 2014; Presidential Decree No. 26249, May 26, 2015>
1. Granting approval and approval for modification for implementation plans for quantity regulation of pollutants under Article 4-4 (1) of the Act and the consultation on the implementation plan under Article 6 (3);
 2. Allotting the loading quantity for contamination and the designation of discharge quantity under Article 4-5 (1) of the Act;
 3. Issuing orders to take measures under Article 4-6 (1) of the Act;
 4. Issuing orders for the suspension of operation or orders for the closure of facilities under Article 4-6 (4) of the Act;
 5. Imposition of penalty surcharges under Article 4-6 (5) of the Act;
 6. Imposition and collection of charges for release of pollutants in excess of the total quantity under Article 4-7 (1) of the Act;
 7. Installation of measuring networks of the degree of water pollution and the regular measurement thereof under Article 9 (1) of the Act;
 8. Requests to take measures under Article 12 (2) of the Act;

- 8-2. Investigation of vulnerability to climate changes on non-point source pollution reduction facilities and wastewater terminal treatment facilities, and recommendation of the improvement thereof under Article 19-4 (1) of the Act;
9. Issuance and cancellation of pollution of water quality warnings under Article 21 of the Act;
- 9-2. Consultation on plans for installation and operation of buffer storage facilities and on changes therein under Article 21-4 (2) of the Act;
10. Consultation on plans for the small area of influence under Article 26 (3) of the Act;
11. Establishment of small influence area plans under Article 27 (1) of the Act;
12. Inspection and measurement under Article 28 (1) of the Act;
13. Orders to take measures under Article 29 of the Act;
- 13-2. Adjustment of agreements on bearing costs referred to in Article 31 (3) of the Act;
14. Establishment of the standards for permissible discharge with regard to the discharge facilities of special countermeasure areas and the special standards for permissible discharge with regard to the newly established discharge facilities under Article 32 (5) of the Act;
- 14-2. Establishment and announcement of effluent limitation guidelines under Article 32 (8) of the Act;
15. Deleted; <by Presidential Decree No. 26249, May 26, 2015> <<Enforcement Date: Jan. 1, 2016>>
16. Orders issued to take measures issued against a person who establishes and operates the wastewater terminal treatment facilities and the public sewer treatment facilities among the orders to take measures under Article 38-4 (1) of the Act;
17. Imposition and collection of charges for effluent water with regard to the wastewater terminal treatment facilities and the public sewer treatment facilities under Article 41 of the Act;
18. Granting approval of the master plans for the wastewater terminal treatment facilities under Article 49 (2) and (3) of the Act (including approval for modification) and the designation and publication of the joint treatment area;
19. Granting approval and approval for modification on the expense apportionment plan under Article 49-2 (2) and (3) of the Act (excluding cases where the implementing person is the State);
20. Orders issued to take measures including the improvement of facilities under Article 50 (3) of the Act, and acceptance of applications for extension of the improvement period under Article 70 (2);
21. Acceptance of the report on the installation and modification of the non-point sources of pollution under Article 53 (1) of the Act and the acknowledgement as to whether the standards for permissible discharge have been exceeded under Article 74;
22. Issuance of orders for the implementation of plans for reduction of non-point pollution or for the installation or improvement of the reduction facilities for non-point pollution under Article 53 (5) of the Act, the acceptance of applications for extension of orders for

implementation, etc. under Article 75 (2), the acceptance of reports on implementation and the confirmation on the state of implementation under paragraphs (3) and (4) of the said Article;

23. Issuance of orders for report, request for submission of data, entrance and exit, collection and inspections under Article 68 (1) 2 and 3 of the Act;

24. Hearings on the delegated authority among those falling under any subparagraph of Article 72 of the Act;

25. Imposition and collection of administrative fines under Article 82 (1) 5 and (2) 3 through 5 of the Act (limited to persons stipulated in Article 68 (1) 2 and 3 of the Act);

26. Receipt and confirmation of improvement plans and improvement completion reports, requests for inspection of pollution levels, and acceptance of applications for extension of period of improvement under Article 40 (limited to cases of improving wastewater terminal treatment facilities and public sewage disposal facilities.).

(3) The Minister of Environment shall delegate his/her authority over the installation of measuring networks, regular measurement of the level of water pollution, and investigation of the current status of water quality and aquatic ecosystems, and healthiness of aquatic ecosystems under Article 9 (1) of the Act to the president of the National Institute of Environmental Research pursuant to Article 74 (1) of the Act. <Newly Inserted by Presidential Decree No. 25127, Jan. 28, 2014>

Article 82 (Supervision, etc. following Delegation of Authority)(1) Where it is deemed particularly necessary for proper management of water pollution affecting a wide area, the Minister of Environment may check or confirm, or may have the head of a river basin environmental office or the head of a regional environmental office check or confirm, whether there are any such violations of statutes under any subparagraph of Article 81 (1).

(2) Where the Minister of Environment, or the head of a river basin environmental office or the head of a regional environmental office has discovered any instances of violation of statutes with regard to a place of business as a result of checks and confirmations as provided for in paragraph (1), he/she shall notify the competent Mayor/Do Governor of what he/she has discovered and what measures he/she considers should be taken under such circumstances.

(3) The Mayor/Do Governor who has been notified in accordance with paragraph (2) shall take necessary measures, and then, report to or notify the results of the measures taken to the Minister of Environment, the head of a river basin environmental office, or the head of a regional environmental office.

Article 83 (Reports)(1) Where the Mayor/Do Governor, the head of a river basin environmental office, or the head of a regional environmental office performs business entrusted in accordance with Article 74 (1) of the Act, he/she shall report the details thereof to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(2) When the Mayor/Do Governor has issued an order for suspension of operations, revocation of permission, or order for closure in accordance with Articles 40 and 42 of the

Act, he/she shall report, without delay, such fact to the Minister of Environment and the head of the relevant central administrative agency.

Article 84 (Entrustment of Business)(1) The Minister of Environment or the Mayor/Do Governor may entrust the training of environmental engineers and the collection of expenses under Article 67 of the Act to the president of the Korea Environmental Preservation Association under Article 59 of the Framework Act on Environmental Policy in accordance with Article 74 (2) of the Act. <Amended by Presidential Decree No. 23967, Jul. 20, 2012>

(2) The Minister of Environment or the Mayor/Do Governor shall entrust business regarding the installation of automatic measuring networks among measuring networks and regular measurement under Article 9 of the Act and business regarding the operation of computer networks and the technological support for the business entity under Article 38-5 of the Act, appropriateness of gauges under Article 35 (3), and acceptance of statements on the grounds of improvement under the proviso to Article 40 (1) in accordance with Article 74 (2) of the Act, to the CEO of the Korea Environment Corporation established under the Korea Environment Corporation Act. <Amended by Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 23520, Jan. 17, 2012>

(3) Where the president of the Korea Environmental Preservation Association and CEO of the Korea Environment Corporation perform the business entrusted pursuant to paragraph (1) or (2), they shall report the details thereof to the Minister of Environment or the Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 21904, Dec. 24, 2009>

Article 84-2 (Re-Examination of Regulation)

The Minister of Environment shall examine the appropriateness of the following matters every three years from each base date specified in the following (referring to the period that ends on the day before the base date of every third year) and shall take measures for improvement, etc.:

1. The range, etc. of wastewater discharge facilities subject to permission for and reporting of installation under Article 31: January 1, 2014;
2. Areas where the installation of discharge facilities under Article 32 is restricted: January 1, 2014;
3. Reporting of the appointment and criteria for qualification of environmental engineers under Article 59 and attached Table 17: January 1, 2014;
4. Reporting of non-point source of pollution, business entities eligible for exemption from the installation of non-point source pollution reduction facilities, the period for issuing orders to implement a non-point source pollution reduction plan, or install or improve non-point source pollution reduction facilities under Articles 72 through 75: January 1, 2104.

[This Article Newly Inserted by Presidential Decree No. 25050, Dec. 30, 2013]

CHAPTER VIII PENALTY PROVISIONS

Article 85 (Standards for Imposition of Administrative Fines)

The standards for imposition of administrative fines under Article 82 of the Act shall be as

specified in attached Table 18.

[This Article Wholly Amended by Presidential Decree No. 22051, Feb. 18, 2010]

ADDENDA (Omitted)

34. Act on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

[Enforcement Date 26. Oct, 2011.] [Act No.10911, 25. Jul, 2011., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prevent any environmental pollution caused by the transboundary movement of wastes and to improve international cooperation by controlling the export, import, and inland transit (hereinafter referred to as "export, import, etc.") of wastes for the purposes of implementing the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and bilateral, multilateral or regional agreements based on the same Convention. <Amended by Act No. 5391, Aug. 28, 1997>

Article 2 (Definitions)

For the purposes of this Act, <Amended by Act No. 5391, Aug. 28, 1997>

1. the term "wastes" means wastes referred to in the Annexes, etc. of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (hereinafter referred to as the "Convention") and substances which are determined as necessary for the regulation of export and import by bilateral, multilateral or regional agreements referred to in Article 11 of the Convention, and determined by Presidential Decree;
2. the term "parties to the Convention" means countries or international organizations which have acceded to the Convention; and
3. the term "movement documents" means any document specifying information to be included in the notification as prescribed in the Annexes to the Convention.

Article 3 (Scope of Application)(1) This Act shall not apply to radioactive substances prescribed in the Nuclear Safety Act and substances contaminated thereby. <Amended by Act No. 10911, Jul. 25, 2011>

(2) This Act shall not apply to wastes discharged in sea areas pursuant to the Marine Environment Management Act, and wastes discharged as a result of the navigation of ships. <Amended by Act No. 8260, Jan. 19, 2007>

Article 4 (Obligations of State)(1) The State shall recognize the possibility of harm inflicted on human health and the environment by transboundary movement of wastes, and adopt a proper policy to control and manage the export, import, etc. of wastes for the health of citizens and the prevention of environmental pollution.

(2) The State shall cooperate with parties to the Convention, etc. to develop technology, collect, utilize, and disseminate information, establish a management system, etc. for the

proper control of wastes.

(3) The State shall provide assistance to the development, transfer, etc. of technology related to wastes.

Article 5 (Obligations of Exporters, Importers, etc. of Wastes)(1) No person who exports, imports, transports, or disposes of wastes shall cause any danger or injury to the environment and human health due to the export, import, etc. of wastes, and such person shall, to this end, make positive efforts for the development of techniques and mutual exchange of information.

(2) If any danger or injury to the environment and human health is caused by the export, import, etc. of wastes, the person who exports, imports, transports, or disposes of wastes, shall take all measures necessary for the removal thereof.

CHAPTER II CONTROL AND MANAGEMENT OF EXPORTS, IMPORTS, ETC. OF WASTES

Article 6 (Permission for Exports of Wastes)(1) Any person who desires to export wastes shall obtain permission from the Minister of Environment as prescribed by Presidential Decree. The same shall also apply to cases where he/she desires to amend permitted matters. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

(2) The Minister of Environment may, if any person applies for permission on the export of wastes referred to in the provision of paragraph (1) or applies for amendment of permitted matters, grant permission thereon only when such case falls under any of the following subparagraphs: <Newly Inserted by Act No. 8470, May 17, 2007>

1. When no technology or facilities are available domestically to treat such wastes in a sound and proper manner; and

2. When such wastes are needed as raw materials for recycling industries of the state of import.

(3) If the Minister of Environment intends to grant an export permit as referred to in paragraph (2), he/she shall obtain the consent of the state of import and state of transit of wastes which he/she desires to export: Provided, That in cases where it is determined by Presidential Decree, he/she may grant permission without obtaining such consent. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>

(4) In granting the permission under paragraph (2), the Minister of Environment may attach any condition necessary to such permission. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>

(5) If wastes of the same physical and chemical properties are exported to the same person through the same domestic customshouse and the same customshouse of state of import, the Minister of Environment may permit such export with a period fixed within the limit of twelve months. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

Article 7 (Preparation, etc. of Export Movement Documents)(1) A person who is granted permission for the export of wastes (including permission for amendments; hereinafter the same shall apply) under Article 6 (1) shall prepare movement documents with respect to the export wastes (hereinafter referred to as "export movement documents") as prescribed by Presidential Decree. The same shall also apply to an amendment to the details of such export movement documents.

(2) Where a person who is granted permission for the export of wastes ceases to export such wastes, he/she shall report to the Minister of Environment with the export movement documents on the wastes as prescribed by Presidential Decree. <Amended by Act No. 6361, Jan. 16, 2001>

(3) Deleted. <by Act No. 6361, Jan. 16, 2001>

[This Article Wholly Amended by Act No. 5872, Feb. 8, 1999]

Article 8 (Transportation of Export Wastes)(1) A person who transports export wastes shall carry with himself/ herself the export movement documents with respect to such wastes and in cases where he/she delivers them, he/she shall enter in such documents the date of delivery and other matters prescribed by Presidential Decree and sign thereon.

(2) A person who transports export wastes shall observe the terms entered in the export movement documents: Provided, That the same shall not apply to cases where he/she carries them in according to an order to carry-in issued under Article 20 (1).

Article 9 Deleted. <by Act No. 5872, Feb. 8, 1999>

Article 10 (Permission on Import of Wastes)(1) Any person who desires to import wastes shall obtain permission from the Minister of Environment as prescribed by Presidential Decree. The same shall also apply to cases where he/she desires to amend permitted matters. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

(2) The Minister of Environment may, if any person applies for permission on the import of wastes referred to in the provisions of paragraph (1) or applies for amendment of permitted matters, grant permission thereon only when such case falls under any of the following subparagraphs: <Newly Inserted by Act No. 8470, May 17, 2007>

1. When the technology and facilities necessary to treat such wastes in a sound and proper manner are available; and
2. When such wastes are used as raw materials for recycling industries.

(3) In granting permission on import as referred to in paragraph (2), the Minister of Environment shall not grant such permission if the competent authority of the state of export does not make any request for the consent to the import of wastes: Provided, That the same shall not apply in cases where they are not provided for as wastes subject to control of transboundary movements pursuant to Acts and subordinate statutes of the state of export. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>

(4) When the competent authority of the state of export has made a request for consent to

the import of wastes, the Minister of Environment shall decide whether or not he/she consents to the import of wastes and notify the state of export. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

(5) The Minister of Environment may, upon granting permission under paragraph (2), attach necessary conditions thereto. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>

(6) If the same person imports wastes of the same physical or chemical properties through the same customhouse of the state of export and the same customhouse in Korea, the Minister of Environment may permit it with a period fixed within the limit of 12 months. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

Article 11 (Preparation of Import Movement Documents)

Any person who has obtained permission for the import of wastes (including permission for amendments; hereinafter the same shall apply) under Article 10 (1) shall, if the wastes are imported into the Republic of Korea, prepare movement documents with respect to the imported wastes (hereinafter referred to as "import movement documents") under the conditions determined by Presidential Decree. The same shall also apply to an amendment to the details of import movement documents.

[This Article Wholly Amended by Act No. 5872, Feb. 8, 1999]

Article 11-2 (Handover and Takeover of Imported Wastes, etc.)(1) Any person who has obtained permission for the import of wastes under Article 10 (1) or transports or disposes of imported wastes under Article 12 (1) shall enter the matters concerning handover and takeover of the imported wastes into an electronic information processing program as referred to in the Article 11-3 whenever the wastes are imported, transported or disposed of. (2) Matters necessary for the details, method, timing, etc. to be entered into an electronic information processing program under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10153, Mar. 22, 2010]

Article 11-3 (Electronic Processing of Details, etc. on Handover and Takeover of Imported Wastes)(1) The Minister of Environment shall set up and operate an electronic information processing program capable of processing information on the details, etc. of handover and takeover of imported wastes (hereinafter referred to as "electronic information processing program").

(2) The Minister of Environment may collect from the user of the electronic information processing program all or part of the cost for use of the program.

(3) Where a person, etc. who intends to import wastes enters details of his/her duties prescribed by Presidential Decree, such as reporting, etc. using the electronic information processing program, he/she shall be deemed fulfilled the relevant duties.

(4) The Minister of Environment shall keep the details of handover and takeover of the imported wastes entered into the electronic information processing program for three years.

[This Article Newly Inserted by Act No. 10153, Mar. 22, 2010]

Article 12 (Transportation or Disposal of Imported Wastes)(1) Any person who transports or disposes of imported wastes shall carry with him/her import movement documents and movement documents issued in accordance with the Acts and subordinate statutes of the State of export (limited to imported wastes prescribed by the Acts and subordinate statutes of the State of export as wastes subject to the control of transboundary movement; hereinafter referred to as "movement documents issued by the State of export") and printed documents related to the details of handover and takeover as referred to in Article 11-2 (1), and where he/she delivers the import wastes, he/she shall enter the date of delivery and other matters prescribed by Presidential Decree in the import movement documents and sign thereon. <Amended by Act No. 5872, Feb. 8, 1999; Act No. 10153, Mar. 22, 2010>

(2) Any person who transports and disposes of imported wastes shall observe the terms stipulated in the relevant import movement documents: Provided, That this shall not apply where they are shipped out according to an order to ship them out under Article 20 (1).

Article 13 (Transfer, etc. of Imported Wastes)(1) If imported wastes are handed or taken over, the import movement documents and the movement documents issued by the state of export shall be delivered together therewith. <Amended by Act No. 5872, Feb. 8, 1999>

(2) Any person who has taken over imported wastes under paragraph (1) shall report to the Minister of Environment under the conditions prescribed by Presidential Decree. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

(3) Deleted. <by Act No. 6361, Jan. 16, 2001>

Article 14 (Notice of Results of Treatment of Imported Wastes, etc.)

Any person who has completed the treatment of imported wastes shall promptly furnish documents describing the receipt of the relevant wastes and the results of their treatment to the competent authority and the exporter thereof of the state of export and then submit the copy thereof to the Minister of Environment under the conditions prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 6361, Jan. 16, 2001]

Article 15 (Revocation of Permission on Export or Import of Wastes)(1) If a person who has obtained permission on the export or import of wastes falls under any of the following subparagraphs, the Minister of Environment may revoke his/her permission: <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>

1. When he/she obtains permission by deceitful or other unlawful means;
2. When he/she fails to fulfill any condition provided for in Article 6 (4) or 10 (5);
3. When new information reveals that the export or import-permitted wastes may cause any environmental pollution not anticipated at the time the permission was granted;
4. When he/she fails to prepare an export movement document (including amending to the

details entered in such document) in violation of the provisions of Article 7 (1) or prepares such document falsely;

5. When he/she fails to observe the terms entered in an export movement document in violation of the provision of the main sentence of Article 8 (2);

6. When he/she fails to prepare an import movement document (including amending to the details entered in such document) in violation of the provisions of Article 11 or prepares such document falsely;

7. When he/she fails to observe the terms entered in an import movement document in violation of the provision of the main sentence of Article 12 (2);

8. When he/she violates the restrictions referred to in the provisions of Article 18 (1) or (2);

9. When he/she violates an order to ship in, etc. as provided for in Article 20 (1); and

10. When he/she refuses, obstructs or evades entrance and inspection referred to in the provisions of Article 22 (1).

(2) Deleted. <by Act No. 6361, Jan. 16, 2001>

Article 16 (Agreements, etc. on Transit of Wastes)(1) When the competent authority of a state of export makes a request for consent to transit export wastes through Korea, the Minister of Environment shall determine whether he/she consents to it and notify the state of export. <Amended by Act No. 5391, Aug. 28, 1997>

(2) When a person who desires to export wastes to another country passing through Korea does not obtain the consent referred to in paragraph (1), he/she may not pass the wastes through Korea.

Article 17 (Control over Exported or Imported Wastes)(1) Any person who desires to export or import wastes shall pack the wastes or apply marks to such wastes as prescribed by Presidential Decree.

(2) Except as otherwise provided for in this Act, the Wastes Control Act or the Act on the Promotion of Saving and Recycling of Resources shall apply to the transportation, keeping, disposal, recycling, etc. of exported or imported wastes.

Article 18 (Designation of Export or Import Port, etc.)(1) In granting permission on the export or import of wastes, the Minister of Environment may designate any shipment or loading and unloading port or restrict the shipment or loading and unloading zone after consulting with the Minister of Land, Transport and Maritime Affairs. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8852, Feb. 29, 2008>

(2) In giving his/her consent to any transit of wastes through Korea, the Minister of Environment may restrict the transit port or area after consulting with the Minister of Land, Transport and Maritime Affairs. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 8852, Feb. 29, 2008>

Article 19 (Prohibition on Exports and Imports)(1) If there arises any cause to take any emergency measure for the environment and human health, the Minister of Environment may ban or limit any export or import of wastes for a fixed period of time as prescribed by

Presidential Decree. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

(2) Any wastes that are feared to pose dangers to human health and the environment shall be prohibited from being exported or imported. <Amended by Act No. 6361, Jan. 16, 2001>

(3) Any wastes shall be prohibited from being exported to any nation that lacks proper capacity to treat such wastes. <Newly Inserted by Act No. 6361, Jan. 16, 2001>

(4) The wastes and the nation referred to in paragraphs (2) and (3) shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 6361, Jan. 16, 2001>

Article 20 (Order to Ship in, etc.)(1) If any person who has exported or imported wastes falls under any of the following subparagraphs, the Minister of Environment may order him to ship in or out the wastes for a fixed period of time, or order him to manage them by proper means: <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 5872, Feb. 8, 1999; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>

1. When he/she exports or imports such wastes without obtaining permission as provided for in Article 6 (1) or 10 (1);

2. When he/she exports or imports such wastes without fulfilling the conditions provided for in Article 6 (4) or 10 (5);

3. When the contents of the request for consent to import by the state of export under Article 10 (4) do not agree with those of the movement documents issued by the state of export; and

4. When it is decided that the exported or imported wastes are remarkably dangerous enough to cause any environmental pollution not anticipated at the time permission was granted.

(2) When the heads of administrative agencies concerned find that a person who has exported or imported wastes falls under any subparagraph of paragraph (1), they may request the Minister of Environment to take any necessary measures, such as shipping in or out such wastes, etc. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

(3) The Minister of Environment shall, upon receiving a request referred to in paragraph (2), take proper measures thereon and notify the heads of administrative agencies concerned of the outcome of such measures. <Amended by Act No. 6361, Jan. 16, 2001>

Article 21 (Vicarious Execution)(1) If a person who has received an order under Article 20 (1) fails to carry out such order for the prescribed period, the Minister of Environment shall execute it vicariously under the conditions as prescribed by the Administrative Vicarious Execution Act, and the expenses for such execution may be collected from the person who has exported or imported such wastes. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

(2) Deleted. <by Act No. 6361, Jan. 16, 2001>

Article 21-2 (Recording and Keeping of Books)

A person falling under any of the following subparagraphs shall maintain the books, as

prescribed by Presidential Decree, record importation and exportation, transportation, disposal, etc. of wastes, and keep them for three years: Provided, That this shall not apply where the relevant matters have been entered into the electronic information processing program pursuant to Article 11-3 (1):

1. A person who has obtained permission for export under Article 6 (1);
2. A person who has obtained permission for import under Article 10 (1);
3. A person who has taken over imported wastes under Article 13 (1).

[This Article Newly Inserted by Act No. 10153, Mar. 22, 2010]

Article 22 (Reports, Inspections, etc.)(1) The Minister of Environment may require any of the following persons to file a report, or may request him/her to submit materials, or may have any related public official enter any office, business place, bonded area, etc. under Article 154 of the Customs Act to inspect the relevant documents, facilities, equipment, etc., as prescribed by Presidential Decree:

1. A person who has obtained permission for export under Article 6 (1);
2. A person who transports export wastes under Article 8 (1);
3. A person who has obtained permission for import under Article 10 (1);
4. A person who transports or disposes of imported wastes under Article 12 (1);
5. A person who has taken over imported wastes under Article 13 (1).

(2) Any public official who intends to conduct an inspection under paragraph (1) shall notify a business operator subject to the inspection of the inspection plan including date and time, purpose of inspection, matters to be inspected, etc. by not later than seven days before the inspection: Provided, That this shall not apply where it is deemed that the purpose of the inspection cannot be achieved if the notification is given in advance.

(3) Any public official who enters to conduct an inspection under paragraph (1) shall carry a certificate indicating his/her authority and produce it to the related persons.

[This Article Wholly Amended by Act No. 10153, Mar. 22, 2010]

CHAPTER III SUPPLEMENTARY PROVISIONS

Article 23 (Fees)(1) Any person who desires to obtain permission on export prescribed in Article 6 (1), or permission on import prescribed in Article 10 (1), shall pay a fee.

(2) The calculation, payment method, and procedure of the fee as referred to in paragraph (1) and other necessary matters shall be determined by Presidential Decree.

(3) The fee collected under paragraph (1) shall be paid to the revenue of the special accounts on environment improvement under the Framework Act on Environmental Policy. <Amended by Act No. 4714, Jan. 5, 1994; Act No. 10893, Jul. 21, 2011>

Article 24 (Cooperation with Related Agency)

If it is deemed necessary for attaining the purpose of this Act, the Minister of Environment may request the head of any related administrative agency to furnish necessary materials. In this case, the head of the related administrative agency shall comply with such request unless justifiable grounds exist that make it impossible to do so. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

Article 25 (Designation of Competent Authority, etc.)

For the purpose of fulfilling the contents of the Convention, the Government shall designate the competent authority and liaison officer and notify the Secretariat of the Convention.

Article 26 Deleted. <by Act No. 5453, Dec. 13, 1997>

Article 27 (Delegation and Consignment)(1) The authority of the Minister of Environment vested under this Act may be delegated partially to the head of any agency under his/her jurisdiction or to the head of any related administrative agency, or may be consigned to any corporation or organization as prescribed by Presidential Decree. <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

(2) The Minister of Environment may order any person to whom authority is delegated or entrusted to make a necessary report on the affairs delegated or entrusted under paragraph (1). <Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>

CHAPTER IV PENAL PROVISIONS

Article 28 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than five years or a fine not exceeding 30 million won:

1. A person who exports or imports wastes without obtaining permission under Article 6 (1), or 10 (1); or
2. A person who violates an order issued under Article 20 (1).

Article 29 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine not exceeding 10 million won: <Amended by Act No. 5872, Feb. 8, 1999>

1. A person who fails to prepare or falsifies export movement documents (including the changed export movement documents) in contravention of the provisions of Article 7 (1);
2. A person who fails to observe the contents described in the export movement documents in contravention of the provisions of the text of Article 8 (2);
3. A person who fails to prepare or falsifies import movement documents (including the changed import movement documents) in contravention of the provisions of Article 11; and
4. A person who fails to observe the contents described in the import movement documents in contravention of the provisions of the text of Article 12 (2).

Article 30 (Penal Provisions)

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

1. A person who violates the restriction as prescribed in Article 18 (1) and (2); and
2. A person who refuses, interferes with, or avoids any entry or inspection as prescribed in Article 22 (1).

Article 31 (Joint Penal Provisions)

Where a representative of a juristic person, or an agent, employee or any other servant of a

juristic person or individual commits an offense under Articles 28 through 30 in connection with the business of the juristic person or individual, in addition to the punishment of such offender, the juristic person or individual shall be punished by a fine under each relevant provisions: Provided, That where such juristic person or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense, this shall not apply.

[This Article Wholly Amended by Act No. 10153, Mar. 22, 2010]

Article 32 (Fines for Negligence)(1) A person who fails to enter the matters regarding handover and takeover of imported wastes to the electronic information processing program or enters such matters by false or other unlawful means in contravention of Article 11-2 (1) shall be punished by a fine for negligence not exceeding three million won.

(2) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million:

1. A person who fails to file a report, in contravention of Article 7 (2) or 13 (2);
2. A person who fails to carry with him/her the export movement documents or to enter pertinent matters in the said documents or sign thereon, in contravention of Article 8 (1);
3. A person who fails to carry with him/her import movement documents or movement documents issued by the State of export or to enter the pertinent matters in the said documents or sign thereon, in contravention Article 12 (1);
4. A person who fails to furnish the document describing the receipt of imported wastes and the results of their disposal to the competent authority of the State of export and the exporter, or to submit the copy thereof to the Minister of Environment;
5. A person who fails to pack, attach marks on exported or imported wastes, etc. in contravention of Article 17 (1);
6. A person who fails to make a record of the books or keep them as prescribed in Article 21-2, or who makes a false record thereof;
7. A person who fails to file a report or present materials as prescribed in Article 22 (1), or who files a false report or presents false materials.

(3) Fines for negligence under paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10153, Mar. 22, 2010]

ADDENDA (Omitted)

35. Enforcement Decree of the Act on the Control of Transboundary Movement of Hazardous Wastes And Their Disposal

[Enforcement Date 31. Dec, 2008.] [Presidential Decree No.21215, 31. Dec, 2008., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Act on the Control of

Transboundary Movement of Hazardous Wastes and Their Disposal and matters necessary for enforcement thereof. <Amended by Presidential Decree No. 20387, Nov. 15, 2007>

Article 2 (Types of Wastes)

(1) “Wastes specified by Presidential Decree” in subparagraph 1 of Article 2 of the Act on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal (hereinafter referred to as the “ Act ”) means wastes falling under the following subparagraphs: <Amended by Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007>

1. Wastes, which are described in the Annex I or VIII of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (hereinafter referred to as the “ Convention ”) and which are hazardous as prescribed in the Annex III; 1-2. Wastes described in the Annex II of the Convention; and

2. Wastes on which the Republic of Korea reports to, or is reported from the Secretariat of the Convention under Articles 3 (1) through (3) and 11 of the Convention.

(2) The waste items under the subparagraphs of paragraph (1) shall be announced by the Minister of Environment after consultation with the Minister of Knowledge Economy. <Amended by Presidential Decree No. 20387, Nov. 15, 2007; Presidential Decree No. 20680, Feb. 29, 2008>

CHAPTER II CONTROL AND MANAGEMENT OF EXPORTS, IMPORTS, ETC. OF WASTES

Article 3 (Waste Export Licenses)

(1) Any person who intends to obtain a waste export license under Article 6 (1) of the Act shall submit to the Minister of Environment an application for the waste export license on annexed Form No. 1, together with the following documents: <Amended by Presidential Decree No. 14450, Dec. 23, 1994; Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007>

1. The export contract, or the order sheet stating that the wastes concerned are managed in an environmentally sound manner and the export price is the free on board (F.O.B.) price;

2. The domestic transportation contract specifying the routes and means of transportation, and the name of transporter of exported wastes;

3. In cases of wastes notified by the Minister of Environment in accordance with Article 2 (2), the test record on exported wastes issued by an agency which is authorized and notified by the Minister of Environment;

4. In cases where the export is carried out through an agent, documents supporting traffic with the generator of the wastes, such as an export agency contract;

5. In cases of the exports under Article 6 (5) of the Act, (hereinafter referred to as “package export”), a plan for the package export, in which the export volume is recorded by the customs office at the port of entry for the exported wastes, by the expected date of export or by the expected month of export;

6. The payment receipt of waste export license fee under Article 20 (2) of the Act; and
7. An insurance policy or other guarantee under Article 6 (11) of the Convention, if a state of import or transit demands it.

(2) The Minister of Environment shall, if he concludes that details of an application for an export license are appropriate, seek an agreement with respect to import or transit from the competent authority for the state of import or transit within 7 days from the date of the receipt of such application. <Amended by Presidential Decree No. 17307, Jul. 16, 2001>

(3) Where any person who intends to export wastes (including any export agent) submits a written agreement issued by the state of import or transit with respect to the import or transit thereof, the Minister of Environment shall not seek the agreement of paragraph (1). <Amended by Presidential Decree No. 17307, Jul. 16, 2001>

(4) Deleted. <by Presidential Decree No. 17307, Jul. 16, 2001>

(5) “Cases where it is determined by Presidential Decree” in the proviso to Article 6 (3) of the Act means cases falling under any of the following subparagraphs: <Newly Inserted by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 20387, Nov. 15, 2007>

1. Where it is subject to the consent of a state of transit, and no response has been made by the state of transit within 60 days (if the state of transit has acceded to the Convention under Article 11 of the Convention, within thirty days) from the date on which the Republic of Korea has been notified by the state of transit of the receipt of a request for consent of transit. In this case, where no notification of receipt has been made by the state of transit to the Republic of Korea within thirty days after a request for the consent of transit was made, the date on which thirty days have passed since the first request for the consent of transit was made shall be deemed the date of notification of such receipt; and

2. Where wastes referred to in Article 2 (2) are subject to the consent of a state which has acceded to the Convention under Article 11 of the Convention, and no response has been made by a state of import within thirty days from the date on which the Republic of Korea has been notified by the state of import of the receipt of a request for the consent of import. In this case, where no notification of receipt has been made by the state of import to the Republic of Korea within thirty days after a request for the consent of import was made, the date on which thirty days have passed since the first request for the consent of import was made shall be deemed the date of notification of the receipt.

(6) The Minister of Environment shall issue an export license of wastes on annexed Form No. 1 within five days in cases falling under any of the following subparagraphs: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

1. Where he has received a written consent for import or transit from the state of import or transit;

2. Where he has not made a request for the consent pursuant to paragraph (3); and

3. Where no consent of the state of import or transit referred to in paragraph (5) has been

given.

Article 4 (Change in Waste Export License)

(1) Matters whose change shall require a license, from among matters for which the waste export license has been granted, under the latter part of Article 6 (1) of the Act, shall be as follows:

1. Change of the exporter or the importer;
2. Change of the name, physical characteristics, and chemical composition of wastes;
3. Change of the quantity of exported wastes;
4. Change of waste disposal or recycling method, or the place for disposal; and
5. Change of the customs office or the competent authority for state of import or transit.

(2) A person who desires to amend the details of the waste export license for the reason stated under any subparagraph of paragraph (1), shall submit the application for amendments to waste export license on annexed Form No. 1, accompanied by the following documents to the Minister of Environment: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

1. Original of waste export license; and
2. Documents supporting the amended details.

(3) Where the Minister of Environment receives an application for amendment of waste export license pursuant to paragraph (2), he shall issue a license for amendment of waste export license in annexed Form No. 1 pursuant to Article 3 (2), (3) and (5). <Newly Inserted by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

Article 5 (Preparation, etc. of Export Movement Documents)

(1) Export movement documents under Article 7 (1) of the Act shall be in annexed Form No. 2.

(2) Reports under Article 7 (2) of the Act shall be made in accordance with annexed Form No. 3. <Amended by Presidential Decree No. 16406, Jun. 21, 1999>

(3) Deleted. <by Presidential Decree No. 16406, Jun. 21, 1999>

Article 6 (Records, etc. of Export Movement Documents)

“Other matters determined by Presidential Decree” in Article 8 (1) of the Act, where exported wastes concerned are domestically transferred to others, means:

1. The name of a transferor and a business name, representative’s name, address, and telephone number of a transferee or carrier; and
2. The quantity, kind and means of transportation and place for the exchange of the transferred wastes.

Article 7 Deleted. <by Presidential Decree No. 16406, Jun. 21, 1999>

Article 8 Deleted. <by Presidential Decree No. 16406, Jun. 21, 1999>

Article 9 (Waste Import Licenses)

(1) A person who intends to obtain a waste import license pursuant to Article 10 (1) of the

Act shall submit to the Minister of Environment an application for a waste import license in annexed Form No. 4, together with the following documents: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007>

1. The import contract or the order sheet stating that the wastes concerned are managed in an environmentally sound manner and the import price is the cost, insurance and freight (C.I.F.) price;

2. Any document specifying the special features, use and purposes of the imported wastes;

3. The domestic transportation contract specifying the routes and means of transportation, and the name of carrier of the imported wastes;

4. In cases of imports pursuant to Article 10 (6) of the Act (hereinafter referred to as “package import”), the package import plan in which the import volume is recorded by the customs office at the port of entry for the imported wastes, by the expected date of import, or by the expected month of import;

5. Payment receipt of the waste import license fee under Article 20 (2);

6. Plans for disposing of or recycling imported wastes (copies of a license for the business of disposing of wastes or a certificate of completed report filed for recycling wastes shall accompany it);

7. and 8. Deleted; <Presidential Decree No. 17307, Jul. 16, 2001>

9. In cases where the import is carried out through an agent, the import agency contract; and

10. Any insurance policy, or other guarantee under Article 6 (11) of the Convention.

(2) In cases where the Minister of Environment receives a request for agreement with respect to the import of wastes from the competent authority for state of export in accordance with the provisions of Article 10 (3) of the Act, he shall serve a notice with respect to such agreement, conditional agreement, disapproval, or request for additional information on the competent authority for such state of export within 10 days from the date of the receipt of such request. <Amended by Presidential Decree No. 14450, Dec. 23, 1994; Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 15965, Dec. 31, 1998; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007>

(3) and (4) Deleted. <by Presidential Decree No. 17307, Jul. 16, 2001>

(5) In cases where the Minister of Environment notifies the competent authority for state of export of the consent for import under paragraph (2), he shall issue, without delay, an import license in annexed Form No. 4 to the applicant of such import license. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

Article 10 (Deemed Requests for Waste Import Consents)

In granting a waste import license in accordance with Article 10 (1) of the Act, if producers or exporters of the wastes concerned request the waste import consent through the

competent authority for state of export, the Minister of Environment shall deem that he has been requested to grant the waste import consent from the competent authority for state of export of wastes concerned in accordance with Article 10 (3) of the Act. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007>

Article 11 (Change in Waste Import Licenses)

(1) Matters whose change requires a license, from among matters for which the waste import license has been granted, under the latter part of Article 10 (1) of the Act, shall be as follows:

1. Change of the importer or the exporter;
2. Change of the name, physical state and chemical composition of wastes;
3. Change of the quantity of wastes whose importation has been scheduled;
4. Change of waste disposal or recycling method, or the place for disposal;
5. Change of the domestic customs offices at the port of entry or the domestic port of destination; and
6. Change of the customs office or the competent authority for state of import or state of transit.

(2) Any person who desires to change the waste import license for the reasons under any subparagraph of paragraph (1), shall submit to the Minister of Environment an application for change of waste import license in annexed Form No. 4, accompanied by the following documents: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001>

1. Original of waste import license; and
2. Documents supporting the amended details.

(3) Where the Minister of Environment receives an application for amendments to waste import license pursuant to paragraph (2), he shall issue a license for amendments to waste import in annexed Form No. 4 pursuant to Article 9 (2) and (5). <Newly Inserted by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001>

Article 12 (Preparation, etc. of Import Movement Documents)

(1) Import movement documents under Article 11 of the Act shall be in the format shown in annexed Form No. 5.

(2) Import movement documents under paragraph (1) shall be prepared at the time when the imported wastes are recognized as domestic articles and are then carried out of a bonded area under Article 154 of the Customs Act (including a place outside the boundary of a bonded area for which permission for storage is granted under Article 156 of the same Act) or a free trade zone under subparagraph 1 of Article 2 of the Act on the Designation and Management of Free Trade Zones. <Amended by Presidential Decree No. 17048, Dec. 29, 2000; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007>

[This Article Wholly Amended by Presidential Decree No. 16406, Jun. 21, 1999]

Article 13 (Records, etc. of Import Movement Documents)

“Other matters determined by Presidential Decree” in Article 12 (1) of the Act means:

1. The name of a transferor and a business name, representative’s name, address, and telephone number of a transferee or carrier; and
2. The quantity, type, means of transportation, and place for the exchange of the transferred wastes.

Article 14 (Reports, etc. on Imported Waste Transfer)

(1) Any person to whom imported wastes have been transferred under Article 13 (1) of the Act shall submit to the Minister of Environment, within five days from the date he takes them over, a report on the imported waste transfer in annexed Form No. 6, together with the following: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001>

1. A copy of transfer contract for the wastes concerned; and
2. A plan on use or disposal of the wastes concerned.

(2) The Minister of Environment shall, when he receives a report on imported waste transfer under paragraph (1), issue a certificate of completed report on imported waste transfer in annexed Form No. 6 within 5 days from the date he has received such report. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001>

Article 15 (Notice of Results of Disposal of Imported Wastes, etc.)

Any person who completes the disposal of imported wastes under Article 14 of the Act shall serve a notice prepared in annexed Form No. 7 with respect to the receipt of the relevant wastes and the results of their disposal on the competent authority for state of export and the exporter, and submit a copy thereof to the Minister of Environment within ten days from the date of completion of such disposal.

[This Article Wholly Amended by Presidential Decree No. 17307, Jul. 16, 2001]

Article 16 Deleted. <by Presidential Decree No. 15965, Dec. 31, 1998>

Article 17 (Method of Packing and Attaching Marks)

The method of packing wastes or the method of attaching marks to such packaging in accordance with Article 17 (1) of the Act, except as provided for by other Acts and subordinate statutes, such as the Ship Safety Act and the Aviation Act, shall be in accordance with the standards in the attached Table. <Amended by Presidential Decree No. 20387, Nov. 15, 2007>

Article 18 (Prohibitions on Exports and Imports, etc.)

(1) The Minister of Environment shall, when he intends to take steps to prohibit or limit the export and import of wastes in accordance with Article 19 (1) of the Act, publish lists of prohibited or limited items, means of prohibiting or limiting them and the term of the prohibition or limitation thereon. <Amended by Presidential Decree No. 14450, Dec. 23, 1994; Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb.

28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

(2) Wastes prohibited from being imported under Article 19 (2) and (4) of the Act shall be the hazardous wastes, threatening to cause serious damages to human health or environment, that the Minister of Environment publishes after judging that their recycling and proper disposal are impossible domestically and making consultations thereon with the Minister of Knowledge Economy. <Amended by Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20680, Feb. 29, 2008>

(3) Deleted. <by Presidential Decree No. 17307, Jul. 16, 2001>

Article 18-2 (Nations to which Exports of Wastes are Prohibited)

Wastes shall be prohibited from being exported to any nation in accordance with Article 19 (3) and (4) of the Act with the exception of nations falling under each of the following subparagraphs:

1. Signatories to bilateral, multilateral or regional agreements under Article 11 of the Convention; and
2. The member nations of the Organization for Economic Cooperation and Development, the member nations of the European Union, and Liechtenstein.

[This Article Newly Inserted by Presidential Decree No. 17307, Jul. 16, 2001]

Article 19 (Report, etc.)

(1) The following person who has exported, imported or has taken over wastes shall submit the following report to the Minister of Environment within 15 days from the end of every half term: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

1. Any person who has obtained the export license under Article 6 (1) of the Act: a report on the result pertaining to exported wastes in annexed Form No. 8;
2. Any person who has obtained the import license under Article 10 (1) of the Act: a report on the result pertaining to the disposal of imported wastes in annexed Form No. 10; and
3. Any person who has taken over imported wastes under Article 13 (1) of the Act: a report on the result pertaining to the disposal of transferred and imported wastes in annexed Form No. 10.

(2) Deleted. <by Presidential Decree No. 17307, Jul. 16, 2001>

CHAPTER III SUPPLEMENTARY PROVISIONS

Article 20 (Calculation Method, etc. of Fees)

(1) Pursuant to Article 23 (2) of the Act, a waste export or import license fee (hereinafter referred to as the “export/import license fee”) shall be calculated by the following methods: Provided, That the amount less than 1,000 won is excluded from the amount for the calculation and, in case where the standard amount is described in a foreign currency, the calculation shall be made by applying the exchange rate at the time of payment: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

1. For export:

the free on board (F.O.B) price of the wastes concerned $\times 1 \div 1,000$;

2. For import:

the cost, insurance, and freight (C.I.F) price of the wastes concerned $\times 1 \div 1,000$; and

3. In case where the C.I.F price or the F.O.B price is unknown:

disposal expenses of the pertinent wastes determined by the Minister of Environment $\times 1 \div 1,000$.

(2) Any person who desires to export or import wastes (hereinafter referred to as the “importer/exporter”), after calculating the export/import license fee under paragraph (1), shall submit a statement of payment for the waste export/import license fee in the annexed Form No. 11, to a bank which deals with foreign exchanges, and submit the payment receipt to the Minister of Environment when he applies for the export/import license for the wastes concerned. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

(3) The Minister of Environment, concerning the package export or the package import, may allow an exporter/importer to pay the export/import license fee for the wastes concerned each time the export or the import has taken place until the total amount of the export/import license fee is paid, or he may allow him to pay the total amount by installment as determined and notified by the Minister of Environment. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

Article 21 (Refund of Fees)

(1) The Minister of Environment shall, in case where he has received the application for the waste export or import license under Article 3 or 9, but does not permit the waste export or import, or where the exporter or the importer does not export or import the pertinent wastes for which the license has been granted, or where the exporter or the importer has made an over-payment for the fee by mistake, refund the whole or part of the export/import license fee already paid. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

(2) Any person who intends to get refund of the export/import license fee under paragraph (1), shall submit to the Minister of Environment the application for the refund of the export/import license fee in annexed Form No. 12, together with: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

1. the waste export or import license (except in case where the license has not been granted);

2. the waste export or import movement document (except in case where the license has not been granted); and

3. the payment receipt of waste export or import license fee.

(3) When the Minister of Environment receives an application for the refund of waste export/import license fees under paragraph (2), he shall serve on the applicant a statement of decision for the refund of the waste export/import license fees, prepared according to

annexed Form No. 12 within 7 days from the date of the receipt of such application and shall refund such fees to him. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001>

(4) Deleted. <by Presidential Decree No. 17307, Jul. 16, 2001>

Article 22 (Designation of Competent Authorities, etc.)

The competent authorities under Article 25 of the Act shall be the Minister of Environment, and the liaison officer shall be the director who is in charge of the tasks for waste export/import at the Waste Resources Bureau of the Ministry of Environment. <Amended by Presidential Decree No. 14450, Dec. 23, 1994; Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001>

Article 23 Deleted. <by Presidential Decree No. 15585, Dec. 31, 1997>

Article 24 (Delegation of Authority)

The Minister of Environment shall delegate his authority falling under each of the following subparagraphs to the head of the basin environmental office or the regional environmental office in accordance with Article 27 (1) of the Act: <Amended by Presidential Decree No. 17698, Aug. 8, 2002; Presidential Decree No. 20387, Nov. 15, 2007>

1. Authority for granting export licenses, amending such export licenses and attaching conditions thereto under Article 6 (1), (4) and (5) of the Act;
2. Authority for seeking agreement from the state of import or transit under the main sentence of Article 6 (3) of the Act;
3. Authority for receiving reports on the cancellation of plans for exporting wastes under Article 7 (2) of the Act;
4. Authority for granting permission for importing and amending, and attaching conditions thereto under Article 10 (1), (5) and (6) of the Act;
5. Authority for determining whether to give agreement with respect to imports of wastes and serve notices thereof under Article 10 (4) of the Act;
6. Authority for receiving reports on the acquisition by transfer of imported wastes under Article 13 (2) of the Act;
7. Authority for receiving documents showing the results of disposal of imported wastes under Article 14 of the Act;
8. Authority for canceling licenses for exporting and importing wastes under Article 15 of the Act;
9. Authority for determining whether to give agreement with respect to the transit of wastes and of serving notices thereof under Article 16 (1) of the Act;
10. Authority for designating ports where wastes are loaded and unloaded, limiting areas where wastes are loaded and unloaded, and consultations thereabout under Article 18 (1) of the Act;
11. Authority for limiting transit ports or transit areas of wastes and consultations thereon

under Article 18 (2) of the Act;

12. Authority for ordering exporters and importers to ship wastes into and out of areas or to control such wastes under Article 20 (1) of the Act;

13. Authority for receiving requests from the heads of administrative agencies for steps necessary for shipping wastes into or out of areas, taking such steps and serving notices on the results thereof under Article 20 (2) and (3) of the Act;

14. Authority for performing the execution by proxy and collecting expenses necessary therefor under Article 21 of the Act;

15. Authority for issuing orders to make reports, requesting the submission of materials and conducting inspection under Article 22 (1) of the Act;

16. Authority for asking the heads of relevant administrative agencies to furnish necessary materials under the former part of Article 24 of the Act;

17. Authority for imposing and collecting fines for negligence under Article 32 of the Act; and

18. Authority for performing the business of refunding fees under Article 21.

[This Article Wholly Amended by Presidential Decree No. 17307, Jul. 16, 2001]

CHAPTER IV PENAL PROVISIONS

Article 25 (Imposition of Fines for Negligence)

(1) Where the Minister of Environment imposes a fine for negligence pursuant to Article 32 (2) of the Act, he shall specify in writing the conduct of an offense and the amount, etc. of such fine for negligence, after investigating and confirming the offense, and notify the person subject to such disposition of fine for negligence. <Amended by Presidential Decree No. 14450, Dec. 23, 1994; Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

(2) Where the Minister of Environment intends to impose a fine for negligence pursuant to paragraph (1), he shall provide the person subject to fine for negligence with an opportunity to state his opinion orally or in writing (including an electronic document) by fixing a period of no less than ten days. In this case, if no statement is made by the fixed date, he shall be deemed to have no objection. <Amended by Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 18312, Mar. 17, 2004>

(3) The Minister of Environment shall take account of the motive of the offense and its consequence, etc. in fixing the amount of fine for negligence. <Amended by Presidential Decree No. 17307, Jul. 16, 2001>

(4) With respect to the collection procedures of fines for negligence, the procedure for paperwork of a revenue collection officer under the Enforcement Decree of the Management of the National Funds Act shall apply mutatis mutandis. <Amended by Presidential Decree No. 17824, Dec. 30, 2002; Presidential Decree No. 20387, Nov. 15, 2007>

ADDENDA (Omitted)

36. Wastes Control Act

[Enforcement Date 19. Oct, 2017.] [Act No.14783, 18. Apr, 2017., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to environmental conservation and the enhancement of the people's quality of life by reducing the generation of wastes to the maximum extent possible and treating generated wastes in an environment-friendly manner. <Amended by Act No. 10389, Jul. 23, 2010>

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009; Act No. 9931, Jan. 13, 2010; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14532, Jan. 17, 2017>

1. The term "wastes" means such materials as garbage, burnt refuse, sludge, waste oil, waste acid, waste alkali, and carcasses of animals, which have become no longer useful for human life or business activities;

2. The term "household wastes" means any wastes other than industrial wastes;

3. The term "industrial wastes" means any wastes generated from places of business with discharge or emission facilities installed and managed in accordance with the Clean Air Conservation Act, the Water Environment Conservation Act, or the Noise and Vibration Control Act, or any other places of business specified by Presidential Decree;

4. The term "designated wastes" means the industrial wastes specifically enumerated by Presidential Decree as harmful substances, such as waste oil and waste acid which may contaminate the surrounding environment, or medical wastes which may cause harm to human bodies;

5. The term "medical wastes" means the wastes specifically enumerated by Presidential Decree among the wastes discharged from public health and medical institutions, veterinary clinics, testing and inspection institutions and other similar institutions, which may cause harm to human bodies by infection or otherwise and need to be specially controlled for public health and environmental conservation such as parts and extracts of human bodies and carcasses of laboratory animals;

5-2. The term "medical waste-only container" means a container used to collect, transport, or store any medical wastes to prevent infection or other hazards caused by medical wastes;

5-3. The term "treatment" means the collection, transportation, storage, recycling, and disposal of wastes;

6. The term "disposal" means both interim treatment, such as incineration, neutralization, fragmentation and solidification, and terminal treatment, such as landfill and discharging into the sea;

7. The term "recycling" means any of the following activities:

(a) Reusing or reclaiming wastes or making wastes reusable or reclaimable;

(b) Recovering energy prescribed in subparagraph 1 of Article 2 of the Energy Act or making such energy recoverable from wastes, or using wastes as fuel, as prescribed by Ordinance of the Ministry of Environment;

8. The term "waste treatment facilities" means both interim and terminal waste disposal facilities and waste recycling facilities, as specified by Presidential Decree;

9. The term "waste minimization facilities" means facilities specified by Presidential Decree for minimizing discharge of wastes by reducing the quantity of wastes generated in a manufacturing process and by recycling wastes within a place of business.

Article 2-2 (Detailed Classification of Wastes)

Detailed classification of wastes concerning the kinds and recycling types of wastes shall be prescribed by Ordinance of the Ministry of Environment in consideration of the generation source, constituents, harmfulness, etc. of wastes.

[This Article Newly Inserted by Act No. 13411, Jul. 20, 2015]

Article 3 (Scope of Application)

(1) This Act shall not apply to the following substances: <Amended by Act No. 8466, May 17, 2007; Act No. 8789, Dec. 21, 2007; Act No. 10389, Jul. 23, 2010; Act No. 10888, Jul. 21, 2011; Act No. 10911, Jul. 25, 2011; Act No. 13038, Jan. 20, 2015; Act No. 14532, Jan. 17, 2017>

1. A radioactive substance prescribed in the Nuclear Safety Act or a material contaminated by such substance;

2. A gaseous substance not contained in a container;

3. Wastewater flowing into, or discharged into public waters from, a facility established for the prevention of water contamination prescribed in the Water Environment Conservation Act;

4. Livestock excreta prescribed in the Act on the Management and Use of Livestock Excreta;

5. Sewage and excreta prescribed in the Sewerage Act;

6. A livestock carcass, a polluted thing, a thing subject to ban on importation, or a thing rejected in a quarantine inspection under Article 22 (2), 23, 33 or 44 of the Act on the Prevention of Contagious Animal Diseases;

7. A carcass of an aquatic animal, a polluted facility or thing, a thing subject to ban on importation, and a thing rejected in a quarantine inspection, to which Articles 17 (2), 18 and 34 (1) and each subparagraph of Article 25 (1) of the Aquatic Life Disease Control Act apply;

8. Ammunitions scrapped pursuant to Article 13-2 of the Act on the Management of Military Supplies;

9. A carcass of an animal treated at an animal cemetery established and operated by a person registered for funeral services for animals prescribed in Article 32 (1) of the Animal Protection Act.

(2) Discharging wastes into the sea under this Act shall be governed by the Marine Environment Management Act.

Article 3-2 (Basic Principles of Waste Management)

(1) Every business entity shall reduce the generation of wastes to the maximum extent possible by improving the manufacturing process, etc. of products and minimize the discharge of wastes by recycling his/her own wastes.

(2) Every person shall take prior appropriate measures with respect to the discharge of wastes to prevent any harm to environs or the health of residents.

(3) Waste treatment shall be properly managed in a manner that reduces their quantities and degree of hazard or otherwise is consistent with environmental conservation and the protection of the people's health.

(4) Any person who causes environmental pollution by discharging wastes shall be responsible for restoring the affected environs and bear the expenses incurred in restoring the damage caused by such pollution.

(5) To the extent possible, wastes generated domestically shall be treated within the Republic of Korea and the importation of wastes shall be restrained.

(6) Wastes shall be recycled rather than incinerated, buried, or disposed of in another way, in order to contribute to the improvement of resource productivity.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

Article 4 (Duties of State and Each Local Government)

(1) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu (the head of a Gu refers to the head of an autonomous Gu; hereinafter the same shall apply) shall verify the current status of wastes discharged and treated within his/her jurisdiction; install and operate waste treatment facilities so that wastes can be properly treated; conduct affairs relating to waste treatment efficiently by improving the methods of treating wastes and raising the skills and quality of the persons in charge; and endeavor to remind residents and business entities of the importance of protecting the environment and to restrain the generation of wastes. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(2) The Mayor of the Special Metropolitan City Mayor, Mayors of Metropolitan Cities, and Governors of Dos shall provide the heads of Sis/Guns/Gus with technical and financial assistance to help them fulfill their duties prescribed in paragraph (1) and shall also coordinate waste treatment services within their jurisdiction. <Amended by Act No. 8613, Aug. 3, 2007>

(3) The State shall verify the current status of designated wastes discharged and treated, and take measures necessary for proper treatment of such wastes.

(4) The State shall support research on and development of technology for waste treatment, provide the Mayor of the Special Metropolitan City, Mayor of each Metropolitan City, Mayor of each Special Self-Governing City, Governor of each Do, and Governor of each Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") and the head of each Si/Gun/Gu with technical and financial assistance necessary for them to fulfill their duties prescribed in paragraphs (1) and (2), and shall also coordinate waste treatment services with the Special Metropolitan City, Metropolitan Cities, Special Self-Governing

Cities, Dos, and Special Self-Governing Provinces (hereinafter referred to as "City/Do"). <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

Article 5 (Multi-Regional Waste Management)

(1) If the Minister of Environment, the Mayor/Do Governor or the head of a Si/Gun/Gu deems it necessary to treat wastes generated from at least two Cities/Dos or Sis/Guns/Gus with an integrated system for a multiple number of regions, he/she may solely or jointly install and operate multi-regional waste treatment facilities (including public treatment facilities for designated wastes).

(2) The Minister of Environment, the Mayor/Do Governor, or the head of a Si/Gun/Gu may entrust a person designated by Ordinance of the Ministry of Environment to install or manage the multi-regional treatment facilities prescribed in paragraph (1).

Article 6 (Charges for Waste Treatment in Waste Treatment Facilities)

(1) An institution that has installed and operates a waste treatment facility prescribed in Article 4 (1) or 5 (1) may charge expenses incurred in treating wastes brought into the facility (hereinafter referred to as the "waste treatment charge") on persons who bring wastes into such facility.

(2) In cases falling under paragraph (1), where a waste treatment facility has been installed and is operated jointly by at least two local governments, the waste treatment charge shall be determined by an agreement between the local governments.

(3) The amount of waste treatment charge shall be prescribed by Ordinance of the Ministry of Environment if the State is responsible for collecting it, while such amount shall be prescribed by municipal ordinance if a local government is responsible for collecting it.

Article 7 (Citizens' Duties)

(1) Every citizen shall keep natural and living environments clean and endeavor to reduce and recycle wastes.

(2) Every owner, occupant, and manager of a parcel of land or a building shall endeavor to keep clean the parcel of land or building owned, occupied, or managed by him/her, and shall implement general clean-up in accordance with the plan prepared by the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

Article 8 (Prohibition against Dumping Wastes)

(1) No one shall dump wastes in any area other than the places and facilities provided for the collection of wastes by the Mayor of a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, the head of a Si/Gun/Gu, or the manager of a facility, such as a public park or road. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

(2) No one shall bury or incinerate wastes in any area other than the landfill sites permitted, approved or reported under this Act: Provided, That the foregoing shall not apply to incineration at places specified under the proviso to Article 14 (1), as prescribed by ordinance of the competent Special Self-Governing City, Special Self-Governing Province,

or Si/Gun/Gu. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

(3) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may order the owner, occupant, or manager of a parcel of land or building to take necessary measures in compliance with the relevant ordinance of the competent local government, if the owner, occupant, or manager fails to keep clean the property under his/her control pursuant to Article 7 (2). <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

Article 9 (Master Plans for Waste Management)

(1) The Mayor/Do Governor shall prepare a comprehensive plan for proper management of wastes generated within his/her jurisdiction once every ten years in compliance with the guidelines prescribed by the Minister of Environment, subject to the approval of the Minister of Environment. The foregoing shall also apply to any revision to any matter approved. In such cases, the Minister of Environment shall, whenever he/she approves a comprehensive plan or a revision thereto, consult with the heads of the relevant central administrative agencies.

(2) The head of a Si/Gun/Gu shall prepare a comprehensive plan for management of wastes generated within his/her jurisdiction once every ten years and submit it to the Mayor/Do Governor.

(3) The comprehensive plan prescribed in paragraphs (1) and (2) shall contain the following details:

1. Overview of the population, residential patterns, industrial structure, and distribution, geographical environment, etc. within his/her jurisdiction;
2. The quantity of wastes generated by categories and the estimated quantity of wastes in the future;
3. Current status of and future plan for waste management;
4. Matters concerning reduction, recycling, and conversion of wastes into resources;
5. Current status of wastes treatment facilities installed and a plan to install such facilities;
6. Matters concerning collection, transportation, and storage of wastes and improvement of equipment and containers for wastes;
7. Plan for securing financial sources.

Article 10 (Comprehensive Plans for Waste Management)

(1) The Minister of Environment shall prepare a comprehensive plan for nationwide waste management based on the comprehensive plans for waste management under Article 9 (1) and the results of statistical surveys on wastes under Article 11 (hereinafter referred to as a "comprehensive plan") once every ten years for proper management of wastes generated throughout the country.

(2) The Minister of Environment may review the feasibility of the comprehensive plan for revision once every five years after the date on which the comprehensive plan is finalized.

(3) If the comprehensive plan is revised under paragraph (2), the Mayor/Do Governor shall also revise the comprehensive plan for waste management under Article 9 (1), reflecting the

revised details of the comprehensive plan in the comprehensive plan, and submit it to the Minister of Environment for approval.

(4) The comprehensive plan shall contain the following details:

1. Evaluation of the previous comprehensive plan;
2. Circumstances and prospects for waste management;
3. Basic principles of the comprehensive plan;
4. Policy on waste management by sectors;
5. Plan for securing financial sources.

Article 11 (Statistical Surveys on Wastes)

(1) The Minister of Environment, each Mayor/Do Governor, and the head of each Si/Gun/Gu shall conduct surveys on the current status of different types of wastes generated and treated, status of waste treatment business and other related industries, and resource productivity improvement including waste recycling rates, in order to secure basic data and information necessary for formulating policies on wastes. <Amended by Act No. 10389, Jul. 23, 2010>

(2) Matters necessary for the items, timing, and methods of surveys under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 10389, Jul. 23, 2010>

Article 12 Deleted. <by Act No. 13038, Jan. 20, 2015>

CHAPTER II DISCHARGE AND TREATMENT OF WASTES

Article 13 (Standards, etc. for Waste Treatment)

(1) Anyone who intends to treat wastes shall comply with the standards and methods prescribed by Presidential Decree: Provided, That with respect to wastes that are made readily recyclable in view of the principles of recycling wastes and matters to be observed under Article 13-2 (hereinafter referred to as "intermediately processed wastes"), relaxed standards and methods may separately be prescribed by Presidential Decree. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13411, Jul. 20, 2015>

(2) Medical wastes shall be treated only by using medical waste-only containers that have passed inspections conducted in accordance with Article 25-2 (6) (hereinafter referred to as "exclusive container"). <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

Article 13-2 (Principles of Recycling Wastes and Matters to Be Observed)

(1) Anyone may recycle wastes unless he/she violates any of following:

1. The wastes shall not cause harm to living environment by discharging fugitive dust, bad odor, volatile organic compounds, air pollutants, etc.;
2. The wastes shall not contaminate soil, hydroecological system, or underground water by leaking harmful substances, such as leachate, or heavy metals;
3. The wastes shall not cause harm to humans by generating noise or vibration;
4. He/she shall comply with the matters prescribed by Presidential Decree, such as the prevention of harm to humans or the environment, in the course of using wastes as recycling

products or raw materials by eliminating or stabilizing harmful substances including heavy metals;

5. He/she shall comply with the recycling standards prescribed by Ordinance of the Ministry of Environment.

(2) Notwithstanding paragraph (1), any of the following wastes shall be prohibited or restricted from recycling:

1. Asbestos wastes;
2. Wastes containing polychlorinated biphenyls (PCBs) in at least the concentration prescribed by Ordinance of the Ministry of Environment;
3. Medical wastes (excluding placenta);
4. Wastes prescribed by Presidential Decree among the wastes highly likely to cause harm to human bodies and the environment, such as toxic wastes.

(3) The types and level of methods to prevent and reduce contamination and the matters to be observed, such as the standards, methods, etc. of dealing with wastes, to comply with the principles prescribed in the subparagraphs of paragraph (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 13411, Jul. 20, 2015]

Article 13-3 (Environmental Assessment when Recycling Wastes)

(1) Notwithstanding Article 13-2 (1), any of the following persons shall undergo assessment of the methods to evade or eliminate harmful effects caused by recycling of the relevant wastes on human health or the environment by examining and predicting such effects and of the adequacy of recycling technology (hereinafter referred to as "environmental assessment of recycling"), conducted by an environmental assessment institute under Article 13-4 (1). The same shall also apply where he/she modifies any of the significant matters prescribed by Ordinance of the Ministry of Environment, including the kinds of wastes and the types of recycling:

1. A person who intends to recycle wastes or any material made from mixing wastes with soil, etc., in the amount of at least that prescribed by Ordinance of the Ministry of Environment, for any of the uses, including cover soil, fill material, and road substratum material, or by any of the methods prescribed by Ordinance of the Ministry of Environment, by bring them into contact with soil, underground water, surface water, etc. (including where at least two persons intend to recycle them jointly);
2. A person who intends to recycle wastes for which such principles of recycling wastes and matters to be observed as prescribed in Article 13-2 are not determined.

(2) Notwithstanding paragraph (1), a person who intends to manufacture any fertilizers, the legal standards for which have been formulated under Article 4 of the Fertilizer Control Act, or a person who intends to recycle wastes by the methods prescribed by Ordinance of the Ministry of Environment, may recycle the relevant wastes without undergoing an environmental assessment of recycling.

(3) A person who has undergone an environmental assessment of recycling under

paragraph (1) shall submit the results thereof to the Minister of Environment and obtain approval for the recycling of the relevant wastes.

(4) After examining whether the applicant meets the requirements for approval prescribed by Presidential Decree in consideration of the results of the environmental assessment of recycling received pursuant to paragraph (3), the Minister of Environment may grant approval under paragraph (3).

(5) In granting approval pursuant to paragraph (4), the Minister of Environment may impose conditions prescribed by Ordinance of the Ministry of Environment, such as the term of validity of the approval and the quantity of wastes, to reduce harm, etc. to be caused to public health or the environment.

(6) Where a person who has obtained approval under paragraph (3) falls under any of the following, the Minister of Environment shall revoke such approval. In such cases, if the approval is revoked, the recycling of the relevant wastes shall be suspended without delay:

1. Where he/she recycles the relevant wastes differently from the matters approved pursuant to paragraph (3);
2. Where he/she submits the results of an environmental assessment of recycling pursuant to paragraph (3) by deceit or other wrongful means;
3. Where he/she violates any condition of approval imposed pursuant to paragraph (5).

(7) Except as otherwise prescribed in paragraphs (1) through (6), matters necessary for procedures and methods of environmental assessment of recycling, procedures for approval, etc. shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 13411, Jul. 20, 2015]

Article 13-4 (Designation, etc. of Environmental Assessment Institutes)

(1) The Minister of Environment shall, for the specialized and technical environmental assessment of recycling, designate an environmental assessment institute, from among the following institutions or organizations and issue a certificate of designation:

1. National or public research institutes;
2. The Korea Environment Corporation under the Korea Environment Corporation Act;
3. Other institutes or organizations prescribed by Presidential Decree.

(2) A person who intends to be designated as an environmental assessment institute shall file an application with the Minister of Environment meeting the requirements for technical personnel, facilities, equipment, etc. prescribed by Ordinance of the Ministry of Environment. The same shall also apply where he/she intends to modify any of the significant matters prescribed by Ordinance of the Ministry of Environment.

(3) Upon receipt of a request for an environmental assessment of recycling, an environmental assessment institute shall prepare a report on environmental assessment of recycling, including the following matters, in accordance with the standards and methods prescribed by Ordinance of the Ministry of Environment:

1. Current status of the area subject to environmental assessment;
2. Prediction and assessment of environmental effects pertaining to the recycling of wastes,

including the effects of wastes or materials made by adding wastes on soil, underground water, surface water, etc. when they leach out;

3. Means for preventing and eliminating environmental risks;

4. Plans for monitoring environmental change;

5. Matters prescribed by Ordinance of the Ministry of Environment for the environmental assessment of recycling of wastes for which such principles or matters to be observed as prescribed in Article 13-2 are not formulated.

(4) No environmental assessment institute shall allow a third party to conduct any environmental assessment of recycling using its name or trade name or lend its certificate of designation as an environmental assessment institute.

(5) The Minister of Environment shall periodically examine whether the operation of an environmental assessment institute is appropriate.

(6) Where an environmental assessment institute falls under any of the following, the Minister of Environment may revoke the designation or order to suspend business fixing a period not exceeding six months: Provided, That in cases falling under subparagraph 1 or 2, such designation shall be revoked:

1. Where it has obtained the designation or designation with modification by deceit or other wrongful means;

2. Where it has conducted any environmental assessment of recycling during the business suspension period;

3. Where it has failed to meet the requirements for designation prescribed in the former part of paragraph (2);

4. Where it has modified any significant matters without obtaining designation with modification, in violation of the latter part of paragraph (2);

5. Where it has prepared a report on environmental assessment of recycling under paragraph (3) by deceit or other wrongful means;

6. Where it has allowed a third party to conduct any environmental assessment of recycling using its name or trade name or has lent its certificate of designation as an environmental assessment institute, in violation of paragraph (4).

(7) Except as otherwise prescribed in paragraphs (1) through (6), necessary matters concerning the standards and procedures for designation of an environmental assessment institute, periodic inspection, etc. shall be prescribed by Ordinance of the Ministry of Environment.

(8) Subparagraphs 1 through 4 and 6 of Article 26 shall apply mutatis mutandis to the grounds for disqualification of an environmental assessment institute referred to in paragraph (1). In such cases, "waste management business" shall be construed as "environmental assessment institute" and "permission" as "designation".

[This Article Newly Inserted by Act No. 13411, Jul. 20, 2015]

Article 13-5 (Hazard Criteria of Recycled Products or Materials)

(1) Where the Minister of Environment deems that any products or materials that are

produced by recycling wastes may cause harm to human health or the environment, he/she shall formulate and publicly notify the hazard criteria of such recycled products or materials (hereinafter referred to as "Hazard Criteria") after consulting with the heads of relevant central administrative agencies.

(2) No person shall manufacture or distribute recycled products or materials using wastes that fail to meet the Hazard Criteria.

(3) The Minister of Environment may test, analyze, or investigate the actual conditions of manufacturing or distribution of any products or materials produced by recycling wastes in order to verify whether they are in compliance with the Hazard Criteria.

(4) Matters necessary for the testing, analysis, and investigation of actual conditions under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.

(5) If, as a result of the testing, analysis or investigation of actual conditions under paragraph (3), a person is found to have manufactured or distributed any products or materials in violation of the Hazard Criteria, the Minister of Environment may order him/her to take necessary measures, such as the recalling and destruction of the relevant products or materials.

(6) Where the Minister of Environment deems that any products or materials, the Hazard Criteria of which are publicly notified pursuant to paragraph (1) and which are manufactured by recycling wastes require a certain control, he/she may enter into an agreement with the head of the relevant local government, the manufacturer, etc. of the said products or materials that requires them to disclose the purposes of use and quantities of each type of wastes, the heavy metal contents of such wastes, and other relevant information.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

Article 14 (Treatment, etc. of Household Wastes)

(1) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall be responsible for treating household wastes discharged within his/her jurisdiction: Provided, That a specific area designated by the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment, shall be excluded from his/her jurisdictional areas. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(2) The Mayor of a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may authorize a person specified by Presidential Decree to treat household wastes prescribed in paragraph (1) on his/her behalf, as prescribed by ordinance of the competent local government. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(3) Notwithstanding the main sentence of paragraph (1), and paragraph (2), any person who has filed a report on waste treatment pursuant to Article 46 (1) (hereinafter referred to as "person who has filed a report on waste treatment") may collect, transport, or recycle the wastes specified by Ordinance of the Ministry of Environment, such as waste paper, scrap

metal, and waste cooking oil (only permitted where waste cooking oil classified as household wastes is collected and transported by a special storage tank or container sealed with no chance of leakage), among household wastes. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(4) A person who collects and transports household wastes prescribed in paragraph (3) may transfer the wastes specified by Ordinance of the Ministry of Environment, among household wastes collected by him/her, to any of the following persons: <Newly Inserted by Act No. 11914, Jul. 16, 2013>

1. A person who directly collects and recycles wastes generated from products and packing materials manufactured, imported, or sold by him/her (including persons specified by Ordinance of the Ministry of Environment, among persons entrusted with recycling), among manufacturers or importers of products and packing materials specified in Article 16 (1) of the Act on the Promotion of Saving and Recycling of Resources;

2. A person who has obtained permission for waste recycling business specified in Article 25 (5) 5 or 7;

3. A person who has filed a report on waste treatment;

4. Any other persons specified by Ordinance of the Ministry of Environment.

(5) The Mayor of a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may collect service charges for the treatment of household wastes pursuant to paragraph (1), depending on the kind, quantity, etc. of the household wastes discharged. In such cases, the service charges shall be collected in the manner of selling standard waste bags, waste marks, etc. (hereinafter referred to as "standard waste bags and marks"), as prescribed by ordinance of the competent local government; but the service charges for food wastes may be collected in the manner of charging an amount calculated according to the discharged quantity. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>

(6) When the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to impose and collect service charges for the treatment of food wastes pursuant to paragraph (5), he/she may use the electronic information processing program under Article 45 (2). In such cases, information required for calculating service charges shall be entered in the electronic information processing program prescribed in Article 45 (2), as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11914, Jul. 16, 2013>

(7) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may authorize a person to produce, distribute, or sell standard waste bags and marks on his/her behalf, as prescribed by municipal ordinances. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(8) When the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to authorize a person to collect and

transport household wastes on his/her behalf pursuant to paragraph (2), he/she shall comply with the following: <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015>

1. The cost shall be calculated in accordance with the standards prescribed by Ordinance of the Ministry of Environment, and the initial calculation thereof shall be entrusted to any cost accounting service agency provided for in Article 9 of the Enforcement Rule of the Act on Contracts to which a Local Government is a Party;

2. The standards for evaluating the performance of persons authorized to collect and transport household wastes on behalf of local authorities (including the levels of resident satisfaction and the working conditions of street cleaners) shall be prescribed by ordinance of each local government, and the performance shall be evaluated at least once a year according to the evaluation standards. In such cases, each local government shall organize an evaluation team with civilian experts, etc. to evaluate the performance of such persons;

3. If the evaluation of performance is completed pursuant to subparagraph 2, the results shall be posted on the website of the relevant local government for at least six months from the date of such evaluation, and if the results of such evaluation reveal that the standards prescribed by ordinance of the relevant local government are not met, measures, such as business suspension and the cancellation of the contract for collection and transportation of household wastes on behalf of local authorities shall be taken, as prescribed by Ordinance of the Ministry of Environment;

4. If a contract for collection and transportation of household wastes on behalf of local authorities is concluded, the terms and conditions of such contract shall be posted on the website of the relevant local government for at least six months from the date of such conclusion;

5. Upon the expiration of a contract for collection and transportation of household wastes on behalf of local authorities under subparagraph 4, the details of expenditure incurred in such collection and transportation shall be posted on the website of the relevant local government within six months from the date of such expiration, for at least six months;

6. If a person (including the representative of a corporation) who collects and transports household wastes on behalf of local authorities is sentenced to any of the following punishments, the contract for vicarious execution shall be cancelled without delay:

(a) Where he/she is sentenced to a fine or greater punishment by committing a crime that falls under Article 133 of the Criminal Act;

(b) Where he/she is sentenced to a fine or greater punishment (in cases of punishment of a fine, limited to a fine of at least three million won) by committing a crime that falls under Article 347, 347-2, 356, or 357 of the Criminal Act (in cases falling under Article 347 or 356, including cases where he/she is aggravatingly punished under Article 3 of the Act on the Aggravated Punishment, etc. of Specific Economic Crimes);

7. No person who has been sentenced to punishment that falls under any item of subparagraph 6 in relation to a contract to collect and transport household wastes on behalf

of local authorities, and for whom three years have yet to elapse from the date of such sentence shall not be entitled to enter into any contract to collect and transport household wastes.

(9) If the Minister of Environment deems it necessary in relation to collection and transportation of household wastes on behalf of local authorities, he/she may require the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu to submit necessary data or to take corrective measures, and may inspect and verify whether standards for the collection and transportation of household wastes are complied with. Upon receipt of a request from the Minister of Environment to submit necessary data or to take corrective measures in such cases, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall comply therewith, in the absence of special circumstances. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014>

Article 14-2 (Imposition of Penalty Surcharges on Persons Authorized to Collect and Transport Household Wastes)

(1) Where the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to order any person authorized to collect and transport household wastes on behalf of local authorities to suspend the business under Article 14 (8) 3, he/she may impose a penalty surcharge not exceeding 100 million won on such person in lieu of the suspension of business, as prescribed by Presidential Decree, if the suspension of business is likely to result in the accumulation of wastes not properly treated, and consequently causes or is likely to cause harm to the health of local residents.

(2) Unpaid penalty surcharges imposed under paragraph (1) shall be collected in the same manner as delinquent local taxes are collected.

(3) Penalty surcharges collected under paragraphs (1) and (2) shall become the revenues of the relevant Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu, and shall be used for the purposes of use specified by Presidential Decree, including the expansion of multi-regional waste treatment facilities.

[This Article Newly Inserted by Act No. 11914, Jul. 16, 2013]

Article 14-3 (Formulation, etc. of Plans to Restrain Generation of Food Wastes)

(1) In order to reduce the generation of food wastes (including agricultural, fishery, and livestock wastes; the same shall apply hereinafter) to the maximum extent possible within the jurisdiction of the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, and properly treat food wastes generated, he/she shall formulate and implement a plan to restrain the generation of food wastes, including the following matters, and shall annually evaluate the outcomes of implementation thereof:

1. The current status of the generation and treatment of food wastes;

2. The estimated quantity of food wastes generated in the future and a plan for proper treatment of the wastes;
3. The targets goals for restraining the generation of food wastes and a strategic plan for achieving the target goals;
4. The current status of food wastes treatment facilities installed and a plan to install such facilities;
5. A strategic plan for technical and financial assistance in restraining the generation of food wastes and properly treating such wastes (including a plan for securing funds therefor).

(2) The interval for formulating a plan under paragraph (1), the method of evaluation, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 11914, Jul. 16, 2013]

Article 15 (Cooperation, etc. of Household Waste Dischargers in Treatment)

(1) The owner, occupant, or manager of a parcel of land or a building from which household wastes are discharged (hereinafter referred to as "household waste discharger") shall either treat such wastes directly in a manner to avoid any harm to the conservation of the living environment or reduce the discharged quantity of wastes, as prescribed by ordinance of the competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

(2) Each household waste discharger shall separate household wastes that he/she is unable to treat directly under paragraph (1) and shall separately keep such wastes by type, nature, and condition, as prescribed by ordinance of the competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

(3) Deleted. <by Act No. 11914, Jul. 16, 2013>

Article 15-2 (Obligations, etc. of Persons Discharging Food Wastes)

(1) Any of the persons specified by Presidential Decree, among persons who discharge large quantities of food wastes, shall comply with rules prescribed by ordinance of the competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu, for restraining the generation of food wastes and properly treating such wastes.

(2) A person discharging food wastes under paragraph (1) shall report on his/her plan to restrain the generation of food wastes and properly treat such wastes to the competent local authority, such as the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to modifications to any reported matters specified by Ordinance of the Ministry of Environment.

(3) Notwithstanding Article 14 (1) or 18 (1), a person discharging food wastes under paragraph (1) shall collect, transport, or recycle generated food wastes directly or entrust any of the following persons with the collection, transportation, or recycling of such wastes:

1. A person who has installed and operates a waste treatment facility under Article 4 or 5;
2. A person who has obtained permission for waste collection and transportation business

under Article 25 (5) 1;

3. A person who has obtained permission for waste recycling business under any provision of Article 25 (5) 5 through 7;

4. A person who has filed a report on waste treatment (limited to the persons who have filed a report on the treatment of food wastes for recycling).

(4) Persons discharging food wastes under paragraph (1) may jointly collect, transport, or recycle food wastes generated from each place of business, as prescribed by Ordinance of the Ministry of Environment, or may jointly install and operate waste treatment facilities. In such cases, they shall establish a joint operating organization, and appoint one representative of the organization.

[This Article Newly Inserted by Act No. 11914, Jul. 16, 2013]

Article 16 (Conclusion of Agreements)

(1) The Mayor/Do Governor or the head of a Si/Gun/Gu may enter into agreements with persons who discharge wastes within his/her jurisdiction or an organization of such persons in order to restrain the generation of wastes and properly treat such wastes.

(2) Matters necessary for the objectives of the agreement under paragraph (1) and the method of and procedure for performance of such agreements shall be prescribed by ordinance of the competent local government.

(3) The Mayor/Do Governor or the head of a Si/Gun/Gu may provide a person who enters into agreements with the competent local government under paragraph (1) with such support as necessary for performing such agreements.

Article 17 (Obligations, etc. of Industrial Waste Dischargers)

(1) A person who discharges wastes from his/her place of business (hereinafter referred to as "industrial waste discharger") shall comply with the following provisions: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. He/she shall request a waste analysis agency prescribed in Article 17-2 (1) to verify in advance whether any wastes which can be classified as designated wastes depending on the content of toxic substances prescribed by Ordinance of the Ministry of Environment, among wastes generated from his/her place of business, fall under designated wastes;

1-2. He/she shall treat all wastes generated from his/her place of business in compliance with the standards and methods for waste treatment under Article 13 and the principles of recycling wastes and matters to be observed under Article 13-2;

2. The generation of industrial wastes shall be reduced to the maximum extent possible by installing waste-reducing facilities in a manufacturing process, developing technology, recycling wastes, and in any other way;

3. An industrial waste discharger who intends to entrust waste treatment to someone under Article 18 (1) shall verify whether the entrusted person has the capability to treat wastes in compliance with the standards for and methods of waste treatment under Article 13 or in view of the principles of recycling wastes and matters to be observed under Article 13-2 before such entrustment: Provided, That the foregoing shall not apply where he/she entrusts

waste treatment to a person who has installed and operates waste treatment facilities under Article 4 or 5.

(2) Industrial waste dischargers specified by Ordinance of the Ministry of Environment shall report on the types and quantity of industrial wastes generated, to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to any modification to reported matters specified by Ordinance of the Ministry of Environment. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

(3) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall notify a person who has filed a report or a report on modification, of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (2). <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(4) If the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (3), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(5) A business entity that discharges designated wastes prescribed by Ordinance of the Ministry of Environment shall submit each of the following documents to the Minister of Environment for verification before processing such wastes under Article 18 (1): Provided, That where persons prescribed by Ordinance of the Ministry of Environment, including those operating a motor vehicle maintenance business as defined in subparagraph 8 of Article 2 of the Motor Vehicle Management Act, collect and transport designated wastes together with other persons, their representative shall submit such documents to the Minister of Environment for verification: <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 13038, Jan. 20, 2015>

1. Waste treatment plans including the following matters:

- (a) Trade name, locations of the places of business, and category of business;
- (b) Types and volume of wastes to be discharged, and interval for discharge;
- (c) Plan for transport and treatment of wastes;
- (d) Plan for joint treatment of wastes (applicable only to cases of joint treatment);
- (e) Other matters prescribed by Ordinance of the Ministry of Environment;

2. Waste analysis reports prepared by a waste analysis agency prescribed in Article 17-2 (1);

3. If the treatment of designated wastes is entrusted, documents attesting the acceptance of entrustment from a person entrusted with such affairs.

(6) If a person who has obtained verification under paragraph (5) falls under any of the following cases, he/she shall submit relevant documents to the Minister of Environment and

obtain the verification of such modification: <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. Where he/she intends to change his/her trade name;
 2. Where he/she intends to change the location of his/her place of business;
 3. Where the monthly average volume of designated wastes discharged (which shall be calculated based on the quantity discharged for one year after obtaining verification or verification of modification) is at least 10/100 and is increasing by at least the percentage prescribed by Ordinance of the Ministry of Environment;
 4. Where the volume of designated wastes newly or additionally discharged (in cases of additional discharge, the quantity shall be calculated by adding the quantity previously discharged) falls under a case subject to the verification of a plan for treatment of controlled wastes referred to in paragraph (3);
 5. Where he/she intends to change the treatment method by kind of designated wastes or a person who treats such wastes;
 6. Where he/she intends to modify the number of places of business for joint treatment or the kinds of wastes jointly treated (applicable only to cases of joint treatment).
- (7) Industrial waste dischargers operating any of the types of business prescribed by Presidential Decree in excess of any of the scales prescribed by Presidential Decree comply with the guidelines publicly notified by the Minister of Environment and the heads of relevant central administrative agencies jointly in accordance with the basic policy and procedure prescribed by Ordinance of the Ministry of Environment in order to restrain the generation of industrial wastes under paragraph (1) 2. <Amended by Act No. 8613, Aug. 3, 2007>
- (8) If an industrial waste discharger transfers his/her business to another person or dies, or a corporation discharging industrial wastes is merged with another corporation, the transferee or heir, or the corporation surviving the merger or resulting from the consolidation shall succeed to the rights and obligations relating to such industrial wastes. <Amended by Act No. 8613, Aug. 3, 2007>
- (9) A person who has taken over the whole or any part of the place of business of an industrial waste discharger by an auction under the Civil Execution Act; the realization of property under the Debtor Rehabilitation and Bankruptcy Act; the sale of seized property under the National Tax Collection Act, the Customs Act or the Local Tax Collection Act; or other procedures corresponding thereto, shall succeed to the rights and obligations relating to such industrial wastes. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10219, Mar. 31, 2010; Act No. 10389, Jul. 23, 2010; Act No. 14476, Dec. 27, 2016>

Article 17-2 (Designation of Official Test Facilities of Wastes)

(1) In order to perform specialized affairs relating to the testing and analysis of wastes, the Minister of Environment may designate any of the following institutes as a specialized agency for testing and analysis of wastes (hereinafter referred to as "official test facility of wastes"):

1. The Korea Environment Corporation under the Korea Environment Corporation Act

(hereinafter referred to as the "Korea Environment Corporation");

2. The Sudokwon Landfill Site Management Corporation under the Act on the Establishment and Management of Sudokwon Landfill Site Management Corporation;

3. The Public Health and Environment Research Institute under the Public Health and Environment Research Institute Act;

4. Other institutes deemed by the Minister of Environment as having capability in the testing and analysis of wastes.

(2) If any institute under paragraph (1) 4 intends to be designated as an official test facility of wastes, it shall file an application for designation with the Minister of Environment after being equipped with facilities, equipment, and technical capability prescribed by Presidential Decree.

(3) If an institute designated as an official test facility of wastes under paragraph (1) 4 intends to modify any of the significant matters prescribed by Ordinance of the Ministry of Environment, among the already designated matters, it shall obtain designation with modification of such matter from the Minister of Environment.

(4) When designating an institute referred to in any subparagraph of paragraph (1) as an official test facility of wastes, or designating with modification, the Minister of Environment shall issue a certificate of designation to the relevant agency and publicly announce the details thereof by publishing them in the Official Gazette or posting them on its website, etc.

(5) Article 26 shall apply mutatis mutandis to disqualifications for an official test facility of wastes referred to in paragraph (1) 4. In such cases, "waste management business" shall be construed as "official test facility of wastes", "permission" as "designation", and "Article 27 (excluding paragraphs (1) 2 and (2) 20)" as "Article 17-5 (excluding paragraphs (1) 2 and (2) 6)", respectively.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 17-3 (Matters to Be Observed by Professional Waste Analysis Agencies)(1) No official test facility of wastes shall allow another person to use its name or trade name in performing any affairs relating to the testing and analysis of wastes nor shall it lend its certificate of designation to another person.

(2) Each official test facility of wastes shall comply with the standards for fair testing of environmental pollution in the field of wastes under Article 6 of the Environmental Testing and Inspection Act.

(3) In addition to the matters to be observed under paragraphs (1) and (2), each official test facility of wastes shall comply with the matters to be observed, prescribed by Ordinance of the Ministry of Environment, including keeping records of, preservation, etc. of the results of testing and analysis.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 17-4 (Evaluation of Official Test Facilities of Wastes)

(1) The Minister of Environment may evaluate testing and analysis capabilities of official test facilities of wastes.

(2) Items to be evaluated, standards, methods, etc. for the evaluation under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 17-5 (Revocation, etc. of Designation of Official Test Facilities of Wastes)

(1) If any official test facility of wastes falls under any of the following cases, the Minister of Environment shall revoke its designation:

1. Where the designation has been obtained by fraudulent or other wrongful means;
2. Where it falls under any of the disqualifications prescribed in subparagraphs of Article 26 which applies mutatis mutandis under Article 17-2 (5): Provided, That where any executive officers of a corporation falls under subparagraph 6 of Article 26, the same shall not apply if another executive officer is appointed to replace him/her within two months from the date the ground for disqualification has occurred;
3. Where it performs any affairs relating to testing or analysis during a period of business suspension.

(2) If any official test facility of wastes falls under any of the following cases, the Minister of Environment may revoke the designation or order to fully or partially suspend its business for a fixed period not exceeding six months:

1. Where it fails to meet the standards for facilities, equipment and technical capacity referred to in Article 17-2 (2);
2. Where it modifies any designated matter without obtaining designation with modification under Article 17-2 (3);
3. Where it violates any of the matters to be observed under Article 17-3;
4. Where the result of evaluation conducted under Article 17-4 fails to meet any of the standards prescribed by Ordinance of the Ministry of Environment;
5. Where it issues any waste analysis report, the content of which is different from the fact, intentionally or by gross negligence;
6. Where it fails to commence its business within one year after being designated, or suspends its business continuously for at least one year without just cause.

(3) Upon revoking designation or ordering business suspension under paragraph (1) or (2), the Minister of Environment shall publicly announce the details thereof in the way of publishing them in the Official Gazette, posting on website, etc.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 18 (Treatment of Industrial Wastes)

(1) Every industrial waste discharger shall either treat wastes generated from his/her place of business by him/herself or entrust the treatment of such wastes to a person who has obtained permission for waste treatment business under Article 25 (3), a person who has filed a report on waste treatment, a person who has installed and operates a waste treatment facility under Article 4 or 5, a person who has obtained permission for construction waste treatment business under Article 21 of the Construction Waste Recycling Promotion Act, or a person who has filed for registration of the business of discharging wastes into the sea

under Article 70 (1) 1 of the Marine Environment Management Act. <Amended by Act No. 10389, Jul. 23, 2010>

(2) Deleted. <by Act No. 13411, Jul. 20, 2015>

(3) A person who discharges, collects, transports, recycles, or disposes of any industrial wastes specified by Ordinance of the Ministry of Environment shall record matters concerning the delivery and receipt of wastes on the electronic information processing program under Article 45 (2), as prescribed by Ordinance of the Ministry of Environment, whenever he/she discharges, collects, transports, recycles, or disposes of such wastes: Provided, That in cases of medical wastes, such matters shall be recorded in the electronic information processing program under Article 45 (2), as prescribed by Ordinance of the Ministry of Environment, by means of radio frequency. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(4) The Minister of Environment shall make information on delivery and receipt of wastes recorded under paragraph (3) available to, and printable by a person who discharges, collects, and transports, recycles, or disposes of such wastes, and the process of discharging, collecting and transporting, recycling, or treating such wastes searchable and verifiable by the head of the competent Si/Gun/Gu or the Mayor/Do Governor having jurisdiction over the person who discharges, collects and transports, recycles, or disposes of such wastes. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(5) At least two industrial waste dischargers as specified by Ordinance of the Ministry of Environment may jointly collect, transport, recycle or disposes of wastes generated from their places of business, as prescribed by Ordinance of the Ministry of Environment. In such cases, such industrial waste dischargers may establish a joint operating organization, appoint one of them as the representative of such joint operating organization, and jointly install and operate waste treatment facilities. <Amended by Act No. 10389, Jul. 23, 2010>

(6) Deleted. <by Act No. 8613, Aug. 3, 2007>

Article 18-2 (Obligations to Prepare and Provide Hazards Information Data)

(1) An industrial waste discharger who discharges any industrial waste prescribed by Ordinance of the Ministry of Environment, shall prepare hazards information data including the following matters (hereinafter referred to as "hazards information data") by himself/herself or by entrusting to a specialized institution designated by Ordinance of the Ministry of Environment, as prescribed by Ordinance of the Ministry of Environment:

1. Kinds of industrial wastes;
2. Physical and chemical properties of industrial wastes and handling precautions;
3. Measures to be taken to control, etc. a fire or any other accident when it occurs due to industrial wastes;
4. Other matters prescribed by Ordinance of the Ministry of Environment.

(2) Where any significant matter prescribed by Ordinance of the Ministry of Environment, such as the production process or the raw materials for use, is modified after preparing the hazards information data pursuant to paragraph (1), the hazards information data shall be

reprepared by the industrial waste discharger himself/herself or by entrusting to an institution prescribed by Ordinance of the Ministry of Environment, reflecting the matters modified, as prescribed by Ordinance of the Ministry of Environment.

(3) Where an industrial waste discharger treats the relevant industrial wastes by entrustment pursuant to Article 18 (1), he/she shall provide the entrusted person with the hazards information data prepared pursuant to paragraphs (1) and (2).

(4) An industrial waste discharger and the entrusted person shall post or keep hazards information data prepared or received pursuant to paragraphs (1), (2) and (3) in each motor vehicle that collects and transports industrial wastes, wastes storage places, and waste treatment facility.

[This Article Newly Inserted by Act No. 14783, Apr. 18, 2017] <Enforcement Date : Apr. 19, 2018>> Article 18-2

Article 19 (Obligations of Industrial Waste Treatment Business Entities)

(1) A person who transports industrial wastes pursuant to Article 18 (3) shall be well aware of a delivery number needed to verify information concerning the delivery and receipt of wastes recorded on the electronic information processing program under Article 45 (2) while transporting such wastes, and notify the competent administrative agencies or their public officials of such delivery number upon their request. <Amended by Act No. 10389, Jul. 23, 2010>

(2) If a person who is entrusted to treat wastes is unable to industrial wastes specified by Ordinance of the Ministry of Environment due to business suspension, temporary shutdown, permanent closure of his/her business, prohibition, etc. from use of waste treatment facilities, he/she shall inform the waste dischargers who have entrusted him/her to treat such wastes of such fact, without delay, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8613, Aug. 3, 2007]

Article 20 Deleted. <by Act No. 8613, Aug. 3, 2007>

Article 21 Deleted. <by Act No. 8613, Aug. 3, 2007>

Article 22 Deleted. <by Act No. 8613, Aug. 3, 2007>

Article 23 Deleted. <by Act No. 8613, Aug. 3, 2007>

Article 24 Deleted. <by Act No. 13411, Jul. 20, 2015>

Article 24-2 Deleted. <by Act No. 14783, Apr. 18, 2017>

Article 24-3 Deleted. <by Act No. 14783, Apr. 18, 2017>

CHAPTER III Deleted.

CHAPTER IV WASTE TREATMENT BUSINESSES, ETC.

Article 25 (Waste Treatment Business)

(1) Any person (excluding any person who intends to recycle household wastes, other than food wastes, and any person who has filed a report on waste treatment) who intends to engage in the collection, transportation, recycling, or treatment of wastes (hereinafter referred to as "waste treatment business") and to treat designated wastes shall submit a waste treatment business plan to the Minister of Environment, while such person who

intends to treat any wastes, other than designated wastes, shall submit such plan to the competent Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to any modification to the significant matters specified by Ordinance of the Ministry of Environment. <Amended by Act No. 10389, Jul. 23, 2010>

(2) The Minister of Environment or the relevant Mayor/Do Governor shall examine a waste treatment business plan submitted under paragraph (1) in view of the following matters, and notify the person who has submitted such plan the acceptability thereof: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

1. Whether the person who intends to obtain permission for waste treatment business (including an executive officer, in cases of a corporation) is disqualified under Article 26;
2. Whether the location, etc. of waste treatment facilities violates other Acts;
3. Whether facilities, equipment or technical capability stated in the waste treatment business plan meets the criteria for permission under paragraph (3);
4. Whether the installation and operation of waste treatment facilities have an impact on human health or the surrounding environment, such as causing deterioration of the quality of water in a water-source protection area referred to in Article 7 of the Water Supply and Waterworks Installation Act or causing difficulty in fulfilling the Environmental Quality Standards established under Article 12 of the Framework Act on Environmental Policy.

(3) A person, in receipt of a notice of acceptability pursuant to paragraph (2) shall, within two years (six months, in cases of the waste collection and transportation business under paragraph (5) 1; three years, in cases of the waste treatment business that requires the installation of incinerators and landfill facilities) from the date of receipt of such notice, be equipped with such facilities, equipment, and technical capability in compliance with the standards prescribed by Ordinance of the Ministry of Environment, and shall thereby obtain permission for each business type, type of waste, and area of treatment from the Minister of Environment with respect to designated wastes, and from the Mayor/Do Governor with respect to other wastes. In such cases, if a person who has received a notice of acceptability pursuant to paragraph (2) files an application for permission upon being equipped with securing facilities, equipment, and technical human resources in compliance with the relevant business plan, the Minister of Environment or the Mayor/Do Governor shall grant such permission without delay. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(4) The Minister of Environment or the relevant Mayor/Do Governor may extend the period of application for permission up to one year (six months, in cases of the waste collection and transportation business under paragraph (5) 1; two years, in cases of the terminal waste treatment business under subparagraph 3 of the same paragraph and the general waste treatment business under subparagraph 4 of the same paragraph), upon request, for persons who have failed to file an application within the period referred to in paragraph (3) due to a natural disaster or any other unavoidable cause. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(5) The classification and operational details of waste treatment business shall be as follows: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13411, Jul. 20, 2015>

1. Waste collection and transportation business: A business that either collects wastes and transports them to a recycling or treatment facility or collects and transports wastes to export them;

2. Interim waste disposal business: A business that specializes in interim disposal wastes, such as disposal by incineration, physical, chemical or biological disposal, or any other disposal in a manner acknowledged and publicly notified by the Minister of Environment as a safe way to intermediately dispose of wastes, with facilities for interim disposal of wastes;

3. Terminal waste disposal business: A business that specializes in final disposal of wastes, such as landfills (excluding discharging into the sea) with facilities for final disposal of wastes;

4. General waste disposal business: A business that performs both interim and final disposal of wastes with facilities for interim and final disposal of wastes;

5. Interim waste recycling business: A business that manufactures intermediately processed wastes with facilities for recycling of wastes;

6. Terminal waste recycling business: A business that performs the recycling of intermediately processed wastes in accordance with the principles of recycling wastes or matters to be observed under Article 13-2, with facilities for recycling of wastes;

7. General waste recycling business: A business that conducts both interim recycling business and terminal recycling business with facilities for recycling of wastes.

(6) A person who has obtained permission for waste treatment business under any of paragraph (5) 2 through 7 may directly collect and transport wastes for treatment without permission for waste collection and transportation business under subparagraph 1 of the said paragraph. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(7) When the Minister of Environment or a Mayor/Do Governor grants permission under paragraph (3), he/she may add necessary conditions thereto in order to promote the living convenience of residents, protect the neighboring environment, and efficiently manage the relevant waste treatment businesses: Provided, That the condition that restricts the business territory may be added to permission for the business of collecting and transporting household wastes, in which case the Mayor/Do Governor may not restrict the business territory to an administrative unit smaller than a Si/Gun/Gu. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(8) Any person who has obtained permission for waste treatment business under paragraph (3) (hereinafter referred to as "waste treatment business entity") shall neither allow another person to use his/her name or trade name in waster treatment nor lend his/her permit to another person. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(9) Each waste treatment business entity shall comply with the following matters to be observed: <Amended by Act No. 13038, Jan. 20, 2015>

1. He/she shall store wastes at an adequate place, such as a storage facility located within its place of business permitted or temporary storage facility approved, as prescribed by

Ordinance of the Ministry of Environment;

2. He/she shall not store wastes in excess of the volume or period prescribed by Ordinance of the Ministry of Environment;

3. He/she shall not accept entrustment of the treatment of wastes if it is impracticable to treat them at his/her own treatment facility or exceeds his/her disposal capacity;

4. In contracting for treatment of wastes, he/she shall comply with the matters to be observed, prescribed by Ordinance of the Ministry of Environment, such as the preparation and keeping of the contract.

(10) Any person who intends to engage in a business collecting, transporting, or disposing of medical wastes shall install and operate such facilities, equipment, and place of business as required for collecting, transporting, or disposing of such wastes separately from other wastes. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(11) When a person who has obtained permission under paragraph (3) intends to modify any of the significant matters prescribed by Ordinance of the Ministry of Environment, he/she shall obtain permission for such modification, and shall also file a report on modification, if the modification involves any matter other than the significant matters specified by Ordinance of the Ministry of Environment. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 13411, Jul. 20, 2015>

(12) The Minister of Environment or a Mayor/Do Governor shall notify a person who has filed a report on modification of whether his/her report is accepted, within 20 days from the date such report on modification is received pursuant to paragraph (11). <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(13) If the Minister of Environment or a Mayor/Do Governor fails to notify a person who has filed a report on modification of whether his/her report is accepted or whether the processing period is extended pursuant to Acts or subordinate statutes related to processing of civil petitions within the period prescribed in paragraph (12), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(14) If any of the following applies to a person who intends to treat both designated wastes and any wastes, other than designated wastes, in the same treatment facility, such person shall be deemed to have obtained a notice of acceptability, permission, or permission for modification from the Mayor/Do Governor or have filed a report on modification to the Mayor/Do Governor in relation to such non-designated wastes: <Amended by Act No. 8613, Aug. 3, 2007>

1. Where he/she has been notified by the Minister of Environment that his/her waste treatment plan is acceptable under paragraph (2);

2. Where he/she has obtained permission for waste treatment business granted by the Minister of Environment pursuant to paragraph (3);

3. Where he/she has obtained permission for modification of waste treatment business granted by the Minister of Environment or has filed a report on modification to the Minister

of Environment pursuant to paragraph (11).

(15) Any person who seeks entitlement to the constructive notice of acceptability, permission, permission for modification, or report on modification from or to the Mayor/Do Governor under paragraph (14) in connection with any wastes other than designated wastes shall submit relevant documents prescribed by Ordinance of the Ministry of Environment simultaneously at the time he/she submits a waste treatment business plan or files an application for permission, permission for modification, or a report on modification to or with the Minister of Environment. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 14783, Apr. 18, 2017>

(16) The Minister of Environment shall, upon receiving the relevant documents under paragraph (15), hear the opinion of the competent Mayor/Do Governor, while he/she shall, upon dispatching a notice of acceptability, granting permission or permission for modification, or receiving a report on modification, inform the competent Mayor/Do Governor of the contents thereof. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 14783, Apr. 18, 2017>

(17) Any of the following persons who intends to operate a waste treatment business may file an application for permission under paragraph (3) without undergoing the procedures set forth in paragraphs (1) and (2): <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

1. A person who intends to operate a waste treatment business within an industrial complex as defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act;
2. A person who intends to operate a waste treatment business within a recycling complex under Article 34 of the Act on the Promotion of Saving and Recycling of Resources;
3. A person who intends to operate a waste recycling business under any of paragraph (5) 5 through 7.

Article 25-2 (Exclusive Container Manufacturing Business)

(1) A person who intends to engage in manufacturing of exclusive containers as a business (hereinafter referred to as "exclusive container manufacturing business") shall be registered with the Minister of Environment meeting the requirements for facilities, equipment, etc. enumerated in the standards prescribed by Ordinance of the Ministry of Environment; where he/she intends to modify any of the significant matters prescribed by Ordinance of the Ministry of Environment among the registered matters, he/she shall be subject to modification of registration; and where he/she intends to modify any of the matters prescribed by Ordinance of the Ministry of Environment among other matters, he/she shall file a report on modification.

(2) The Minister of Environment shall notify a person who has filed a report on modification of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (1). <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(3) If the Minister of Environment fails to notify a person who has filed a report on modification of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph

(2), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(4) Matters necessary for the procedures, etc. for registration, modification of registration, or reporting on modification under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

(5) Matters necessary for the standards, etc. for the structure, specification, quality, and indication of exclusive containers that a person registered under paragraph (1) (hereinafter referred to as "exclusive container manufacturer") is eligible to manufacture shall be prescribed by Ordinance of the Ministry of Environment.

(6) Each exclusive container manufacturer shall undergo an inspection on whether the structure, specification, quality, and indication of manufactured exclusive containers comply with the standards referred to in paragraph (5), as prescribed by Ordinance of the Ministry of Environment. In such cases, matters necessary for inspection institutions, methods and procedures for inspection, etc. shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 14783, Apr. 18, 2017>

(7) No exclusive container manufacturer shall allow another person to use his/her name or trade name in manufacturing exclusive containers nor lend his/her certificate of registration to another person.

(8) Each exclusive container manufacturer shall comply with the matters to be observed, prescribed by Ordinance of the Ministry of Environment, such as manufacturing of the exclusive containers conforming to the standards referred to in paragraph (5). <Amended by Act No. 14783, Apr. 18, 2017>

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 26 (Disqualifications)

None of the following persons shall be granted permission for a waste management business or registered for an exclusive container manufacturing business: <Amended by Act No. 13038, Jan. 20, 2015>

1. A minor, a person under adult guardianship, or a person under limited guardianship;
2. A person who has been declared bankrupt, but not yet reinstated;
3. A person in whose case two years have not yet passed since his/her sentence for imprisonment with labor or greater punishment declared by a court was completely fulfilled, or an exemption from the execution of the sentence was made definite;
4. A person who was sentenced to a suspended sentence of imprisonment with labor or greater punishment and is still under the period of suspension;
5. A person in whose case two years have yet to elapse since his/her permission to operate waste management business was revoked under Article 27 (excluding paragraphs (1) 2 and (2) 20) or his/her registration for an exclusive container manufacturing business was revoked under Article 27-2 (excluding paragraphs (1) 2 and (2) 2);
6. A corporation in whose case one of its executive officers falls under any provision of subparagraphs 1 through 4.

Article 27 (Revocation, etc. of Permission)

(1) If a waste treatment business entity falls under any of the following cases, the Minister of Environment or the competent Mayor/Do Governor shall revoke permission for the waste treatment business: <Amended by Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>

1. Where he/she has obtained permission by fraudulent or any other wrongful means;
2. Where he/she falls under any of the disqualifications prescribed in the subparagraphs of Article 26: Provided, That the following cases where measures are taken as classified below shall be excluded:

(a) Where a person among executive officers of the corporation falls under subparagraph 6 of Article 26: To appoint an executive to replace him/her, within two months from the date a ground for disqualification occurred;

(b) Where an inheritor who has succeeded to the rights and obligations under Article 33 (1) falls under any subparagraph of Article 26: To transfer the relevant rights and obligations to another person within six months from the date the inheritance has commenced;

3. Where he/she fails to take measures required under the main sentence of Article 40 (1);

4. Where he/she fails to comply with an order for renewal issued under Article 40 (8);

5. Where he/she operates business while the business is suspended.

(2) If a waste treatment business entity falls under any of the following cases, the Minister of Environment or the relevant Mayor/Do Governor may revoke permission for his/her business or may order suspension of the whole or a part of his/her business specifying a period not exceeding six months: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. Where he/she dumps, buries, or incinerates industrial wastes, in violation of Article 8 (1) or (2);

2. Where he/she treats wastes, in violation of Article 13 or 13-2;

2-2. Where he/she fails to take measures as ordered under Article 13-5 (5);

3. Where he/she fails to record matters concerning the delivery and receipt of waste on the electronic information processing program, in violation of Article 18 (3);

4. Where he/she fails to carry documents, etc. or notify the competent administrative agencies or public officials of the delivery number despite their request while transporting wastes, in violation of Article 19 (1);

5. Where he/she conducts business that exceeds the extent of types or details of business under Article 25 (5);

6. Where he/she violates conditions imposed under Article 25 (7);

7. Where he/she allows other persons to use his/her name or trade name in waste treatment, or lends his/her permit to another person, in violation of Article 25 (8);

8. Where he/she stores wastes or violates rules, in violation of Article 25 (9);

9. Where he/she fails to install and operate separate facilities, equipment or place of business to collect, transport, or treat wastes, in violation of Article 25 (10);

10. Where he/she modifies matters that require permission or reporting without obtaining permission for modification or filing a report on modification under Article 25 (11);
11. Where he/she fails to undergo inspections in violation of Article 30 (1) or (2), or operates waste treatment facilities without obtaining an acceptability decision, in violation of Article 30 (3);
12. Where he/she operates waste treatment facilities, not meeting standards for its maintenance under Article 31 (1);
13. Where he/she fails to comply with an order for correction or suspension of use issued under Article 31 (4);
14. Where he/she fails to comply with an order for closure issued under Article 31 (5);
15. Where he/she fails to comply with an order for measurement or inspection issued under Article 31 (7);
16. Where he/she fails to report on the succession to rights or obligations under Article 33 (3);
17. Where he/she fails to record and keep books, in violation of Article 36 (1);
18. Where he/she fails to comply with an order issued under Article 39-3, 40 (2) and (3), or 48;
19. Where he/she fails to reserve in advance a performance guarantee bond under Article 52 (1);
20. Where he/she fails to open business within one year after obtaining permission, or suspends such business closed for at least one year consecutively without just cause.

[This Article Wholly Amended by Act No. 8613, Aug. 3, 2007]

Article 27-2 (Revocation, etc. of Registration of Exclusive Container Manufacturing Business)

(1) If an exclusive container manufacturer falls under any of the following cases, the Minister of Environment shall revoke his/her registration:

1. Where he/she has been registered by fraudulent or any other wrongful means;
2. Where he/she falls under any of the disqualifications prescribed in subparagraphs of Article 26: Provided, That where there is any person who falls under subparagraph 6 of Article 26 from among executive officers of a corporation, the same shall not apply if the executive officer is replaced within two months;
3. Where he/she performs business during a period of business suspension prescribed in paragraph (2).

(2) If an exclusive container manufacturer falls under any of the following cases, the Minister of Environment may revoke his/her registration or order to fully or partially suspend his/her business for a fixed period not exceeding six months: <Amended by Act No. 14783, Apr. 18, 2017>

1. Where he/she modifies any registered matter without making modification to registration or filing a report on modification, in violation of Article 25-2 (1), or makes modification to registration or files a report on modification by wrongful means;

2. Where he/she fails to commence business or has no business performance within one year after the registration was made (excluding cases where the report on business suspension has been filed);
3. Where he/she manufactures exclusive containers by using facilities and equipment of another person which are not registered under Article 25-2 (1);
4. Where he/she manufactures exclusive containers other than those registered under Article 25-2 (1);
5. Where he/she fails to meet any of the standards for registration referred to in Article 25-2 (1);
6. Where he/she manufactures and distributes any exclusive containers not in compliance with the structure, specification, quality or indication referred to in Article 25-2 (5) or fails to undergo an inspection under Article 25-2 (6);
7. Where he/she allows another person to use his/her name or trade name in operating business by using his/her name or trade name or lends his/her certificate of registration, in violation of Article 25-2 (7);
8. Where he/she fails to comply with matters to be observed, in violation of Article 25-2 (8);
9. Where he/she refuses, obstructs, or evades an inspection of relevant documents, facilities, equipment, etc. conducted under Article 39.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 28 (Imposition of Penalty Surcharges on Waste Treatment Business Entities)

(1) If the Minister of Environment or the relevant Mayor/Do Governor intends to order the suspension of business to a waste treatment business entity under Article 27, but he/she finds that the suspension of business falls under any of the following cases, he/she may impose a penalty surcharge not exceeding 100 million won, in lieu of the suspension of business, as prescribed by Presidential Decree: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

1. Where the suspension of business prevents a customer of the business from entrusting waste treatment to the business, resulting in wastes accumulated in the customer's place of business, so that the customer's business is likely to suffer enormous impediment;
2. Where environmental pollution caused by wastes stored by the relevant waste treatment business entity, or wastes accumulated by a customer of the business, poses or is likely to pose a health hazard to local residents;
3. Where it is deemed necessary to require the waste treatment business entity to continue his/her business due to a natural disaster or other inevitable circumstances.

(2) The amount of a penalty surcharge to be imposed under paragraph (1) based on each type and degree of violation and other necessary matters, shall be prescribed by Presidential Decree.

(3) If a penalty surcharge imposed under paragraph (1) is not paid, the Minister of Environment shall collect the penalty surcharge in the same manner as delinquent national taxes are collected, while a Mayor/Do Governor shall collect such penalty surcharge in

accordance with the Act on the Collection, etc. of Non-Local-Tax Revenues. <Amended by Act No. 11998, Aug. 6, 2013>

(4) Penalty surcharges collected under paragraphs (1) and (3) shall be spent by each collecting authority for any of the purposes prescribed by Presidential Decree, including expansion of multi-regional waste treatment facilities.

Article 29 (Installation of Waste Treatment Facilities)

(1) Waste treatment facilities shall be installed in compliance with the standards prescribed by Ordinance of the Ministry of Environment, but no waste incineration facility shall be installed or operated, if its size is smaller than that prescribed by Ordinance of the Ministry of Environment.

(2) If any person other than those who has obtained, or have applied for, a permission for waste treatment business under Article 25 (3), intends to install any waste treatment facility, he/she shall obtain approval therefor from the Minister of Environment: Provided, That the foregoing shall not apply where it is intended to install a waste treatment facility under subparagraph 1, while a person who intends to install a waste treatment facility under subparagraph 2 shall file a report thereon with the Minister of Environment:

1. A waste treatment installed and operated by a school, a research institution, or any other person specified by Ordinance of the Ministry of Environment for the purposes of testing and research as prescribed by Ordinance of the Ministry of Environment;

2. A waste treatment facility of a scale prescribed by Ordinance of the Ministry of Environment.

(3) A person who intends to modify any of such significant matters specified by Ordinance of the Ministry of Environment, among the matters approved or reported under paragraph (2), shall obtain approval for such modification or submit a report on such modification, as applicable.

(4) A person who installs a waste treatment facility shall, when he/she intends to start operating the facility after the completion of the installation works, submit a report thereon to the head of the competent administrative agency depending upon which of the following facilities is involved:

1. For a waste treatment facility installed by a waste management business entity: The administrative agency responsible for licensing under Article 25 (3);

2. For any waste treatment facility other than those falling under subparagraph 1: The administrative agency responsible for approval or reporting under Article 29 (2).

(5) The Minister of Environment or the head of the competent administrative agency shall notify a person who has filed a report or a report on modification of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (2), (3) or (4). <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(6) If the Minister of Environment or the head of the competent administrative agency fails to notify a person who has filed a report or a report on modification of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to

processing of civil petitions within the period prescribed in paragraph (5), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

Article 30 (Inspection of Waste Treatment Facilities)

(1) A person who has completed the installation of any of the waste treatment facilities specified by Ordinance of the Ministry of Environment shall undergo an inspection conducted by any of the inspection agencies designated by Ordinance of the Ministry of Environment. The foregoing shall also apply to cases prescribed by Ordinance of the Ministry of Environment in which approval for, or a reporting on, modification thereof has been obtained or filed pursuant to Article 29 (3).

(2) A person who has installed and operates a waste treatment facility under paragraph (1) shall undergo an inspection conducted by an inspection agency under paragraph (1) at a regular interval prescribed by Ordinance of the Ministry of Environment. In such cases, such waste treatment facility shall be deemed to have undergone a periodic inspection if it has undergone a technical diagnosis under Article 13 of the Environmental Technology and Industry Support Act within the period set for such inspection (excluding failure to comply with a request made under Article 13 (3) of the Environmental Technology and Industry Support Act). <Amended by Act No. 10615, Apr. 28, 2011; Act No. 11465, Jun. 1, 2012>

(3) No one may use any waste treatment facility that has failed to pass an inspection under paragraph (1) or (2): Provided, That the foregoing shall not apply where such facility is operated for the purposes of inspection.

(4) Procedures and standards for the inspection conducted under paragraphs (1) and (2), guidelines for the management of inspection institutions, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 31 (Management of Waste Treatment Facilities)

(1) Anyone who has installed and operates a waste treatment facility shall maintain and manage such facility in compliance with the standards for the management, as prescribed by Ordinance of the Ministry of Environment.

(2) Anyone who has installed and operates a waste treatment facility specified by Presidential Decree shall take measurements of pollutants emitted or discharged from the waste treatment facility or arrange for a measuring institution specified by Ordinance of the Ministry of Environment to take such measurements, and shall submit a report on the results thereof to the Minister of Environment.

(3) Anyone who has installed and operates a waste treatment facility specified by Presidential Decree shall examine the impact that the installation and operation of such waste treatment facility has on the neighboring area every three years, and shall submit a report on the results thereof to the Minister of Environment.

(4) If a waste treatment facility fails to meet the standards for installation under Article 29 (1) or the standards for management under paragraph (1) of this Article in its installation, maintenance or management or fails to pass an inspection conducted pursuant to Article 30

(1) or (2), the Minister of Environment may order the person who has installed and operates the facility to take measures for improving the facility within such period as prescribed by Ordinance of the Ministry of Environment or suspend the operation of such facility (excluding cases where such facility fails to pass an inspection conducted pursuant to Article 30 (1) or (2)). <Amended by Act No. 10389, Jul. 23, 2010>

(5) If a person to whom an order to improve or suspend the operation has been issued pursuant to paragraph (4) fails to perform as ordered or if it is found that such person is unable to perform as ordered, the Minister of Environment may order him/her to close the facility permanently. <Amended by Act No. 8613, Aug. 3, 2007>

(6) If a person who has installed a landfill facility for wastes fails to close his/her facility permanently within the fixed period even after receiving an order for permanent closure under paragraph (5), the Minister of Environment may require a person prescribed by Presidential Decree to take procedures for the permanent closure, such as final soil covering, on his/her behalf and use, for such expenses, advance reserve of performance guarantee bond for follow-up management deposited by the person who has installed the landfill facility for wastes under Article 52 (1). In such cases, if the amount of expenses exceeds the amount of advance reserve of performance guarantee bond for follow-up management, the amount of excess may be collected from the person who has received such order. <Newly Inserted by Act No. 13038, Jan. 20, 2015>

(7) If a person who has installed and operates a waste treatment facility fails to perform his/her obligation to take measurements of pollutants as required under paragraph (2) or fails to examine its impact on its neighboring areas as required under paragraph (3), the Minister of Environment may order the person to take such measurements of pollutants or to examine such impact within a period prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8613, Aug. 3, 2007>

(8) The pollutants that shall be measured in accordance with paragraph (2), the cycle of such measurements, the reporting on the results thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(9) The method and scope of examinations made under paragraph (3), the report on the results thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(10) The Minister of Environment shall disclose the results of measurements taken under paragraph (2) and the results of examinations made under paragraph (3) to the public, as prescribed by the Official Information Disclosure Act.

Article 32 (Constructive Permissions, Reports, etc. under Other Statutes)

(1) Where a person who intends to install a waste treatment facility has obtained approval under Article 29 (2) or has filed a report thereon, where he/she installs a waste treatment facility under subparagraph 1 of the said paragraph, or where he/she has obtained permission for a waste treatment business under Article 25 (3), he/she shall be deemed to have obtained or filed the following permission or reports in relation to the waste treatment

facility: <Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009; Act No. 10389, Jul. 23, 2010; Act No. 14532, Jan. 17, 2017>

1. Permission for, or reporting on, the installation of emission facilities under Article 23 (1) and (2) of the Clean Air Conservation Act;
2. Permission for, or reporting on, the installation of discharge facilities under Article 33 (1) and (2) of the Water Environment Conservation Act;
3. Permission for, or reporting on, the installation of emission facilities under Article 8 (1) and (2) of the Noise and Vibration Control Act.

(2) Where a person who intends to install a waste treatment facility specified by Ordinance of the Ministry of Environment in order to concurrently treat food waste and livestock excreta obtains permission for a waste treatment business under Article 25 (3) or has obtained approval or has filed a report under Article 29 (2) and installs a waste treatment facility under Article 29 (2) 1, he/she shall be deemed to have obtained the following approval or permission in relation to the waste treatment facility: <Newly Inserted by Act No. 11465, Jun. 1, 2012>

1. Approval for the installation of a public treatment facility under Article 24 (3) of the Act on the Management and Use of Livestock Excreta;
2. Permission for livestock excreta treatment business under Article 28 of the Act on the Management and Use of Livestock Excreta.

(3) Where a person who has installed a waste treatment facility files a report under Article 29 (4), he/she shall be deemed to have filed each of the following reports: <Amended by Act No. 8466, May 17, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012; Act No. 14532, Jan. 17, 2017>

1. A report on the commencement of operation of emission facilities under Article 30 of the Clean Air Conservation Act;
2. A report on the commencement of the operation of discharging facilities under Article 37 of the Water Environment Conservation Act;
3. Deleted. <by Act No. 9770, Jun. 9, 2009>

(4) Whenever the Minister of Environment or a Mayor/Do Governor intends to grant approval for the installation of a waste treatment facility or permission for a waste treatment business, he/she shall consult with the heads of relevant administrative agencies, if such facility or business involves any of the matters set forth in the subparagraphs of paragraphs (1) through (3). <Amended by Act No. 11465, Jun. 1, 2012>

(5) The Minister of Environment shall establish and publicly notify the standards for processing constructive permission, approval, or reports under paragraphs (1) through (3). <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 11465, Jun. 1, 2012>

Article 33 (Succession to Rights and Obligations, and Relevant Matters)

(1) Where a waste treatment business entity, a person who has obtained approval for the installation of a waste treatment facility or has filed a report thereon under Article 29, or a person who has filed a report on waste treatment, or an exclusive container manufacturer

transfers the waste treatment business, the waste treatment facility, a facility under Article 46 (1), or an exclusive container manufacturing business to another person, where such person dies; or where the corporation has merged with another corporation if such person is a corporation, the transferee, the heir, or the corporation surviving the merger or resulting from the consolidation shall succeed to the rights and obligations relating to such permission, approval, registration, or report. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

(2) Any person who has taken over a waste treatment facility, etc. from a waste treatment business entity, a person who has obtained approval for the installation of such waste treatment facility or has filed a report thereon under Article 29, a person who has filed a report on waste treatment, or an exclusive container manufacturer by an auction under the Civil Execution Act; the realization of property under the Debtor Rehabilitation and Bankruptcy Act; the sale of seized property under the National Tax Collection Act, the Customs Act or the Local Tax Collection Act; or other procedures corresponding thereto, shall succeed to the rights and obligations relating to the relevant permission, approval, registration, or report. In such cases, permission or approval granted to the former waste treatment business entity or the person who has installed the waste treatment facility, the report filed by the person who has filed a report on waste treatment, or the registration of the exclusive container manufacturer, becomes void. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14476, Dec. 27, 2016>

(3) A person who has succeeded to the rights and obligations under paragraph (1) or (2) shall report the fact to the Minister of Environment or the competent Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 10389, Jul. 23, 2010>

(4) Upon receipt of a report under paragraph (3), the Minister of Environment or a Mayor/Do Governor shall verify whether the reported fact is legitimate. <Newly Inserted by Act No. 11914, Jul. 16, 2013>

(5) The Minister of Environment or a Mayor/Do Governor shall notify a person who has filed a report of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (3). <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(6) If the Minister of Environment or a Mayor/Do Governor fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to Acts or subordinate statutes related to processing of civil petitions within the period prescribed in paragraph (5), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(7) When the Minister of Environment or a Mayor/Do Governor intends to access the electronic computer network or data concerning criminal history records and certification of family relation in order to verify the legitimacy under paragraph (4), he/she may request cooperation from the head of the relevant agency, and the head of the relevant agency shall comply therewith, in the absence of just cause. <Newly Inserted by Act No. 11914, Jul. 16,

2013>

CHAPTER V GUIDANCE FOR AND SUPERVISION OVER WASTE TREATMENT BUSINESS ENTITIES, ETC.

Article 34 (Technical Manager)

(1) A person who has installed and manages a waste treatment facility specified by Presidential Decree shall employ a technical manager who shall take charge of technical affairs relating to the maintenance and management of such facility (including where the person him/herself holds qualifications as a technical manager and takes charge of such technical management) or shall make a contract on technical management services with a person specified by Presidential Decree as capable of taking charge of technical management.

(2) Matters necessary for qualifications as technical managers, contracts on technical management services, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 35 (Training Courses for Persons in Charge of Waste Treatment and Relevant Persons)

(1) Any of the following persons shall take training courses provided by an educational institution designated by Ordinance of the Ministry of Environment: <Amended by Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. Any of the following persons in charge of waste treatment:

- (a) Technical personnel who engage in waste treatment business;
- (b) Technical managers of a waste treatment facility;
- (c) Any other persons prescribed by Presidential Decree;

2. Technical personnel of an official test facility of wastes;

3. Technical personnel of an environmental assessment institute designated under Article 13-4.

(2) An employer of a person who is obligated to take the training courses under paragraph (1) shall provide the person with an opportunity to take the courses.

(3) Every employer of a person who is obligated to take the training courses under paragraph (1) shall bear the expenses incurred for such training courses under the provisions of the said paragraph.

Article 36 (Keeping of Books and Records)(1) The following persons shall keep books, as prescribed by Ordinance of Ministry of Environment, to record the details of the wastes generated, discharged, and treated (which refer to the quantity of wastes generated, the status of recycled wastes, the performance of treatment, etc., in cases of persons referred to in subparagraph 1-2; refer to the record, etc. of production, sales volume, and quality inspection of exclusive containers, in cases of persons referred to in subparagraph 4-2; or refer to the quantity of products, containers, etc. generated, imported, and sold and the quantity retrieved and treated, in cases of persons referred to in subparagraph 7), and shall retain the records for three years (two years in cases falling under subparagraph 1) from the

date of the last entry: Provided, That this may not apply where the electronic information processing program is used under Article 45 (2): <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person obligated to report his/her plan to restrain the generation of food wastes and properly treat such wastes under Article 15-2 (2);
 - 1-2. A person obligated to file a report under Article 17 (2);
 - 1-3. A person obligated to obtain verification under Article 17 (5);
 2. The representative of a joint operating organization responsible for jointly collecting, transporting, recycling or disposing of industrial wastes under Article 18 (5);
 3. Deleted; <by Act No. 14783, Apr. 18, 2017>
 4. A waste treatment business entity;
 - 4-2. An exclusive container manufacturer;
 5. A person who has installed and operates a waste treatment facility;
 6. A person who has filed a report on waste treatment;
 7. A manufacturer or an importer referred to in Article 47 (2).
- (2) Deleted. <by Act No. 8613, Aug. 3, 2007>

Article 37 (Reporting on Shutdown, Closure, etc. of Business)

(1) When a waste treatment business entity, a person who has filed a report on waste treatment, an official test facility of wastes, or an exclusive container manufacturer temporarily shuts down, permanently closes down, or resumes his/her business, he/she shall file a report thereon with the competent administrative agency for the related permission, reporting, designating or registering as prescribed by Ordinance of the Ministry of Environment. The same shall also apply to an environmental assessment institute. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

(2) The Minister of Environment or a Mayor/Do Governor shall notify a person who has filed a report of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (1). <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(3) If the Minister of Environment or a Mayor/Do Governor fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (2), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(4) A person who intends to file a report on temporary shutdown or permanent closedown of his/her business under paragraph (1) (limited to a waste treatment business entity and a person who has filed a report on waste treatment) shall treat all the wastes stored by him/her, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

Article 38 (Submission of Reports)

(1) The following persons shall submit an annual report on the wastes generated and treated, to the head of the competent administrative agency for the related permission, approval, reporting, or verification by no later than the end of February of the following year, as prescribed by Ordinance of the Ministry of Environment: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 14783, Apr. 18, 2017>

1. A person who has installed and operates a waste treatment facility under Article 4 or 5;
- 1-2. A person who has reported his/her plan to restrain the generation of food wastes and properly treat such wastes under Article 15-2 (2);
2. A person who has filed a report as an industrial waste discharger under Article 17 (2);
3. A person who has obtained verification under Article 17 (5);
- 3-2. Deleted; <by Act No. 14783, Apr. 18, 2017>
4. A waste treatment business entity;
5. A person who has filed a report on waste treatment.

(2) A person registered for exclusive container manufacturing business under Article 25-2 (1) shall submit a report on the production, delivery from warehouses, and quality inspection of exclusive containers to the head of the registration agency by no later than the end of February, the following year, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13038, Jan. 20, 2015>

(3) If a person obligated to submit a report under paragraph (1) or (2) fails to submit it within the prescribed period, the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order the person to submit it within the prescribed period. <Amended by Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>

(4) A person obligated to submit a report under paragraph (1) or (2) may request in writing, by no later than January 15 of each year, the person to whom he/she has entrusted to treat industrial wastes to provide him/her with data and information necessary for preparing the report under paragraph (1), and the person so entrusted shall, upon receiving such request, provide him/her with such data and information in writing by no later than January 31 of the year. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>

(5) An official test facility of wastes shall submit an annual report on the testing and analysis of wastes by the end of February, the following year to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13038, Jan. 20, 2015>

Article 39 (Reporting, Inspection, etc.)

(1) The Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu may require relevant persons to submit such report or data as prescribed by Ordinance of the Ministry of Environment within the extent necessary for the enforcement of this Act, and may also assign public officials in charge to enter an office or a place of business of such persons or a bonded area under Article 154 of the Customs Act to inspect the documents, facilities,

equipment, etc. therein. <Amended by Act No. 10389, Jul. 23, 2010>

(2) Public officials who enter an office or a place of business for the purpose of an inspection under paragraph (1) shall carry with them identification verifying their authority and show it to interested persons.

(3) In cases of an inspection under paragraph (1), an inspection plan including the date and time, purpose, objects, etc. of the inspection shall be notified to the business entity subject to such inspection by no later than seven days prior to the inspection: Provided, That this shall not apply where the inspection is urgently required or it is deemed that a prior notice may make it impracticable to attain the objective of the inspection. <Newly Inserted by Act No. 10389, Jul. 23, 2010>

Article 39-2 (Issuance of Order for Treatment of Wastes to Waste Dischargers)

(1) Where an industrial waste discharger keeps wastes in excess of the period of storage set out in the standards for and methods of waste treatment under Article 13, the Minister of Environment or the Mayor/Do Governor may order such industrial waste discharger to treat such wastes within a specified period.

(2) Where some wastes still remain not properly treated even after an order for treatment has been issued under paragraph (1) to the industrial waste discharger, the Minister of Environment or the Mayor/Do Governor may order a person who succeeds to the rights and obligations pursuant to Article 17 (8) or (9) to treat such wastes within a specified period. <Amended by Act No. 14783, Apr. 18, 2017>

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

Article 39-3 (Issuance of Order for Treatment of Wastes to Waste Treatment Business Entities, etc.)

The Minister of Environment or a Mayor/Do Governor who seeks to issue an order for the revocation of permission or suspension of business under Article 27 to a waste treatment business entity or to issue an order for the closedown of facilities or prohibition of waste treatment under Article 46 (7) to a person who has filed a report on waste treatment shall order the waste treatment business entity or the person who has filed a report on waste treatment to treat the wastes kept by him/her within a specified period.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

Article 40 (Treatment of Abandoned Wastes by Waste Treatment Business Entities, etc.)

(1) Upon obtaining permission under Article 25 (3) or completing a report under Article 46 (1), waste treatment business entities specializing in industrial wastes and persons who have filed a report on waste treatment shall take any of the following measures before the commencement of business to prevent wastes from remaining abandoned: Provided, That the foregoing shall not apply to persons specified by Ordinance of the Ministry of Environment, among persons who have filed a report on waste treatment, in consideration of the possibility of abandonment of wastes, etc.: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

1. To pay a certain amount of contribution to the mutual aid association for waste treatment business under Article 43;

2. To purchase an insurance policy covering the cost of waste treatment;

3. Deleted. <by Act No. 8613, Aug. 3, 2007>

(2) If a waste treatment business entity or a person who has filed a report on waste treatment under paragraph (1) suspends his/her business or discontinues operation of his/her business due to the closure, etc. of business (excluding the discontinuance of operation following an order for the revocation of permission or suspension of business under Article 27 or for the closure of facilities or prohibition of waste treatment under Article 46 (7)) in excess of the period prescribed by Presidential Decree, the Minister of Environment or the Mayor/Do Governor may order the waste treatment business entity or the person who has filed a report on waste treatment to treat the wastes in his/her possession within a given period. <Amended by Act No. 10389, Jul. 23, 2010>

(3) If some wastes remain untreated even after an order for treatment has been issued under paragraph (2) or Article 39-3 to a waste treatment business entity or a person who has filed a report on waste treatment, the Minister of Environment or the competent Mayor/Do Governor may order a person who has succeeded to the rights and obligations pursuant to Article 33 (1) or (2) to treat those wastes within a given period. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(4) If a person in receipt of an order issued under paragraph (2) or (3) fails to comply with the order, the Minister of Environment or the Mayor/Do Governor may take any of the following measures for the treatment of the wastes in his/her possession (hereinafter referred to as "abandoned wastes"): Provided, That the foregoing shall not apply where a person who falls under the proviso to paragraph (1) fails to comply with such order: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

1. If he/she has paid a certain amount of contribution under paragraph (1) 1: To issue an order to treat the abandoned waste to the mutual aid association for waste treatment business under Article 41;

2. If he/she has purchased an insurance policy under paragraph (1) 2: To treat the abandoned wastes and request the insurer to pay the insurance proceeds;

3. Deleted. <Amended by Act No. 8613, Aug. 3, 2007>

(5) The effective term of the insurance policy, the timing for purchasing such insurance policy, the guidelines for calculation of insurance amount under paragraph (1) 2, and any other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(6) Deleted. <by Act No. 8613, Aug. 3, 2007>

(7) If any of the following applies to a person who has taken a measure under paragraph (1) 2, he/she shall renew the insurance policy under subparagraph 2 of the said paragraph (hereinafter referred to as "performance guarantee insurance"), as prescribed by

Presidential Decree: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

1. When the effective term of the performance guarantee insurance expires;
2. When it is necessary to change the insured amount of coverage of the performance guarantee insurance because the type or permissible quantity of possession of wastes subject to waste treatment as permitted under Article 25 (3) or the unit price for such waste treatment is changed or the quantity of wastes in his/her possession exceeds that under paragraph (9) of the said Article.

(8) If any person obligated to renew the performance guarantee insurance policy under paragraph (7) fails to do so, the Minister of Environment or the Mayor/Do Governor may order the person to renew the performance guarantee insurance policy. <Amended by Act No. 8613, Aug. 3, 2007>

(9) Any person who has purchased a performance guarantee insurance policy or has renewed it in accordance with paragraph (7) or (8) shall submit the original copy of insurance policy proving the renewal to the Minister of Environment or the Mayor/Do Governor, as prescribed by Presidential Decree.

(10) Any person who intends to substitute any of the measures under the subparagraphs of paragraph (1) for any other measure under the said subparagraphs shall notify the Minister of Environment or the Mayor/Do Governor of his/her substituting measure without delay after he/she takes such measure.

(11) When the Minister of Environment or the Mayor/Do Governor orders the mutual aid association for waste treatment business to treat abandoned wastes pursuant to paragraph (4) 1, he/she shall issue such order to the extent prescribed by Presidential Decree in regard to their quantity and the period of time for such treatment. <Amended by Act No. 10389, Jul. 23, 2010>

(12) If the mutual aid association for waste treatment business under Article 41 has treated wastes in excess of the contribution paid by any waste treatment business entity or any person who has filed a report on waste treatment pursuant to paragraph (1) 1, it may exercise the right to demand a reimbursement as regards the amount in excess against the waste treatment business entity, the person who has filed a report on waste treatment, or the person who has succeeded to the rights and obligations pursuant to Article 33 (1) or (2). <Newly Inserted by Act No. 10389, Jul. 23, 2010>

Article 41 (Establishment of Mutual Aid Associations for Waste Treatment Business)

(1) Waste treatment business entities specializing in treatment of industrial wastes and persons who have filed a report on waste treatment may establish a mutual aid association for the waste treatment business (hereinafter referred to as the "Association") in order to underwrite various guarantees to waste treatment businesses and to guarantee the treatment of abandoned wastes. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(2) The Association shall be a corporation.

(3) The Association shall be duly formed upon the completion of registration for its establishment with the registry office having jurisdiction over its principal place of business.

Article 42 (Affairs of Association)

The Association may perform the following affairs:

1. Mutual aid business to treat wastes abandoned by its members;
2. Affairs to provide bid bonds, performance bonds, and advance payment bonds necessary for its members to operate waste treatment business.

[This Article Wholly Amended by Act No. 11914, Jul. 16, 2013]

Article 43 (Contributions)

(1) Each member of the Association shall pay such contribution required for the mutual aid business under Article 42 to the Association.

(2) The guidelines for computing a contribution under paragraph (1), the procedure for the payment of such contribution, and other necessary matters shall be stipulated by the Association's articles of association.

(3) No member of the Association may get a refund of his/her contribution paid under Article 40 (1) 1 if he/she has any abandoned wastes, in violation of an order issued under Article 40 (2): Provided, That this shall not apply where he/she treats such abandoned wastes before the Minister of Environment or the competent Mayor/Do Governor issues an order for the treatment thereof pursuant to Article 40 (4) 1. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012>

Article 44 (Application Mutatis Mutandis of the Civil Act)

Except as otherwise provided for in this Act, the provisions governing incorporated associations under the Civil Act shall apply mutatis mutandis to the Association.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 45 (Electronic Processing of Waste Delivery and Receipt)

(1) The Minister of Environment shall establish and operate an electronic information processing organization (hereinafter referred to as "electronic information processing organization") to manage the following information and records (hereinafter referred to as "electronic information"): <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013; Act No. 14783, Apr. 18, 2017>

1. Information entered under Article 14 (6) and required for the calculation of charges for food wastes;
2. Information entered under Article 18 (3) about the transfer and receipt of wastes;
3. Records entered under paragraph (3).

(2) The Minister of Environment shall establish and operate an electronic information processing program (hereinafter referred to as "electronic information processing program") to efficiently process electronic information. In such cases, the costs necessary for electronic information processing may be wholly or partially collected from users of such program. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(3) When an industrial waste discharger has recorded the details of affairs prescribed by

Presidential Decree, such as reports, on the electronic information processing program, as prescribed by Ordinance of the Ministry of Environment, such duties are deemed performed. <Amended by Act No. 8613, Aug. 3, 2007>

(4) The Minister of Environment shall retain electronic information for three years from the date it is recorded. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(5) The Minister of Environment, the Mayor/Do Governor, or the person who has transmitted an electronically processed record relating to affairs under paragraph (3) may request the head of the electronic information processing organization in writing to provide him/her with the data relevant to the electronically processed records concerned, and the head of the electronic information processing organization shall, upon receipt of such request, then provide such data within the period prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8613, Aug. 3, 2007>

Article 46 (Reporting on Waste Treatment)

(1) Any of the following persons shall have facilities and equipment meeting the standards prescribed by Ordinance of the Ministry of Environment and file a report thereon with the competent Mayor/Do Governor: <Amended by Act No. 10389, Jul. 23, 2010>

1. A person who recycles wastes, such as animal or vegetable remnants in a manner that they are used as compost for his/her own farmland, as prescribed by Ordinance of the Ministry of Environment;

2. A person who collects or transports waste papers, steel scrap, or other wastes prescribed by Ordinance of the Ministry of Environment or recycles them in the manner prescribed by Ordinance of the Ministry of Environment, with a place of business of such size as prescribed by Ordinance of the Ministry of Environment;

3. A person who collects or transports waste tires, waste home appliances, or other wastes prescribed by Ordinance of the Ministry of Environment.

(2) If a person who has filed a report on waste treatment intends to modify any of the matters prescribed by Ordinance of the Ministry of Environment, he/she shall file a report thereon with the competent Mayor/Do Governor. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(3) A Mayor/Do Governor shall notify a person who has filed a report or a report on modification of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (1) or (2). <Amended by Act No. 14783, Apr. 18, 2017>

(4) If a Mayor/Do Governor fails to notify a person who has filed a report or a report on modification of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (3), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(5) A person who has filed a report on waste treatment under paragraph (1) 1 or 2 may collect and transport wastes for recycling without obtaining permission for waste collection and transportation business under Article 25 (3) or filing a report under paragraph (1)

2. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(6) A person who has filed a report on waste treatment shall comply with the rules prescribed by Ordinance of the Ministry of Environment, such as the treatment of wastes in the manner reported. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(7) A Mayor/Do Governor may issue an order to close related facilities or to prohibit carrying-in or treating wastes (hereinafter referred to as "prohibition of treatment") for a period not exceeding six months, if a person who has filed a report on waste treatment falls under any of the following circumstances: <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13411, Jul. 20, 2015>

1. Where he/she fails to comply with the rules under paragraph (6);
2. Where he/she fails to comply with the standards for and methods of waste treatment under Article 13 or the principles of recycling wastes and matters to be observed under Article 13-2;
3. Where he/she fails to take any of the measures required under the main sentence of Article 40 (1).

(8) No person on whom a disposition for closure of facilities has been issued pursuant to paragraph (7) shall file a report on waste treatment under paragraph (1) again within one year from the date such disposition has been issued. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

Article 46-2 (Imposition of Penalty Surcharges on Persons who Have Reported on Waste Treatment)

(1) Where a person who has filed a report on waste treatment falls under any subparagraph of Article 46 (7) so the competent Mayor/Do Governor shall order him/her to prohibit waste treatment, and the Mayor/Do Governor deems that the prohibition of waste treatment falls under any of the following subparagraphs, the Mayor/Do Governor may impose a penalty surcharge not exceeding 20 million won, in lieu of the prohibition of waste treatment, as prescribed by Presidential Decree: <Amended by Act No. 10389, Jul. 23, 2010>

1. Where the prohibition of waste treatment concerned prevents a customer of the relevant treatment from entrusting waste treatment to a waste treatment business entity, resulting in wastes accumulated in the customer's place of business, so the customer's business is likely to suffer enormous impediment;
2. Where a health hazard occurs, or is likely to occur, to the neighboring residents due to environmental pollution caused by wastes stored by the person who has filed a report on waste treatment, or wastes left stored by a customer of the relevant treatment;
3. Where it is deemed necessary to allow the waste treatment business entity to continue his/her business due to a natural disaster or any other unavoidable cause.

(2) The amount of a penalty surcharge, based on each type and degree of violation, subject to the imposition of a penalty surcharge under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

(3) If a penalty surcharge imposed under paragraph (1) is not paid, the penalty surcharge shall be collected in accordance with the Act on the Collection, etc. of Local Non-Tax Revenue. <Amended by Act No. 11998, Aug. 6, 2013>

(4) Penalty surcharges collected under paragraph (1) and (3) shall become the revenue of the relevant City/Do, and shall be used only for any of the purposes of use prescribed by Presidential Decree, such as the expansion of multi-regional waste treatment facilities.

[This Article Newly Inserted by Act No. 8613, Aug. 3, 2007]

Article 47 (Measures for Retrieving Wastes)

(1) In manufacturing, processing, importing, or selling products, the materials, containers, and products which have been used in such manufacturing, processing, importation, or sale become wastes, every business entity shall ensure that such wastes are easily retrieved and treated.

(2) Where any material, container, or product referred to in paragraph (1) contains any substance specified by Ordinance of the Ministry of Environment among the air pollutants, water contaminants, and toxic substances as defined in Article 2 of the Clean Air Conservation Act, Article 2 of the Water Environment Conservation Act, and Article 2 of the Chemicals Control Act, or where wastes are generated from any material, container, or product manufactured, processed, or sold in large quantities, the relevant business entity shall retrieve and treat such material, container, or product in accordance with methods publicly notified by Ordinance of the Ministry of Environment for retrieving and treating such wastes. In this regard, when the Minister of Environment intends to publicly notify such methods, he/she shall consult in advance with the heads of relevant central administrative agencies. <Amended by Act No. 8466, May 17, 2007; Act No. 11862, Jun. 4, 2013; Act No. 14532, Jan. 17, 2017>

(3) If a business entity fails to retrieve and treat wastes in accordance with methods publicly notified under paragraph (2), the Minister of Environment may recommend him/her to take measures necessary for retrieving and treating them within a given period.

(4) If a person in receipt of such recommendation under paragraph (3) fails to do as recommended, the Minister of Environment may order him/her to take measures required for retrieving and treating such wastes properly.

Article 48 (Orders to Take Measures for Treatment of Wastes)

If it is discovered that wastes have been treated in a manner inconsistent with the standards for and methods of waste treatment under Article 13 or the principles of recycling wastes and matters to be observed under Article 13-2, or have been treated or buried, in violation of Article 8 (1) or (2), the Minister of Environment, the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu may order any of the following persons to change the method of treating such wastes, to suspend the treatment or carrying-in of wastes, or to take any other necessary measures, specifying a period: <Amended by Act No. 13411, Jul. 20, 2015>

1. The person who has treated such wastes;

2. The person who has entrusted another person to treat such wastes without verification required under Article 17 (1) 3;

3. The owner of the land in which such wastes have been dumped or buried, if the landowner him/herself has treated such wastes in the land or has allowed another person to use the land for treatment of such wastes.

[This Article Wholly Amended by Act No. 10389, Jul. 23, 2010]

Article 48-2 (Presentation of Opinions)

When the Minister of Environment, a Mayor/Do Governor or the head of a Si/Gun/Gu intends to issue an order under Article 39-2, 39-3, 40 (2) or (3), or 48, he/she shall notify the relevant person in advance of the grounds for the order to give him/her an opportunity to present his/her opinion about it: Provided, That the foregoing shall not apply where such order is urgently required for the protection of water supply sources or the conservation of environment.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

Article 49 (Vicarious Execution)

Where a person to whom an order has been issued to take a measure under Article 39-2, 39-3, 40 (2) or (3), or 48 fails to comply with such order, the Minister of Environment, the competent Mayor/Do Governor, or the head of the competent Si/Gun/Gu may take such measures vicariously in accordance with the Administrative Vicarious Execution Act and recover the expenses incurred in taking such measures. <Amended by Act No. 10389, Jul. 23, 2010>

Article 50 (Follow-Up Management of Waste Treatment Facilities)

(1) If a person who has installed a waste treatment facility upon obtaining approval for installation or filing a report on installation under Article 29 (2) (including persons who have obtained permission for waste management business under Articles 25) intends to discontinue the operation of the facility installed thereby or close such facility, he/she shall file a report thereon with the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. In such cases, where a person intends to discontinue the operation of a landfill facility for wastes or close such facility, he/she shall successfully pass an inspection conducted by an inspection agency under Article 30 (1), as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>

(2) Upon receipt of a report pursuant to the former part of paragraph (1), the Minister of Environment shall notify a person who has filed the report of whether his/her report is accepted, within the period prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(3) If the Minister of Environment fails to notify a person who has filed a report or a report on modification of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (2), the report shall be deemed accepted on the day following the

last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(4) Where the result of an inspection conducted under paragraph (1) turns out to be a failure, the Minister of Environment may order the person who has installed and operates the relevant facility to improve the facility within a fixed period, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13038, Jan. 20, 2015>

(5) Any of the following persons shall implement follow-up management, such as installation and operation of facilities for the treatment of leachate, as prescribed by Ordinance of the Ministry of Environment, in order to prevent such facility from causing hazards to the health or property of residents or its surrounding environment: <Amended by Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. A person who has filed a report under paragraph (1) and discontinues the operation of any of the landfill facilities for wastes prescribed by Presidential Decree or closed down such facility permanently;

2. A person who has received an order to close down the facility permanently pursuant to Article 31 (5) while using landfill facilities for wastes prescribed by Presidential Decree.

(6) A person obligated to implement follow-up management under paragraph (5) shall undergo a periodic inspection conducted by an inspection agency under Article 30 (1) on whether follow-up management has been properly implemented, as prescribed by Ordinance of the Ministry of Environment. In such cases, a waste treatment facility shall be deemed to have passed a periodic inspection if it has undergone a technical diagnosis under Article 13 of the Environmental Technology and Industry Support Act (excluding where a person fails to comply with a request made under Article 13 (3) of the Environmental Technology and Industry Support Act). <Newly Inserted by Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

(7) If a person obligated to implement follow-up management under paragraph (5) fails to perform his/her obligations properly or fails to pass a periodic inspection conducted under paragraph (6), the Minister of Environment may order the person to take corrective measures within a given period, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

(8) If the person to whom an order has been issued under paragraph (7) fails to take any corrective measure within the given period, the Minister of Environment may assign a person designated by Presidential Decree to take the corrective measures on behalf of the person, and may spend the performance bond for follow-up management, the performance guarantee insurance money, or the advance reserve for the follow-up management guarantee bond paid under Article 51 or 52 (hereinafter referred to as "performance bond for follow-up management or similar") for expenses incurred in taking such measures. In such cases, if such expenses exceed the amount of the performance bond for follow-up management or similar, the Minister of Environment may collect the excess from the person to whom such order has been issued. <Amended by Act No. 11465, Jun. 1, 2012; Act No.

13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

Article 51 (Performance Guarantee Bond for Follow-up Management of Waste Treatment Facilities)

(1) If it is found that a landfill facility for wastes subject to follow-up management under Article 50 (5) may cause serious hazards to the health or property of residents or its surrounding environment due to leakage of leachate, etc. after the discontinuance of its operation or permanent closure of the facility, the Minister of Environment may, in order to secure the guarantee for discontinuance of its operation (including permanent closure) and the performance of the follow-up management (hereinafter referred to as "follow-up management, etc."), require the person who installed such facility to deposit all the necessary expenses incurred in relation to follow-up management, etc. in the Environment Reconstruction Special Account under the Framework Act on Environmental Policy, as prescribed by Presidential Decree: Provided, That in any of the following cases, the person may be exempted from the obligation to deposit necessary follow-up management expenses or may be allowed to substitute such deposit of all or some of the follow-up management expenses, as prescribed by Presidential Decree: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. If the person carries an insurance policy that guarantees the performance of follow-up management;
2. If the person has accumulated a reserve for expenses necessary for follow-up management under Article 52;
3. Any other cases specified by Presidential Decree.

(2) The expenses that a person who installed a waste landfill facility under paragraph (1) shall deposit (hereinafter referred to as "performance guarantee bond for follow-up management") shall be calculated in accordance with the guidelines prescribed by Presidential Decree, and the time and procedures for the payment of such expenses and other necessary matters shall be prescribed by Presidential Decree.

(3) The performance guarantee bond for follow-up management under paragraph (2) shall be collected in the same manner as delinquent national taxes are collected if it has not been paid on or before the deadline for payment.

(4) If a person who installed a waste landfill facility has completely or partially performed his/her obligations for follow-up management, which he/she is obligated to perform each year, the Minister of Environment shall refund a portion of the performance guarantee bond for follow-up management, equivalent to the amount calculated according to the guidelines prescribed by Presidential Decree in proportion to the amount of his/her performance. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

Article 52 (Advance Reserve for Performance Guarantee Bond for Follow-Up Management)

(1) The Minister of Environment may require, as prescribed by Presidential Decree, a person who has installed a landfill facility for wastes as prescribed by Presidential Decree to deposit,

in advance, all the necessary expenses for the follow-up management, etc. in the Environment Reconstruction Special Account under the Framework Act on Environmental Policy, as prescribed by Presidential Decree, before the volume of buried wastes exceeds 50/100 of the permitted disposal capacity or the modification thereto granted under Article 25 (3) and (11) or in the approval or the modification thereto granted under Article 29 (2) and (3): Provided, That the advance deposit of performance guarantee bond for follow-up management may be substituted by any of the following cases: <Amended by Act No. 13038, Jan. 20, 2015>

1. Where an insurance for guarantee of follow-up management, etc. is purchased;
2. Where any collateral (excluding landfill facilities for wastes) corresponding to all or part of expenses required for follow-up management, etc. is provided.

(2) If the amount of an advance reserve deposited by a person who has installed a facility under paragraph (1) exceeds the performance guarantee bond for follow-up management under Article 51 (1), the Minister of Environment shall refund the difference, as prescribed by Presidential Decree. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

Article 53 (Purposes of Use of Performance Guarantee Bond for Follow-up Management)

The performance guarantee bond for follow-up management and an advance reserve under Articles 51 and 52 shall be used for the following purposes: <Amended by Act No. 13038, Jan. 20, 2015>

1. Refunding the performance guarantee bond for follow-up management and the advance reserve for follow-up management of a landfill facility;
2. Vicariously executing the follow-up management of a landfill facility;
3. Vicariously executing the final soil covering referred to in Article 31 (6);
4. Other purposes of use prescribed by Presidential Decree.

Article 54 (Restrictions, etc. on Use of Land Subsequent to Discontinuance of Operation or Closure)

If it is found that a landfill facility for wastes subject to follow-up management under Article 50 (5) is likely to cause a serious hazard to the health or property of residents or its surrounding environment because leachate leaks therefrom, embankments are washed away, or any other event occurs after the operation of the facility is discontinued or it is closed, the Minister of Environment may place a restriction on the use of the land on which the facility is situated, as prescribed by Presidential Decree, by requiring the person who holds the ownership in, or any right, other than the ownership in, the land to use the land only for growing trees, developing grasslands, or installing park facilities under subparagraph 4 of Article 2 of the Act on Urban Parks, Green Areas, Etc., sports facilities under subparagraph 1 of Article 2 of the Installation and Utilization of Sports Facilities Act, cultural facilities under Article 2 (1) 3 of the Culture and Arts Promotion Act, or new and renewable energy facilities under subparagraph 3 of Article 2 of the Act on the Promotion of

the Development, Use and Diffusion of New and Renewable Energy during the period set by Presidential Decree. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11965, Jul. 30, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

Article 55 (Coordination in Waste Treatment Services)

(1) Whenever the Minister of Environment or the Mayor/Do Governor coordinates waste management services with local governments pursuant to Article 4 (2) or (4), he/she may request them to jointly use a certain waste treatment facility, including a waste landfill facility, if necessary to do so, and may also request them to prepare support measures necessary for conserving and improving the living environment of the area in which such facility is installed. In such cases, the relevant local government shall comply with such requests, in the absence of special circumstances. <Amended by Act No. 11914, Jul. 16, 2013>

(2) In order to efficiently coordinate waste treatment services with local governments pursuant to paragraph (1), the Minister of Environment may inspect and evaluate the actual status of waste treatment services and the installation and operation of waste treatment facilities. <Newly Inserted by Act No. 11914, Jul. 16, 2013>

(3) Further details about the methods and procedures for evaluations conducted under paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11914, Jul. 16, 2013>

Article 56 (State Subsidies, etc.)

(1) The State may fully or partially subsidize local governments, within budgetary limits, for expenses incurred in installing waste treatment facilities. <Amended by Act No. 11914, Jul. 16, 2013>

(2) The Minister of Environment may consider the results of the evaluation conducted under Article 55 (2) when he/she intends to subsidize expenses pursuant to paragraph (1). <Newly Inserted by Act No. 11914, Jul. 16, 2013>

Article 57 (Assistance for Expenses to Be Incurred for Installation of Waste Treatment Facilities)

The State or the heads of local governments may, if deemed necessary, grant financial aid to a person who intends to install a waste treatment facility.

Article 58 (Reporting on Performance of Waste Management)

(1) The Mayors/Do Governors shall report the performance of waste management conducted within their jurisdiction during the preceding year to the Minister of Environment by no later than March 31 as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment may require the Mayors/Do Governors or the heads of Sis/Guns/Gus to report the performance of guidance and control conducted in relation to the affairs of waste management within the extent required for the enforcement of this Act.

Article 58-2 (Korea Waste Association)

(1) Persons specified by Presidential Decree, including persons who have installed and operate waste treatment facilities, waste treatment businesses, and waste-related organizations, may establish the Korea Waste Association (hereafter referred to as the

"Association") with approval from the Minister of Environment in order to facilitate the development of the waste-related industry, including surveys and research on wastes, the development of technologies, and the dissemination of information. <Amended by Act No. 11914, Jul. 16, 2013>

(2) The Association shall be incorporated as a corporation.

(3) The Association shall perform the following affairs: <Newly Inserted by Act No. 11914, Jul. 16, 2013>

1. Guidance, surveys, and research for the development of the waste industry;
2. Public relations activities, education, and training regarding wastes;
3. Any other affairs specified by Presidential Decree.

(4) The organization and management of the Association and other necessary matters shall be prescribed by Presidential Decree to the extent necessary for achieving the objectives of its establishment. <Amended by Act No. 11914, Jul. 16, 2013>

(5) Except as otherwise provided for in this Act, the provisions concerning incorporated associations in the Civil Act shall apply mutatis mutandis to the Association. <Amended by Act No. 11914, Jul. 16, 2013>

[This Article Newly Inserted by Act No. 8613, Aug. 3, 2007]

Article 59 (Fees)

(1) Any of the following persons shall pay a fee, as prescribed by Ordinance of the Ministry of Environment: <Amended by Act No. 13411, Jul. 20, 2015>

1. A person who intends to undergo an environmental assessment of recycling under Article 13-3 (1);
2. A person who intends to obtain permission under Article 25 (3);
3. A person who intends to have his/her exclusive container manufacturing business registered under Article 25-2 (1);
4. A person who intends to undergo an inspection under Article 30 (1) or (2).

(2) Any of the following institutions may collect a fee, as determined and publicly notified by the Minister of Environment, from persons prescribed in the relevant subparagraph: <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. An inspection institution under Article 25-2 (6): Persons who intends to undergo an inspection of exclusive containers;
2. An official test facility of wastes: Persons who intend to entrust the testing and analysis of wastes.

Article 60 (Criteria for Administrative Dispositions)

The criteria for administrative dispositions made against violations of this Act and the orders issued under this Act shall be prescribed by Ordinance of the Ministry of Environment.

Article 61 (Hearing)

The Minister of Environment or the Mayor/Do Governor shall, whenever he/she intends to make any of the following dispositions, hold a hearing: <Amended by Act No. 13038, Jan.

20, 2015; Act No. 13411, Jul. 20, 2015>

1. To revoke approval under Article 13-3 (6);
2. To revoke designation of an environmental assessment institute under Article 13-4 (6);
3. To revoke designation of an official test facility of wastes under Article 17-5;
4. To revoke permission under Article 27;
5. To revoke registration under Article 27-2;
6. To issue an order to close down a waste treatment facility under Article 31 (5);
7. To order to close down waste treatment facilities under Article 46 (7).

Article 62 (Delegation and Entrustment of Authority or Affairs)

(1) Part of the authority vested by the Minister of Environment under this Act may be delegated to each Mayor/Do Governor or the head of an affiliated agency, as prescribed by Presidential Decree. <Amended by Act No. 11465, Jun. 1, 2012>

(2) Duties of the Minister of Environment or the head of a local government under this Act may be partially entrusted to the Korea Environment Corporation, associations, or other relevant specialized institutions, as prescribed by Presidential Decree. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

(3) The Minister of Environment or the head of a local government may, if deemed necessary for the efficient management and operation of a waste treatment facility or similar installed under this Act, entrust a person capable of managing and operating it to implement such management and operation, as prescribed by Ordinance of the Ministry of Environment (ordinance of the relevant local government where the head of the local government entrusts such management and operation). <Amended by Act No. 10389, Jul. 23, 2010>

Article 62-2 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)

Any person, other than a public official from among those who perform the duties entrusted pursuant to Article 62 (2) or (3) shall be deemed a public official for the purposes of the penalty provisions of Articles 129 through 132 of the Criminal Act.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

Article 62-3 (Regulatory Review)

The Minister of Environment shall examine the appropriateness of the following matters every third anniversary counting from the following base dates (referring to the period that ends on the day immediately before each relevant base date of every third year) from each relevant base date, and take measures for improvement, etc.:

1. Matters concerning the approval for recycling of wastes under Article 13-3 (3): July 1, 2016;
2. Matters concerning the revocation of approval for recycling of wastes under Article 13-3 (6): July 1, 2016.

[This Article Newly Inserted by Act No. 13411, Jul. 20, 2015]

CHAPTER VII PENALTY PROVISIONS

Article 63 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than

seven years, or by a fine not exceeding 70 million won. In such cases, imprisonment with labor and a fine may be imposed concurrently: <Amended by Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13411, Jul. 20, 2015>

1. A person who treats industrial wastes in violation of Article 8 (1);
2. A person who buries or incinerates industrial wastes, in violation of Article 8 (2);
3. A person who recycles any wastes without obtaining approval for recycling of wastes, in violation of Article 13-3 (3).

Article 64 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding 50 million won: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. A person who continues to recycle wastes in spite of the revocation of approval under Article 13-3 (6);
2. A person who obtains designation or designation with modification by deceit or other wrongful means;
3. A person who conducts any environmental assessment of recycling without obtaining designation required under Article 13-4 (1);
4. A person who manufactures or distributes standard waste bags and marks without a contract executed for vicarious implementation under Article 14 (7);
5. A person who operates a waste treatment business without permission under Article 25 (3);
6. A person who has obtained permission for a waste treatment business under Article 25 (3) by fraudulent or other wrongful means;
7. A person who manufactures exclusive containers without being registered under Article 25-2 (1);
8. A person who are registered for exclusive container manufacturing business under Article 25-2 (1) by fraudulent or other wrongful means;
9. A person who fails to comply with an order for closure issued under Article 31 (5).

Article 65 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won: Provided, That imprisonment with labor and a fine may be imposed concurrently in cases falling under subparagraph 1, 6 or 11: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person who buries wastes, in violation of Article 13;
2. A person who prepares a report on environmental assessment of recycling by deceit or other wrongful means and submits it to the Minister of Environment, in violation of Article 13-3 (3);

3. A person who modifies any significant matters without obtaining designation with modification, in violation of Article 13-4 (2);
4. A person who allows another person to conduct an environmental assessment of recycling by using his/her name or trade name or lends a certificate of designation as an environmental assessment institute, in violation of Article 13-4 (4);
5. A person who conducts an environmental assessment of recycling by using another person's name or trade name or borrows a certificate of designation as an environmental assessment institute;
6. A person who collects, transports, or recycles food wastes among industrial wastes, in violation of Article 15-2 (3);
7. A person who obtains designation or designation with modification as an official test facility of wastes by deceit or other wrongful means;
8. A person who performs affairs of an official test facility of wastes without obtaining designation or designation with modification under Article 17-2 (1) or (3);
9. An official test facility of wastes that conducts testing and analysis of wastes during a period of business suspension fixed under Article 17-5 (2);
10. An official test facility of wastes that intentionally issues a report on the results of analysis of wastes differently from the fact;
11. A person who treats industrial wastes, in violation of Article 18 (1);
12. and 13. Deleted; <by Act No. 14783, Apr. 18, 2017>
14. A person who amends permitted matters of waste treatment business without obtaining permission for modification under Article 25 (11);
15. A person who fails to undergo an inspection, in violation of Article 25-2 (6);
16. A person who performs business during a period of business suspension fixed under Article 27;
17. A person who performs business during a period of business suspension fixed under Article 27-2 (2);
18. A person who installs a waste treatment facility without approval, in violation of Article 29 (2);
19. A person who operates a waste treatment facility without an inspection or verification on conformity, in violation of Article 30 (1) through (3);
20. A person who fails to comply with an order for improvement or for suspension of operation issued under Article 31 (4);
21. A person who fails to comply with an order issued under Article 39-2, 39-3, or 40 (2), (3) or (4) 1;
22. A person who fails to comply with an order to take measures under Article 47 (4);
23. A person who fails to comply with an order to take measures under Article 48;
24. A person who discontinues the operation of a landfill facility for wastes or closes down such facility without passing an inspection, in violation of the latter part of Article 50 (1);
25. A person who fails to comply with an order for improvement issued under Article 50 (4);

26. A person who fails to undergo a periodic inspection, in violation of Article 50 (6);
27. A person who fails to comply with an order to take corrective measures issued under Article 50 (7).

Article 66 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years, or by a fine not exceeding 20 million won: <Amended by Act No. 8613, Aug 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person who contaminates the surrounding environment in the course of waste treatment, in violation of Article 13 or 13-2 (excluding a violation of subparagraph 1 of Article 65);
- 1-2. A person who recycles any wastes, in violation of the conditions for approval imposed under Article 13-3 (5);
- 1-3. A person who fails to comply with an order to take measures under Article 13-5 (5);
2. A person who fails to file a report or who files a false report, in violation of Article 46 (1);
3. Deleted; <by Act No. 8613, Aug. 3, 2007>
4. A person who fails to obtain verification under Article 17 (5) or verification on modification under Article 17 (6) (excluding modification of trade name under subparagraph 1), or who discharges, transports, or treats designated wastes in a manner different from the details verified or the modification made thereto;
- 4-2. An official test facility of wastes which allows another person to use his/her name in performing any affairs relating to the testing and analysis of wastes or lends its certificate of designation to another person, in violation of Article 17-3 (1);
- 4-3. An official test facility of wastes which issues, by gross negligence, a waste analysis report, the details of which are different from the fact;
5. Deleted; <by Act No. 13038, Jan. 20, 2015>
6. A person who conducts his/her business in deviation from the type and scope of business under Article 25 (5);
7. A person who breaches a condition under Article 25 (7);
8. A person who allows another person to use his/her name or trade name in waste treatment or who lends his/her permit to another person, in violation of Article 25 (8);
9. A person who stores wastes, in violation of Article 25 (9) 1 or 2;
- 9-2. A person who fails to obtain registration for modification required under Article 25-2 (1) or who has deceptively obtained registration for modification and modifies registered matters;
- 9-3. A person who lets another person manufacture exclusive containers by using his/her name or trade name or lends his/her certificate of registration to another person, in violation of Article 25-2 (7);
- 9-4. A person who distributes exclusive containers which fail to meet the standards referred to in Article 25-2 (5), in violation of Article 25-2 (8);
10. A person who installs or operates a waste incineration facility, although the installation of which is prohibited, in violation of Article 29 (1);

11. A person who installs a waste treatment facility without filing a report in violation of Article 29 (2);
12. A person who modifies any of the matters approved without approval for such modification in violation of Article 29 (3);
13. A person who maintains and manages a waste treatment facility not in compliance with the guidelines for management under Article 31 (1) and consequently contaminates the surrounding environment;
14. A person who fails to comply with an order to take a measurement or make an assessment under Article 31 (7);
15. and 16. Deleted; <by Act No. 10389, Jul. 23, 2010>

Article 67 (Joint Penalty Provisions)

If a representative of a corporation, or an agent, employee, or any other servant of a corporation or an individual commits an offense described in Articles 63 through 66 in connection with the duties of such corporation or individual, not only shall the offender be punished accordingly, but such corporation or individual also shall be punished by the fine provided in the relevant Article: Provided, That this shall not apply where the corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense.

[This Article Wholly Amended by Act No. 10389, Jul. 23, 2010]

Article 68 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person who treats wastes, in violation of Article 13 or 13-2 (excluding any person who falls under subparagraph 1 of Article 65 or subparagraph 1 of Article 66);
- 1-2. A person who collects, transports, or recycles food wastes, among household wastes, in violation of Article 15-2 (3);
- 1-3. A person who fails to file a report, or files a false report, in violation of Article 17 (2);
- 1-4. A person who fails to comply with the matters to be observed under Article 17-3 (2) and (3);
- 1-5. A person who fails to record matters concerning the delivery and receipt of wastes or to record in accordance with the methods prescribed by Ordinance of the Ministry of Environment, or who falsely records them, in violation of Article 18 (3);
2. Deleted; <by Act No. 13038, Jan. 20, 2015>
3. A person who fails to comply with the rules under Article 25 (9) 3 or 4;
- 3-2. A person who fails to file a report on modification under Article 25-2 (1) or modifies any registered matter after filing a false report;
- 3-3. A person who fails to comply with the matters to be observed under Article 25-2 (8) (excluding cases falling under subparagraph 9-4 of Article 66);

4. A person who maintains or manages a waste treatment facility in a manner not in compliance with the guidelines for such management; who fails to take measurements of pollutants; or who fails to examine impacts on the neighboring area, in violation of Article 31 (1) through (3) (excluding any person who falls under subparagraph 14 of Article 66);
 5. A person who fails to appoint a technical manager or fails to enter into a contract for technical management services, in violation of Article 34 (1);
 6. A person who fails to comply with an order to submit a report issued under Article 38 (3) (applicable only to persons specified in Article 38 (1) 3 and 4);
 - 6-2. A person who fails to take a measure required under each subparagraph of Article 40 (1);
 7. Deleted; <by Act No. 10389, Jul. 23, 2010>
 8. A person who fails to comply with an order for renewal issued under Article 40 (8);
 9. A person who manufactures or distributes any recycled products or materials, using wastes that fail to meet the Hazard Criteria, in violation of Article 13-5 (2);
 10. A person who continues to treat wastes during a period for which waste treatment is prohibited under Article 46 (7).
- (2) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>
1. A person who fails to perform verification required by Article 17 (1) 1;
 - 1-2. A person who entrusts someone to provide him/her with a service without verification under Article 17 (1) 3;
 - 1-3. A person who fails to obtain verification on modification of a trade name under Article 17 (6) 1;
 2. A person who fails to perform his/her obligations to comply with the guidelines publicly notified pursuant to Article 17 (7);
 3. Deleted; <by Act No. 13411, Jul. 20, 2015>
 4. Deleted; <by Act No. 10389, Jul. 23, 2010>
 5. A person who modifies any reported matter without filing a report on such modification required under Article 17 (2), 25 (11), 29 (3), or 46 (2);
 6. A person who fails to notify a delivery number to the competent administrative agency or public officials despite their request, in violation of Article 19 (1);
 7. A person who fails to give notice, in violation of Article 19 (2);
 8. Deleted; <by Act No. 8613, Aug. 3, 2007>
 9. A person who fails to file a report, in violation of Article 37 (1) or to treat all the wastes stored by him/her, in violation of paragraph (4) of the same Article;
 - 9-2. A person who fails to submit a report by the deadline required under Article 38 (1) or prepares and submits a false report (limited to persons under Article 38 (1) 3);
 - 9-3. A person who fails to comply with an order to submit a report issued under Article 38 (3) (excluding cases of paragraph (1) 6);

9-4. A person who fails to submit a report referred to in Article 38 (5) until the deadline or submits a false report;

10. A person who fails to renew the performance guarantee insurance policy under Article 40 (7);

11. A person who fails to comply with the rules under Article 46 (6);

12. A person who sells standard waste bags and marks without a contract executed for vicarious implementation under Article 14 (7).

(3) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person who dumps, buries, or incinerates household wastes, in violation of Article 8 (1) or (2);

2. A person who fails to comply with an order to take a measure, in violation of Article 8 (3);

3. A person who violates Article 15 (1) or (2);

4. A person who fails to comply with the rules prescribed by municipal ordinance, in violation of Article 15-2 (1);

4-2. A person who fails to report his/her plan to restrain the generation of food wastes and properly treat such wastes, in violation of Article 15-2 (2);

4-3. A person who fails to enter information about the delivery and receipt of wastes in the electronic information processing program within a prescribed period or enters inadequate information in the program, in violation of Article 18 (3);

5. A person who commences the operation of a facility without filing a report under Article 29 (4);

6. A person who fails to take a training course or fails to provide an opportunity to take training courses in violation of Article 35 (1) or (2);

7. A person who fails to keep or retain books under Article 36 (1) or who makes a false entry therein;

8. A person who fails to submit a report under Article 38 (1) or (2) within a prescribed period or who prepares and submits a false report (excluding persons under paragraph (2) 9-2);

9. A person who fails to submit materials necessary for preparing a report under Article 38 (4) within a prescribed period or who prepares and submits a false report;

10. A person who fails to file a report under Article 39 (1) or who files a false report;

11. A person who refuses, obstructs, or evades an access or inspection under Article 39 (1);

12. A person who fails to submit the original copy of insurance policy under Article 40 (9);

13. A person who fails to notify any modification under Article 40 (10);

14. A person who fails to file a report under Article 50 (1).

(4) Administrative fines referred to in paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu, based on the affairs of his/her respective jurisdiction, as prescribed by Presidential Decree. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>

(5) through (7) Deleted. <by Act No. 10389, Jul. 23, 2010>

Article 68 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person who treats wastes, in violation of Article 13 or 13-2 (excluding any person who falls under subparagraph 1 of Article 65 or subparagraph 1 of Article 66);

1-2. A person who collects, transports, or recycles food wastes, among household wastes, in violation of Article 15-2 (3);

1-3. A person who fails to file a report, or files a false report, in violation of Article 17 (2);

1-4. A person who fails to comply with the matters to be observed under Article 17-3 (2) and (3);

1-5. A person who fails to record matters concerning the delivery and receipt of wastes or to record in accordance with the methods prescribed by Ordinance of the Ministry of Environment, or who falsely records them, in violation of Article 18 (3);

1-6. A person (including any specialized institution entrusted with the preparation of hazards information data) who fails to prepare hazards information data, in violation of Article 18-2 (1), or prepares it by deceit or other wrongful means; <<Enforcement Date: Apr. 19, 2018>>

1-7. A person who fails to provide hazards information data prepared pursuant to Article 18-2 (1) to an assignee, in violation of paragraph (3) of the same Article; <<Enforcement Date: Apr. 19, 2018>>

2. Deleted; <by Act No. 13038, Jan. 20, 2015>

3. A person who fails to comply with the rules under Article 25 (9) 3 or 4;

3-2. A person who fails to file a report on modification under Article 25-2 (1) or modifies any registered matter after filing a false report;

3-3. A person who fails to comply with the matters to be observed under Article 25-2 (8) (excluding cases falling under subparagraph 9-4 of Article 66);

4. A person who maintains or manages a waste treatment facility in a manner not in compliance with the guidelines for such management; who fails to take measurements of pollutants; or who fails to examine impacts on the neighboring area, in violation of any provision of Article 31 (1) through (3) (excluding any person who falls under subparagraph 14 of Article 66);

5. A person who fails to appoint a technical manager or fails to enter into a contract for technical management services, in violation of Article 34 (1);

6. A person who fails to comply with an order to submit a report issued under Article 38 (3) (applicable only to persons specified in Article 38 (1) 3 and 4);

6-2. A person who fails to take a measure required under each subparagraph of Article 40 (1);

7. Deleted; <by Act No. 10389, Jul. 23, 2010>

8. A person who fails to comply with an order for renewal issued under Article 40 (8);
 9. A person who manufactures or distributes any recycled products or materials, using wastes that fail to meet the Hazard Criteria, in violation of Article 13-5 (2);
 10. A person who continues to treat wastes during a period for which waste treatment is prohibited under Article 46 (7).
- (2) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>
1. A person who fails to perform verification required by Article 17 (1) 1;
 - 1-2. A person who entrusts someone to provide him/her with a service without verification under Article 17 (1) 3;
 - 1-3. A person who fails to obtain verification on modification of a trade name under Article 17 (6) 1;
 2. A person who fails to perform his/her obligations to comply with the guidelines publicly notified pursuant to Article 17 (7);
 3. Deleted; <by Act No. 13411, Jul. 20, 2015>
 4. Deleted; <by Act No. 10389, Jul. 23, 2010>
 5. A person who modifies any reported matter without filing a report on such modification required under Article 17 (2), 25 (11), 29 (3), or 46 (2);
 6. A person who fails to notify a delivery number to the competent administrative agency or public officials despite their request, in violation of Article 19 (1);
 7. A person who fails to give notice, in violation of Article 19 (2);
 8. Deleted; <by Act No. 8613, Aug. 3, 2007>
 9. A person who fails to file a report, in violation of Article 37 (1) or to treat all the wastes stored by him/her, in violation of paragraph (4) of the same Article;
 - 9-2. A person who fails to submit a report by the deadline required under Article 38 (1) or prepares and submits a false report (limited to persons under Article 38 (1) 3);
 - 9-3. A person who fails to comply with an order to submit a report issued under Article 38 (3) (excluding cases of paragraph (1) 6);
 - 9-4. A person who fails to submit a report referred to in Article 38 (5) until the deadline or submits a false report;
 10. A person who fails to renew the performance guarantee insurance policy under Article 40 (7);
 11. A person who fails to comply with the rules under Article 46 (6);
 12. A person who sells standard waste bags and marks without a contract executed for vicarious implementation under Article 14 (7);
 - 12-2. A person (including any specialized institution entrusted with the preparation of hazards information data) who fails to reprepare hazards information data even after any significant matter is modified, in violation of Article 18-2 (2), or prepares it by deceit or other wrongful means; <<Enforcement Date: Apr. 19, 2018>>

12-3. A person who fails to provide hazards information data repprepared pursuant to Article 18-2 (2) to an entrusted person, in violation of paragraph (3) of the same Article; < <Enforcement Date: Apr. 19, 2018>>

12-4. A person who fails to post or keep hazards information data, in violation of Article 18-2 (4). < <Enforcement Date: Apr. 19, 2018>>

(3) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person who dumps, buries or incinerates household wastes, in violation of Article 8 (1) or (2);

2. A person who fails to comply with an order to take a measure, in violation of Article 8 (3);

3. A person who violates Article 15 (1) or (2);

4. A person who fails to comply with the rules prescribed by municipal ordinance, in violation of Article 15-2 (1);

4-2. A person who fails to report his/her plan to restrain the generation of food wastes and properly treat such wastes, in violation of Article 15-2 (2);

4-3. A person who fails to enter information about the delivery and receipt of wastes in the electronic information processing program within a prescribed period or enters inadequate information in the program, in violation of Article 18 (3);

5. A person who commences the operation of a facility without filing a report under Article 29 (4);

6. A person who fails to take a training course or fails to provide an opportunity to take training courses in violation of Article 35 (1) or (2);

7. A person who fails to keep records or retain books under Article 36 (1) or who makes a false entry therein;

8. A person who fails to submit a report under Article 38 (1) or (2) within a prescribed period or who prepares and submits a false report (excluding persons under paragraph (2) 9-2);

9. A person who fails to submit materials necessary for preparing a report under Article 38 (4) within a prescribed period or who prepares and submits a false report;

10. A person who fails to file a report under Article 39 (1) or who files a false report;

11. A person who refuses, obstructs, or evades an access or inspection under Article 39 (1);

12. A person who fails to submit the original copy of insurance policy under Article 40 (9);

13. A person who fails to notify any modification under Article 40 (10);

14. A person who fails to file a report under Article 50 (1).

(4) Administrative fines referred to in paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu, based on the affairs of his/her respective jurisdiction, as prescribed by Presidential Decree. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>

(5) through (7) Deleted. <by Act No. 10389, Jul. 23, 2010>

ADDENDA (Omitted)

37. Enforcement Decree of the Wastes Control Act

[Enforcement Date 21. Jan, 2016.] [Presidential Decree No.26907, 19. Jan, 2016., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Wastes Control Act and matters necessary for the enforcement thereof.

Article 1-2 (Definitions)

The term “waste treatment facilities” in this Decree means interim and terminal disposal facilities, among waste treatment facilities.

[This Article Newly Inserted by Presidential Decree No. 23126, Sep. 7, 2011]

Article 2 (Scope of Places of Business)

"Any other places of business specified by Presidential Decree" in subparagraph 3 of Article 2 of the Wastes Control Act (hereinafter referred to as the "Act") means any of the following places of business: <Amended by Presidential Decree No. 20244, Sep. 27, 2007; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 25951, Dec. 31, 2014>

1. A place of business in which a terminal wastewater treatment facility has been installed and operated under Article 48 (1) of the Water Quality and Aquatic Ecosystem Conservation Act;
2. A place of business in which a public sewage treatment facility has been installed and operated under subparagraph 9 of Article 2 of the Sewerage Act;
3. A place of business in which a public excreta treatment facility has been installed and operated under subparagraph 11 of Article 2 of the Sewerage Act;
4. A place of business in which a public treatment facility has been installed and operated under Article 24 of the Act on the Management and Use of Livestock Excreta;
5. A place of business in which a waste treatment facility has been installed and operated under Article 29 (2) of the Act (including facilities installed by a person who has obtained permission for waste treatment business under Article 25 (3) of the Act);
6. A place of business from which designated wastes as defined in subparagraph 4 of Article 2 of the Act are discharged;
7. A place of business which discharges at least an average of 300 kilograms of wastes daily;
8. A place of business which discharges wastes from construction works under subparagraph 4 of Article 2 of the Framework Act on the Construction Industry in an amount of at least five tons (which refer to the quantity of wastes discharged therefrom during a period from the commencement to the completion of the works);
9. A place of business which discharges wastes in an amount of at least five tons (which refer to the quantity of wastes discharged therefrom during a period from the commencement to the completion of the works) from a series of construction works

(excluding the construction works under subparagraph 8) or other works.

Article 3 (Types of Designated Wastes)

The designated wastes as defined in subparagraph 4 of Article 2 of the Act are as listed in attached Table 1.

Article 4 (Types of Medical Wastes)

The medical wastes as defined in subparagraph 5 of Article 2 of the Act are as listed in attached Table 2. <Amended by Presidential Decree No. 20478, Dec. 28, 2007>

Article 5 (Waste Treatment Facilities)

The waste treatment facilities as defined in subparagraph 8 of Article 2 of the Act are as listed in attached Table 3.

Article 6 (Waste Minimization Facilities)

"Facilities specified by Presidential Decree" in subparagraph 9 of Article 2 of the Act means those listed in attached Table 4.

Article 6-2 (Hearing of Opinions before Approval for Master Plans for Waste Treatment)

When the Minister of Environment intends to approve a master plan for waste treatment or any modification of such plan pursuant to Article 9 (1) of the Act, he/she may hear opinions from the Korea Environment Corporation under the Korea Environment Corporation Act (hereinafter referred to as the "Korea Environment Corporation") and other institutions specializing in waste treatment with regard to technical matters. <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

[This Article Newly Inserted by Presidential Decree No. 22631, Jan. 21, 2011]

CHAPTER II DISCHARGE AND TREATMENT OF WASTES

Article 7 (Standards, etc. for Waste Treatment)(1) The standards and methods for the treatment of wastes under the main sentence of Article 13 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24119, Sep. 24, 2012; Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 25951, Dec. 31, 2014; Presidential Decree No. 26447, Jul. 24, 2015>

1. Wastes shall be collected, transported, and stored after being sorted by type, characteristics, conditions, recyclability, combustibility or incombustibility, etc.: Provided, That this may not apply to wastes, other than medical wastes, which fall under any of the following cases:

(a) Where wastes that shall be treated by the same standards and method are treated at the same waste treatment or recycling facility or at the same place;

(b) Where a mixture of at least two kinds of wastes is generated at the same time;

(c) Where each Metropolitan Autonomous City, Special Self-Governing Province, or Si/Gun/Gu involved (the Special Metropolitan City and other Metropolitan Cities are not included in the category of Si, while Gu refers only to an autonomous Gu; hereinafter the same shall apply) has different rules on the classification of wastes under the relevant municipal ordinance of each Metropolitan Autonomous City, Special Self Governing

Province, or Si/Gun/Gu, considering a plan for the separate collection of wastes or specific local conditions;

2. Wastes shall be kept from being blown off by wind or from leaking, in the course of collection, transportation, or storage. Water leaching therefrom shall be contained so as not to be drained out, and water seeping therefrom shall, if any, be treated, as prescribed by Ordinance of the Ministry of Environment;

3. Wastes shall not be transported to any place, other than a place at which they can be properly treated, recycled, or stored: Provided, That the foregoing shall not apply where any of the following persons collects wastes on a vehicle with a smaller loading capacity and transport wastes to a place specified by Ordinance of the Ministry of Environment to transfer wastes to a vehicle with a larger loading capacity:

(a) A person who has obtained permission for waste collection and transportation business under Article 25 (5) 1 of the Act;

(b) A person specified by Ordinance of the Ministry of Environment, among persons who have filed a report on waste treatment pursuant to Article 46 (1) 3 of the Act;

4. Wastes generated in the course of a recycling process or an interim treatment process and intermediately processed wastes under the proviso to Article 13 (1) of the Act (hereinafter referred to as “intermediately processed wastes”) shall be deemed wastes newly generated, and thus a person who has generated such wastes shall take such measures as reporting under Article 17 (2) of the Act or obtaining verification under paragraph (3) of the same Article of the Act, and shall treat them properly in accordance with a method appropriate for the treatment of wastes involved;

5. Wastes shall be treated at a waste treatment or recycling facility: Provided, That the foregoing shall not apply where a person who discharges household wastes treats the wastes in accordance with Article 15 (1) of the Act or where wastes are treated in any other manner prescribed by Ordinance of the Ministry of Environment for appropriate treatment without causing any trouble to the conservation of the living environment;

6. Every person who keeps wastes in storage for the treatment or recycling of such wastes shall keep such wastes in the storage facility at the same place of business where the relevant waste treatment or recycling facility is located: Provided, That the foregoing shall not apply where a person who obtains permission for his/her waste recycling business falling under any provision of Article 25 (5) 5 through 7 of the Act recycles industrial wastes (hereinafter referred to as “wastes recycling business entity”), as prescribed by Ordinance of the Ministry of Environment;

7. Persons who have filed a report on waste treatment pursuant to Article 46 (1) of the Act (hereinafter referred to as “person who has filed a report on waste treatment”) and persons who have installed and operated a multi-regional waste treatment facility under Article 5 (1) of the Act (including persons who are entrusted to install and operate such facility pursuant to Article 5 (2) of the Act) shall treat wastes within a period prescribed by Ordinance of the Ministry of Environment: Provided, That the foregoing shall not apply where an unavoidable

cause, such as a fire, a serious accident, a labor dispute, or abandoned wastes delivered and kept in storage, makes it impracticable to treat wastes within the prescribed period, subject to approval from the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, a Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor"), or the head of the competent environment office of the river system or the head of regional environmental office;

8. A mixture of at least two different kinds of wastes shall be treated in any of the following manners if it is difficult to separate them:

(a) A mixture of wastes containing an waste acid or alkali shall be properly treated after being treated by the process of neutralization;

(b) A mixture of wastes subject to ordinary incineration shall be treated by the process of high-temperature incineration if it contains any waste requiring high-temperature incineration;

9. Where wastes are buried in landfills, such wastes shall be treated at a landfill facility equipped with facilities for cutting off water-flow and collecting water, tanks for regulating the volume of water, and facilities for treating seeping water, and also with a facility for gas incineration or power generation and fuel-making: Provided, That such wastes may be treated at a landfill facility not equivalent to above-mentioned facilities in whole or in part if it is recognized that there is no likelihood of water seeping or gas being produced therefrom nor any possibility of contaminating its surrounding environment by water seeping or gas being produced therefrom, as prescribed by Ordinance of the Ministry of Environment;

10. Where any wastes in solid state other than designated wastes among the dust, burnt wastes, and sludge, the concentration index of hydrogen ion contained in which is at least 12.5 or no higher than 2.0 are treated by landfill, they shall be landfilled after undergoing an interim treatment process by means of neutralization, etc. so as not to disrupt the performance of facilities for cutting off water-flow and facilities for treating seeping water of a designated landfill facility;

11. Recyclable wastes shall be processed to be re-usable;

12. Notwithstanding the proviso to the main sentence of subparagraph 1 and item (a) of the same subparagraph, such wastes as waste acid, waste alkali, metallic dust, waste toxic substances, etc. which are determined and publicly notified by the Minister of Environment as having possibility of fire, explosion, generation of toxic gases, etc. shall not be mixed with other wastes or be in contact with moisture in the course of treating them: Provided, That the same shall not apply where there is no possibility of fire, explosion, generation of toxic gases, etc. by undergoing an interim treatment process by means of neutralization, etc.;

13. An industrial waste discharger under Article 17 of the Act who discharges at least 100 tons of designated wastes a year or a person who has obtained permit for waste treatment business under Article 25 (3) of the Act (hereinafter referred to as "waste treatment business entity"; and in cases of persons permitted for waste collection and transportation business that falls under Article 25 (5) 1 of the Act, limited to the persons who transport wastes to places prescribed by Ordinance of the Ministry of Environment under the proviso to the part

other than items of subparagraph 3) shall comply with the following requirements in the course of their treatment of designated wastes:

(a) He/she shall be equipped with safety facilities, devices, etc. necessary to prevent the occurrence of accidents, such as leakage of wastes, fire, explosion, generation of toxic gases, etc., in the course of discharging or treating designated wastes;

(b) He/she shall keep medicines, equipment, etc. to control leakage of wastes, fire, explosion, generation of toxic gas, etc. and manuals for coping with accidents to be prepared for the occurrence of such accidents and take measures to ensure workers are well-informed of the method of use and knack of coping with them.

(2) Further specific standards and methods for the treatment of wastes under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

(3) The relaxed standards and methods for treatment under the proviso to Article 13 (1) of the Act, which shall apply to intermediately processed wastes, shall be as follows: <Newly Inserted by Presidential Decree No. 23126, Sep. 7, 2011>

1. A person who transports intermediately processed wastes, is not required to affix or carry a certificate of collection and transportation of wastes;

2. When a person keeps intermediately processed wastes in storage, the period of storage may be extended.

(4) Detailed matters necessary for the relaxed standards and methods under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Presidential Decree No. 23126, Sep. 7, 2011>

Article 8 (Household Waste Treatment Agency)

"A person specified by Presidential Decree" in Article 14 (2) of the Act means any of the following persons: <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 26447, Jul. 24, 2015; Presidential Decree No. 26907, Jan. 19, 2016>

1. A waste treatment business entity;

2. Deleted. <by Presidential Decree No. 23126, Sep. 7, 2011>

3. A person who has filed a report on waste treatment;

4. The Korea Environment Corporation (limited to recycling of waste plastic films or sheets, or waste wrapping materials for agricultural chemicals, such as waste containers thereof, which are generated from agricultural activities);

5. A person who has a system for collecting electric and electronic products directly to recycle them, among the electrical and electronic equipment manufacturers subject to mandatory recycling under the former part of Article 15 of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles or distributors of electrical and electronic equipment under Article 16-4 (1) of the same Act (including persons entrusted by electrical and electronic equipment manufacturer subject to mandatory recycling or distributors of

electrical and electronic equipment to collect and recycle them;

6. Deleted; <by Presidential Decree No. 23126, Sep. 7, 2011>

7. A manager of a recycling center under Article 13-2 of the Act on the Promotion of Saving and Recycling of Resources (referring only to the collection, transportation, and recycling of bulky wastes under subparagraph 13 of Article 2 of the same Act);

8. A person who has a system for directly collecting and recycling products and packaging materials (including persons entrusted with recycling by a person obligated to recycle), among persons obligated to recycle under Article 16 of the Act on the Promotion of Saving and Recycling of Resources.

Article 8-2 (Imposition of Penalty Surcharges)(1) Penalty surcharges for violations of Article 14-2 (1) of the Act shall be as listed in attached Table 4-2. <Amended by Presidential Decree No. 25082, Jan. 14, 2014>

(2) The Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may increase or reduce the amount of a penalty surcharge by not more than half of the penalty surcharge prescribed in paragraph (1), taking into consideration the business size of a place of business, characteristics of a business area, the degree and frequency of violation, and relevant matters.: Provided, That the total amount of a penalty surcharge as increased shall not exceed 100 million won. <Amended by Presidential Decree No. 25082, Jan. 14, 2014>

(3) Article 11-2 shall apply mutatis mutandis to a procedure for the imposition and payment of penalty surcharges under paragraph (1). In such cases, “the Minister of Environment or a Mayor/Do Governor” shall be construed as “the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu.” <Amended by Presidential Decree No. 25082, Jan. 14, 2014>

[This Article Newly Inserted by Presidential Decree No. 23126, Sep. 07, 2011]

Article 8-3 (Purposes of Use of Penalty Surcharges)

“Purposes specified by Presidential Decree” in Article 14-2 (3) of the Act shall be as follows:

1. Expansion of multi-regional waste treatment facilities under Article 5 (1) of the Act (excluding public facilities for the treatment of designated wastes);
2. Treatment of household wastes discharged to any place, other than places for storage under Article 15 (2) of the Act;
3. Expansion of facilities and equipment necessary for the collection and transportation of household wastes;
4. Purchase and operation of facilities and equipment necessary for guidance and inspection of household waste dischargers, collectors, and transporters.

[This Article Newly Inserted by Presidential Decree No. 25082, Jan. 14, 2014]

Article 8-4 (Scope of Food Waste Dischargers)

“Any of the persons specified by Presidential Decree” in Article 15-2 (1) of the Act means any of the following persons: <Amended by Presidential Decree No. 26747, Dec. 22, 2015>

1. A person who operates a meal service facility that provides meals to at least 100 persons average per day, among meal service facilities defined under subparagraph 12 of Article 2 of the Food Sanitation Act (excluding meal service facilities in social welfare facilities defined under subparagraph 4 of Article 2 of the Social Welfare Services Act). In such cases, further details about a method for computing the average number of persons per day to whom meals are provided shall be determined by the Minister of Environment;
2. A person who operates a rest restaurant business or a general restaurant business in a place of business with an area of at least 200 square meters, among food service businesses under Article 36 (1) 3 of the Food Sanitation Act: Provided, That if the relevant Municipal Ordinance of a Metropolitan Autonomous City, Special Self Governing Province, or Si/Gun/Gu prescribes the size of a place of business or categories of business to be excluded herefrom as follows, taking into account the production quantity of food wastes, capacity of waste recycling facilities, etc., such Municipal Ordinance shall prevail:
 - (a) Size of a place of business (limited to the size of at least 200 square meters);
 - (b) Some categories of businesses to be excluded herefrom among rest restaurant business;
3. A person who has established a superstore defined under subparagraph 3 of Article 2 of the Distribution Industry Development Act;
4. A person who has established and operates a wholesale market, a joint wholesale market, or an integrated distribution center for agricultural and fishery products, as defined under subparagraph 2, 5, or 12 of Article 2 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products;
5. A person who operates a lodging business for tourists under Article 3 (1) 2 of the Tourism Promotion Act;
6. Any other persons specified by municipal ordinance of a Metropolitan Autonomous City, Special Self-Governing Province, or Si/Gun/Gu as those who are required to reduce or recycle food wastes voluntarily.

[This Article Newly Inserted by Presidential Decree No. 25082, Jan. 14, 2014]

Article 9 (Business Entities Obligated to Comply with Guidelines for Reduction of Wastes)

Persons obliged to comply with guidelines for controlling the generation of industrial wastes under Article 17 (5) of the Act shall be as listed in attached Table 5 by type and size of business of industrial waste dischargers. <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 24266, Dec. 27, 2012>

Article 10 (Designation of Professional Waste Analysis Agencies)

Any institution that intends to be designated as a professional waste analysis agency under Article 17-2 (2) of the Act shall file an application for the designation as prescribed by Ordinance of the Ministry of Environment meeting the requirements for facilities, equipment, and technical capability specified in attached Table 5-2.

[This Article Newly Inserted by Presidential Decree No. 26907, Jan. 19, 2016]

CHAPTER III WASTE TREATMENT BUSINESS, ETC.

Article 11 (Amount to Be Imposed for Each Type of Violations Subject to Penalty Surcharges and Relevant Matters)(1) The amount of a penalty surcharge to be imposed based on each type and degree of violation referred to in Article 28 (2) of the Act shall be as listed in attached Table 6.

(2) The Minister of Environment or Mayor/Do Governor may increase or decrease the amount of a penalty surcharge under paragraph (1) by one half thereof or less, taking into consideration the size of a place of business, the characteristics of a business area,, the degree and frequency of violation, and relevant matters: Provided, That the total amount of a penalty surcharge as increased shall not exceed 100 million won.

Article 11-2 (Imposition and Payment of Penalty Surcharges)(1) Where the Minister of Environment or the relevant Mayor/Do Governor intends to impose a penalty surcharge under Article 28, he/she shall give a written notice, clearly states the type of the violation concerned and the amount of a penalty surcharge, demanding payment of such penalty surcharge.

(2) A person who has received a notice under paragraph (1) shall pay a penalty surcharge to a collecting agency prescribed by the agency that has imposed such penalty surcharge within 20 days from the date on which he/she received such notice.

(3) A collecting agency that has received penalty surcharges under paragraph (2) shall issue a receipt to the payor, and notify the Minister of Environment or the relevant Mayor/Do Governor of the fact without delay.

(4) A penalty surcharge shall not be paid in installments.

[This Article Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]

Article 12 (Purposes for Use of Penalty Surcharge)

The amount collected as a penalty surcharge under Article 28 (4) of the Act shall be expended for the following purposes: <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>

1. Expansion of multi-regional waste treatment facilities under Article 5 (1) of the Act (including public treatment facilities for designated wastes);

1-2. Expansion of public recycling infrastructure facilities under Article 34-4 of the Act on the Promotion of Saving and Recycling of Resources;

2. Treatment of wastes in order to eliminate anticipated environmental hazards where wastes do not comply with the standards for waste treatment under Article 13 or 13-2 of the Act, but where it is impossible to identify the person who treated such wastes, or who commissioned the treatment of such wastes;

3. Purchase and operation of facilities and equipment necessary for guidance for and inspection of waste treatment business entities or waste treatment facilities.

Article 13 (Waste Treatment Facilities Subject to Pollutants Measurement)

"Waste treatment facility specified by Presidential Decree" in Article 31 (2) of the Act means a landfill facility.

[This Article Wholly Amended by Presidential Decree No. 20946, Jul. 29, 2008]

Article 14 (Waste Treatment Facilities Subject to Impact Assessment on Neighboring Areas)

"Waste treatment facility as specified by Presidential Decree" in Article 31 (3) of the Act means any of the following facilities installed and operated by a waste treatment business entity: <Amended by Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24119, Sep. 24, 2012>

1. An incineration facility for industrial wastes with a daily treatment capacity of at least 50 tons (referring to a number of incineration facilities with a daily treatment capacity of at least 50 tons in total where there are a number of incineration facilities within the same place of business);
2. A landfill facility for designated industrial wastes with a size of at least 10,000 square meters used for landfill purposes;
3. A landfill facility for ordinary industrial wastes with a size of at least 150,000 square meters used for landfill purposes;
4. A cement kiln (limited to cases where wastes are used as fuel);
5. A facility for the recovery of heat from incinerating industrial wastes with a recycling capacity of at least 50 tons per day (referring to cases where the total daily recycling capacity of all facilities for the recovery of heat from incinerating industrial wastes exceeds 50 tons if a single business establishment has a multiple number of facilities for the recovery of heat from incinerating industrial wastes).

Article 14-2 (Persons who Vicariously Take Procedures for Closedown)

"Person prescribed by Presidential Decree" in the former part of Article 31 (6) of the Act means any of the following persons:

1. The Korea Environment Corporation;
2. A person publicly notified by the Minister of Environment as being recognized to have the capability to vicariously take procedures for closedown, such as final soil covering.

[This Article Newly Inserted by Presidential Decree No. 26907, Jan. 19, 2016]

CHAPTER IV GUIDANCE FOR AND SUPERVISION ON WASTE TREATMENT BUSINESS ENTITIES

Article 15 (Waste Treatment Facilities to Employ Technical Managers)

"Waste treatment facility specified by Presidential Decree" in Article 34 (1) of the Act means any of the following facilities: Provided, That any waste treatment facilities operated by any waste treatment business entity shall not be included therefrom: <Amended by Presidential Decree No. 20478, Dec. 28, 2007; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24119, Sep. 24, 2012>

1. A landfill facility:
 - (a) A landfill facility for treatment of designated wastes with a size of at least 3,300 square meters used for landfill purposes: Provided, That a landfill facility of sealed-off type under subparagraph 2 (a) (i) of attached Table 3, among the terminal treatment facilities under the said subparagraph, shall have a size of at least 330 square meters or a capacity of at

least 1,000 cubic meters used for landfill purposes;

(b) A landfill facility for treatment of any wastes other than designated wastes with a size of at least 10,000 square meters or a capacity of at least 30,000 cubic meters used for landfill purposes;

2. Any incineration facility with a treatment capacity of at least 600 kilograms per hour (or at least 200 kilograms if it is an incineration facility for medical wastes);

3. A facility for compression, fragmentation, crushing, or cutting of wastes with a treatment or recycling capacity of at least 100 tons per day;

4. A facility for producing feed, compost or fuel with a recycling capacity of at least five tons per day;

5. A facility for sterilization and crushing of wastes with a treatment capacity of at least 100 kilograms per hour;

6. A cement kiln;

7. A smelting furnace (limited to cases where nonferrous metals are extracted from wastes) with a recycling capacity of at least 600 kilograms per hour;

8. A facility for the recovery of heat from an incineration facility with a recycling capacity of at least 600 kilograms per hour.

Article 16 (Agents for Technical Management)

One of the following persons shall be qualified as a technical management agent, who shall be responsible for the maintenance and management of a waste treatment facility under Article 34 (1) of the Act: <Amended by Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 22626, Jan. 17, 2011; Presidential Decree No. 26907, Jan. 19, 2016>

1. The Korea Environment Corporation;

2. An engineering service provider who has filed a report under Article 21 of the Engineering Industry Promotion Act;

3. A professional engineering office under Article 6 of the Professional Engineers Act (which shall be limited to an office established by a professional engineer who holds the qualifications under Article 34 (2) of the Act);

4. Any other person recognized and publicly notified by the Minister of Environment as being able to serve as an agent for technical management.

Article 17 (Persons Obligated to Take Training Courses)

"Any other persons in charge of waste treatment specified by Presidential Decree" in Article 35 (1) of the Act mean any of the following persons: <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>

1. Persons who have installed and operated a waste treatment facility under Article 2 of the Act (excluding the waste treatment facilities to which a technical manager is assigned in accordance with Article 34 (1) of the Act) or their employees in charge of technical matters;

2. Persons who have filed a report as an industrial waste discharger under Article 17 (2) of the Act or their employees in charge of technical matters;

3. Business entities who discharge designated wastes requiring verification under Article 17 (3) of the Act or their employees in charge of technical matters;
4. Business entities, other than those falling under subparagraphs 2 and 3, who discharge industrial wastes, or their employees in charge of technical matters, as specified by Ordinance of the Ministry of Environment;
5. Persons who obtain permission for a waste collection and transportation business under Article 25 (3) of the Act or their employees in charge of technical matters;
6. Persons who have filed a report on waste treatment or their employees in charge of technical matters.

Article 18 (Performance Guarantee Insurance for Abandoned Wastes)(1) The effective term of the insurance under Article 40 (1) 2 of the Act (hereinafter referred to as "performance guarantee insurance") shall be one year or more, in one-year lots, but the guarantee covered by the insurance policy shall be valid for 60 days after the expiration of the insurance policy. (2) Notwithstanding paragraph (1), the effective term of the performance guarantee insurance policy initially purchased shall expire on December 31 of the following year. (3) A person who purchases a performance guarantee insurance policy from an insurance company shall specify, in the insurance policy, a condition that the Minister of Environment or Mayor/Do Governor may receive direct payment of the insurance proceeds from the insurance company.

Article 19 Deleted. <by Presidential Decree No. 20946, Jul. 29, 2008>

Article 20 (Period of Operation Suspension Subject to Order to Treat Wastes)(1) "Period prescribed by Presidential Decree" in Article 40 (2) of the Act means any of the following periods: <Amended by Presidential Decree No. 20478, Dec. 28, 2007>

1. Where the wastes are animal residues or medical wastes that are likely to be decomposed or deteriorated, such as organs: 15 days;
2. Where abandoned wastes cause or are likely to cause a serious hazard to the conservation of the living environment: The period determined by a person who has authority to issue an order to treat such wastes, which shall be not less than three days, but not more than one month;
3. Where any event other than those under subparagraphs 1 and 2 occurs: One month.

(2) If a waste treatment business entity or a person who has filed a report on waste treatment suspends the operation of his/her business due to an unavoidable reason, such as a complaint from residents or labor relations, the Minister of Environment or Mayor/Do Governor may, in receipt of an application from the waste treatment business entity or the person who has filed a report on waste treatment, extend the period for treatment of wastes as ordered under Article 40 (2) of the Act only once within the period prescribed in paragraph (1). <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

Article 21 (Guidelines for Computation of Insured Amount of Performance Guarantee Insurance)(1) The guidelines for the computation of insurance proceeds of waste treatment business entities under Article 40 (5) of the Act shall be as follows: <Amended by

Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>

1. For each waste treatment business entity: One and a half times the amount calculated by multiplying the unit cost for treatment of each type of waste by the quantity under Article 25 (9) of the Act (hereinafter referred to as "permissible storage quantity") (or three times the amount calculated by multiplying the unit cost for treatment of each type of waste by the excessive storage quantity if the quantity exceeds the permissible storage quantity);

2. For each person who has filed a report on waste treatment: One and a half times the amount calculated by multiplying the unit cost for treatment of each type of waste by the quantity that he/she can keep in his/her storage facility under Article 46 (1) of the Act (hereinafter referred to as "storable quantity").

(2) The unit cost for treatment of each type of waste under paragraph (1) shall be determined and publicly notified by the Minister of Environment, taking into consideration the nature and conditions of each type of waste, the treatment methods, and other factors.

Article 22 (Renewal of Performance Guarantee Insurance)(1) Each insurance policy for the performance guarantee insurance under Article 40 (7) 1 of the Act shall be renewed at least 30 days before the expiration of the insurance.

(2) Where it is necessary to change the insured amount of coverage of the performance guarantee insurance in relation to Article 40 (7) 2 of the Act, the relevant insurance policy shall be renewed, within 15 days from the date on which a cause for such change arises. <Amended by Presidential Decree No. 20946, Jul. 29, 2008>

(3) Any person who newly purchases a performance guarantee insurance policy or renews an insurance policy under Article 40 (9) of the Act shall submit the original copy of the relevant insurance policy to the Minister of Environment or Mayor/Do Governor, within 15 days from the date of purchase or renewal.

(4) Deleted. <by Presidential Decree No. 20946, Jul. 29, 2008>

Article 23 (Quantity of Abandoned Wastes Requiring Vicarious Treatment and Period for Treatment)(1) The quantity of abandoned wastes which a mutual aid association for waste treatment business shall be ordered to vicariously treat pursuant to Article 40 (11) of the Act shall be as follows: <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

1. Where the wastes involved have been abandoned by a waste treatment business entity: No more than one and a half times the storage quantity of wastes permissible to the waste treatment business entity;

2. Where the wastes involved have been abandoned by a person who has filed a report on waste treatment: No more than one and a half times the quantity of wastes storable by the person who has filed a report on waste treatment.

(2) The Minister of Environment or Mayor/Do Governor shall, whenever he/she intends to order a mutual aid association of waste treatment businesses to treat abandoned wastes, prescribe a period for such treatment within two months, taking into consideration the level of possible contamination of the surrounding environment, the quantities of abandoned wastes to be treated, and other factors: Provided, That the Minister of Environment or

Mayor/Do Governor may, if he/she finds it impractical to treat abandoned wastes within the prescribed period due to any unavoidable cause, extend the period only once by adding one month at a maximum.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 23-2 (Affairs which Electronic Information Processing Program is to be Used for)

"Affairs prescribed by Presidential Decree" in Article 45 (3) of the Act shall be as follows: <Amended by Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 25082, Jan. 14, 2014>

1. Submission of documents for reporting and verification, or documents for reporting or verification on modification under the provisions of Article 17 (2) through (4) of the Act;
2. Submission of documents for reporting on importation or exportation of wastes, or documents for modification thereof under Article 24-2 (1) and (2) of the Act;
3. Submission of documents for waste treatment plans, permission, permission for modification, or reporting on modification under Article 25 (1), (3), and (11) of the Act;
4. Submission of documents for approval for and reporting on waste treatment facilities, or approval for modification or reporting on modification thereof under Article 29 (2) through (4) of the Act;
5. Records on the current status of the generation, discharge, and treatment of wastes under Article 36 of the Act;
6. Submission of reports under Article 38 (1);
7. Submission of documents necessary for the inspection and evaluation of actual conditions of waste treatment services and the installation and operation of waste treatment facilities under Article 55 (2) of the Act.

[This Article Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]

Article 23-3 (Amount to Be Imposed for Each Type of Violations Subject to Penalty Surcharges and Relevant Matters)(1) The amount of a penalty surcharge depending on the type and degree of the violation committed by a person who has filed a report on waste treatment under Article 46-2 (2) is as listed in attached Table 7. <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

(2) The relevant Mayor/Do Governor may increase or reduce the amount of a penalty surcharge by not more than half of the penalty surcharge prescribed in paragraph (1), taking into consideration the size of a place business, characteristics of a business area, the degree and frequency of violation, and relevant matters: Provided, That the total amount of a penalty surcharge as increased shall not exceed 20 million won. <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

(3) The provisions of Article 11-2 shall apply muntatis muntandis to procedures for imposition and payment of penalty surcharges under Article 46-2 (1) of the Act.

[This Article Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]

Article 23-4 (Purposes of Use of Penalty Surcharges)

"Any of the purposes prescribed by Presidential Decree" as referred to in Article 46-2 (4) means the following: <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

1. Expansion of multi-regional waste treatment facilities;
2. Expansion of public recycling infrastructure under Article 34-4 of the Act on the Promotion of Saving and Recycling of Resources;
3. Treatment of wastes that have not been properly recycled by a person who has filed a report on waste treatment under Article 46 of the Act;
4. Purchase and operation of necessary facilities and equipment for guidance for, and inspection of, persons who have filed a report on waste treatment.

[Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]

Article 24 (Subject Matters of Follow-Up Management)

"Any of the landfill facilities for wastes prescribed by Presidential Decree" in Article 50 (3) 1 and 2 of the Act means one of the landfill facilities under subparagraph 2 (a) of attached Table 3, among terminal treatment facilities under the said subparagraph: Provided, That a landfill facility for burnt coal briquettes, pottery fragments, or similar shall be excluded herefrom, if the Minister of Environment concludes that the facility does not require any follow-up management, including the operation of a treatment facility for seeping water under Article 50 (3) of the Act. <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

Article 25 (Agents for Follow-Up Management)

The following persons shall be qualified to serve as an agent to provide follow-up management services at a waste landfill facility under Article 50 (6) of the Act: <Amended by Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 26907, Jan. 19, 2016>

1. The Korean Environment Corporation;
2. Other persons recognized and publicly notified by the Minister of Environment as having ability to serve as an agent to provide follow-up management services.

Article 26 (Deposit of Follow-Up Management Expenses)(1) The Minister of Environment shall, within 15 days after a person who has installed a landfill facility for wastes requiring follow-up management under Article 51 (1) of the Act and files a report on the discontinuance of operation or closedown of the facility under Article 50 (1) of the Act, notify such person that the facility is subject to the payment of expenses incurred in relation to the performance guarantee for the discontinuance of operation (including closedown) and follow-up management (hereinafter referred to as "follow-up management, etc.") under Article 51 of the Act (hereinafter referred to as "performance guarantee bond for follow-up management") as prescribed by Ordinance of the Ministry of Environment, if the facility is likely to cause a serious hazard to the health or property of residents or its surrounding environment by seeping water or leaking gas from the landfill facility. <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

(2) The person who receives a notice that his/her facility is subject to the payment of a

performance guarantee bond for follow-up management under paragraph (1) shall prepare a statement of expenses incurred in follow-up management (hereinafter referred to as "statement of estimated expenses") in accordance with the guidelines for calculation of the performance guarantee bond for follow-up management under Article 30, as prescribed by Ordinance of the Ministry of Environment, and shall submit it to the Minister of Environment within one month from the date on which such notice is delivered.

(3) The Minister of Environment shall, in receipt of the statement of estimated expenses under paragraph (2), determine the expenses incurred in relation to follow-up management, etc. within one month from the date on which the statement is submitted, and shall dispatch a notice to the person who has installed the relevant facility to require him/her to pay the performance guarantee bond amounting to such expenses (if the person has accumulated the performance guarantee bond under Article 33 as an advance reserve. The amount that he/she pays additionally shall be that calculated by subtracting the interest at the interest rate of one-year fixed term installment bank deposit per annum for the advance accumulation period plus the accumulated advance reserve from the full amount of the performance guarantee bond) within a given period, which shall be at least one month. <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

(4) and (5) Deleted. <by Presidential Decree No. 23126, Sep. 7, 2011>

Article 27 (Exemption, etc. from Follow-Up Management Expenses, etc.)(1) In cases falling under paragraph (3) 1, a person shall be exempted from the obligation to deposit the expenses for follow-up management, under the proviso to Article 51 (1) of the Act. <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

(2) A person shall be allowed to provide a substitute the deposit of all or part of the expenses for follow-up management under the proviso to Article 51 (1) of the Act, in any of the following cases: <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

1. Insurance purchased for the guarantee of follow-up management;
2. An advance reserve accumulated to cover the expenses for follow-up management under Article 52 of the Act;
3. The substitution under paragraph (3) 2.

(3) "Any other cases specified by Presidential Decree" in Article 51 (1) 3 of the Act means any of the following cases: <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

1. The person who has installed the waste landfill facility is the State or a local government;
2. The person tenders an asset (excluding a waste landfill facility) as collateral for all or part of the expenses for follow-up management.

Article 28 (Submission of Performance Guarantee Insurance Policy for Follow-Up Management)

A person who falls under Article 27 (2) 1 and intends to tender a substitute for the deposit of expenses incurred in the follow-up management shall submit an insurance policy that shall guarantee the payment of the performance guarantee bond for follow-up management, in whole or in part, as notified for payment pursuant to Article 26 (3) to the Minister of

Environment within the period prescribed for such payment. <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>

Article 29 (Tender of Collateral)(1) A person who falls under Article 27 (2) 3 and intends to provide a substitute for the deposit of expenses required for follow-up management etc. shall tender an asset as collateral with an appraised value (which means a value appraised in accordance with the Act on the Public Announcement of Values and Appraisal of Real Estate) equivalent to the all or part of the performance guarantee bond for follow-up management as notified for payment pursuant to Article 26 (3) to the Minister of Environment within the period prescribed for such payment. <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>

(2) If a person who has tendered an asset as collateral under paragraph (1) fails to perform his/her obligation to carry out the follow-up management of his/her landfill facility, the Minister of Environment may sell the asset to appropriate the proceeds thereof to cover the expenses for follow-up management of the landfill facility. In such cases, the remaining balance, if any, after appropriating the proceeds to cover the expenses for follow-up management shall be refunded to the person who has tendered the asset as collateral. <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>

Article 30 (Guidelines for Calculation of Performance Guarantee Bonds for Follow-Up Management)(1) The performance guarantee bond for follow-up management under Article 51 (2) of the Act shall be calculated by adding up the expenses required for the discontinuance of operation under subparagraph 1 and the expenses required for follow-up management under subparagraph 2. In such cases, the types and quantities of wastes treated in each landfill facility, the type of a landfill facility involved, topographical factors, the quantity and density of seeping water, a method of treatment of seeping water and other factors shall be taken into consideration: <Amended by Presidential Decree No. 22631, Jan. 21, 2011; Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>

1. Expenses required for the discontinuance of operation (including closedown; hereinafter the same shall apply): The expenses shall be calculated by adding up the following expenses. In such cases, any facility of at least 3,300 square meters shall be required to make a deposit:

(a) Expenses for an inspection for the discontinuance of operation under Article 50 (1) of the Act;

(b) Expenses for final soil covering;

2. Expenses required for follow-up management: They shall be calculated by adding up the following expenses required during the follow-up management period under Article 50 (3) of the Act: Provided, That in cases of a sealed-off landfill facility under item (a) (i) among

terminal treatment facilities under the said subparagraph of Table 3, the expenses under item (a) shall be excluded herefrom:

(a) Expenses incurred in the operation, maintenance, and management of facilities for treatment of seeping water;

(b) Expenses incurred in the maintenance and management of embankments for landfill facilities, facilities for the management of gas from landfill, and testing wells of ground water;

(c) and (d) Deleted; <by Presidential Decree No. 22631, Jan. 21, 2011>

(e) Expenses incurred in conducting research on environmental pollution around the landfill facility;

(f) Expenses incurred in conducting periodic inspections under Article 50 (4) of the Act.

(2) Detailed guidelines and methods for calculation of expenses in relation to performance guarantee bonds for follow-up management under paragraph (1) and other necessary matters shall be prescribed and publicly notified by the Minister of Environment.

Article 31 (Guidelines for Refund of Performance Guarantee Bond for Follow-Up Management)

Performance guarantee bonds under Article 51 (4) of the Act shall be refunded each year in accordance with the following guidelines: <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

1. In cases where the works for follow-up management have been completed, the amount of refund shall be the amount deposited for the expenses required for follow-up management for the pertinent year, plus interest at the statutory interest rate under Article 379 of the Civil Act;

2. In cases where the works for follow-up management etc. have been partially performed, the amount of refund shall be calculated by multiplying the amount deposited for the expenses required for follow-up management, etc. for the pertinent year by the performance ratio of follow-up management, etc. as determined by the Minister of Environment, plus interest at the statutory interest rate under Article 379 of the Civil Act.

Article 32 (Procedure for Refund of Performance Guarantee Bond for Follow-Up Management)

(1) A person who seeks a refund of the performance guarantee bond for follow-up management under Article 51 (4) of the Act shall file an application for such refund each year with the Minister of Environment, along with the accompanying documents specified by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>

(2) Upon receipt of an application for refund under paragraph (1), the Minister of Environment shall determine the amount to be refunded out of the performance guarantee bond for follow-up management in accordance with the guidelines for refund under Article 31 and pay the due accordingly. <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>

Article 33 (Advance Reserve of Performance Guarantee Bond for Follow-Up Management)

(1) Landfill facilities for the wastes subject to the advance accumulative

reserve of the performance guarantee bond for follow-up management under Article 52 (1) of the Act shall have an area of at least 3,300 square meters.

(2) A person who has installed a landfill facility under paragraph (1) shall submit a plan for the accumulation of an advance reserve to the Minister of Environment, along with the following documents, within one month from the commencement date of the operation of the facility, after obtaining permit or amended permit for waste treatment business under Article 25 (3) or (11) of the Act or approval or amended approval for the installation of a waste treatment facility under Article 29 (2) or (3) of the Act, as prescribed by Ordinance of the Ministry of Environment. In such cases, upon receipt of a plan for the accumulation of an advance reserve, the Minister of Environment shall examine feasibility of a statement on the calculation of expenses required for follow-up management, etc. accumulation period, and adequacy of the amount of accumulation for each year, etc.: <Amended by Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>

1. A statement on the calculation of estimated expenses incurred in relation to follow-up management, etc. in consideration of guidelines for the calculation of the performance guarantee bond for follow-up management under Article 30;

2. An accumulation plan formulated in consideration of the estimated quantity of landfill wastes and the treatment capacity of the waste landfill facility for each year.

(3) The Minister of Environment shall notify a person who has submitted a plan for the accumulation of an advance reserve under paragraph (2) each year that the person shall pay the advance reserve calculated in consideration of the quantity of wastes actually delivered to the relevant landfill facility, based on the plan: Provided, That the notice of the initial payment shall be given within one month after the first anniversary of the date on which the person begins to use the relevant facility. <Amended by Presidential Decree No. 25082, Jan. 14, 2014>

(4) A person who has received a notice of payment under paragraph (3) shall pay the notified amount to the Minister of Environment each year. <Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>

Article 33-2 (Receipt, Sale, etc. of Collateral)

@Article 29 shall apply mutatis mutandis to the appropriation, return, etc. of the expenses required for the receipt, sale, follow-up management, etc. under Article 52 (1) 2 of the Act. In such cases, "expenses required for follow-up management" and "performance guarantee bond for follow-up management" shall be deemed "advance reserve for performance guarantee bond for follow-up management", respectively.

[This Article Newly Inserted by Presidential Decree No. 26907, Jan. 19, 2016]

Article 34 (Refund, etc. of Difference of Advance Reserve)

If the amount accumulated by a person who has installed a landfill facility under Article 33 (1) (including an equivalent at the interest rate for one-year fixed term installment bank deposit per annum for the advance accumulation period) exceeds the amount of the performance guarantee bond under Article 26, the Minister of Environment shall refund the

difference to the person who has installed the facility, pursuant to Article 52 (2) of the Act. <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>

Article 35 (Restrictions, etc. on Use of Land)(1) The period during which the use of land is restricted pursuant to Article 54 of the Act shall not exceed 30 years from the date on which the operation of the waste landfill facility discontinues or the facility is permanently closed down. <Amended by Presidential Decree No. 22631, Jan. 21, 2011; Presidential Decree No. 24543, May 28, 2013>

(2) A person who has the ownership of, or any other rights other than the ownership in, the land on which a landfill facility disused or closed down is situated shall, if he/she intends to use the land, submit a land use plan to the Minister of Environment along with accompanying documents specified by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, upon receiving a land use plan under paragraph (2), determine the purposes of use of the land, a period during which the use of the land is restricted, etc., and then notify a person who has the ownership of, or any other rights other than the ownership in, the land under paragraph (2), as prescribed by Ordinance of the Minister of Environment.

Article 36 (Hearing of Opinions on Matters concerning Follow-Up Management of Waste Landfill Facilities)

As regards the implementation of follow-up management of waste landfill facilities under the Act and this Decree, expert opinions shall be heard in determining each of the following matters: <Amended by Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>

1. Determining the facilities for which the payment of the performance guarantee bond for follow-up management is required under Article 26 and the guidelines for calculation of the expenses required for follow-up management, etc. of each waste landfill facility;
2. Determining the guidelines for calculation of the performance guarantee bond for follow-up management of waste landfill facilities under Article 30;
3. Determining the period during which the use of the land on which a landfill facility disused or closed down is located, is restricted pursuant to Article 35.

Article 36-2 (Establishment of Korea Waste Association)

“Persons specified by Presidential Decree” in Article 58-2 (1) of the Act mean the following persons: <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

1. Persons who have established and operate waste treatment facilities under Article 4, 5, or 29 of the Act;
2. Waste treatment business entities or persons who have filed a report on waste treatment;
3. The Sudokwon Landfill Site Management Corporation under the Act on the Establishment and Management of Sudokwon Landfill Site Management Corporation;
4. The Korea Environment Corporation under the Korea Environment Corporation Act;
5. Associations, academic societies, cooperatives, and other organizations involved in

wastes;

6. Other persons who engage in business affairs related to wastes, including persons who discharge industrial wastes.

[This Article Newly Inserted by Presidential Decree No. 25082, Jan. 14, 2014]

Article 36-3 (Affairs, etc. of Korea Waste Association)(1) “ Affairs specified by Presidential Decree” in Article 58-2 (3) 3 of the Act shall be as follows: <Amended by Presidential Decree No. 25082, Jan. 14, 2014>

1. International exchanges and cooperation for waste-related affairs;
2. Waste-related affairs entrusted by the State or a local government;
3. Any other affairs stipulated by its articles of incorporation.

(2) The Korea Waste Association (hereinafter referred to as the “ Association”) shall have the general assembly, the board of directors, and a secretariat. <Amended by Presidential Decree No. 25082, Jan. 14, 2014>

(3) Expenses incurred in relation to the Association’ s affairs shall be covered with membership fees contributed by members, revenue from business operations, and relevant funds, and the State or a local government may partially subsidize the Association for such expenses, within budgetary limits. <Newly Inserted by Presidential Decree No. 25082, Jan. 14, 2014>

[This Article Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]

Article 36-4 (Executive Officers, Method of Election, etc.)(1) The Association shall have a chairperson, a vice chairperson and directors and auditors as its executive officers.

(2) The chairperson and vice chairperson shall be elected by the board of directors, and approved by the general assembly.

(3) Matters necessary for the terms and number of executive officers, and methods of election shall be prescribed by its articles of association.

[This Article Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]

Article 37 (Delegation of Authority)(1) Pursuant to Article 62 (1) of the Act, the Minister of Environment shall delegate his/her authority to the relevant Mayor/Do Governor over the following affairs: <Amended by Presidential Decree No. 20478, Dec. 28, 2007; Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 22224, Jun. 28, 2010; Presidential Decree No. 22631, Jan. 21, 2011; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>

1. Authority to make a request to submit data, recommend corrective measures, and inspect and ascertain compliance with standards under Article 14 (9) of the Act;
2. Authority to take the following measures in relation to persons who discharge, transport, or treat the designated wastes generated from any place, other than the places of business in which emission or discharge facilities have been installed and operated pursuant to the Clean Air Conservation Act, the Water Quality and Aquatic Ecosystem Conservation Act, or the Noise and Vibration Control Act (which shall be limited to factories under the Industrial

Cluster Development and Factory Establishment Act), as defined in subparagraph 3 of Article 2 of the Act, the medical wastes generated from any institution other than general hospitals defined under Article 3 (2) 3 (e) of the Medical Service Act (hereinafter referred to as "general hospitals"), and designated wastes jointly collected and transported pursuant to the proviso to Article 17 (3) of the Act, excluding its subparagraphs:

(a) To verify documents and modifications to such documents under Article 17 (3) and (4) of the Act;

(b) through (f) Deleted. <by Presidential Decree No. 20946, Jul. 29, 2008>

(g) To issue an order to submit a report under Article 38 (3) of the Act;

(h) To issue an order to submit a report and conduct an inspection under Article 39 of the Act;

(i) To issue orders to take measures under Article 48 of the Act;

(j) To perform vicarious execution and collect expenses therefor under Article 49 of the Act;

3. Authority to take the following measures in relation to the waste treatment facilities under Article 29 (2) of the Act [excluding the multi-regional waste treatment facilities under Article 5 (1) of the Act, which have been installed jointly by at least two local governments, such as the Special Metropolitan City, Metropolitan Cities, Special Self-Governing Cities, Dos, and Special Self-Governing Provinces (hereinafter referred to as "Cities/Dos") or Sis/Guns/Gus of at least two Cities/Dos, and the waste treatment facilities for any designated wastes other than medical wastes generated from any institution other than general hospitals]:

(a) To grant approval for installation or accept a report on installation under Article 29 (2) of the Act;

(b) To grant approval for modifications or accept a report on modification under Article 29 (3) of the Act;

(c) To comply with matters relating to waste treatment facilities installed by schools, research institutes, etc. for the purpose of testing and research pursuant to Article 29 (2) 1 of the Act;

(d) To consult with the heads of relevant administrative agencies pursuant to Article 32 (3) of the Act;

(e) To accept reports on succession to rights and obligations pursuant to Article 33 (3) of the Act;

4. Authority to take the following measures in relation to the waste treatment facilities installed by waste treatment business entities under Article 25 (3) of the Act (excluding the waste treatment business entities specializing in designated wastes) and the waste treatment facilities under subparagraph 3:

(a) To accept reports on the outcomes of measurement of pollutants pursuant to Article 31 (2) of the Act;

(b) To accept reports on the outcomes of assessment of impacts on neighboring areas pursuant to Article 31 (3) of the Act;

(c) To issue an order to improve, suspend the operation of, or close down a waste treatment facility pursuant to Article 31 (4) and (5) of the the Act;

- (d) To designate a person who vicariously takes procedures for the closedown of a landfill facility for wastes and collect expenses therefor pursuant to Article 31 (6) of the Act;
 - (e) To issue an order to take measurement of pollutants or conduct an assessment of impacts on neighboring areas pursuant to Article 31 (7) of the Act;
 - (f) To disclose to the public the outcomes of measurement of pollutants and assessment of impacts on neighboring areas pursuant to Article 31 (10) of the Act;
 - (g) To accept reports, issue orders to take corrective measures, designate a person who shall vicariously perform, and collect expenses therefor pursuant to Article 50 of the Act;
 - (h) To require a notice of the deposit, collection, return, etc. of the performance guarantee bond for follow-up management pursuant to Article 51 of the Act;
 - (i) To require a notice of the accumulation of the performance guarantee bond for follow-up management pursuant to Article 52 of the Act and the return of a difference;
 - (j) To place restrictions on use of land pursuant to Article 54 of the Act;
 - (k) To recognize a facility as the one exempt from follow-up management pursuant to the proviso to Article 24;
 - (l) To notify a facility subject to pay the performance guarantee bond for follow-up management pursuant to Article 26 (1);
 - (m) To accept a statement of expenses pursuant to Article 26 (2);
 - (n) To determine expenses for follow-up management and a period for the payment, and dispatch a notice to demand the payment of the performance guarantee bond for follow-up management pursuant to Article 26 (3);
 - (o) To receive an insurance policy for the performance of follow-up management under Article 28;
 - (p) To receive a collateral under Article 29 (1);
 - (q) To sell a collateral, set off proceeds from the sale against expenses for follow-up management, and return the proceeds under Article 29 (2);
 - (q) To determine the performance ratio of follow-up management pursuant to subparagraph 2 of Article 31;
 - (s) To receive a written claim to return the performance guarantee bond for follow-up management under Article 32 (1);
 - (t) To determine the amount to be returned pursuant to Article 32 (2);
 - (u) To accept a plan for accumulation of the advance reserve pursuant to Article 33 (2);
 - (v) To dispatch a notice to demand the payment of the advance reserve pursuant to Article 33 (3);
 - (w) To appropriate and return of expenses required for the receipt, sale, follow-up management, etc. under Article 33-2;
 - (x) To accept a land use plan pursuant to Article 35 (2);
 - (y) To determine and notify the purpose of use of land pursuant to Article 35 (3), the period during which the use is restricted, etc.;
5. Authority to hold hearings on the authority delegated among those under any

subparagraph of Article 61 of the Act;

6. Authority to impose and collect administrative fines, pursuant to Article 68 of the Act with regards to the delegated authority.

(2) Pursuant to Article 62 (1) of the Act, the Minister of Environment shall delegate his/her authority to take the following measures to the head of a river basin environmental office or the head of a regional environmental office: <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 26907, Jan. 19, 2016>

1. Authority to take measures under each item of paragraph (1) 2 in relation to any person, other than those under paragraph (1) 2;

1-2. Authority to issue an order under Article 39-2 of the Act to a person who discharges industrial wastes, except persons under paragraph (1) 2, to dispose of wastes properly;

1-3. Authority to inspect whether a person observes the hazard criteria under Article 13-3 (3) of the Act and to issue an order under Article 13-3 (5) of the Act to take measures;

1-4. Deleted. <by Presidential Decree No. 24543, May 28, 2013>

1-5. Authority to accept a declaration or amended declaration of export or import of wastes under Article 24-2 of the Act;

1-6. Authority to issue an order under Article 24-2 (3) of the Act to take measures;

2. Authority to take the following measures in relation to a waste treatment business specializing in designated wastes:

(a) To receive and examine a report on a waste treatment business plan and notify whether such plan is acceptable pursuant to Article 25 (1) and (2) of the Act;

(b) To grant permission or permission for modification, accept a report on modification, extension of permission or attach conditions, and receive relevant documents pursuant to Article 25 (3), (4), (7), (11), and (13) of the Act;

(c) To revoke permission and issue an order to suspend business pursuant to Article 27 of the Act;

(d) To make a disposition of penalty surcharges pursuant to Article 28 of the Act;

(e) To consult with the heads of relevant administrative agencies pursuant to Article 32 (3) of the Act;

(f) To accept reports on succession to rights and obligations of a waste treatment business pursuant to Article 33 (3) of the Act;

(g) To issue an order to treat wastes pursuant to Article 39-3 of the Act;

(h) To issue an order under Article 40 (2) or (3) of the Act to treat wastes;

(i) To take measures pursuant to Article 40 (4) of the Act;

(j) To issue an order to renew an insurance policy for performance guarantee pursuant to Article 40 (8) of the Act;

(k) To receive original sets of an insurance policy pursuant to Article 40 (9) of the Act;

(l) To receive notices pursuant to Article 40 (10) of the Act;

(m) through (q) Deleted. <by Presidential Decree No. 20946, Jul. 29, 2008>

3. Authority to take the following measures regarding any facility, other than the waste treatment facilities under paragraph (1) 3:

(a) To grant approval for installation and accept reports on installation pursuant to Article 29 (2) of the Act;

(b) To grant approval for amendments and accept reports on amendments pursuant to Article 29 (3) of the Act;

(c) To consult with the heads of relevant administrative agencies pursuant to Article 32 (3) of the Act;

(d) To accept reports on succession to rights and obligations pursuant to Article 33 (3) of the Act;

4. Authority to take measures under paragraph (1) 4 regarding waste treatment facilities installed by waste treatment business entities specializing in designated wastes and the waste treatment facilities under subparagraph 3 of this paragraph;

4-2. The following authority concerning exclusive container manufacturing business prescribed in Article 25-2 of the Act:

(a) Acceptance of registration, amendment of registration, and reports on amendment under Article 25-2 (1) of the Act;

(b) Revocation of registration and order to suspend business under Article 27-2 of the Act;

5. Authority to hold hearings on the authority delegated among those under any subparagraph of Article 61 of the Act;

6. Authority to impose and collect administrative fines pursuant to Article 68 of the Act with respect to the delegated authority.

(3) Pursuant to Article 62 (1) of the Act, the Minister of Environment shall delegate his/her authority over the following matters to the president of the National Institute of Environmental Research: <Newly Inserted by Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>

1. Examination, test, analysis, etc. for formulating hazard criteria of recycled products or materials under Article 13-3 (1) of the Act;

2. The following authority concerning a professional waste analysis agencies under Article 17-2 of the Act:

(a) Designation, modified designation, and announcement of the details thereof under Article 17-2 of the Act;

(b) Evaluation of waste testing and analysis capabilities under Article 17-4 of the Act;

(c) Revocation of designation, order to suspend business, and announcement of the details thereof under Article 17-5 of the Act;

(d) Receipt of reports under Article 38 (5) of the Act;

(e) Request to submit reports or data and performance of inspection under Article 39 of the Act;

(f) Public notification of fees for testing and analysis of wastes under Article 59 (2) of the Act;

(g) Holding hearings under Article 61 of the Act;

3. Imposition, collection, etc. of administrative fines under Article 68 of the Act pertaining to delegated authority.

Article 37-2 (Entrustment of Affairs)

Pursuant to Article 62 (2) of the Act, the Minister of Environment shall entrust the following affairs to the Korean Environment Corporation under the Korean Environment Corporation Act: <Amended by Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>

1. Statistical research on wastes under Article 11 of the Act;
2. Management and provision of the information about wastes transferred pursuant to Article 18 (4) of the Act;
3. Establishment and operation of an electronic information processing center under Article 45 (1) of the Act;
4. Establishment and operation of an electronic information processing system under Article 45 (2) of the Act;
5. Examination and analysis of data for the inspection and evaluation of actual conditions of waste treatment services and the installation and operation of waste treatment facilities under Article 55 (2) of the Act.

[This Article Newly Inserted by Presidential Decree No. 23126, Sep. 7, 2011]

Article 38 (Supervision, etc. of Affairs Conducted Based on Delegation of Authority)(1)

Notwithstanding Article 37, where deemed necessary for multi-regional waste treatment, the Minister of Environment may conduct an inspection or investigation to ascertain as to whether industrial waste dischargers, waste treatment business entities, persons who have filed a report on waste treatment, and waste treatment or recycling facilities comply with the guidelines for the treatment of wastes and as to whether there is any other violation of relevant statutes, or may authorize the Minister of Environment, the head of a river basin environmental office, or the head of a regional environmental office to conduct such inspection or investigation. <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

(2) The Minister of Environment, the head of a river basin environmental office, or the head of a regional environmental office discovers a violation of relevant statutes committed at a place of business within the jurisdiction of any Mayor/Do Governor as a result of the inspection or investigation conducted pursuant to paragraph (1), he/she shall notify the competent Mayor/Do Governor of the relevant facts and his/her opinion on countermeasures to be taken.

(3) The competent Mayor/Do Governor shall, upon receiving a notice under paragraph (2), notify the Minister of Environment, the head of the river basin environmental office or the head of the regional environmental office of the results of the countermeasures taken accordingly.

Article 38-2 (Management of Personally Identifiable Information)

If it is inevitable for conducting the following administrative affairs, the Minister of Environment (including a person to whom the authority of the Minister of Environment is

delegated under Article 37) or a Mayor/Do Governor (including a person to whom the authority of a Mayor/Do Governor is delegated or entrusted, where the authority is delegated or entrusted) may process data in which resident registration numbers or alien registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act are included:

<Amended by Presidential Decree No. 26907, Jan. 19, 2016>

1. Administrative affairs related to the designation and modified designation of a professional waste analysis agency under Article 17-2 (2) and (3) of the Act;
2. Administrative affairs related to the permission for a waste treatment business under Article 25 (3) of the Act;
3. Administrative affairs related to the permission for, or reporting on, modification in a waste treatment business under Article 25 (11);
4. Administrative affairs related to the reporting on succession to rights and obligations under Article 33 (3) of the Act.
5. Administrative affairs related to the registration, amended registration, and report on amendment of a exclusive container manufacturing business under Article 25-2 (1) of the Act;
6. Administrative affairs related to the reporting on succession to rights and obligations under Article 33 (3) of the Act;
7. Administrative affairs related to the issuance of certificates of collection and transportation of wastes under Article 7 (2).

[This Article Newly Inserted by Presidential Decree No. 23488, Jan. 6, 2012]

Article 38-3 (Re-Examination of Regulation)

The Minister of Environment shall examine the appropriateness of restrictions, etc. on the use of land under Article 35 every three years (referring to the period that ends on the day before January 1 of every third year) from the base date of January 1, 2014 and shall take measures for improvement, etc.

[This Article Newly Inserted by Presidential Decree No. 25050, Dec. 30, 2013]

Article 38-4 (Guidelines for Imposition of Administrative Fines)

Guidelines for the imposition of administrative fines under Article 68 of the Act shall be as prescribed in attached Table 8.

[This Article Newly Inserted by Presidential Decree No. 22889, Apr. 06, 2011]

Article 39 Deleted. <by Presidential Decree No. 24266, Dec. 27, 2012>

ADDENDA (Omitted)

38. Water Supply And Waterworks Installation Act

[Enforcement Date 28. Jul, 2016.] [Act No.13878, 27. Jan, 2016., Partial Amendment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to improve public sanitation and thereby contribute to the improvement of a living environment by means of the development of a comprehensive plan for water supply and waterworks installation and, at the same time, the appropriate and reasonable installation and management of waterworks.

Article 2 (Responsibilities)(1) In order to provide all citizens with high-quality water, the State shall formulate a comprehensive plan for water supply and waterworks installation, formulate reasonable measures thereof, and endeavor to supply financial and technical support to waterworks business operators.

(2) The Special Metropolitan City Mayor, the Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Do Governor or the Governor of a Special Self-Governing Province (hereinafter referred to as the "Mayor/Do Governor"), and the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) shall endeavor to manage water sources in order to supply residents in their jurisdictional areas with the water of good quality. <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(3) The Special Metropolitan City Mayor, the Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province and the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) shall endeavor to manage the waterworks in order to supply residents in their jurisdictional areas with tap water in a sustainable manner and the Do Governor shall technically and financially support waterworks business operators under his/her jurisdictional areas. <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(4) Any waterworks business operator shall maintain waterworks systematically, manage waterworks business rationally and endeavor to supply tap-water safely and appropriately.

(5) All citizens shall cooperate with measures concerning the water supply and waterworks installation initiated and executed by the State, and contribute to the universal supply of tap water.

(6) The State, local governments and waterworks business operators shall contribute to the universal supply of tap water to all citizens, including the poor strata. <Newly Inserted by Act No. 10317, May 25, 2010>

Article 3 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12141, Dec. 30, 2013>

1. The term "raw water" means natural water that is provided for drinking or industrial purposes: Provided, That the water for agricultural and fishing villages under subparagraph 3 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act shall be excluded; but such water shall be deemed raw water, where the Minister of Environment determines to use such water as raw water in consultation with the Minister of Agriculture, Food and Rural Affairs or the Ministry of Oceans and Fisheries in an emergency, such as a drought, as prescribed by Presidential Decree;

2. The term "water source" means the rivers, lakes, marshes, groundwater, seawater, etc. within an area where water intake facilities are installed so that the water for drinking or industrial purposes can be supplied;
3. The term "wide-area water source" means water source which supplies the water to two local governments or more;
4. The term "processed water" means water that is properly treated for drinking or industrial use;
5. The term "waterworks" means the whole of facilities with pipelines and other constructions for providing the raw water or processed water, and it is divided into "general waterworks", "industrial waterworks", and "exclusive waterworks": Provided, That the waterworks installed for temporary purposes and agricultural infrastructure referred to in subparagraph 6 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act shall be excluded herefrom;
6. The term "general waterworks" means the wide-area waterworks, local waterworks, and village waterworks;
7. The term "wide-area waterworks" means the general waterworks that is operated by the State, a local government, the Korea Water Resources Corporation, or a person that is authorized by the Minister of Land, Infrastructure and Transport to provide raw or purified water to two or more local governments (including where water is supplied to general consumers pursuant to Article 43 (4)). In such cases, the scope of the wide-area waterworks that may be installed by the State or a local government shall be determined by Presidential Decree;
8. The term "local waterworks" means the general waterworks, excluding the wide-area waterworks and the village waterworks, which is operated by a local government to provide the raw or processed water to its own residents, its neighboring local governments or their residents;
9. The term "village waterworks" means the waterworks prescribed by Presidential Decree, which is operated by the local government to provide the processed water of not less than 20 but less than 500 m³ a day to not less than 100 but not more than 2500 persons or any waterworks corresponding thereto, which is designated by the Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province and the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City);
10. The term "industrial waterworks" means the waterworks which is operated by industrial waterworks business operators to provide the raw or processed water properly treated for industrial use;
11. The term "exclusive waterworks" means the private-use waterworks and private-use industrial waterworks;
12. The term "private-use waterworks" means the waterworks for private use in dormitories, company housing quarters, sanatoriums, or other institutions which accommodate at least 100 persons, and the waterworks, other than those for waterworks business operators,

which provide the raw or purified water to at least 100 but not more than 5,000 persons (including the migratory population of schools, churches, etc.): Provided, That waterworks in whose case daily water supply volume and the scale of their facilities fall short of the standards prescribed by Presidential Decree, among waterworks that supply water only from another waterworks, shall be excluded herefrom;

13. The term "private-use industrial waterworks" means the waterworks, other than those operated by waterworks business operators, which provides the raw or processed water that is properly treated for industrial use: Provided, That waterworks for the supply of water only from another waterworks shall be excluded herefrom, where daily water supply volume of the waterworks and the scale of its facilities do not meet the standards prescribed by Presidential Decree;

14. The term "small water supply system" means any water supply system designated by the Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province and the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) which supplies water for a population of less than 100 persons or supply water less than 20 m³ a day, and which is jointly installed and managed by residents;

15. Deleted; <by Act No. 10317, May 25, 2010>

16. Deleted; <by Act No. 10359, Jun. 8, 2010>

17. The term "waterworks facilities" means the water intake facilities, the water reservation facilities, the raw-water conveyance facilities, the water purification facilities, the processed-water conveyance facilities, the drainage facilities, the final-stage water supply facilities, and other waterworks for the purpose of providing the natural or processed water;

18. The term "waterworks business" means the business, the purpose of which is to provide, by means of the waterworks, the natural or processed water to general consumers or other waterworks business operators, and it shall be divided into the general waterworks business and the industrial waterworks business;

19. The term "general waterworks business" means the business, the purpose of which is to provide, by means of the general waterworks, the natural or processed water to general consumers or other waterworks business operators;

20. The term "industrial waterworks business" means the business, the purpose of which is to provide, by means of the industrial waterworks, the raw or processed water to general consumers or other waterworks business operators;

21. The term "waterworks business operators" means the general waterworks business operators and the industrial waterworks business operators;

22. The term "general waterworks business operator" means a person that runs the general waterworks business after having obtained permission under Article 17 (1);

23. The term "industrial waterworks business operator" means a person that runs the industrial waterworks business after having obtained permission under Article 49 (1);

24. The term "final-stage water supply facilities" means the water-supply pipes (including

indoor water-supply pipes), the water meter, the water tank, the tap and other water supply equipment connected to the water supply pipes which a waterworks business operator has installed to provide the raw or processed water to general consumers;

25. The term "waterworks construction works" means the construction works, the purpose of which is to newly install, enlarge or increase, or remodel the waterworks;

26. The term "waterworks management right" means the right to manage and maintain the waterworks and to impose on and collect from the beneficiaries of the waterworks service charges for the raw and processed water produced from the waterworks;

27. The term "renovation" means the restoration of the water-flow functions of pipes by coating the pipes after removing rusts and impurities from such pipes;

28. The term "certified operation manager of water-purification facilities" means a person that is in charge of the operation and management of water-purification facilities after having acquired a certificate of qualifications provided in Article 24;

29. The term "water-using appliances" means appliances that use water supplied through water supply facilities, such as an electric washing machine and dishwasher;

30. The term "water-saving fixtures" means fixtures prescribed by Ordinance of the Ministry of Environment, such as a faucet and toilet that is manufactured to meet standards established by Ordinance of the Ministry of Environment to help people reduce water use;

31. The term "water-saving devices" means devices additionally fixed on fixtures prescribed by Ordinance of the Ministry of Environment, such as a faucet and toilet, to meet the standards established by Ordinance of the Ministry of Environment to help people reduce water use;

32. The term "seawater desalination facilities" means water supply facilities that draw seawater or ground water containing salt due to the infiltration of seawater and desalinate such water to supply purified water.

Article 4 (Formulation of Basic Plans for Waterworks Installation and Management)(1)

To install and manage general waterworks and industrial waterworks in a proper and reasonable manner, the Minister of Land, Infrastructure and Transport, the Mayor of the Special Metropolitan City, the Mayor of each Metropolitan City, the Mayor of each Special Self-Governing City, the Governor of each Special Self-Governing Province, and the head of each Si/Gun (excluding the head of a Gun within a Metropolitan City) shall formulate a comprehensive basic plan for waterworks installation and management (hereinafter referred to as "basic plan for waterworks installation and management") every ten years, according to the following subparagraphs: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. The Minister of Land, Infrastructure and Transport shall formulate a basic plan for waterworks installation and management for wide-area waterworks and industrial waterworks that are installed and managed by the State or the Korea Water Resources Corporation;

2. The Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor

of a Special Self-Governing City, the Governor of a Special Self-Governing Province and the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) shall formulate a basic plan for waterworks installation and management for the general waterworks and the industrial waterworks which are installed and managed by the relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, Special Self-Governing Province and Si/Gun.

(2) Where the Minister of Land, Infrastructure and Transport intends to formulate a basic plan for waterworks installation and management pursuant to paragraph (1) 1, he/she shall collect the opinions from Mayors/Do Governors and consult with the heads of related central administrative agencies. The same shall also apply where the Minister intends to amend (excluding the amendment of minor matters prescribed by Presidential Decree) any of the basic plan for waterworks installation and management that is already formulated. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where the Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) intends to formulate a basic plan for waterworks installation and management, he/she shall obtain prior approval for general waterworks from the Minister of Environment and for industrial waterworks from the Minister of Land, Infrastructure and Transport, respectively. Such approval shall be obtained, respectively, when any important matter prescribed by Presidential Decree intends to be amended. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013>

(4) Where the Minister of Land, Infrastructure and Transport, the Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun (excluding the head of a Gun within a Metropolitan City) intends to formulate or amend a basic plan for waterworks installation and management pursuant to paragraphs (1) through (3), he/she shall make it conform to the relevant urban/Gun master plan under Article 18 of the National Land Planning and Utilization Act. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 10599, Apr. 14, 2011; Act No. 11085, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013>

(5) Where the Minister of Land, Infrastructure and Transport, the Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun (excluding the head of a Gun within a Metropolitan City) formulates or amends a basic plan for waterworks installation and management pursuant to paragraphs (1) through (3), he/she shall give public notice thereof without delay and notify the Minister of Environment of the details thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013>

(6) Where any waterworks extends over two or more Special Metropolitan Cities,

Metropolitan Cities, Special Self-Governing Cities, Special Self-Governing Provinces, and Sis/Guns (excluding a Gun in a Metropolitan City) or where some special reasons exist, the Do Governor, the Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) that is designated by Presidential Decree, shall formulate a basic plan for waterworks installation and management. <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(7) A basic plan for waterworks installation and management shall include the following matters: <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

1. Basic guidelines for the installation and management of the waterworks (excluding the exclusive waterworks);
2. Matters concerning the mid and long-term supply of tap water;
3. Matters concerning the development of the wide-area water sources;
4. Matters concerning areas where the waterworks is to be installed and thereby tap water is to be supplied;
5. Securing necessary water sources, and the designation and management of water-source protection areas;
6. Arrangement, structure, and providing capacity of the waterworks (excluding the exclusive waterworks);
7. Securing necessary financial sources for the waterworks business and the priorities of the waterworks business;
8. Matters concerning the survey of the current status of water pipes and their upgrades and replacements;
9. Deleted; <by Act No. 10359, Jun. 8, 2010>
10. Matters concerning the integrated water-supply district in areas that need the connective operation of the wide-area waterworks and the local waterworks;
11. Matters concerning improvements in the quality of tap water;
12. Matters concerning the informatization of waterworks;
13. Matters necessary to upgrade waterworks according to the outcomes of the technical checkup provided in Article 74 (1);
14. Matters concerning the connective operation of local waterworks with the neighboring local government.

(8) Where the Minister of Environment or the Minister of Land, Infrastructure and Transport intends to grant approval under paragraph (3), he/she shall consult with each other thereon in advance. In such cases, where the Minister of Environment grants approval for a basic plan for installation and management of waterworks that includes industrial waterworks, after consulting with the Minister of Land, Infrastructure and Transport, it shall be deemed that approval for the relevant industrial waterworks is obtained from the Minister of Land, Infrastructure and Transport. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690,

Mar. 23, 2013>

(9) Where five years elapse after a basic plan for waterworks installation and management is publicly announced pursuant to paragraph (5), the Minister of Land, Infrastructure and Transport, the Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun (excluding the head of a Gun within a Metropolitan City) shall review the validity of the basic plan for waterworks installation and management and shall reflect the outcomes therein. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 5 (Formulation of Comprehensive Plans for National Waterworks)(1) The Minister of Environment shall formulate a comprehensive plan for national waterworks (hereinafter referred to as the "comprehensive plan" in this Article) based on a basic plan for waterworks installation and management every ten years for the systematic development of national waterworks policy, effective use of water and stable supply of tap water.

(2) Comprehensive plans shall include the following matters: <Amended by Act No. 11085, Nov. 14, 2011>

1. Matters concerning the conditions of water supply, such as population, industry and land;
2. Prospect for demand for tap water;
3. Objectives of water supply, and guidelines for waterworks;
4. Prospect for demand and a development plan for wide-area waterworks;
5. Prospect for demand and a development plan for local waterworks;
6. Prospect for demand and a development plan for village waterworks;
7. Prospect for demand and a development plan for household water for agricultural and fishing villages;
8. Prospect for demand and a development plan for industrial waterworks;
9. Securing water sources and plans to develop alternative water sources;
10. A plan to improve existing waterworks;
11. Deleted; <by Act No. 10359, Jun. 8, 2010>
12. A plan to improve the management system of waterworks business;
13. A plan to advance waterworks technology;
14. Securing human resources specializing in waterworks, and education and training plans;
15. Investment in waterworks business and fund-raising plans;
16. Matters concerning improvements in the quality of tap water;
17. Matters concerning the informatization of waterworks;
18. Matters concerning the connective operation of waterworks.

(3) The Minister of Environment may request the head of a related central administrative agency, the Mayor/Do Governor, and the head of any related agency or organization to submit materials necessary for the formulation of a comprehensive plan.

(4) When intending to formulate a comprehensive plan, the Minister of Environment shall consult in advance with the head of a relevant central administrative agency, and the

Mayor/Do Governor (hereinafter referred to as "head of the relevant agency" in this paragraph), and shall notify the head of the relevant agency of such plan.

(5) Where important matters in comprehensive plans are amended due to a change in the water-supply policy, etc., the Minister of Environment may request the Minister of Land, Infrastructure and Transport, the Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-Governing City, the Mayor of a Special Self-Governing Province or the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) to amend their basic plan for waterworks installation and management. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013>

(6) The Minister of Environment shall review the feasibility of comprehensive plans and revise it accordingly when five years have passed since formulation of the comprehensive plan.

(7) Where the Minister of Environment has formulated a comprehensive plan pursuant to paragraph (1) or has revised a comprehensive plan pursuant to paragraph (6), he/she shall disclose such comprehensive plan without delay through the web-site of the Ministry of Environment. <Newly Inserted by Act No. 11085, Nov. 14, 2011>

Article 6 (Implementation of Water-Demand Control Target System)(1) To enhance the efficiency of waterworks services and to strengthen the control of demand for tap water, a Mayor/Do Governor shall set a target of water-demand control for each Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) within his/her jurisdiction, taking into account the appropriate water consumption per capita, and shall also formulate a comprehensive plan (hereinafter referred to as "comprehensive plan" in this Article) every five years to attain such target and obtain approval therefor from the Minister of Environment; and the Minister of Environment shall consult with the Minister of Land, Infrastructure and Transport before he/she grants such approval. The same shall apply where any comprehensive plan already formulated is intended to be amended. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The head of a Si/Gun/Gu shall develop a program (hereinafter referred to as "implementation program" in this Article) that contains the following matters to implement a comprehensive plan, and shall obtain approval therefor from the Mayor/Do Governor. The same shall apply to a revision to implementation programs: Provided, That in case of the Special Metropolitan City, a Metropolitan City, or a Special Self-Governing City, the Mayor shall develop and implement implementation programs concerning matters falling under subparagraphs 1 and 2: <Amended by Act No. 10359, Jun. 8, 2010; Act No. 11085, Nov. 14, 2011>

1. Annual target for reducing water leakage and its project plan;
2. Annual target for increasing flowing water and its project plan;
3. Annual target for wider installation of water-saving facilities, including water-saving equipment and used-water purification waterworks;

4. Other matters prescribed by Presidential Decree for conserving water and raising the efficiency of water saving.

(3) With respect to a Si/Gun/Gu that fails to attain the water-demand control target set under paragraph (1), the Minister of Environment and the heads of the relevant administrative agencies may elect not to grant approval, permission, etc. for any of the following projects and acts that are to be implemented or done by the relevant Si/Gun/Gu. The same shall also apply to the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do and a Special Self-Governing Province (hereinafter referred to as "City/Do") as well as a Si/Gun/Gu that fail to obtain approval for their respective comprehensive plans and implementation programs without justifiable grounds: <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

1. General waterworks businesses;

2. Urban development projects, and development of industrial complexes, tourist resorts, etc.

(4) The Minister of Environment and the heads of the relevant central administrative agencies may differentiate their assistance to a Si/Gun/Gu according to the progress of the water-demand control target referred to in paragraph (1).

Article 7 (Designation, etc. of Water-Source Protection Areas)(1) The Minister of Environment may designate an area that is deemed necessary for securing water sources and conserving the quality of water as an area for the protection of water sources (hereinafter referred to as "water-source protection area") or may modify the designation.

(2) Where the Minister of Environment designates a water-source protection area or modifies the designation thereof pursuant to paragraph (1), he/she shall without delay publicly announce such designation or modification.

(3) None of the following activities shall be allowed within the water-source protection areas designated and publicly announced pursuant to paragraphs (1) and (2): <Amended by Act No. 8466, May 17, 2007; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011; Act No. 11862, Jun. 4, 2013>

1. Using or dumping water pollutants or specific substances harmful to water quality defined in subparagraphs 7 and 8 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act, toxic chemicals defined in subparagraph 7 of Article 2 of the Chemicals Control Act, pesticides defined in subparagraph 1 of Article 2 of the Pesticide Control Act, wastes defined in subparagraph 1 of Article 2 of the Wastes Control Act, sewage and excreta defined in subparagraphs 1 and 2 of Article 2 of the Sewerage Act, or animal excreta defined in subparagraph 2 of Article 2 of the Act on the Management and Use of Livestock Excreta;

2. Other activities prohibited by Presidential Decree that have the risk of obviously polluting water sources.

(4) Any person that intends to conduct any of the following activities in a water-source protection area designated and publicly announced pursuant to paragraphs (1) and (2) shall obtain a permit from the Mayor of the relevant Special Self-Governing City, the Governor of

the relevant Self-Governing Province or the head of the relevant Si/Gun/Gu: Provided, That in case of insignificant matters prescribed by Presidential Decree, he/she shall report such matters: <Amended by Act No. 10371, May 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011>

1. Construction, enlargement, remodeling, reconstruction, relocation, alteration of purposes, or removal of buildings or other structures;
2. Cultivating or felling standing trees and bamboo;
3. Excavation, banking, or other diversion of the shape or quality of the land.

(5) Procedures for designation of the water-source protection areas and matters necessary for the criteria for permits under paragraphs (1) through (4) shall be prescribed by Presidential Decree. <Amended by Act No. 8805, Dec. 27, 2007>

Article 7-2 (Restrictions on Establishment of Factories in Regions other than Water-Source Protection Areas)(1) No factory referred to in subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act shall be established in regions prescribed by Presidential Decree, such as upper regions of water-source protection areas, or upper or lower regions of water intake facilities (referring to water intake facilities for wide-area waterworks and local waterworks).

(2) Where a water intake facility under paragraph (1) is established in an area within the jurisdiction of the Mayor of a Special Self-Governing City, the Governor of a Self-Governing Province, or the head of a Si/Gun/Gu or a water intake facility in such area is altered, the Mayor of the Special Self-Governing City, the Governor of the Self-Governing Province, or the head of the Si/Gun/Gu shall give public notice thereof without delay, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 12141, Dec. 30, 2013>

(3) Notwithstanding paragraph (1), the head of a Si/Gun/Gu may grant approval for the establishment of factories prescribed by Ordinance of the Ministry of Environment in the regions prescribed by Presidential Decree, among the regions on which restrictions are imposed, in consideration of influences on water supply resources. In such cases, where water-source protection areas fall under the jurisdiction of heads of other Si/Gun/Gu, they shall consult in advance with the head of the relevant Si/Gun/Gu.

(4) Any person that has established a factory upon obtaining approval under paragraph (3) shall observe the rules prescribed by Ordinance of the Ministry of Environment for the protection of water supply resources. <Amended by Act No. 12141, Dec. 30, 2013>

[This Article Newly Inserted by Act No. 10317, May 25, 2010]

Article 7-3 (Establishment and Operation of System for Management of Information of Water Sources)(1) The Minister of Environment shall establish and operate a system for the management of information about the following matters (hereinafter referred to as "water-sources information management system") for the management of water quality in water-source protection areas and the areas in which the establishment of factories is restricted pursuant to Article 7-2:

1. Information about current condition of waterworks and water supply, including the intake

and purification of water;

2. Information about the current status of designation of water-source protection areas, the status of land use, water quality, and occurrences of pollutants;

3. Information about current condition of the areas where the establishment of factories is restricted pursuant to Article 7-2 and sites for factories;

4. Information about other necessary matters concerning the control of water quality in water sources.

(2) The Minister of Environment may request the head of a central administrative agency, a local government, a public institution under Article 4 of the Act on the Management of Public Institutions, or any other related institution to furnish him/her with data or information, as necessary. In such cases, the head of an institution upon receipt of such request shall comply therewith, unless extenuating circumstances exist.

(3) Necessary matters concerning the establishment and operation of the water-sources information management system shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12518, Mar. 24, 2014]

Article 8 (Management of Water-Source Protection Areas)(1) A water-source protection area shall be managed by the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu having jurisdiction over the water-source protection area. <Amended by Act No. 10371, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(2) Where a water-source protection area extends over two or more Sis/Guns/Gus or where other special reasons exist, the water-source protection area under consideration shall be managed by the Mayor/Do Governor or the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(3) The Minister of Environment may evaluate the management status of the water-source protection areas, as prescribed by Ordinance of the Ministry of Environment, and may request the head of the relevant administrative agency to take measures necessary for the proper management of the relevant areas.

Article 8-2 (Water Quality Control Plans for Water-Source Protection Areas)(1) The Mayor of a Special Self-Governing City, the Governor of a Self-Governing Province, or the head of a Si/Gun/Gu shall formulate and implement, on a five-year basis, water quality control plans for the water-source protection areas within his/her jurisdiction.

(2) The Minister of Environment shall review the validity of the water quality control plans formulated pursuant to paragraph (1) and may request the competent authority to amend any of the plans, if necessary.

(3) The Minister of Environment shall evaluate the results of implementation of the water quality control plans formulated pursuant to paragraph (1) and may request the Mayor of a Special Self-Governing City, the Governor of each Self-Governing Province, or the head of a Si/Gun/Gu to take necessary measures.

[This Article Newly Inserted by Act No. 12141, Dec. 30, 2013]

Article 9 (Residents Support Program)(1) The Mayor/Do Governor or the head of a Si/Gun/Gu (hereafter in this Article through Article 11 referred to as "Management Authority") who manages the water-source protection area provided in Article 8 (1) or (2), may develop and execute the program for supporting residents living within water-source protection areas and other persons engaged in farming and fishing within such an area (hereinafter referred to as the "resident support program"), as prescribed by Presidential Decree. In such cases, the head of a Si/Gun/Gu shall obtain approval therefor from the Mayor/Do Governor.

(2) The types of the residents support programs shall be as follows:

1. Program for increasing the residents' income;
2. Program for promoting the residents' welfare;
3. Educational program for the residents' children;
4. Other programs as prescribed by Presidential Decree.

(3) The procedures for developing and executing the residents support program and other necessary matters shall be determined by Presidential Decree.

Article 10 (Fund Raising, etc.)(1) The fund necessary for the residents support program shall be raised by the Management Authority from the following financial resources:

1. Contributions from the waterworks business operator who takes benefits from the designation of the water-source protection area;
2. Borrowed money;
3. Profits incurred from the management of the money provided in subparagraphs 1 and 2;
4. Transfers from general accounts of local governments and other special accounts.

(2) Waterworks business operators provided in paragraph (1) 1 shall contribute, as prescribed by Presidential Decree, part of the proceeds from his/her waterworks business.

(3) The State may allot a subsidy from the Special Account for Environmental Improvement to cover part of the necessary expenses, taking into consideration the size of the fund raised under paragraph (1) and the required expenses.

(4) The Management Authority shall distinguish the fund raised under paragraph (1) from the other money and shall manage it as a separate account.

Article 11 (Bearing Expenses Incurred in Managing Water-Source Protection Areas)(1) Where a waterworks business operator benefits from the designation and management of a water-source protection area, he/she shall bear expenses incurred in managing the relevant water-source protection area and operating water-pollution prevention facilities prescribed by Presidential Decree, within the limit of the benefits that he/she gains, and according to the criteria for the expense-bearing ratio prescribed by Presidential Decree after consulting thereon with a Management Authority in charge of the relevant water-source protection area. <Amended by Act No. 10976, Jul. 28, 2011>

(2) Where consultation held under paragraph (1) fails to reach agreement, the amount of expenses to be borne by the waterworks business operator shall be determined in any of the following manners:

1. Where the relevant Sis/Guns/Gus belongs to the jurisdiction of the same City/Do, it shall be determined by the competent Mayor/Do Governor;
 2. Where the relevant Sis/Guns/Gus belongs to the jurisdiction of a different City/Do, it shall be determined through a consultation between the competent Mayors/Do Governors;
 3. Where a waterworks business operator is not a local government, it shall be determined through a consultation between the relevant waterworks business operator and the Mayor/Do Governor in charge of the relevant water-source protection area.
- (3) Where consultation held under paragraph (2) 2 and 3 fails to reach agreement, the Minister of the Interior shall determine the amount of such expenses, after seeking opinions from the relevant Mayor/Do Governor and consulting with the head of the relevant central administrative agency. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

Article 12 (Management Principles for Waterworks Business)(1) Waterworks business shall be in principle managed by the State, local governments and the Korea Water Resources Corporation: Provided, That the same shall not apply where the supply of tap water by private business operators on behalf of local governments, etc. is deemed necessary.

(2) The waterworks business operator shall make efforts to establish a water rate system based on a reasonable cost calculation, to maintain and expand waterworks-related facilities, and to improve technology on waterworks.

(3) In establishing the water rate system referred to in paragraph (2), every waterworks business operator shall work to lead consumers to save water and to secure expenses for consumers to pay for their supplied water and financial resources necessary to ensure the continuity of his/her projects from the revenues of water rate.

Article 13 (Prohibition, etc. against Seeking Profits)(1) Anyone shall be prohibited from marketing tap water after bottling tap water or re-treating it using equipment, etc.

(2) The Minister of Environment, the Special Metropolitan City Mayor, the Metropolitan City Mayor, the Mayor of a Special Self-Governing City and the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) may take measures necessary to suspend the supply of tap water against anyone who has violated paragraph (1) and remove his/her equipment, etc. <Amended by Act No. 11085, Nov. 14, 2011>

Article 14 (Certification, etc. of Materials or Products for Waterworks)(1) Any person that intends to manufacture or import materials or products for waterworks that come into contact with water among waterworks facilities (excluding water intake facilities, water reservation facilities and raw water conveyance facilities) shall in advance obtain certification as to whether such materials or products for waterworks meet hygiene and safety standards prescribed by Presidential Decree from the Minister of Environment.

(2) No one shall manufacture, import, supply or sell any materials or products for waterworks not certified under paragraph (1): Provided, That the foregoing shall not apply where any entity prescribed by Ordinance of the Ministry of Ordinance, such as a school or research

institution, manufactures or imports such materials or products for waterworks for testing or research purposes.

(3) Any person that intends to install general waterworks or private-use waterworks shall use materials or products for waterworks which meet the standards prescribed by Presidential Decree, and shall use materials or products for waterworks certified under paragraph (1) for materials or products that comes into contact with water.

(4) Any person that has obtained certification from the Minister of Environment under paragraph (1) shall indicate such certification on every material or product for waterworks or the package thereof.

(5) No one shall place a certification mark on any material or product for waterworks not certified under paragraph (1) or the package thereof.

(6) A person that has obtained certification pursuant to paragraph (1) shall undergo periodic inspections conducted by certifying authorities on relevant materials and products for waterworks. <Newly Inserted by Act No. 12141, Dec. 30, 2013>

(7) The scope of materials or products for waterworks to be certified pursuant to paragraph (1), the methods and procedures for certification, the designation of testing agencies, fees, and the methods of indicating certification under paragraph (4), the interval of the periodic inspections under paragraph (6), and the standards, methods, procedure, fees, etc. for such periodic inspections shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12141, Dec. 30, 2013>

[This Article Wholly Amended by Act No. 10317, May 25, 2010]

Article 14-2 (Revocation, etc. of Certification)(1) Where a person that receives certification pursuant to Article 14 falls under any of the following cases, the Minister of Environment may revoke such certification, as prescribed by Ordinance of the Ministry of Environment: Provided, That the Minister of Environment shall revoke such certification in cases falling under any of subparagraphs 1 through 3: <Amended by Act No. 12141, Dec. 30, 2013>

1. Where he/she obtains certification by fraud or other illegal means;
2. Where he/she fails to undergo or pass a periodic inspection under Article 14 (6);
3. Where he/she is unable to continue business operations due to business closure or any other cause or event;
4. Where he/she manufactures or imports a material or product in a different manner from the certified matters.

(2) No person whose certification is revoked pursuant to paragraph (1) shall re-file an application for certification before the lapse of the following periods classified as follows, whichever is relevant: <Amended by Act No. 12141, Dec. 30, 2013; Act No. 13878, Jan. 27, 2016>

1. Where certification is revoked pursuant to paragraph (1) 1, 2, or 4: Six months from the date of revocation;
2. Where certification is revoked pursuant to paragraph (1) 3: One month from the date of

revocation.

[This Article Newly Inserted by Act No. 10317, May 25, 2010]

Article 14-3 (Recommendation of Collecting, etc. of Products, etc.)(1) The Minister of Environment may recommend a business operator who manufactures, imports, supplies, or sells materials or products for waterworks not certified in violation of Article 14 (2) (hereinafter referred to as “products, etc.”), to take measures to collect, destroy, exchange, refund, or improve the relevant products, etc. or take other necessary measures (hereinafter referred to as “collecting, etc.”).

(2) Where a business operator takes measures following recommendation pursuant to paragraph (1), he/she shall report matters prescribed by Presidential Decree, such as the result of such measures, to the Minister of Environment.

(3) Where a business operator recommended to take measures pursuant to paragraph (1) fails to follow the recommendation without any justifiable grounds, the Minister of Environment may publicly announce the fact thereof.

(4) Matters necessary for recommending collecting, etc. pursuant to paragraph (1), reporting pursuant to paragraph (2), and publicly announcing pursuant to paragraph (3), shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13878, Jan. 27, 2016]

Article 14-4 (Order for Collecting, etc. Products, etc.)(1) Where a business operator recommended to take measures pursuant to Article 14-3 (1) fails to follow the recommendation without any justifiable grounds, the Minister of Environment may order him/her to conduct collecting, etc. according to the procedures prescribed by Presidential Decree and publicly announce the fact thereof.

(2) Where a business operator takes the relevant measures following an order issued pursuant to paragraph (1), he/she shall report matters prescribed by Presidential Decree, such as the result of such measures, to the Minister of Environment.

(3) Where a business operator fails to follow an order issued pursuant to paragraph (1), the Minister of Environment may conduct collecting, etc. of the relevant products, etc. by himself/herself. In such cases, expenses incurred in collecting, etc. may be collected from the relevant business operator.

(4) Matters necessary for issuing orders and publicly announcing collecting, etc. pursuant to paragraph (1), reporting pursuant to paragraph (2), and taking measures and collecting expenses pursuant to paragraph (3), shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13878, Jan. 27, 2016]

Article 15 (Installation of Water-Saving Fixtures, etc.)(1) Where any person intends to construct any buildings or facilities prescribed by Presidential Decree, he/she shall install water-saving fixtures to economize and efficiently use tap water. <Amended by Act No. 10976, Jul. 28, 2011>

(2) Any person who conducts lodging business (excluding lodging facilities having not more than ten rooms) and public bath business under Article 2 (1) 2 and 3 of the Public Health

Control Act or sports facility business under Article 10 (1) of the Installation and Utilization of Sports Facilities Act or installs public toilets under subparagraph 1 of Article 2 of the Public Toilets, etc. Act, shall install water-saving fixtures and devices. <Amended by Act No. 11085, Nov. 14, 2011>

(3) When any person who conducts lodging business, public bath business or sports facility business or installs public toilets fails to install water-saving fixtures and devices under paragraph (2), the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may order him/her to install such water-saving fixtures and devices. <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

Article 15-2 (Registration of Water-Saving Business)(1) A person that intends to engage in any of the following business (hereinafter referred to as "water-saving business") shall be equipped with the facilities, equipment, and technical capacity that meet the standards prescribed by Presidential Decree and shall have the business registered with the Minister of Environment:

1. Management and maintenance of facilities and equipment for the distribution and supply of water for the reduction of leakage in facilities or areas to which water is supplied (including investment in improving such facilities);
2. Installation of water-saving fixtures and devices under Article 15;
3. Other business specified by Ordinance of the Ministry of Environment as those for saving water.

(2) The Minister of Environment may provide technical assistance and other necessary assistance to the persons that have their business registered pursuant to paragraph (1) (hereinafter referred to as "water-saving business operators").

[This Article Newly Inserted by Act No. 12141, Dec. 30, 2013]

Article 15-3 (Revocation of Registration, etc. of Water-Saving Business)

Where any water-saving business operator falls under any of the following, the Minister of Environment may revoke the relevant registration or suspend the assistance under Article 15-2 (2), as prescribed by Ordinance of the Ministry of Environment: Provided, That the Minister of Environment shall revoke the registration in cases of falling under subparagraph 1:

1. Where a person has his/her business registered pursuant to Article 15-2 (1) by fraud or other illegal means;
2. Where a water-saving business operator lends his/her registration certificate to any third person to aid and abet the person to engage in the business specified in any subparagraph of Article 15-2 (1);
3. Where a water-saving business no longer meets the standards for the registration under Article 15-2 (1);
4. Where a water-saving business operator fails to commence his/her business without justifiable grounds within three years after he/she has his/her business registered or has no

result from his/her business performance continuously for at least three years.

[This Article Newly Inserted by Act No. 12141, Dec. 30, 2013]

Article 15-4 (Restriction on Registration of Water-Saving Business)

No person that has his/her registration revoked pursuant to Article 15-3 shall file for the registration under Article 15-2 (1) again before the lapse of one year from the date of revocation of the registration.

[This Article Newly Inserted by Act No. 12141, Dec. 30, 2013]

Article 16 (Indicating Volume of Water Used by Water-Using Appliances, etc.)

Any person who intends to manufacture or import a water-using appliance to sell such appliance in the Republic of Korea, shall indicate the volume of water usage in the energy efficiency rating under Article 15 (2) of the Energy Use Rationalization Act, as prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10976, Jul. 28, 2011]

CHAPTER II GENERAL WATERWORKS BUSINESS

Article 17 (Authorization for General Waterworks Business)(1) A person that intends to engage in general waterworks business shall obtain authorization from the Minister of Environment, the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, or the head of a Si/Gun (excluding the head of a Gun; hereinafter referred to as "authorizing agency"), whoever is the competent authority specified in any of the following subparagraphs, as prescribed by Presidential Decree. The same shall also apply where he/she intends to amend the authorized matters (excluding an amendment to insignificant matters prescribed by Presidential Decree): <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. Wide-area waterworks and local waterworks that are installed by a local government (excluding wide-area waterworks and local waterworks under subparagraphs 3 and 4) and water treatment facilities of wide-area waterworks that are authorized by the Minister of Land, Infrastructure and Transport: The Minister of Environment;
2. Wide-area waterworks (excluding water treatment facilities), other than wide-area waterworks that are installed by a local government: The Minister of Land, Infrastructure and Transport;
3. Wide-area waterworks and local waterworks, the volume of which is not more than 10,000 tons a day, installed by a local government in the jurisdiction of a Do or Self-Governing Province: The Governor of a Do or the Governor of a Special Self-Governing Province;
4. Wide-area waterworks and local waterworks, the volume of which is not more than 100,000 tons a day, installed by a local government in the jurisdiction of the Special Metropolitan City, a Metropolitan City or Special Self-Governing City: The Mayor of the Special Metropolitan City, the Mayor of a Metropolitan City, or the Mayor of a Special Self-Governing City;
5. Village waterworks: The Mayor of the Special Metropolitan City, the Mayor of a

Metropolitan City, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City).

(2) Where the Minister of Environment and the Minister of Land, Infrastructure and Transport intend to grant the authorization under paragraph (1) 1 and 2, they shall consult thereon with each other in advance, and where the Mayor/Do Governor intends to grant authorization under subparagraphs 3 and 4 of the same paragraph, he/she shall consult with the Minister of Environment and the Minister of Land, Infrastructure and Transport in advance. In such cases, where the Minister of Land, Infrastructure and Transport authorizes wide-area waterworks equipped with water purification facilities after consulting with the Minister of Environment, the installation and operation of the purification facilities shall be deemed authorized by the Minister of Environment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10976, Jul. 28, 2011; Act No. 11690, Mar. 23, 2013>

(3) When having granted the authorization for the general waterworks business in accordance with paragraph (1), an authorizing agency shall without delay give a public notice thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 10976, Jul. 28, 2011>

(4) The Minister of Environment and the Minister of Land, Infrastructure and Transport shall consult with each other whenever they formulate an annual plan for general waterworks services to ensure the efficient operation of services. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) Where the Mayor/Do Governor authorizes general waterworks (excluding village waterworks), he/she shall notify the Minister of Environment of authorized matters without delay. <Newly Inserted by Act No. 10976, Jul. 28, 2011>

Article 18 (Standards for Facilities, etc.)(1) Any general waterworks business operator shall give consideration to the safety of the waterworks from earthquake when he/she installs such waterworks and install the general waterworks in accordance with the criteria as prescribed by Presidential Decree depending on the quality, quantity, geographical condition of the natural water, on the types of the waterworks, and on the scale of the waterworks.

(2) Deleted. <by Act No. 10317, May 25, 2010>

(3) Where a person installs water tanks referred to in subparagraph 24 of Article 3, he/she shall meet the criteria as determined by the Ordinance of the Ministry of Environment: Provided, That facility criteria for water tanks installed in buildings or establishments, except buildings or establishments the scale of which exceeds the scale set by Presidential Decree under Article 33 (2), may be set by ordinances of the relevant local government.

Article 19 (Inspection for Water Quality at Time of Completion of Construction)(1) Where a general waterworks business operator has completed a waterworks construction work, he/she shall undergo an inspection of the water quality.

(2) Unless having undergone an inspection of water quality as provided in paragraph (1), the general waterworks business operator shall not provide tap water.

Article 20 (Protection of Waterworks)

Anyone shall be prohibited from installing waterworks connected to the existing tap-water pipelines of the general waterworks or modifying or damaging the general waterworks without having obtained a prior approval therefor from the general waterworks business operator.

Article 21 (Management of Waterworks)(1) The management right of general waterworks shall be held by a general waterworks business operator: Provided, That the waterworks management right of water-supply facilities shall be held by a person prescribed by Presidential Decree.

(2) Notwithstanding the proviso to paragraph (1), any general waterworks business operator may examine the current condition of water-supply facilities and the quality of tap water after obtaining consent thereto from the owner or the manager of the relevant water supply facilities: Provided, That a general waterworks business operator shall examine water-supply facilities, with consent thereto from the owner or manager of the facilities, to ensure that the facilities have been properly installed, when tap water is supplied to newly installed facilities. <Amended by Act No. 12141, Dec. 30, 2013>

(3) Anyone that is supplied with tap water by a general waterworks business operator may request the general waterworks business operator to examine the current condition of the water-supply facilities and the quality of the tap water that is supplied to him/her.

(4) The standards and procedure for the examination of water-supply facilities under paragraphs (2) and (3) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 12141, Dec. 30, 2013>

(5) Where a general waterworks business operator finds, as a result of the examination conducted under paragraph (2) or (3), that water-supply facilities fall short of the standards for the examination under paragraph (4) or tap water falls short of the water quality standards under Article 26 (2), he/she may recommend the owner or the manager of the water-supply facilities to wash, renew, or replace the water-supply facilities and take other necessary measures, as prescribed by municipal ordinance of the competent local government. In such cases, the general waterworks business operator may grant a subsidy or lend a loan for part of the expenses incurred in washing, renewing, or replacing the water-supply facilities, as prescribed by municipal ordinance of the competent local government. <Amended by Act No. 11085, Nov. 14, 2011; Act No. 12141, Dec. 30, 2013>

(6) A general waterworks business operator shall appoint a person that meets standards prescribed by Presidential Decree as the manager responsible for waterworks to perform the duties prescribed by Presidential Decree, including technical management of waterworks.

(7) A general waterworks business operator shall place certified operation managers of the water-purification facilities in the water purification facilities to manage the facilities according to the standards prescribed by Presidential Decree, taking into account the scale, etc. of the water-purification facilities, so as to ensure the efficient operation and management of the

water-purification facilities.

Article 22 (Invitation of Private Capital for Waterworks Business)

The State or local governments may invite private capital to cover, in whole or in part, costs involved in the waterworks business, as prescribed by the Act on Public-Private Partnerships in Infrastructure.

Article 23 (Entrustment of Operation and Management of Waterworks)(1) Every general waterworks business operator (referring to a general waterworks business operator which is a local government; hereafter the same shall apply in this Article) may entrust all or some of the operation and management affairs of waterworks (hereinafter referred to as "waterworks management affairs") to specialized institutions prescribed by Presidential Decree or any waterworks business operator who is a local government, as prescribed by Presidential Decree in order to efficiently operate and manage the waterworks business. In such cases, a general waterworks business operator may entrust waterworks management affairs jointly with another general waterworks business operator. <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(2) Where a general waterworks business operator intends to entrust waterworks management affairs pursuant to paragraph (1), he/she shall conclude a contract for entrustment with a person to be entrusted with waterworks management affairs (hereinafter referred to as "trustee"), as prescribed by Presidential Decree, and report the following to the Minister of Environment without delay, as prescribed by Ordinance of the Ministry of Environment: <Amended by Act No. 11085, Nov. 14, 2011>

1. Where he/she has concluded a contract for entrustment, the fact of the conclusion thereof, or where he/she has changed the details of a contract for entrustment, the fact of the change thereof;

2. Where he/she has cancelled a contract for entrustment, the fact of the cancellation thereof.

(3) For the purposes of Articles 28, 28-2, 29, 32, 33 (1), 36, 37 and 61, a trustee shall be deemed a general waterworks business operator only when he/she performs waterworks management affairs. <Amended by Act No. 11085, Nov. 14, 2011>

(4) Where any general waterworks business operator entrusts the waterworks management affairs, he/she shall guide and supervise a trustee when the trustee performs the relevant entrusted affairs. In such cases, the general waterworks business operator may, when it is deemed necessary to ensure the safe and appropriate supply of tap water, request the trustee to file reports and submit materials.

(5) Every general waterworks business operator shall establish and operate a Waterworks Management Entrustment Review Committee to deliberate on matters concerning the waterworks management affairs. <Newly Inserted by Act No. 10317, May 25, 2010>

(6) The chairperson of each Waterworks Management Entrustment Review Committee shall be appointed by the relevant general waterworks business operator from among public officials of Grade III to Grade V in charge of waterworks-related affairs, and its members shall be comprised of no more than 15 persons, as prescribed by Presidential

Decree. <Newly Inserted by Act No. 10317, May 25, 2010>

(7) The functions and operation of a Waterworks Management Entrustment Review Committee and other necessary matters shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 10317, May 25, 2010>

Article 23-2 (Inspections of Actual Conditions of Operation and Management of Water Supply Facilities)(1) The Minister of Environment may inspect the actual conditions (hereafter referred to as "inspection of the actual conditions" in this Article) on the operation and management of water supply facilities in order to improve the quality of water supply services.

(2) The Minister of Environment may establish and operate a computer network for the efficient inspection of the actual conditions and sharing of related information

(3) Matters necessary for indexes, methods, etc. for the inspection of the actual conditions shall be determined and announced by the Minister of Environment.

[This Article Newly Inserted by Act No. 11085, Nov. 14, 2011]

Article 24 (Certified Operation Managers of Water-Purification Facilities)(1) Anyone who intends to become a certified operation manager of water-purification facilities shall pass the qualifying examination for the certified operation managers of water-purification facilities, which is administered by the Minister of Environment.

(2) None of the following persons can become a certified operation manager of water-purification facilities: <Amended by Act No. 13166, Feb. 3, 2015>

1. A minor or an incompetent person under adult guardianship;
2. One who is not yet reinstated after having been sentenced bankrupt;
3. One who has been sentenced to imprisonment without prison labor or a heavier punishment and for whom two years have yet to pass from the date the execution of the sentence is terminated (including where the execution of the sentence is deemed to be terminated) or the execution of the sentence is exempted;
4. One who is in a stay period after having been sentenced to a stay of the execution of imprisonment without prison labor or a heavier punishment;
5. One for whom three years have yet to pass from the date his/her qualification as the certified operation manager of water-purification facilities was revoked.

(3) The Minister of Environment shall issue certificates of qualifications to persons that have passed the qualifying examination referred to in paragraph (1).

(4) No certificates of qualifications for certified operation managers of water-purification facilities issued under paragraph (3), shall be lent to any other person.

(5) Qualifications for applying for the qualifying examination for the certified operation managers of water-purification facilities referred to in paragraph (1), the subjects of the examination, ways to administer the examination, the partial exemption from the examination, and other matters necessary for the examination, shall be prescribed by Presidential Decree.

Article 24-2 (Sanctions against Persons who Cheated on Examination)

For applicants that cheated on the qualifying examination for certified operation managers of water-purification facilities, the Minister of Environment shall suspend or invalidate such examination or revoke the determination of passing the examination, and shall suspend his/her qualification to apply for the examination for three years, starting from the day when the examination was suspended or invalidated or the determination of passing the examination was revoked.

[This Article Newly Inserted by Act No. 13878, Jan. 27, 2016]

Article 25 (Revocation, etc. of Qualifications for Certified Operation Managers of Water-Purification Facilities)(1) Where any certified operation manager of the water-purification facilities falls under any of the following subparagraphs, the Minister of Environment may revoke his/her qualification or suspend his/her qualification within the scope of not more than 3 years: Provided, That if he/she falls under subparagraph 1 or 2, his/her qualification shall be revoked:

1. Where he/she has obtained his/her qualification by fraudulent or other unlawful means;
2. Where he/she falls under any of the provisions of Article 24 (2) 1 through 5;
3. Where the supply of tap water to residents has harmfully affected their health on the grounds of poor operation and management of the water-purification facilities, which has been caused by his/her deliberation or gross negligence;
4. Where he/she has lent his/her certificate of qualification to any other person, in violation of Article 24 (4).

(2) Standards for revoking or suspending the qualifications of certified operation managers of water-purification facilities referred to in paragraph (1) shall be set by the Ordinance of the Ministry of Environment taking into account the grounds of dispositions and the severity of violations.

Article 26 (Standards for Water Quality)(1) The drinking water that is supplied by the waterworks shall not include the substance falling under any of the following subparagraphs:

1. The substance that is contaminated or is apprehended to be contaminated with pathogenic germs, bacteria, or viruses;
2. An inorganic or organic substance that has the possibility to affect negatively the state of health;
3. The substance that can exert an aesthetic influence;
4. Other substances that can exert a negative influence on the state of health.

(2) Necessary matters concerning the standards for water quality provided in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment.

(3) The Minister of Environment may designate the items that need to be monitored, such as micro-pollutants in raw water or purified water, as the monitored items of drinking water for the establishment of the water quality standards under paragraph (2). In such cases, further details about the items to be designated as the monitored items of drinking water, the procedure for the designation, the standards for each monitored item of drinking water, and the testing cycle shall be determined and publicly notified by the Minister of

Environment. <Newly Inserted by Act No. 12141, Dec. 30, 2013>

(4) Where a Mayor/Do Governor deems it necessary to protect health of residents, he/she may provide for any of the following matters by municipal ordinance of the City/Do: Provided, That the same shall not apply to the wide-area waterworks that supply raw water or purified water to the areas of two or more Cities/Dos: <Amended by Act No. 12141, Dec. 30, 2013>

1. Tightening of the water quality standards under paragraph (2) or the standards for the monitoring of drinking water for each monitored item under paragraph (3);

2. The water quality standards and testing methods for any item other than the items included in the water quality standards under paragraph (2) or the standards for the monitoring of drinking water for any items other than the monitored items under paragraph (3) and the testing methods for such items.

Article 27 (Public Notice on Details of Violations, etc. of Water Quality Standards)(1)

Where tap water fails to meet water quality standards referred to in Article 26 (2) or in cases falling under reasons prescribed by Presidential Decree, a general waterworks business operator shall inform residents in his/her jurisdiction of the details of the violation thereof and take measures necessary to improve the water quality. <Amended by Act No. 11085, Nov. 14, 2011>

(2) Matters necessary for the timing, details, methods, etc. of public notice under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11085, Nov. 14, 2011>

Article 28 (Water Purification Standards)(1) General waterworks business operators shall comply with the water purification standards prescribed by Ordinance of the Ministry of Environment in order to prevent tap water that is supplied for drinking from being contaminated by pathogenic microorganisms: Provided, That the same shall not apply where ground water that is not affected by surface water is used as a water source and the water source is granted certification prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11085, Nov. 14, 2011; Act No. 12141, Dec. 30, 2013>

(2) Where a general waterworks business operator certified under the proviso to paragraph (1) falls under any of the following cases, the Minister of Environment shall revoke such certification: <Amended by Act No. 11085, Nov. 14, 2011>

1. Where he/she is certified by deceit or other unlawful means;

2. Where the relevant water source certified fails to meet standards for certification under paragraph (3).

(3) Necessary matters concerning the scope of facilities that should meet water purification standards under the main body of paragraph (1), standards for certification, the period of certification and the procedures for certification, etc. under the proviso to the same paragraph shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11085, Nov. 14, 2011>

(4) General waterworks business operators shall install and operate water purifying facilities so that turbidity, etc. of purified water may meet standards established by Ordinance of the

Ministry of Environment to meet water purification standards under the main sentence of paragraph (1). <Newly Inserted by Act No. 11085, Nov. 14, 2011>

(5) General waterworks business operators shall conduct regular inspections to verify whether purified water meets standards under paragraph (4). In such cases, necessary matters concerning items, the period, methods, etc. of inspections shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11085, Nov. 14, 2011>

(6) General waterworks business operators shall record and keep the outcomes of an inspection conducted under paragraph (5), as prescribed by Ordinance of the Ministry of Environment, and report the outcomes thereof to the Minister of Environment. <Newly Inserted by Act No. 11085, Nov. 14, 2011>

(7) Where the outcomes of an inspection under paragraph (5) fail to meet standards under paragraph (4), general waterworks business operator shall take necessary measures, such as the improvement of water supply facilities, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11085, Nov. 14, 2011>

(8) Where a general waterworks business operator fails to meet water purification standards under the main body` of paragraph (1), the Minister of Environment may order him/her to take necessary measures, such as the improvement of water supply facilities. <Newly Inserted by Act No. 11085, Nov. 14, 2011>

Article 28-2 (Inspections of Actual Conditions on Spread of Pathogenic Microorganisms)(1) Each general waterworks business operator shall inspect the actual conditions of the spread of pathogenic microorganisms, such as virus, on purified water for the efficient operation of water purifying facilities, and report the outcomes thereof to the Minister of Environment.

(2) Matters necessary for facilities subject to inspection, the timing, items, methods of inspection, details, procedures, etc. of a report of the outcomes under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 11085, Nov. 14, 2011]

Article 29 (Inspection of Water Quality and Analysis of Water Quantity)(1) General waterworks business operators shall execute the inspection of water quality, and conduct analysis of water quantity such as the quantity of collected water, processed water and supplied water in order to confirm whether the natural and purified water is in conformity with the standards set by the Ordinance of the Ministry of Environment, as prescribed by the Ordinance of the Ministry of Environment.

(2) In order to execute the inspection of water quality, general waterworks business operators shall install the inspection facilities that meet the criteria as prescribed by Presidential Decree.

(3) Where general waterworks business operators inspect water quality and analyzes water quantity under paragraph (1), he/she shall keep and preserve records of the inspection and analysis, as prescribed by Ordinance of the Ministry of Environment, and shall immediately disclose the results of the inspection of water quality and the analysis of water quantity

through an Internet web-site, etc. <Amended by Act No. 12141, Dec. 30, 2013>

(4) The Minister of Environment shall install and operate a computer network that can process the records of inspections of water quality and analyses of water quantity prepared pursuant to paragraphs (1) and (3). <Newly Inserted by Act No. 12141, Dec. 30, 2013>

(5) Where general waterworks business operators make a false statement in an announcement to the general public or in a report submitted to the Minister of Environment with regard to the results of the inspection of water quality or the analysis of water quantity under paragraph (1), the Minister of Environment may request the waterworks business operator to take a disciplinary action against the person in charge of the inspection and analysis. In such cases, the waterworks business operator shall comply with such request, unless extenuating circumstances exist.

Article 30 (Tap-Water Quality Evaluation Committee)(1) A Tap-Water Quality Evaluation Committee mandated to perform the following duties shall be established under the jurisdiction of the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Special Self-Governing Province and a Si/Gun (excluding a Gun in a Metropolitan City): <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

1. Execution of the periodical inspections of tap water and publication of the outcomes of the inspections;

2. Advices given to waterworks business operators about the control of water quality and the operation of waterworks;

3. Selection of places subject to the periodical inspections referred to in subparagraph 1.

(2) The Special Metropolitan City Mayor, the Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun shall formulate a plan to operate the tap water evaluation committee each year. <Newly Inserted by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(3) When the Special Metropolitan City Mayor, the Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun formulates a plan to operate the tap water evaluation committee or revises such plan, he/she shall report the formulation or revision thereof to the Minister of Environment according to methods and procedures prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(4) Matters necessary for the composition and operation of the tap water evaluation committees under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 10317, May 25, 2010>

Article 31 (Tap-Water Quality Report)(1) Every general waterworks business operator shall publish a tap-water quality report not less than once a year and deliver the tap-water quality report to each of the residents, who is supplied with tap water in his/her water-supply area.

(2) Matters necessary for the details of the tap-water quality report referred to in paragraph

(1) and ways to publish and deliver the report, etc. shall be prescribed by the Ordinance of the Ministry of Environment.

Article 32 (Medical Checkup)(1) As for persons who discharge their duties at and around the water intake facilities, the water purification facilities, and the water supply facilities and other persons who reside within the area for the said facilities, every general waterworks business operator shall provide them with a medical checkup, as prescribed by the Ordinance of the Ministry of Environment.

(2) As for any person who is admitted to have a disease which is apprehended to throw or inflict a danger or damage on other persons as a result of the medical checkup referred to in paragraph (1), every general waterworks business operator shall not have said person work for his/her waterworks business or reside within the area of such facilities.

(3) Article 29 (3) shall apply mutatis mutandis to the preparation and preservation of the record of the medical checkup under paragraph (1).

Article 33 (Sanitary Measures)(1) Each general waterworks business operator shall disinfect his/her waterworks, inspect water quality, and take every possible sanitary measures for his/her waterworks (hereinafter referred to as "sanitary measures, including disinfection").

(2) The owner or manager (with respect to any multi-family housing defined in subparagraph 3 of Article 2 of the Housing Act, the head of any maintenance office under Article 55 of the same Act shall be deemed the manager of any building or facilities; hereafter the same shall apply in paragraphs (3) and (4) and Article 36 (1) of any building or facilities that require a lot of tap water and exceed the scale prescribed by Presidential Decree shall take sanitary measures, including disinfection, for the water-supply facilities (excluding the portion thereof on which the general waterworks business operator holds the right to manage the waterworks). In such cases, any general waterworks business operator may partially subsidize expenses incurred in performing the inspection of water quality, as prescribed by ordinances of the relevant local government. <Amended by Act No. 13878, Jan. 27, 2016>

(3) The owner or manager of any of the following buildings or facilities, the scale of which exceeds the scale prescribed by Presidential Decree, shall periodically check the water supply pipes (excluding the portion on which the general waterworks business operator holds the right to manage the waterworks), as prescribed by Ordinance of the Ministry of Environment, and take possible measures necessary to wash, renew, or replace them according to the outcome of the checking (hereinafter referred to as the "measures, including washing"): <Amended by Act No. 13878, Jan. 27, 2016>

1. Superstores defined in subparagraph 3 of Article 2 of the Distribution Industry Development Act;
2. Buildings prescribed by Presidential Decree among multi-family housing defined in subparagraph 3 of Article 2 of the Housing Act;
3. Transportation facilities specified in Article 2 (2) 8 of the Building Act;
4. Medical facilities specified in Article 2 (2) 9 of the Building Act;

5. Facilities prescribed by Presidential Decree, among education and research facilities specified in Article 2 (2) 10 of the Building Act;
6. Facilities prescribed by Presidential Decree, among facilities installed by the State or local governments specified in Article 2 (2) 11 through 13 of the Building Act;
7. Business facilities specified in Article 2 (2) 14 of the Building Act;
8. Facilities prescribed by Presidential Decree, among correctional facilities and military installations installed by the State or local governments specified in Article 2 (2) 23 of the Building Act;
9. Other facilities prescribed by municipal ordinances, which are deemed necessary for safe supply of tap water.

(4) Each general waterworks business operator shall guide and supervise sanitary measures taken by the owner or manager of a building or facilities referred to in paragraph (2) or (3) to disinfect or wash them.

(5) Matters necessary for sanitary measures, including disinfection, measures, including washing, the frequency and items of inspection of water quality, the guidance and supervision referred to in paragraphs (1) through (4), shall be prescribed by Ordinance of the Ministry of Environment: Provided, That sanitary measures, including disinfection, for buildings or facilities except the buildings or facilities, the scale of which exceeds the scale provided for in paragraph (2), may be prescribed by ordinances of the relevant local government.

Article 34 (Reports on Water-Tank Cleaning Business)(1) Any person who intends to conduct the cleanup business for the sanitary control of water-tanks (hereinafter referred to as "water-tank cleaning business") shall meet the criteria for human resources, equipment, and facilities as prescribed by Ordinance of the Ministry of Environment, and then report his/her intended business to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu. The foregoing shall also apply to a revision to important matters prescribed by Ordinance of the Ministry of Environment, from among the reported matters. <Amended by Act No. 8805, Dec. 27, 2007; Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(2) Any person who has reported on his/her water-tank cleaning business (hereinafter referred to as "water-tank cleaning business operator") shall report to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu if he/she intends to discontinue his/her business or suspend the operation thereof. <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(3) Any person who is ordered to close his/her place of business under Article 35 (1) shall be prohibited from filing a report on the water-tank cleaning business within one year from the date on which he/she is given such order.

Article 35 (Suspension, etc. of Water-Tank Cleaning Business)(1) Where a water-tank cleaning business operator falls under any of following subparagraphs, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head

of a Si/Gun/Gu may order him/her to suspend his/her business upon fixing a period not exceeding three months or to close his/her place of business: <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

1. Where he/she has filed a report required under Article 34 by fraudulent or illegal means or conduct the water-tank cleaning business without filing such report;
2. Where he/she has failed to meet the criteria for reporting provided in Article 34 (1);
3. Where he/she has violated this Act or any order or other dispositions issued or taken under this Act.

(2) The criteria for dispositions prescribed in paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 36 (Education)(1) Any of the following persons shall undergo the education administered by the Minister of Environment concerning the management of waterworks, as prescribed by Presidential Decree:

1. An owner or manager of the building or the facility provided in Article 33 (2);
2. A water-tank cleaning business operator;
3. A general waterworks business operator.

(2) Every general waterworks business operator and every water-tank cleaning business operator shall cause the operators of waterworks and employees in charge of water-tank cleaning to undergo the education referred to in paragraph (1), as prescribed by Presidential Decree.

(3) The Minister of Environment may entrust the educational task provided in paragraphs (1) and (2) to the institutions or organizations designated by Presidential Decree.

Article 37 (Emergency Stop of Water Supply)(1) Having perceived the fact that tap water has the possibility to inflict damage on the state of health, every general waterworks business operator shall, without delay, cease the supply of tap water.

(2) Where a general waterworks business operator stops the supply of tap water pursuant to paragraph (1), he/she shall make the situation known to the Mayor/Do Governor, the residents of the district concerned and the heads of the relevant agencies, and take necessary measures, such as the inspection of water quality and the supply of emergency water.

(3) Any person who has discovered the fact that the water provided by a general waterworks business operator has the possibility to inflict damage on the state of health shall, without delay, notify the general waterworks business operator thereof.

Article 38 (Terms and Conditions of Water Supply)(1) General waterworks business operators shall determine the terms for the rates for tap water, expenses incurred in installing water supply facilities and other conditions for the supply of tap water, as prescribed by Presidential Decree, and shall obtain approval thereof from an authorizing agency before commencing the supply of tap water and the same shall also apply where the approved matters are revised: where a waterworks business operator is a local government, ordinances of the relevant local government shall determine such terms and

conditions. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10976, Jul. 28, 2011>

(2) Any general waterworks business operator and any authorizing agency under the main body of paragraph (1) shall ensure that all expenses incurred in installing the relevant waterworks may be recovered by the service fees for tap water, in setting forth the terms and conditions for the supply of tap water or approving therefor.

(3) Where general waterworks business operators determine service fees for tap water, he/she shall publicly announce the production cost of the service fees, the unit price of service fees, the deficiency in revenue, the plan for covering budgetary deficiency, etc., as prescribed by Ordinance of the Ministry of Environment: Provided, That Articles 11 and 12 of the Act on the Management of Public Institutions shall apply to general waterworks business operators that are the public institutions prescribed in Article 4 of the said Act. <Newly Inserted by Act No. 12141, Dec. 30, 2013>

(4) General waterworks business operators may give a discount on service fees for tap water to the following persons and the public facilities prescribed by Presidential Decree, including educational facilities and social welfare facilities, as prescribed by Presidential Decree: <Newly Inserted by Act No. 10317, May 25, 2010>

1. A person that is 65 years of age or older;
2. A person with a disability governed by the Act on Welfare of Persons with Disabilities;
3. A beneficiary under the National Basic Living Security Act or a person in the next needy class.

Article 39 (Responsibility to Supply Tap Water)(1) No general waterworks business operator shall refuse to supply tap water, without justifiable grounds prescribed by Presidential Decree, to a person that wants to have tap water supplied. <Amended by Act No. 12141, Dec. 30, 2013>

(2) Where general waterworks business operators are not able to supply tap water for a while due to extenuating circumstances, he/she shall determine the area and period, for which and in which tap water is not to be supplied, and give a public notice of them in advance.

(3) General waterworks business operators shall give a written notice to a relevant person of the grounds for refusal to supply tap water and that fact he/she will refuse to supply tap water unless such grounds are ceased allowing at least two years of grace period. <Newly Inserted by Act No. 10317, May 25, 2010>.

Article 40 (Supply of Tap Water to Area Other Than Area to Which Tap Water is Supposed to be Supplied)

If the Minister of Environment deems it necessary for the convenience of the general consumers or for other public interests, he/she may cause the relevant local government that is a waterworks business operator to supply tap water to the area other than the area to which it is supposed to supply tap water.

Article 41 (Supply of Tap Water in Urgent Situation)(1) Where the Mayor/Do Governor deems it necessary to cope with an urgent situation, such as a natural disaster, he/she may

order the relevant waterworks business operator to supply tap water to other waterworks business operators, upon determining the period, volume, and methods: Provided, That if the relevant waterworks business operator is the Mayor/Do Governor, the Minister of Environment shall issue the order.

(2) Rates for tap water supplied under paragraph (1) shall be determined through consultation between the relevant waterworks business operators.

(3) Where the consultation under paragraph (2) does not lead to an agreement, the relevant waterworks business operators may apply for mediation by the competent environmental dispute mediation committee under the Environmental Dispute Adjustment Act, as prescribed by Presidential Decree. <Amended by Act No. 10976, Jul. 28, 2011>

(4) Deleted. <by Act No. 10976, Jul. 28, 2011>

Article 42 (Discontinuance or Suspension of Waterworks Business)

After having started to supply tap water, any general waterworks business operator shall not discontinue or suspend all or part of his/her general waterworks business: Provided, That the same shall not apply where he/she has obtained a permit from the authorizing agency according to the standards for granting permits for the discontinuation or the suspension, which are set by Presidential Decree.

Article 43 (Special Provisions concerning Waterworks Installed by the State)(1) Where the Minister of Environment or the Minister of Land, Infrastructure and Transport deems that a local government, as a general waterworks business operator, is unable or impracticable to install water service facilities for general waterworks due to financial, technical, or geographical circumstances, he/she may directly install the water service facilities for general waterworks. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Environment or the Minister of Land, Infrastructure, and Transport may delegate the management of water service facilities for general waterworks installed pursuant to paragraph (1) to the relevant local government or may entrust management to the Korea Water Resources Corporation. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where the Minister of Environment or the Minister of Land, Infrastructure, and Transport intends to install waterworks pursuant to paragraph (1) or intends to delegate or entrust the management of waterworks pursuant to paragraph (2), he/she shall pre-consult thereon with the Minister of the Interior: Provided, That this shall not apply to facilities installed by the Minister of Land, Infrastructure, and Transport and entrusted to the Korea Water Resources Corporation. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(4) The Minister of Land, Infrastructure and Transport may require the Korea Water Resources Corporation to supply tap water of wide-area waterworks to general consumers, as prescribed by Presidential Decree. In such cases, he/she shall first obtain consent from the relevant Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-

Governing City Mayor, Special Self-Governing Province Governor, or the head of the relevant Si/Gun (excluding a Gun in a Metropolitan City). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011; Act No. 11690, Mar. 23, 2013>

Article 44 (Purchase of Waterworks, etc.)(1) In any of the following cases where any person (excluding the State), other than a local government, conducts the general waterworks business located within the jurisdiction of the local government, the local government under consideration may purchase, from the said general waterworks business operator, the waterworks-related facilities, their affiliated land and building, and other things (hereinafter referred to as the "waterworks, etc"), after having obtained approval of the Mayor/Do Governor for doing so:

1. Where the relevant waterworks business operator has not improved the water supply conditions after having received the order for the modification of the water supply conditions under Article 65;
2. Where the area to which tap water is to be supplied needs to be expanded;
3. Where tap water which is being supplied is apprehended to inflict damage on the state of health, being deficient in terms of the criteria for the water quality under Article 26.

(2) Where a local government intends to purchase the waterworks-related facilities, etc. of the general waterworks provided in paragraph (1), the local government shall consult with the general waterworks business operator concerned on the price and other conditions for the purchase.

(3) Where the consultation provided in paragraph (2) fails to lead to a satisfactory conclusion, the local government and the general waterworks business operator may apply for the adjudication on the matter under consideration by the relevant land expropriation committee.

(4) The Act on Acquisition of and Compensation for Land, etc. for Public Works Projects Therefor shall apply mutatis mutandis to the adjudication by the relevant land expropriation committee provided in paragraph (3) and the adjudication on the objection raised and its legal effect, etc.

Article 45 (Hydrant)

Every general waterworks business operator shall install and manage a hydrant necessary for the prevention of a fire at the site of his/her waterworks.

Article 46 (Relationship with other Acts)(1) Where any person that intends to engage in a general waterworks business has obtained authorization for the general waterworks business pursuant to Article 17 (1), he/she shall be deemed to have obtained the following authorization, permission, consent, license, approval, designation, or cancellation (hereinafter referred to as "authorization, permission, etc."), and where the public notice of authorization has been given, the public notice or official announcement under the following Acts shall be deemed given or made: <Amended by Act Nos. 8819 & 8820, Dec. 27, 2007; Act No. 8976, Mar. 21, 2008; Act No. 9774, Jun. 9, 2009; Act No. 10272, Apr. 15, 2010; Act No. 10331, May 31, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011; Act

No. 12248, Jan. 14, 2014; Act No. 12738, Jun. 3, 2014>

1. Determination of an urban management plan under Article 30 of the National Land Planning and Utilization Act (limited to infrastructure defined in subparagraph 6 of Article 2 of the same Act), permission to engage in development activities under Article 56 (1) of the same Act, designation of an operator of an urban planning facility project under Article 86 of the same Act, and authorization of an implementation plan under Article 88 of the same Act;
2. Permission to occupy and use public waters under Article 8 of the Public Waters Management and Reclamation Act, approval or reporting of implementation plans concerning occupation and use under Article 17 of the same Act, licenses to reclaim public waters under Article 28 of the same Act, consultation on or approval for reclamation conducted by the State, etc. under Article 35 of the same Act, and approval of implementation plans on reclamation of public waters under Article 38 of the same Act;
3. Deleted; <by Act No. 10272, Apr. 15, 2010>
4. Permission to execute river-related construction works under Article 30 of the River Act, and permission to occupy rivers under Article 33 (1) 2 through 5 of the same Act;
5. Permission to execute road construction works under Article 36 of the Road Act, and permission to occupy and use roads under Article 61 of the same Act;
6. Permission to divert farmland under Article 34 of the Farmland Act;
7. Permission to divert forest and reporting thereon under Articles 14 and 15 of the Mountainous Districts Management Act, permission to temporarily use mountainous districts and reporting thereon under Article 15-2 of the same Act, and permission to fell standing trees, etc. and reporting thereon under Articles 36 (1) and (4) and 45 (1) and (2) of the Creation and Management of Forest Resources Act: Provided, That the protection forest for genetic forest resources, seed-growing forest, and experimental forest under the Creation and Management of Forest Resources Act shall be excluded;
8. Permission to alter land form, etc. under Article 21-2 of the Grassland Act and permission to divert grassland and reporting thereon under Article 23 of the same Act;
9. Permission for felling, etc. under Article 14 of the Erosion Control Work Act, and cancellation of land treated for erosion control under Article 20 of the same Act;
10. Examination on publication of maps, etc. under Article 15 (3) of the Act on the Establishment, Management, etc. of Spatial Data;
11. Designation of a project operator under Article 16 (1) of the Industrial Sites and Development Act, and approval of an implementation plan under Articles 17 (1), 18 (1), and 19 (1) of the same Act;
12. Permission to open a private road under Article 4 of the Private Road Act;
13. Permission to relocate neglected graves under Article 27 (1) of the Act on Funeral Services, Etc.

(2) Where an authorizing agency intends to grant authorization for the general waterworks business in accordance with Article 17 (1) and where the business plan submitted to obtain authorization under consideration includes one of the subject matters specified in the

subparagraphs of paragraph (1), the authorizing agency shall pre-consult thereon with the head of the relevant administrative agency.

(3) Where the general waterworks business operator that is the State or a local government is deemed to have obtained authorization, permission, etc. in accordance with other Acts referred to in paragraph (1), it may be exempt from the charge or usage fee imposed by the relevant Acts: Provided, That this shall not apply to the charges for preservation of farmland imposed under Article 38 of the Farmland Act and the charges for formation of substitute grassland imposed under Article 23 (6) of the Grassland Act.

Article 47 (Village Waterworks)(1) The State and a local government shall provide the technical and financial assistance necessary for the hygienic management of village waterworks.

(2) The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) shall properly operate and manage the village waterworks in his/her jurisdiction, as prescribed by ordinances of the relevant local government. <Amended by Act No. 10317, May 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011>

(3) The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a Si/Gun/Gu shall formulate and take measures to prevent pollution of village waterworks due to the burying of carcasses of livestock, etc. under Article 22 (2) of the Act on the Prevention of Contagious Animal Diseases, and report the actual conditions of management of village waterworks to the Minister of Environment each year, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11085, Nov. 14, 2011>

CHAPTER III INDUSTRIAL WATERWORKS BUSINESS

Article 48 (Industrial Waterworks Installed by the State, etc.)(1) The State shall provide water for industrial use to an industrial complex prescribed in subparagraph 8 of Article 2 of the Industrial Sites and Development Act after having installed the industrial waterworks facilities, or the State shall order another waterworks business operator to install the industrial waterworks and provide the industrial complex under consideration with water for industrial use. <Amended by Act No. 11020, Aug. 4, 2011>

(2) The State may install industrial waterworks and supply water for industrial use to a factory (limited to a factory, the site area of which is at least 300,000 square meters, established in a water supply area in a basic plan for improvement of waterworks concerning wide-area waterworks and industrial waterworks under Article 4 (1) 1) under subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act, or order another waterworks business operator to install industrial waterworks and supply water for industrial use to such factory. <Newly Inserted by Act No. 10976, Jul. 28, 2011>

Article 49 (Authorization for Industrial Waterworks Business)(1) Any person that intends to engage in a industrial waterworks business shall obtain authorization from the Minister of

Land, Infrastructure and Transport or the Mayor/Do Governor according in accordance with either of the following subparagraphs, as prescribed by Presidential Decree. The same shall also apply where he/she intends to amend the authorized matters (excluding an amendment to insignificant matters prescribed by Presidential Decree): <Amended by Act No. 11690, Mar. 23, 2013>

1. Industrial waterworks with a facility capacity of more than 10,000 tons per day: The Minister of Land, Infrastructure and Transport;

2. Industrial waterworks with a facility capacity not exceeding 10,000 tons per day: The Mayor/Do Governor.

(2) Where the Minister of Land, Infrastructure and Transport intends to grant authorization under paragraph (1) 1, he/she shall consult with the Minister of Environment in advance, and where the Mayor/Do Governor intends to grant authorization under paragraph (1) 2, he/she shall consult with the Minister of Environment and the Minister of Land, Infrastructure and Transport in advance. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10976, Jul. 28, 2011]

Article 50 (Provisions Applicable Mutatis Mutandis)

@Articles 17 (3) and (5), 18, 20, 21 (1) and (6), 23, and 38 through 46 shall apply mutatis mutandis to industrial waterworks and industrial waterworks business. <Amended by Act No. 10976, Jul. 28, 2011; Act No. 12141, Dec. 30, 2013>

CHAPTER IV EXCLUSIVE WATERWORKS

Article 51 (Exclusive Waterworks Installed by the State)

Matters concerning the exclusive waterworks installed by the State shall be prescribed by Presidential Decree, unless otherwise expressly prescribed by this Act.

Article 52 (Authorization for Private-Use Waterworks)(1) A person who intends to install the private-use waterworks shall obtain authorization from the Special Metropolitan City Mayor, the Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Mayor of a Special Self-Governing Province and the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) and the requirements for such authorization shall be prescribed by Presidential Decree. <Amended by Act No. 8805, Dec. 27, 2007; Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

(2) When it is intended to revise important matters prescribed by Presidential Decree among the authorized matters under paragraph (1), authorization thereof shall be obtained and when it is intended to revise other matters, a report thereon shall be filed.

(3) When an installer of the private-use waterworks intends to close or discontinue the use of such private-use waterworks for a specified period, file a report thereon with the Special Metropolitan City Mayor, the Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Mayor of a Special Self-Governing Province or the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City). <Amended by Act No. 10317, May 25, 2010; Act No. 11085, Nov. 14, 2011>

Article 53 (Provisions Applicable Mutatis Mutandis to Private-Use Waterworks)

@Articles 14, 14-2, 18, 19, 21 (6), 26, 29 (1) and (3) (excluding the provisions concerning disclosure through an Internet web-site, etc.), 32, 33, 37, and 61 shall apply mutatis mutandis to private-use waterworks. <Amended by Act No. 10317, May 25, 2010; Act No. 12141, Dec. 30, 2013>

Article 54 (Provisions Applicable Mutatis Mutandis to Private-Use Industrial Waterworks)

@Articles 21 (6), 52, and 61 shall apply mutatis mutandis to private-use industrial waterworks. <Amended by Act No. 12141, Dec. 30, 2013>

Article 55 (Small Water Supply Systems)(1) The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) shall perform an inspection of water quality for small water supply facilities, as determined by Ordinance of the Ministry of Environment. <Amended by Act No. 10317, May 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011>

(2) The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) shall endeavor to upgrade and manage small water supply facilities, as prescribed by ordinances of the relevant local government. <Amended by Act No. 10317, May 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011>

(3) The State and local governments may provide technical and financial assistance necessary for the installation and sanitary management of small water supply systems.

(4) The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a Si/Gun/Gu shall formulate and take measures to prevent pollution of small waterworks due to the burying of carcasses of livestock, etc. under Article 22 (2) of the Act on the Prevention of Contagious Animal Diseases, and report the actual conditions on management of small waterworks to the Minister of Environment each year, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11085, Nov. 14, 2011>

Article 55-2 (Special Provisions concerning Facilities for Supplying Tap Water in Military Unit Area)

The State and local governments may provide technical and financial support necessary for the installation of facilities for supplying tap water and sanitation in military unit areas, where it is difficult to install the water service facilities for general waterworks due to geographical conditions, etc.

[This Article Newly Inserted by Act No. 13529, Dec. 1, 2015]

CHAPTER V KOREA WATER AND WASTEWATER WORKS ASSOCIATION

Article 56 (Establishment of Korea Water and Wastewater Works Association)(1) Waterworks business operators, public sewerage management authorities under Article 18 of the Sewerage Act, persons who run the business related to waterworks (including

sewerage; hereafter in this Chapter the same shall apply), persons who are engaged in the academic and research field related to waterworks, and persons determined by Presidential Decree, may establish the Korea Water and Wastewater Works Association (hereinafter referred to as the "Association"), in order to perform the research and development of waterworks to develop the necessary waterworks technologies, and to contribute, in any other way, to the development of waterworks.

(2) The Association shall be a corporation.

(3) The Association shall come into being when the establishment therefor is registered at the place where its principal office is located.

(4) Expenses incurred in the projects of the Association shall be met from member fees paid by members, such as waterworks business operators, and proceeds from projects and the State, local governments and the Korea Water Resources Corporation may subsidize some expenses within budgetary limits.

(5) When the Association is established under paragraph (1), waterworks business operators (excluding private waterworks business operators) and every public waterworks management authority shall become ex officio members.

Article 57 (Executives of Association and How to Elect Them, etc.)(1) The Association shall have a chairman, directors and an auditor.

(2) Businesses of the Association shall be determined by Presidential Decree.

(3) Matters necessary for the fixed number, the term of office, the election method, etc. for the exclusive members of the Association shall be determined by its articles of association.

Article 58 (Supervision)

The Minister of Environment may cause the Association to investigate and research the matters concerning waterworks or to make some report deemed to be necessary for the fulfillment of the business works concerned.

Article 59 (Application Mutatis Mutandis of the Civil Act)

With regard to the Association, the provisions concerning the aggregate corporation in the Civil Act shall be applicable mutatis mutandis, except for the cases as prescribed by this Act.

CHAPTER VI EXPROPRIATION AND USE OF LAND, ETC.

Article 60 (Expropriation and Use of Land, etc.)(1) When it is necessary to conduct the waterworks business, any waterworks business operator may expropriate or use the land, the articles, and the rights (hereinafter referred to as "land, etc") prescribed in Article 3 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects.

(2) When authorization for the waterworks business is granted and the public notice of such authorization is given under Article 17 (1) and (3) (including cases applied mutatis mutandis under Article 50), such authorization shall be deemed the project authorization or public notice of the project authorization under Articles 20 (1) and 22 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects, and notwithstanding Articles 23 (1) and 28 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects, the application for the ruling shall be made by the time of completion of the

waterworks construction works.

(3) Unless otherwise expressly stipulated in this Act, the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to the expropriation or use of land, etc. under paragraph (1).

Article 61 (Entry into Third Party's Land)(1) When it is necessary to conduct the waterworks business or to inspect the water-supply facilities, any waterworks business operator may enter the land of a third party or temporarily use it. When it is particularly necessary, he/she may alter the positions of or may remove standing trees, bamboo, clay and rocks, or others.

(2) Articles 130 (2) through (8) and 131 of the National Land Planning and Utilization Act shall apply mutatis mutandis to cases prescribed in paragraph (1). In such cases, an "implementer of an urban/Gun planning facility project" shall be construed as a "waterworks business operator" in this Act. <Amended by Act No. 10599, Apr. 14, 2011>

CHAPTER VII SUPERVISION

Article 62 (Supervision and Control)

When it is deemed necessary for the installation plan for the waterworks and the management of the waterworks business in order to preserve and improve the quality of tap water, efficiently operate and manage waterworks, the Minister of Environment may request the relevant waterworks business operator to revise the plan for the business, or may issue an order to improve the management of the relevant business, or may take other necessary measures.

Article 63 (Measures against Violators, etc. of Acts and Subordinate Statutes)(1)

Where waterworks business operators or installers of exclusive waterworks fall under any of the following subparagraphs, an authorizing agency shall revoke authorization under this Act: <Amended by Act No. 10976, Jul. 28, 2011>

1. Where construction work of the authorized waterworks or exclusive waterworks has not been commenced or completed even after one year has elapsed from the scheduled date for commencement or completion of the construction work;
2. Where tap water has not been supplied even after six months have elapsed from the scheduled date for commencement of water supply of the authorized waterworks;
3. Where authorization, a permit or approval under this Act has been obtained by deceitful or other unjust means.

(2) Where waterworks business operators (including a trustee) or installers of exclusive waterworks fall under any of the following, the authorizing agency may revoke authorization under this Act, issue an order to suspend the effect of authorization, suspend construction works, or rebuild, relocate, remove, alter, or remove a structure, or take other necessary measures: <Amended by Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011; Act No. 12141, Dec. 30, 2013>

1. Where it has sold bottled tap water or sold it through re-treatment with apparatus, etc., in violation of Article 13 (1);

2. Where it has revised the authorized matters without having obtained authorization under the latter part of Article 17 (1) or the latter part of Article 49 (1);
3. Where waterworks falls short of the standards for facilities under this Act, in violation of Article 18 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50 or 53);
4. Where it has not undergone an examination of water and has supplied tap water without having undergone the examination, in violation of Article 19 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 53);
5. Where it has not designated a manager of the waterworks under Article 21 (6) (including the cases to which the aforesaid provisions shall apply mutatis mutandis pursuant to Article 50, 53, or 54) or has not employed an operation administrator of the water purification facilities under paragraph (7) of the same Article;
6. Where it has not reported the conclusion of an entrustment contract under Article 23 (2) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);
7. Where it has not informed the residents of details of violations, etc. of the standards for water quality, in violation of Article 27 (1) or has not taken necessary measures;
8. Where it falls short of standards for water purification under the main sentence of Article 28 (1) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 23 (3)) or has not complied with an order for measures under paragraph (8) of the same Article (including the cases to which the aforesaid provisions shall apply mutatis mutandis pursuant to Article 23 (3));
9. Where it has not examined the quality of water and has not analyzed the quantity of water, or has not draw up or kept a record of such examination and analysis, in violation of Article 29 (1) and (3) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53);
10. Where it has not filed a report on the quality of tap water, in violation of Article 31 (1);
11. Where it has violated the regulations concerning medical examination under Article 32 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53);
12. Where it has not taken sanitary measures such as disinfection, etc. under Article 33 (1) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53) or has not guided or supervised under paragraph (4) of the same Article;
13. Where it has not had the personnel required for operation of waterworks receive education, in violation of Article 36 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 23 (3));
14. Where it has violated the regulations concerning emergency suspension of water supply under Article 37 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53);

15. Where it has not obtained approval of the authorizing agency or has not obtained approval for the modification, in violation of Article 38 (1) ((including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);
16. Where it has refused to supply tap water without any justifiable reason, in violation of Article 39 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50) or has not given public notice in advance when it is unable to supply tap water unavoidably;
17. Where it has not complied with an order for support for emergency water supply under Article 41 (1) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);
18. Where it has discontinued or suspended a general waterworks business without having obtained a permit from an authorizing agency, in violation of Article 42 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);
19. Where it has not installed and managed the hydrant on waterworks in violation of Article 45 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);
20. Where it has done the acts under Article 61 (1) without having obtained a permit or consent under Article 130 (2) through (4) of the National Land Planning and Utilization Act applied mutatis mutandis under Article 61 (2) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3), 53 and 54);
21. Where it has not complied with an order for measures under Article 62;
22. Where it has not complied with an order of improvement under Article 64 (1) through (4);
23. Where it has not complied with an order for modification under Article 65;
24. Where it has refused, interfered with or evaded an inspection or has not filed a report under Article 66 (1).

[This Article Wholly Amended by Act No. 8805, Dec. 27, 2007]

Article 64 (Improvement Orders, etc.)(1) Where any authorizing agency admits that the waterworks do not meet the criteria therefor as prescribed by this Act, it may give the order for the improvement of the relevant facilities to the relevant waterworks business operator or the installer of the relevant exclusive waterworks by fixing a period.

(2) Where any authorizing agency admits that the management state of the waterworks is remarkably bad, it may give necessary orders to the relevant waterworks business operator or the installer of the relevant exclusive waterworks.

(3) Where natural disasters or other accidents resulting in the pollution of water, etc. negatively affect or are apprehended to negatively affect the supply of tap water to a great extent, the relevant authorizing agency may issue necessary orders to the relevant waterworks business operators or the installer of the relevant exclusive waterworks.

(4) The Minister of Environment may, ex officio, conduct investigations into a tap-water pollution accident that occurs in water purification facilities operated by a general waterworks

business operator and may order the waterworks business operator to improve the operation and management of the facilities, if necessary, as a result of the investigations. <Newly Inserted by Act No. 12141, Dec. 30, 2013>

(5) Upon receipt of the order of improvement pursuant to paragraphs (1) through (4), a person shall perform improvements as ordered or shall formulate and submit a performance plan, within one month, unless extenuating circumstances exist. <Newly Inserted by Act No. 12141, Dec. 30, 2013>

(6) Article 131 of the National Land Planning and Utilization Act shall apply mutatis mutandis where an order issued by the authorizing agency pursuant to paragraphs (1) through (4) causes any loss. <Amended by Act No. 12141, Dec. 30, 2013>

Article 65 (Modification of Terms for Supplying Tap-Water)

Where any authorizing agency admits the following items are remarkably unjust, that is, the rates for tap water, the bearing of the expenses of the installation of water-supply facilities or other conditions for supplying tap water as provided in the terms for water supply which the waterworks business operator, other than a local government, has determined in accordance with the main sentence of Article 38 (1), the authorizing agency may order the relevant waterworks business operator to modify them.

Article 66 (Demand, etc. for Reports)(1) Any authorizing agency may have the relevant public officials enter the waterworks-related facilities to inspect relevant documents, facilities, equipment and water quality or have a waterworks business operator or an installer of exclusive waterworks file a necessary report in order to verify whether the standards for facilities (including standards for use of materials and products for waterworks under Article 14 (3)) and water quality of waterworks are met. <Amended by Act No. 10317, May 25, 2010>

(2) Any person who performs an inspection as prescribed in paragraph (1) shall carry the voucher of his/her authority and show it to the relevant persons.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 67 (Jurisdiction over Waterworks)

The jurisdiction of the Mayor/Do Governor over the waterworks business whose facilities extend over two or more Cities or Dos or any exclusive waterworks, shall be determined through their consultation and shall be exercised accordingly.

Article 68 (Compulsory Collection of Tap-Water Rates, etc.)(1) When any person who was supplied with tap water has not paid the rates for the supplied tap water, the expenses necessary to install the water-supply facilities or the charge imposed on the person who has caused to incur any expenses as prescribed in Article 71, the unpaid amount may be collected by the waterworks business operator who is the local government itself by referring to the practices of imposition of local taxes in arrears.

(2) A local government who supplied tap water to the area, other than its jurisdiction in accordance with Article 40 may delegate or entrust the local government which has jurisdiction over the relevant area with the compulsory collection prescribed in paragraph (1),

as prescribed by Presidential Decree.

(3) A local government which is a waterworks business operator shall grant 4/100 of the collected money to another local government delegated or entrusted with the compulsory collection, as prescribed in paragraph (2).

Article 69 (Limitation on Use of Income)

No waterworks business operator, other than the Korea Water Resources Corporation, shall use the income from the waterworks business for anything but the expenses incurred for the waterworks business itself or matters prescribed by Presidential Decree.

Article 70 (Bearing of Costs for Installation of Waterworks)

Costs for installing the waterworks (excluding any water-supply facilities) shall be borne by the relevant waterworks business operator.

Article 71 (Charges Imposed on Causers)(1) In performing the construction works of waterworks, a waterworks business operator may have a person who has incurred expenses (including any person who has caused new installation, expansion, etc. of waterworks facilities in a housing complex or industrial facilities, etc. which consume much tap water), or a person who has operated a business or has done an act that inflicts damage to waterworks facilities bear all or some of expenses incurred for the construction work of the relevant waterworks, the maintenance of waterworks facilities or the protection from damage to waterworks facilities.

(2) The criteria for computing the charges under paragraph (1), the collection methods of the relevant charges and other necessary matters shall be prescribed by Presidential Decree.

(3) Charges under paragraph (1) may be used only as expenses incurred in relation to construction, such as the installation, extension, removal and installation, reinstallation and overhaul of waterworks. <Newly Inserted by Act No. 10976, Jul. 28, 2011>

Article 72 (Payment of Water Rates, etc.)

Any person supplied with tap water from a waterworks business operator who is a local government or any person who should pay charges under Article 71 (1) to a waterworks business operator who is a local government may pay water rates or such charges by credit card or debit card under the Specialized Credit Finance Business Act or by means of electronic currency, electronic payment, etc. by using information and communications networks, as prescribed by ordinance of the relevant local government.

[This Article Newly Inserted by Act No. 10976, Jul. 28, 2011]

Article 73 (Research and Development of Technologies)(1) To promote the research and development of technologies for waterworks, the Minister of Environment may formulate a plan for the research and development of technologies, entrust an institution, organization, or business operator referred to in any subparagraph of Article 5 (1) of the Environmental Technology and Industry Support Act with the research and development, and assist such institution, organization, or business operator. <Amended by Act No. 12141, Dec. 30, 2013>

(2) To fulfill efficiently the education or training of the persons that engage in the field of waterworks, the Minister of Environment may develop a plan for the education or training

concerning waterworks and may entrust the educating and training task to a professional waterworks research institute with providing necessary support.

(3) The Minister of Environment and the heads of local governments may implement policies that are designed to provide technical guidance and training programs for technicians in order to support manufacturers specializing in making waterworks, machinery and materials and to train waterworks specialists.

Article 74 (Technical Diagnosis on Waterworks)(1) Waterworks business operators shall conduct every five years the technical diagnosis on the relevant waterworks, including filtration plants and waterworks pipe network, as prescribed by Ordinance of the Ministry of Environment and develop and implement a plan for improving the waterworks taking into account the results of such technical diagnosis.

(2) Waterworks business operators may have such person as determined by Ordinance of the Ministry of Environment conduct technical diagnosis referred to in paragraph (1).

(3) Waterworks business operators shall notify the authorizing agency of the results of the technical diagnosis and the results of the formulation and implementation of a plan for the improvement of waterworks under paragraph (1) by the deadline prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12141, Dec. 30, 2013>

Article 74-2 (Establishment and Operation of National Waterworks Information Center)(1) The Minister of Environment may establish and operate a national waterworks information center (hereinafter referred to as the "Center" in this Article) for the efficient management and utilization of outcomes of inspections of water quality and analyses of water quantity, current conditions of facilities for the production and supply of water, and data about the evaluation of waterworks services.

(2) Where the Minister of Environment deems it necessary for the operation of the Center, he/she may request waterworks business operators to submit relevant data.

(3) Except as otherwise expressly provided for in paragraphs (1) and (2), necessary matters concerning the establishment and operation of the Center shall be determined and publicly notified by the Minister of Environment.

[This Article Newly Inserted by Act No. 12141, Dec. 30, 2013]

Article 75 (Subsidies from National Treasury, etc.)

The State may provide any waterworks business operator with a subsidy or a loan to cover expenses incurred in relation to the waterworks business: Provided, That where a waterworks business operator who is a local government installs any waterworks, improves the deteriorated waterworks, or operates seawater desalination facilities, all or some of such expenses may be subsidized, as prescribed by Presidential Decree by taking account of the financial self-support level of the relevant local government. <Amended by Act No. 10976, Jul. 28, 2011>

Article 76 (Assistance to Persons Migrating from Area to be Submerged due to Construction of Dams for Waterworks Business)

@Articles 39 and 40 of the Act on the Construction of Dams and Assistance, etc. to Their

Environs shall apply mutatis mutandis to the assistance to persons migrating from the area to be submerged due to the construction of dams for waterworks business. In such cases, the term "person entrusted with dam management" and "person scheduled to be entrusted with dam management" referred to in the Act on the Construction of Dams and Assistance, etc. to Their Environs shall be construed as "waterworks business operator" referred to in this Act.

Article 77 (Sale or Rent of Nationally-Owned Land)

As for the land which is categorized as the miscellaneous property of the State and which is directly necessary for the waterworks business, the State may sell or rent it, by means of a contract ad libitum, to the relevant waterworks business operator, notwithstanding Article 33 of the State Property Act. <Amended by Act No. 9401, Jan. 30, 2009>

Article 78 (Delegation or Entrustment of Authority)(1) The Minister of Environment or the Minister of Land, Infrastructure and Transport may partially delegate his/her authority under this Act to the Mayor/Do Governor, the head of a regional environmental office, or the head of a regional national land management office, as prescribed by Presidential Decree. <Amended by Act No. 8805, Dec. 27, 2007; Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Environment or the Minister of Land, Infrastructure and Transport may partially entrust his/her duty under this Act to the Korea Environment Corporation, the Korea Water Resources Corporation, the Association, or an institution specializing in testing and approval, as prescribed by Presidential Decree. <Newly Inserted by Act No. 10317, May 25, 2010; Act No. 11690, Mar. 23, 2013; Act No. 12141, Dec. 30, 2013>

Article 79 (Hearings)

Where the Minister of Environment, the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, or the head of a Si/Gun/Gu intends to take any of the following dispositions, he/she shall hold a hearing: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 11690, Mar. 23, 2013; Act No. 12141, Dec. 30, 2013>

1. Revocation of the certification that is granted under Article 14-2 (1);
2. Revocation of the registration of a water-saving business under Article 15-3;
3. Revocation of the qualification of a certified operation manager of water-purification facilities under Article 25;
4. An order to close a place of business for cleaning water tanks under Article 35;
5. Revocation of the authorization for a waterworks business under Article 63.

Article 80 (Legal Fiction of Public Officials for Purposes of Penal Provisions)

Any entity that performs any affairs entrusted under Article 23 (including the cases applied mutatis mutandis under Article 50) and Article 78 (2), and any of its executives or employees shall be deemed a public official for the purposes of Articles 129 through 132 of the Criminal Act. <Amended by Act No. 10317, May 25, 2010>

CHAPTER IX PENAL PROVISIONS

Article 81 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than five years or by a fine not exceeding 50 million won: <Amended by Act No. 10976, Jul. 28, 2011; Act No. 12518, Mar. 24, 2014>

1. A person that conducts waterworks business without having obtained authorization under the forepart of the main body of Article 17 (1), or the forepart of the main sentence of Article 49 (1);

2. A general waterworks business operator (including a trustee) or installer of the private-use waterworks that fails to immediately suspend the supply of tap water, in violation of Article 37 (1) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53).

Article 82 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won: <Amended by Act No. 12518, Mar. 24, 2014; Act No. 13878, Jan. 27, 2016>

1. A person who sells tap water bottled or re-treated by using instruments, etc., in violation of Article 13 (1);

2. A person who fails to follow an order for collecting, etc. pursuant to Article 14-4 (1).

Article 83 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won: <Amended by Act No. 10317, May 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 12141, Dec. 30, 2013; Act No. 12518, Mar. 24, 2014>

1. A person that breaches the prohibition or restriction under Article 7 (3) or (4);

1-2. A person that manufactures, imports or supplies materials or products for waterworks, the certification of which is not obtained, in violation of Article 14 (2);

1-3. A person that uses materials or products for waterworks, the certification of which is not obtained, or which falls short of standards, in violation of Article 14 (3);

1-4. A person that attaches a certification mark to materials or products for waterworks, the certification of which is not obtained, or the packaging thereof, in violation of Article 14 (5);

2. A waterworks business operator that revises the authorized matters without having obtained authorization under the latter part of the main sentence of Article 17 (1), or the latter part of the main body of Article 49 (1);

3. A person that installs water tanks which are not in conformity with the standards, in violation of Article 18 (3);

4. A person that installs waterworks connected to the existing tap water pipelines, or modifies or damages waterworks, in violation of Article 20 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to under Article 50);

5. A person that lends his/her qualification certificate to any other person, in violation of Article 24 (4);

6. A general waterworks business operator (including a trustee), installer of private-use waterworks, or owner or manager of buildings or facilities who fails to take sanitary measures,

including disinfection, or measures, including washing, in violation of Article 33 (1) through (3) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 23 (3) and 53);

7. A general waterworks business operator (including a trustee) or installer of private-use waterworks that fails to make the situation known to the residents of the relevant district or fails to take necessary measures, such as the inspection of water quality and the supply of emergency water, in violation of Article 37 (2) (including the cases mutatis mutandis under Articles 23 (3) and 53);

8. A waterworks business operator that fails to obtain authorization from an authorizing agency or who revises the details of the authorization granted by the authorizing agency, in violation of Article 38 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);

9. A waterworks business operator that fails to comply with an order for the urgent supply of tap water under Article 41 (1) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);

10. A waterworks business operator that closes or suspends all or any part of the waterworks business without having obtained a permit under Article 42 (including the cases to which the aforesaid provisions shall apply mutatis mutandis pursuant to Article 50);

11. A waterworks business operator that fails to conduct the technical diagnosis on waterworks under Article 74 (1).

Article 84 (Penal Provisions)

Any of the following persons shall be punished by a fine not exceeding three million won:

1. A person who run the water-tank cleaning business without having filing a report on it or who files a false report thereon, in violation of Article 34 (1);

2. A person who continues to run the water-tank cleaning business after having received an order for the closure of the place of water-tank cleaning business under Article 35;

3. Deleted; <by Act No. 10976, Jul. 28, 2011>

4. A person (including a trustee) who does an act prescribed in Article 61 (1) without obtaining a permit or approval under Article 130 (2) through (4) of the National Land Planning and Utilization Act which is applied mutatis mutandis under Article 61 (2) (including the cases applied mutatis mutandis under Articles 23 (3), 53 and 54).

Article 85 (Penal Provisions)

Any of the following persons shall be punished by a fine not exceeding two million won: <Amended by Act No. 11085, Nov. 14, 2011; Act No. 12141, Dec. 30, 2013>

1. A waterworks business operator or installer of the exclusive waterworks who provides tap water without having undergone the inspection of the quality of water, in violation of Article 19 (2) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 53);

2. Deleted; <by Act No. 10976, Jul. 28, 2011>

3. A general waterworks business operator who fails to inform residents of details of

violations, in violation of Article 27 (1);

4. A general waterworks business operator (including a trustee) that fails to comply with an order to take measures, in violation of Article 28 (8) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 23 (3));

5. A general waterworks business operator or installer of private-use waterworks that fails to perform the inspection of water quality or the analysis of water quantity under Article 29 (1) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53);

6. Deleted; <by Act No. 10317, May 25, 2010>

7. A general waterworks business operator (including a trustee) or installer of the private-use waterworks that fails to arrange for the medical checkup under Article 32 (1) (including the cases to which the aforesaid provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53);

8. A general waterworks business operator (including a trustee) or installer of the private-use waterworks that allows the person, admitted to have a disease which is likely to harm other people, to work for his/her waterworks business or to reside within the area of the waterworks, in violation of Article 32 (2) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53);

9. A waterworks business operator that refuses, without any justifiable reason, to supply tap water, in violation of Article 39 (1) (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 50);

10. Deleted; <by Act No. May 25, 2010>

11. A person that installs the exclusive waterworks without having obtained authorization under Article 52 (including the cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 54);

12. A waterworks business operator that violates a request for modification of business plans, order for improvement of business management and other necessary measures and orders, in violation of Article 62;

13. A waterworks business operator or installer of exclusive waterworks that fails to comply with an order issued for the improvement of facilities under Article 64 (1) through (4).

Article 86 (Joint Penal Provisions)

When the representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits a violation under Articles 81 through 85 in connection with the business of the corporation or the individual, in addition to the punishment on such violator, the corporation or the individual shall be punished by under each relevant Article: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such violation.

[This Article Wholly Amended by Act No. 10317, May 25, 2010]

Article 87 (Administrative Fines)(1) Any person that violates any rules under Article 7-2 (4)

shall be punished by an administrative fine not exceeding ten million won. <Amended by Act No. 12141, Dec. 30, 2013>

(2) A person who manufactures, imports, supplies, or sells any materials or products for waterworks different from those certified pursuant to Article 14 (1) shall be punished by an administrative fine not exceeding five million won. <Newly Inserted by Act No. 13878, Jan. 27, 2016>

(3) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 10317, May. 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011; Act No. 12141, Dec. 30, 2013>

1. Deleted; <by Act No. 13878, Jan. 27, 2016>

2. A person that fails to indicate certification, in violation of Article 14 (4) or indicates certification differently from certified matters;

3. A person that fails to install a water-saving fixture or water-saving device, in violation of Article 15 (1) or (2);

3-2. A person that fails to label the volume of water usage on a water-using appliance, in violation of Article 16 or describes the volume of water usage with a false label;

3-3. A waterworks business operator or an installer of private-use waterworks that fails to appoint a waterworks manager, in violation of Article 21 (6) (including cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 50, 53, and 54);

4. A waterworks business operator that fails to report the conclusion of a contract for entrustment, in violation of Article 23 (2) (including cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);

4-2. A general waterworks business operator (including a trustee) that violates Article 28 (4), (5), (6), or (7) (including cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 23 (3));

4-3. A general waterworks business operator (including a trustee) that fails to inspect the actual conditions of the spread of pathogenic microorganisms, in violation of Article 28-2 (1) (including cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 23 (3));

5. A general waterworks business operator that fails to provide a report on tap water quality, in violation of Article 31 (1);

6. A waterworks business operator that fails to install a fire hydrant on waterworks, in violation of Article 45 (including cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);

7. A person that interferes with or refuses acts, such as entry into land, necessary for the performance of waterworks or an inspection of water supply facilities under Article 61 (1) without justifiable grounds.

(4) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 10317, May 25, 2010; Act No. 10976, Jul. 28, 2011; Act No. 11085, Nov. 14, 2011; Act No. 12141, Dec. 30, 2013>

1. A person that fails to file a report, in violation of the proviso to Article 7 (4);
 2. A person that fails to follow an implementation order issued by a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu under Article 15 (3);
 3. Deleted; <by Act No. 10359, Jun. 8, 2010>
 - 3-2. through 3-4. Deleted; <by Act No. 10976, Jul. 28, 2011>
 4. A general waterworks business operator (including a trustee) that fails to keep and preserve records of inspections of water quality and analyses of water quantity or fails to disclose such records through an Internet web-site, etc., or an installer of private-use waterworks that fails to keep and preserve records of inspections of water quality and analyses of water quantity, in violation of Article 29 (3) (including cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53);
 5. A general waterworks business operator (including a trustee) or installer of private-use waterworks that fails to prepare and keep a record on the medical checkup, in violation of Article 32 (3) (including cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Articles 23 (3) and 53);
 6. A person that closes or suspends his/her business without reporting thereon, in violation of Article 34 (2);
 7. Any of the following persons that fail to receive education about the management of waterworks or fails to cause any other person to receive such education, in violation of Article 36 (including cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 23 (3)):
 - (a) Any owner or manager of building or facilities;
 - (b) Any water-tank cleaning business operator;
 - (c) Any general waterworks business operator (including a trustee);
 8. A waterworks business operator that fails to give a public notice in advance on an area in which and the period during which tap water cannot be provided, in violation of Article 39 (2) (including cases to which the aforementioned provisions shall apply mutatis mutandis pursuant to Article 50);
 9. A waterworks business operator or installer of exclusive waterworks that refuses, or interferes with, or evades an inspection or that fails to file a necessary report, as prescribed in Article 66 (1).
 - (5) Administrative fines provided for in paragraphs (1) through (4) shall be imposed and collected by the Minister of Environment, the Minister of Land, Infrastructure and Transport, a Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10317, May 25, 2010; Act No. 11690, Mar. 23, 2013; Act No. 13878, Jan. 27, 2016>
 - (6) and (7) Deleted. <by Act No. 10317, May 25, 2010>
- ADDENDA (Omitted)

39. Enforcement Decree of the Water Supply and Waterworks Installation Act

[Enforcement Date 28. Jul, 2016.] [Presidential Decree No.27335, 12. Jul, 2016., Partial Amendment]

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Water Supply and Waterworks Installation Act and matters necessary for the enforcement thereof.

Article 1-2 (Procedures for Consultation on Use of Water for Agricultural and Fishing Villages as Raw Water)

Where the Minister of Environment deems it necessary to use the water for an agricultural or fishing village, as defined in subparagraph 3 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act, as raw water pursuant to the proviso to subparagraph 1 of Article 3 of the Water Supply and Waterworks Installation Act (hereinafter referred to as the "Act"), he/she shall hear the opinion from the general waterworks business operator for the area and without delay consult with the Minister of Agriculture, Food and Rural Affairs thereon. <Amended by Presidential Decree No. 24451, Mar. 23, 2013>

[This Article Newly Inserted by Presidential Decree No. 23784, May 14, 2012]

Article 2 (Scope of Wide-Area Waterworks) (1) The scope of wide-area waterworks the State may install pursuant to subparagraph 7 of Article 3 of the Act shall be as follows: <Amended by Presidential Decree No. 23784, May 14, 2012>

1. Supplying water using multipurpose dams, dams, etc. for water supply as its water source to ensure the reasonable use and distribution of water resources;
2. Supplying water by altering the watercourse system under the direct jurisdiction of a municipality;
3. Supplying water to a local government where an industrial complex defined in Article 2 of the Industrial Sites and Development Act is designated;
4. Supplying water across the jurisdictions of two or more Metropolitan Cities/Dos.

(2) The scope of wide-area waterworks that local governments may install pursuant to subparagraph 7 of Article 3 of the Act shall be restricted to the supply of water upon jointly installing water supply facilities by such local governments upon agreement among them.

Article 3 (Installation of Village Waterworks)

"Waterworks prescribed by Presidential Decree" in subparagraph 9 of Article 3 of the Act means waterworks which meet the standards established by the Minister of Environment and is managed by a local government that is a waterworks business operator with water-purification facilities that may treat raw water to meet the water quality standards under Article 26 (2) of the Act in order to supply drinking water, etc. to residents in the jurisdiction. <Amended by Presidential Decree No. 23784, May 14, 2012>

Article 4 (Scope of Facilities Not Defined as Private-Use Waterworks or Private-Use Industrial Waterworks)

"If daily water supply volume of the waterworks and the scale of its facilities fail to meet the standards prescribed by Presidential Decree" in the proviso to subparagraph 12 of Article 3

of the Act and the proviso to subparagraph 13 of the same Article means any of the following cases:

1. Where daily water supply volume is less than 20 cubic meters;
2. Where the scale of facilities falls within any of the following categories:
 - (a) The diameter of the pipeline from the water source to the water tank is less than 25 millimeters;
 - (b) The total length of the pipeline from the water source to the water tank is less than 1,500 meters;
 - (c) The effective capacity of the water tank is less than 100 cubic meters.

[This Article Wholly Amended by Presidential Decree No. 25430, Jun. 30, 2014]

Article 5 (Minor Modifications to Basic Plans for Waterworks Maintenance)

"Insignificant matters prescribed by Presidential Decree" in the latter part of Article 4 (2) of the Act means those provided in Article 4 (7) 6 through 9 of the Act.

Article 6 (Matters Requiring Approval to Revise Basic Plans for Waterworks Installation and Management)

"Important matters prescribed by Presidential Decree" in the proviso to Article 4 (3) of the Act means the following:

1. Basic guidelines concerning waterworks installation and management;
2. Matters concerning mid-and long-term supply of and demand for tap water;
3. Matters concerning the development of wide-area water sources;
4. Matters concerning areas to which tap water is supplied;
5. Preservation of water sources and the designation and management of water source protection areas;
6. Capability to supply waterworks;
7. Implementation priorities of water services;
8. Improvement, replacement, etc. of aging tap-water pipelines;
9. Deleted; <by Presidential Decree No. 22967, Jun. 8, 2011>
10. Matters concerning integrated water service districts in areas where the operation of wide-area waterworks and local waterworks need to be integrated.

Article 7 (Prior Review of Basic Plans for Waterworks Installation and Management)

Where the Minister of Environment intends to grant approval to a basic plan for waterworks installation and management or any revision thereto with respect to general water services in accordance with Article 4 (3) of the Act, he/she may request in advance the Korea Environment Corporation established under the Korea Environment Corporation Act or the Korea Water Resources Corporation established under the Korea Water Resources Corporation Act to examine technical aspects thereof, such as the appropriateness of size of facilities, and hear opinions thereon. <Amended by Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 22506, Nov. 26, 2010>

Article 8 (Special Cases in Formulating Basic Plans for Waterworks Installation and Management) (1) "Do Governor, the Special Metropolitan City Mayor, a Metropolitan City

Mayor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City) that is prescribed by Presidential Decree" in Article 4 (6) of the Act means a Do Governor, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun (excluding the head of a Gun in a Metropolitan City; hereafter the same shall apply in this Article) classified as follows: <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

1. Where tap-water pipelines extend over the jurisdictions of at least two of the Special Metropolitan City, Metropolitan Cities, Special Self-Governing Cities, or Sis/Guns (excluding Guns in a Metropolitan City), the Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, or the head of a Si/Gun, who is determined upon consultation among the relevant Special Metropolitan City Mayor, Metropolitan Cities Mayors, Special Self-Governing Cities Mayors, and the heads of Sis/Guns;

2. Where tap-water pipelines extend over the jurisdictions of at least two Sis/Guns that belong to the jurisdiction of different Dos, notwithstanding subparagraph 1, the Do Governor or the head of a Si/Gun, who is determined upon consultation among relevant Do Governors.

(2) Where consultation held under paragraph (1) fails to reach agreement, and where the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") is the party to the consultation, a Mayor/Do Governor or the head of a Si/Gun designated by the Minister of Environment in consultation with the Minister of the Interior shall formulate a basic plan for waterworks installation and management; where the head of a Si/Gun is the party to the consultation, the head of a Si/Gun designated by the relevant Do Governor shall formulate a basic plan for waterworks installation and management. <Amended by Presidential Decree No. 20680, Feb. 29, 2008; Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012; Presidential Decree No. 24451, Mar. 23, 2013; Presidential Decree No. 25751, Nov. 19, 2014>

(3) Article 4 (5) of the Act shall apply mutatis mutandis where a person designated under paragraphs (1) and (2) formulates or amends a basic plan for waterworks installation and management.

Article 9 (Prior Review of Comprehensive Plans for Water Demand Control)

Article 7 shall apply mutatis mutandis where the Minister of Environment intends to grant approval of a comprehensive plan for water demand control, or any revision thereto, of the Special Metropolitan City, a Metropolitan City, Special Self-Governing City, Do or Special Self-Governing Province (hereinafter referred to as "City/Do") pursuant to Article 6 (1) of the Act. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

Article 10 (Other Matters to be Included in Implementation Plans for Water Demand

Control)

"Matters prescribed by Presidential Decree" in Article 6 (2) 4 of the Act means the followings:

1. Plans for establishing a water use billing system (limited to plans established by the head of a Si/Gun) under Article 12 (2) of the Act;
2. Plans for replacing, repairing and upgrading defective water gauges (limited to plans devised by the head of a Si/Gun).

Article 11 (Designation, etc. of Water Source Protection Areas) (1) When the Minister of Environment intends to designate or modifies water source protection areas pursuant to Article 7 (1) of the Act, he/she shall take into account characteristics, geographical features, and degree of water pollution of the relevant water source.

(2) Where the Minister of Environment has designated a water source protection area or has modified the designation thereof pursuant to Article 7 (2) of the Act, he/she shall publicly announce the following, and send the details thereof to the Mayor of the relevant Special Self-Governing City, the Governor of the relevant Special Self-Governing Province or the head of the relevant Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply): <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

1. Name of the relevant water source protection area;
2. Location and size of the relevant water source protection area;
3. Name and address of an entity that has built water services facilities within the relevant water source protection area;
4. Other necessary matters for preserving the water quality of water sources.

(3) Where a water source protection area is designated and publicly announced pursuant to paragraph (2), the Mayor of the relevant Special Self-Governing City, the Governor of the relevant Special Self-Governing Province or the head of the relevant Si/Gun/Gu shall make such information available for public perusal, and shall publish the land register of the land located within the relevant area and make such publication available for public perusal within six months from the date of such official announcement. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

(4) Matters necessary for the designation and official announcement of a water source protection area and publication of the land register under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Environment.

Article 11-2 (Hearing Opinions of Residents) (1) When intending to designate or modify water source protection areas pursuant to Article 11, the Minister of Environment shall hear the opinions of residents, and when such opinions are deemed reasonable, he/she shall reflect them in designating or modifying the water source protection areas.

(2) When the Minister of Environment intends to hear opinions of residents pursuant to paragraph (1), he/she shall notify the Mayor of the relevant Special Self-Governing City, the Governor of the relevant Special Self-Governing Province and the head of the relevant Si/Gun/Gu of matters referred to in the subparagraphs of Article 11 (2). <Amended by

Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

(3) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province and the head of a Si/Gun/Gu notified pursuant to paragraph (2) shall publicly announce the details thereof in the web-site of the relevant Special Self-Governing City, Special Self-Governing Province and Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) and daily newspapers mainly distributed in the relevant area and make them available for public perusal for 14 days. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

(4) Any person that has an opinion about the details of the designation or modification of a water source protection area which are publicly announced or made available for public perusal under paragraph (3) may submit a written opinion to the Mayor of the relevant Special Self-Governing City, the Governor of the relevant Special Self-Governing Province or the head of the relevant Si/Gun/Gu within the period for public perusal. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

(5) Where opinions are submitted pursuant to paragraph (4), the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of each Si/Gun/Gu shall compile and submit them to the Minister of Environment. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

(6) The Minister of Environment shall review the opinion presented under paragraph (4) and notify the person who presented the opinion of the results thereof within 30 days from the expiration of the period of public perusal.

[This Article Newly Inserted by Presidential Decree No. 22506, Nov. 26, 2010]

Article 12 (Prohibited Acts within Water Source Protection Areas) (1) "Activities prohibited by Presidential Decree" in Article 7 (3) 2 of the Act means the following activities: <Amended by Presidential Decree No. 20763, Apr. 3, 2008; Presidential Decree No. 22506, Nov. 26, 2010; Presidential Decree No. 24560, May 31, 2013>

1. Pasturing livestock;
2. Swimming, bathing, washing clothes, operating boats (excluding operation of boats, including water purification activities and investigations of water quality and ecosystem, as prescribed by Ordinance of the Ministry of Environment) or leisure activities using water surface;
3. Playing, camping, or cookouts;
4. Catching or farming fish or shellfish: Provided, That fishing prescribed by Ordinance of the Ministry of Environment, conducted by persons prescribed by Ordinance of the Ministry of Environment shall be excluded;
5. Washing cars;
6. Growing crops in an area that is defined as a river area under subparagraph 2 of Article 2 of the River Act: Provided, That growing environment-friendly agricultural products, as defined under subparagraph 2 of Article 2 of the Act on the Promotion of Environment-Friendly Agriculture and Fisheries and the Management of and Support for Organic Foods,

Etc., (excluding fishery products; hereinafter the same shall apply) in accordance with the certification standards under Article 19 (2) or 34 (2) of the aforementioned Act shall be excluded herefrom.

(2) Where any person has obtained a license or permit or filed a report for catching or farming fish or shellfish in a water source protection area in accordance with other Acts and subordinate statutes as at the time the water source protection area is designated, he/she may catch or farm fish or shellfish according to the details of such license, permit or report, notwithstanding paragraph (1) 4, until the period of validity of such license, permit or report expires.

(3) For the purposes of the proviso to paragraph (1) 6, where the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu publicly announces that it is inevitable to use more agrichemicals than the prescribed amount under the certification standards referred to in Article 19 (2) or 34 (2) of the Act on the Promotion of Environment-Friendly Agriculture and Fisheries and the Management of and Support for Organic Foods, Etc., due to damage from harmful insects to environment-friendly agricultural crops in the process of cultivation under subparagraph 2 of Article 2 of the same Act, the use of agrichemicals in accordance with such publication shall be deemed to conform to the proviso to paragraph (1) 6. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012; Presidential Decree No. 24560, May 31, 2013>

Article 13 (Criteria for Granting Permits to Conduct Activities within Water Source Protection Areas) (1) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu intends to grant a permit to conduct any activity falling under any subparagraph of Article 7 (4) of the Act within a water source protection area, he/she may grant such permit to conduct any of the following activities insofar as such activities are deemed not in conflict with the purposes of designation of the water source protection area: <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012; Presidential Decree No. 25785, Nov. 28, 2014>

1. Constructing or installing any of the following buildings or structures:

- (a) Constructing or installing buildings or other structures necessary for public interests;
- (b) Constructing or installing buildings or other structures prescribed by Ordinance of the Ministry of Environment, which are necessary to improve a living environment or to increase income of residents living within the relevant water source protection area;
- (c) Constructing or installing buildings or other structures prescribed by Ordinance of the Ministry of Environment, which are to be jointly used or are needed by residents living within the relevant water source protection area;
- (d) Remodeling or reconstructing existing buildings or other structures, the use and scale of which are prescribed by Ordinance of the Ministry of Environment, within the limits not causing higher levels of pollutants than that of a former case;

- (e) Relocating buildings or other structures removed due to the construction of village facilities, facilities of public interests, common-use facilities, or public facilities prescribed by Ordinance of the Ministry of Environment within the relevant water source protection area;
 - (f) Relocating a building, which is inevitable due to natural disasters, including frequent floods, or relocating a house located in an area where a living environment is extremely poor, with high noise levels from highways or railways, into neighboring land or village. In such cases, land in which the house used to be located shall be reverted to farmland or greenbelts;
 - (g) Removing or relocating an existing house built on the land owned by another person prior to the designation of a water source protection area, the extension or remodeling of which is not allowed due to a failure to obtain consent thereon from the owner of the land, into a neighboring village;
 - (h) Relocating a house in a village into a farm or orchard owned by the house owner for facilitating better farming operations. In such cases, the land in which the house used to be located shall be reverted to farmland or greenbelts;
2. Altering the use of buildings or other structures within the limits not causing any higher level of pollutants than that of a former case;
 3. Removing water supply or sewerage facilities, environmental pollution prevention facilities, or protection area management facilities insofar as the maintenance and preservation of the relevant water source protection area is deemed not to be hindered by such removal;
 4. Cultivating or felling trees necessary for the facilitation and management of a water source forest for the preservation of water sources, or felling bamboo or standing trees, which is inevitable to implement public projects, etc.;
 5. Altering the shape or quality of land, which has been carried out only for the readjustment of arable land or which is deemed not in conflict with the purposes of the designation of the relevant water source protection area.

(2) Detailed criteria and procedures for granting permits, such as the types and scale of buildings or other structures under paragraph (1) and other necessary matters therefor, shall be prescribed by Ordinance of the Ministry of Environment.

(3) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu grants a permit to conduct any activity falling under any subparagraph of Article 7 (4) of the Act within a water source protection area pursuant to paragraph (1), he/she shall notify the relevant waterworks business operator or installers of exclusive waterworks of the details thereof without delay. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

Article 14 (Acts to be Reported within Water Source Protection Areas)

Insignificant acts that can be done upon filing a report to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu pursuant to the proviso to Article 7 (4) of the Act are as follows: <Amended by Presidential Decree No. 22506, Nov. 26, 2010; Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

1. Removing buildings or other structures, except for water supply or sewerage facilities, environmental pollution prevention facilities, or management facilities of water source protection areas;
2. Cultivating or felling trees within residential areas;
3. Repairing facilities for agricultural improvement, or altering the shape or quality of land, such as molding to improve arable land;
4. Restoring buildings or other structures damaged by natural disasters, such as floods, into their original states;
5. Converting the use of factories (referring to a factory as defined in subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act; hereinafter the same shall apply), lodging facilities or general restaurants into houses or warehouse facilities.

Article 14-2 (Scope of Regions in which Factory Establishment Is Restricted)

"Regions prescribed by Presidential Decree" in Article 7-2 (1) of the Act means the following regions:

1. Where a water source protection area has been designated and announced, regions within ten kilometers in flow distance from the border zone of the water source protection area towards the upper stream: Provided, That where the water intake facility capacity is not less than 200,000 m³ per day, regions within 20 kilometers in flow distance from the border zone of the water source protection area towards the upper stream;
2. Where a water source protection area has not been designated or announced, regions within 15 kilometers in flow distance from the water intake facility towards the upper stream and regions within one kilometer in flow distance towards the downstream;
3. In cases of taking the groundwater in subparagraph 1 of Article 2 of the Groundwater Act as raw water, regions within one kilometer from the water intake facility.

[This Article Newly Inserted by Presidential Decree No. 22506, Nov. 26, 2010]

Article 14-3 (Scope of Regions Approved for Establishment of Factories)

"Regions prescribed by Presidential Decree" in the former part of Article 7-2 (3) of the Act means any of the following:

1. Regions exceeding 7 kilometers in flow distance from the water intake facility towards the upper stream, among those falling under subparagraphs 1 and 2 of Article 14-2;
2. Regions exceeding 4 kilometers and within 7 kilometers in flow distance from the water intake facility towards the upper stream, among those falling under subparagraphs 1 and 2 of Article 14-2, excluding a river defined in subparagraph 1 of Article 2 of the River Act or a region within 500 meters from the border of lakes defined in subparagraph 14 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act.

[This Article Wholly Amended by Presidential Decree No. 25785, Nov. 28, 2014]

Article 15 (Management of Water Source Protection Areas) (1) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu who manages a water source protection area shall secure facilities, equipment,

and human resources necessary for the preservation of water sources, and shall take necessary measures to crack down on prohibited acts or to prevent water pollution. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

(2) Standards for securing the facilities, equipment, and human resources under paragraph (1) and other matters necessary for the management of water source protection areas shall be stipulated by Ordinance of the Ministry of Environment.

Article 16 (Special Cases for Management of Water Source Protection Areas) (1) "Mayor/Do Governor or the head of a Si/Gun/Gu prescribed by Presidential Decree" in Article 8 (2) of the Act means a Mayor/Do Governor or the head of a Si/Gun/Gu classified as follows: <Amended by Presidential Decree No. 22506, Nov. 26, 2010>

1. Where water source protection areas extend over at least two Sis/Guns/Gus under the jurisdictions of the same Special Metropolitan City, Metropolitan City, or Do, the head of a Si/Gun/Gu, who is determined upon consultation of the heads of the relevant Sis/Guns/Gus;

2. Where water source protection areas extend over at least two Cities/Dos, a Mayor/Do Governor or the head of a Si/Gun/Gu, who is determined upon consultation of the relevant Mayors/Do Governors;

3. Where water source protection areas and an area to which tap water is provided from the aforementioned water source extend over at least two Sis/Guns/Gus under the jurisdictions of the same City/Do, the head of a Si/Gun/Gu, who is determined upon consultation of the relevant heads of Sis/Guns/Gus;

4. Where water source protection areas and an area to which tap water is provided from the aforementioned water source extend over at least two Cities/Dos, a Mayor/Do Governor, or the head of a Si/Gun/Gu, who is determined upon consultation of the relevant Mayors/Do Governors.

(2) Where consultation held under paragraph (1) 1 and 3 fails to reach agreement, the head of a Si/Gun/Gu designated by the Mayor/Do Governor having jurisdiction over the area at issue shall be in charge of managing the relevant water source protection area, while a Mayor/Do Governor or the head of a Si/Gun/Gu designated by the Minister of Environment in consultation with the Minister of the Interior shall be in charge of managing the relevant water source protection area, where consultation held under paragraph (1) 2 and 4 fails to reach agreement. <Amended by Presidential Decree No. 20680, Feb. 29, 2008; Presidential Decree No. 24451, Mar. 23, 2013; Presidential Decree No. 25751, Nov. 19, 2014>

Article 17 (Procedures, etc. for Formulation of Resident Support Programs) (1) Where the Mayor/Do Governor or the head of a Si/Gun/Gu who manages a water source protection area (hereinafter referred to as "Management Authority") intends to execute a resident support program pursuant to Article 9 (1) of the Act, the Management Authority shall formulate a plan for the resident support program, which includes the following matters (hereinafter referred to as "program plan"), and submit it to the Minister of Environment by

no later than April 15 of the preceding year. In such cases, if the Management Authority differs from a waterworks business operator, such Management Authority shall formulate the program plan after hearing opinions of such waterworks business operator:

1. The objectives of the program;
2. Outline of the program;
3. Population and socioeconomic characteristics of an area subject to the program;
4. Funding plans;
5. Implementation plans and necessity for each program;
6. Other matters necessary for the implementation of a residents support program.

(2) The Minister of Environment shall consult with the head of a relevant agency, such as the Ministry of Strategy and Finance, about the details of a program plan formulated and submitted by the Management Authority and National subsidies, and if the budget for National subsidies is determined, the Minister of Environment shall notify the Management Authority of the amount of subsidies and the breakdown thereof. <Amended by Presidential Decree No. 21214, Dec. 31, 2008>

(3) If the head of a Si/Gun/Gu intends to revise important matters of a program plan approved under the latter part of paragraph (1), it shall obtain prior approval from the relevant Mayor/Do Governor. <Amended by Presidential Decree No. 23557, Jan. 26, 2012>

Article 18 (Types of Residents Support Programs)

The types of residents support programs under Article 9 (2) 1 through 4 of the Act, are as stipulated in attached Table 1.

Article 19 (Contributions from Waterworks Business Operators) (1) Waterworks business operators prescribed by Article 10 (1) 1 of the Act shall be as follows:

1. Waterworks business operators supplying final consumers with raw water directly or after purifying it;
2. Waterworks business operators purifying raw water and supplying purified water to other waterworks business operators.

(2) Contribution from each waterworks business operator in accordance with Article 10 (2) of the Act shall be the amount calculated as determined and publicly announced by the Minister of Environment each year, within the range of 5/100 of the sales revenue from water service calculated by multiplying the volume of a raw water intake in the year before the preceding year in which a residents support program was implemented by the national average price of purified water, which had been purified and provided by the Korea Water Resources Corporation for the two years preceding the year in which a residents support program has been implemented.

(3) Where the Minister of Environment makes a public notification pursuant to paragraph (2), he/she shall hear the opinions of the Management Authority in advance.

(4) Each waterworks business operator shall contribute the amount of contribution computed in accordance with paragraph (2) to the Management Authority prior to the beginning of every business year.

Article 20 (Subsidies from Special Account for Environmental Improvement)

Under Article 10 (3) of the Act, the State may subsidize, from the Special Account for Environmental Improvement, a part of the incurred expenses for a residents support program up to 30/100 of the total amount of the expenses incurred in the residents support program.

Article 21 Deleted. <by Presidential Decree No. 23557, Jan. 26, 2012>

Article 22 (Types of Water Pollution Prevention Facilities)

"Water pollution prevention facilities prescribed by Presidential Decree" in Article 11 (1) of the Act means the following facilities established and managed by the State, a local government, or the Korea Water Resources Corporation:

1. Public treatment facilities defined in subparagraph 9 of Article 2 of the Act on the Management and Use of Livestock Excreta;
2. Public sewage treatment facilities defined in subparagraph 9 of Article 2 of the Sewerage Act;
3. Other facilities determined by Ordinance of the Ministry of Environment, as water pollution prevention facilities.

Article 23 (Expense Bearing Standards) (1) Expenses incurred in the management of water source protection areas and the operation of water pollution prevention facilities under Article 11 (1) of the Act shall be as follows:

1. Labor costs and operation costs of facilities and equipment necessary for the management of water source protection areas;
2. Expenses incurred in the installation maintenance and management of signs, guard posts, and hazard prevention facilities necessary for the management of water source protection areas;
3. Expenses incurred in the maintenance and management of water pollution prevention facilities;
4. Other expenses determined by Ordinance of the Ministry of Environment, as necessary for the management of water source protection areas.

(2) The amount of expenses to be borne under paragraph (1) shall be computed based on the volume of raw water intake. <Amended by Presidential Decree No. 22506, Nov. 26, 2010>

Article 24 (Hygiene and Safety Standards)

Hygiene and safety standards referred to in Article 14 (1) of the Act are as stipulated in attached Table 1-2.

[This Article Newly Inserted by Presidential Decree No. 22506, Nov. 26, 2010]

Article 24-2 (Use of Materials or Products for Waterworks) (1) "Materials or products for waterworks which meet standards prescribed by Presidential Decree" referred to in Article 14 (3) of the Act means any of the followings: <Amended by Presidential Decree No. 23267, Oct. 28, 2011; Presidential Decree No. 23313, Nov. 23, 2011>

1. A product accredited under Article 15 of the Industrial Standardization Act;

2. A product that has obtained collective standards accreditation under Article 27 (2) of the Industrial Standardization Act, which is an exemplary collective standards product under Article 25 of the same Act;
3. A product that has obtained collective standards accreditation under Article 27 (2) of the Industrial Standardization Act, which is accredited by the Korea Water and Wastewater Works Association in Article 56 of the Act;
4. A product that has obtained the certification of an environmental grade mark under Article 17 of the Environmental Technology and Industry Support Act;
5. A product that has obtained the certification of new technology or new products under Article 15-2 or 16 of the Industrial Technology Innovation Promotion Act;
6. Deleted; <by Presidential Decree No. 23313, Nov. 23, 2011>
7. Other materials and products announced by the Minister of Environment, as deemed appropriate to be used as materials and products for waterworks.

(2) Notwithstanding the provisions of paragraph (1) 1 through 7, no materials and products that the Minister of Environment announces to be inappropriate to be used as materials and products for waterworks shall be used as materials and products for waterworks.

[This Article Newly Inserted by Presidential Decree No. 22506, Nov. 26, 2010]

Article 24-3 (Procedures for Recommending Collecting, etc.) (1) Where the Minister of Environment recommends a business operator who manufactures, imports, supplies, or sells materials or products for waterworks not certified pursuant to Article 14-3 (1) of the Act (hereinafter referred to as “products, etc.”), to take measures to collect, destroy, exchange, refund, or improve the relevant products, etc. or take other necessary measures (hereinafter referred to as “collecting, etc.”), he/she may make a recommendation by a document (including electronic documents) including the following matters:

1. The name of the company and the name of the representative thereof;
2. The name, brand, and model name of the products, etc.;
3. The reasons and details of the recommendation of collecting, etc.;
4. The deadline to notify whether to accept the recommendation of collecting, etc.;
5. The procedures for carrying out the recommendation of collecting, etc.;
6. The plan for measures against the refusal of the acceptance;
7. Other matters deemed necessary for collecting, etc. by the Minister of Environment.

(2) A business operator recommended to take measures to collect, etc. the relevant products, etc. pursuant to Article 14-3 (1) of the Act shall prepare a plan for collecting, etc. of products, etc. including the matters such as whether to accept the recommendation and the period for carrying out collecting, etc. (hereinafter referred to as “plan”) and submit it to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. In such cases, the period of carrying out collecting, etc. shall be within two months from the date of such recommendation.

[This Article Newly Inserted by Presidential Decree No. 27335, Jul. 12, 2016]

Article 24-4 (Reporting on Result of Recommendation) (1) “Matters prescribed by

Presidential Decree, such as the result of such measures” in Article 14-3 (2) of the Act means the following matters:

1. The result of measures including the details and performance, etc. of collecting, etc.;
2. The plan for measures against the products, etc. for which collecting, etc. was not carried out;
3. The measures to prevent recurrence.

(2) A person who intends to report pursuant to Article 14-3 (2) of the Act shall prepare a report on the result of collecting, etc. of products, etc. (hereinafter referred to as “result report”) and submit it to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment in receipt of a report referred to in paragraph (2) deems that the result of measures, such as collecting, etc., or a result report is insufficient, he/she may request the relevant business operator to take measures, such as additional collecting, etc. or to supplement the result report.

[This Article Newly Inserted by Presidential Decree No. 27335, Jul. 12, 2016]

Article 24-5 (Methods of Publicly Announcing Failure of Carrying Out Recommendations)

The Minister of Environment may publicly announce the following matters pursuant to Article 14-3 (3) of the Act by newspapers defined in subparagraph 1 of Article 2 of the Act on the Promotion of Newspapers, Etc., broadcasting defined in subparagraph 1 of Article 2 of the Broadcasting Act, or information networks prescribed by Ordinance of the Ministry of Environment:

1. The name, brand, and model name of the products, etc.;
2. The name of the company and the name of the representative thereof;
3. The reasons and details of the recommendation of collecting, etc.

[This Article Newly Inserted by Presidential Decree No. 27335, Jul. 12, 2016]

Article 24-6 (Procedures for Issuing Orders to Collect, etc.) (1) Where the Minister of Environment orders a business operator to conduct collecting, etc. pursuant to Article 14-4 (1) of the Act, he/she shall do so by a document (including electronic documents) including the following:

1. The name of the company and the name of the representative thereof;
2. The name, brand, and model name of the products, etc.;
3. The reasons and details of the order of collecting, etc.;
4. The methods and period for carrying out collecting, etc.;
5. Other matters deemed necessary for issuing an order to collect, etc. the products, etc. by the Minister of Environment.

(2) Article 24-5 shall apply mutatis mutandis to the methods of public announcement and matters to be publicly announced pursuant to Article 14-4 (1) of the Act. In such cases, “recommendation” shall be construed as “order.”

[This Article Newly Inserted by Presidential Decree No. 27335, Jul. 12, 2016]

Article 24-7 (Reporting on Result of Order) (1) “Matters prescribed by Presidential Decree, such as the result of such measures” in Article 14-4 (2) of the Act means matters falling under each subparagraph of Article 24-4 (1).

(2) A person who intends to report pursuant to Article 14-4 (2) of the Act shall prepare a result report and submit it to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment in receipt of a report referred to in paragraph (2) deems that the result of measures, such as collecting, etc., or the result report thereof is insufficient, he/she may request the relevant business operator to take measures, such as additional collecting, etc. or to supplement the result report.

[This Article Newly Inserted by Presidential Decree No. 27335, Jul. 12, 2016]

Article 24-8 (Measures, such as Direct Collecting, etc. of Products, etc.)

The Administrative Vicarious Execution Act shall apply to the measures necessary for direct collecting, etc. and the collection of expenses incurred therein pursuant to Article 14-4 (3) of the Act.

[This Article Newly Inserted by Presidential Decree No. 27335, Jul. 12, 2016]

Article 25 (Subject Matters of Water-Saving Facilities)

"Buildings or facilities prescribed by Presidential Decree" in Article 15 (1) of the Act means any of the following:

1. Buildings under Article 2 (1) 2 of the Building Act;
2. Other facilities prescribed by ordinances of local governments, as deemed specifically necessary to save and use water efficiently.

Article 25-2 (Standards for Registration of Water-Saving Business)

The standards for the registration of water-saving business under Article 15-2 (1) of the Act are prescribed in attached Table 1-3.

[This Article Newly Inserted by Presidential Decree No. 25430, Jun. 30, 2014]

Article 26 (Methods of Indicating Volume of Water Used)

Any person who intends to manufacture or import a water-using appliance pursuant to Article 16 of the Act shall measure the volume of water used by the water-using appliance according to the performance measuring method established by the Korean Industrial Standards under Article 12 of the Industrial Standardization Act and indicate the outcomes of such measurement on such appliance.

[This Article Newly Inserted by Presidential Decree No. 23557, Jan. 26, 2012]

Article 27 (Application for Authorization) (1) Any person that intends to obtain authorization to engage in a general waterworks business pursuant to Article 17 (1) of the Act shall submit an application for the authorization of the general waterworks business, along with a business plan and other relevant documents and drawings, to the Minister of Environment, the Minister of Land, Infrastructure and Transport, a Mayor/Do Governor, or the head of a Si/Gun/Gu (excluding the head of a Gun in a Metropolitan City; hereinafter referred to as "authorizing agency"), as prescribed by Ordinance of the Ministry of

Environment. <Amended by Presidential Decree No. 20680, Feb. 29, 2008; Presidential Decree No. 22506, Nov. 26, 2010; Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 24451, Mar. 23, 2013>

(2) Business plans under paragraph (1) shall include the following matters:

1. Outline of waterworks business (including water services facilities);
2. An area to which water is to be supplied, population to which water is to be supplied, and the volume of water to be supplied per person per day;
3. Annual business plans (excluding village waterworks) and the supply rate of water services;
4. Maximum daily water supply, the average daily water supply, and the capacity of the relevant facilities;
5. Location of water sources or a forebay and the methods of purification;
6. Statement of the water volume at a forebay and the outcomes of water quality tests;
7. Location maps and a ground plan for water services facilities;
8. Prearranged date for the beginning and completion of construction and for the commencement of water supply;
9. Methods of fund procurement and an annual investment plan;
10. Detailed statement of records, street number and size, and rights, other than the ownership of, to land or a building, to be expropriated and used (hereinafter referred to as "land, etc");
11. Names and addresses of the owners and other interested parties of land, etc.

(3) "Insignificant matters prescribed by Presidential Decree" in the latter part of Article 17 (1) of the Act means the following matters: <Amended by Presidential Decree No. 22506, Nov. 26, 2010; Presidential Decree No. 23557, Jan. 26, 2012>

1. Changes in the methods of fund procurement, or in an annual investment plan;
2. Structural changes of water services facilities, which do not entail an increase or decrease in the capacity of such facilities, to the extent that such changes satisfy the standards for facilities under Article 29;
3. An increase or decrease by up to 1% of the capacity of water services facilities.

(4) Where deemed necessary to grant the authorization pursuant to Article 17 (1) of the Act, the Minister of Environment may request the Korea Environment Corporation or the Korea Water Resources Corporation to examine technical aspects of the business plans and hear its opinions. <Amended by Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 22506, Nov. 26, 2010>

Article 28 (Public Notice of Authorization)

Public notice under Article 17 (3) of the Act shall include the following matters:

1. Official name of services;
2. Name and address of a waterworks business operator;
3. Purposes and outline of services;
4. Location and size of an area where services are to be implemented;

5. Area to which water is to be supplied, population to which water is to be supplied, and the volume of water to be supplied;
6. Period of time during which water services are to be provided and the prearranged date on which the supply of water is to commence;
7. Detailed statement of records, street number, item, size, and rights, other than the ownership, of land, etc. to be expropriated and used;
8. Name and address of the owner and other interested persons of land, etc.;
9. Other necessary matters.

Article 29 (Standards for Facilities) (1) Pursuant to Article 18 of the Act and in accordance with quality, quantity, geographical feature of available raw water and the types and scale of facilities of the relevant water services, each general waterworks business operator shall be equipped with water intake facilities, water-retention facilities, raw-water conveyance facilities, water-purification facilities, purified-water conveyance facilities and water-distribution facilities, all of which meet each of the following standards:

1. Water sources and water intake structures from which the volume of good-quality raw water is available as much as is needed;
2. Water-retention facilities with the capacity to provide, even during dry seasons, the volume of raw water needed;
3. Raw-water conveyance facilities, such as sluices, through which as much raw water as needed can be conveyed;
4. Water-purification facilities which help purify necessary volume of raw water to the degree of standard water quality pursuant to Article 26 (2) of the Act;
5. Pumps, conveyance pipes, and other purified-water conveyance facilities which help convey the volume of purified water needed;
6. Distribution pumps, distribution pipes, and other distribution facilities which help provide the volume of purified water needed, with the degree of pressure exceeding a certain specified limit.

(2) The location and arrangement of the water services facilities shall be determined, taking harmony with the economic production of water into account.

(3) Water services facilities shall be able to withstand the water pressure, earth pressure, earthquakes, and other pressures and they shall be safe from water pollution or water leakage.

(4) The detailed standards for the establishment of water services facilities pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 30 Deleted. <by Presidential Decree No. 22506, Nov. 26, 2010>

Article 31 (Inspections of Water Quality) (1) An authorizing agency shall conduct the inspections of water quality under Article 19 (1) of the Act: Provided, That a Mayor/Do Governor shall inspect the quality of water in the waterworks that is authorized by the Minister of Environment or the Minister of Land, Infrastructure and Transport. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 24451, Mar. 23,

2013>

(2) Any person that intends to undergo an inspection of water quality referred to in paragraph (1) shall submit an application for inspection, as prescribed by Ordinance of the Ministry of Environment.

Article 32 (Managers of Water Supply Facilities)

In accordance with the proviso to Article 21 (1) of the Act, water supply facilities shall be managed by any of the following persons, according to the location and type of such facilities:

1. As for water supply facilities installed outside the boundary of land owned by any person supplied with tap water: A waterworks business operator;

2. As for water supply facilities installed within the boundary of land owned by a person supplied with tap water: A person falling under any of the following items:

(a) As for water supply facilities located from the land boundary to a water gauge: Any person determined by ordinances of the relevant local government;

(b) As for water supply facilities other than those provided in item (a): Any person supplied with tap water.

Article 33 (Managers of Water Services Facilities) (1) "The duties prescribed by Presidential Decree" in Article 21 (6) of the Act means overall duty to oversee the supply of tap water, manage water services facilities, manage statistical data about waterworks, control water quality, take emergency measures, and train operators of water services facilities. <Amended by Presidential Decree No. 25430, Jun. 30, 2014>

(2) In order for a person to be qualified to be appointed as the manager of water services facilities by a general waterworks business operator under Article 21 (6) of the Act, the person shall meet any of the following criteria: <Amended by Presidential Decree No. 25430, Jun. 30, 2014>

1. Any person that has graduated from a department related to civil engineering, electrical engineering, electronic engineering, mechanical engineering, architecture, environmental engineering or sanitation at a college or university, or any other school equivalent thereto, under the Higher Education Act, and had obtained, while in college, necessary credits in subjects relating to water supply engineering or sanitation engineering and has engaged in a technological job relating to water supply for at least two years (or one year, in cases of village waterworks or private-use waterworks the facilities of which have a capacity of 2,000 tons or less per day) after graduation;

2. Any person that has graduated from a department related to civil engineering, electrical engineering, electronic engineering, mechanical engineering, architecture, environmental engineering, or sanitation at a junior college under the Higher Education Act or any other school equivalent thereto, and had obtained, while in college, necessary credits in subjects relating to water supply engineering or sanitary engineering and has engaged in a technological job relating to water supply for at least five years (or three years, in cases of village waterworks or private-use waterworks the facilities of which have a capacity of 2,000 tons or less per day) after graduation;

3. Any person that has obtained necessary credits in the fields of engineering, natural sciences, agricultural science, medical science, or pharmacology at a college or university under the Higher Education Act, or any other school equivalent thereto, and has engaged in a technological job related to water supply for at least four years (or two years, in cases of village waterworks or private-use waterworks the facilities of which have a capacity of 2,000 tons or less per day), or who has obtained necessary credits in the fields of engineering, natural sciences, agricultural science, medical science, or pharmacology at a junior college under the Higher Education Act, or any other school equivalent thereto, and has engaged in a technological job related to water supply for at least eight years (or four years, in cases of village waterworks or private-use waterworks the facilities of which have a capacity of 2,000 tons or less per day) after graduation;

4. Any person that has engaged in a technological job related to water supply for at least ten years (or seven years, in cases of village waterworks or private-use waterworks the facilities of which have a capacity of 2,000 tons or less per day);

5. Any person that is equally or better qualified than one of those who falls under any of subparagraphs 1 through 4, and is prescribed by Ordinance of the Ministry of Environment. (3) Paragraph (2) shall not apply to the cases of a general water service or private-use waterworks, the facilities of which have a capacity of 1,000 tons or less per day, supplying water without water-purification facilities, other than antiseptic facilities.

Article 34 (Assignment of Certified Water-Purification Facility Managers)

The standards for the placement of certified managers at water-purification facilities by a general waterworks business operators under Article 21 (7) of the Act are prescribed in attached Table 2. <Amended by Presidential Decree No. 25430, Jun. 30, 2014>

Article 35 (Classification, Terms, etc. of Entrustment) (1) Affairs of operating and managing water services facilities under Article 23 (1) of the Act (hereinafter referred to as "water services management") shall be entrusted pursuant to the following classifications:

1. Simple entrustment: Entrustment of the management of one water services facility from among water intake facilities or water-purification facilities, or repetition of simple tasks, such as removing and treating sludge (referring to sediments generated during water-purification process; hereinafter the same shall apply), checking and replacing water gauges, issuing and delivering water bills, etc.;

2. Multiple entrustments: Entrustment of upgrading (including replacing; hereinafter the same shall apply) water services facilities or entrustment of the management of two or more water services facilities from among water intake facilities, water-purification facilities or water pipes and drainage facilities. In such cases, repetition of simple tasks, such as removing and treating sludge, may be included.

(2) The term of a simple entrustment referred to in paragraph (1) shall not exceed five years, and the term of a multiple entrustment shall be from five years to twenty years.

(3) When any general waterworks business operator intends to entrusted water services management pursuant to Article 23 (2) of the Act, it shall clearly state matters falling under

each of the following items, classified into each subparagraph, in an entrustment contract, fully taking into account the characteristics of the operation and management of water services facilities subject to entrustment:

1. Simple entrustment:

- (a) Objectives of entrustment;
- (b) The subject matter and scope of entrustment;
- (c) The term of an entrustment contract;
- (d) Matters concerning the calculation of costs of entrustment and the payment thereof;
- (e) Goals to be accomplished and matters concerning measures to be taken in cases of failing to accomplish such goals;
- (f) Matters concerning the termination of an entrustment contract and compensation for losses;
- (g) Other matters deemed necessary when general waterworks business operators conclude their entrustment contracts;

2. Multiple entrustment:

- (a) Matters falling under subparagraph 1 (a) through (g);
- (b) Matters concerning an annual investment plan (including the details of investment costs and means of raising funds) and recovery of funds;
- (c) Matters concerning the upgrade of water services facilities;
- (d) Matters concerning the collection and management of water use fee rates or the suspension of water supply by proxy;
- (e) Matters concerning the final target year, the annual rate of water supply, the rate of water flow and the target quality of water;
- (f) Matters concerning evaluation of the results of entrustment and measures to be taken subsequent to such results;
- (g) Matters concerning acquisition and transfer (including employment succession) between a trustor and a trustee, when an entrustment contract is concluded or terminated;
- (h) Matters concerning crisis management, such as an occurrence of hazards to the quality of water.

(4) In cases of a simple entrustment referred to in paragraph (1) 1, the provisions of Articles 37 through 39 shall not apply thereto.

(5) Matters concerning criteria for review on the validity and necessity of entrustment under paragraphs (1) and (2) and detailed criteria for concluding and terminating entrustment contracts or crisis management, etc. shall be determined and publicly announced by the Minister of Environment.

Article 36 (Trustees of Waterworks Facilities)

"Specialized institutions prescribed by Presidential Decree" referred to in Article 23 (1) of the Act means the following: <Amended by Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 22506, Nov. 26, 2010; Presidential Decree No. 23784, May 14, 2012>

1. The Korea Water Resources Corporation established under the Korea Water Resources Corporation Act;
2. The Korea Environment Corporation established under the Korea Environment Corporation Act;
3. Local government-directly operated enterprises, local government-invested public corporations and local government public corporations, which are incorporated and established under the Local Public Enterprises Act;
4. Corporations that are civil and architectural engineering business operators under Article 2 of the Framework Act on the Construction Industry;
5. Corporations that are engineering business operators specialized in the waterworks and sewage systems of the construction sector, or in the field of water-quality control of the environment sector under Article 2 of the Engineering Industry Promotion Act;
6. Professional engineers' offices specialized in the waterworks and sewage systems of the construction sector or in the water-quality control of the environment sector under Article 6 of the Professional Engineers Act;
7. Institutions prescribed by Ordinance of the Ministry of Environment as deemed capable of performing waterworks management affairs;
8. Entities prescribed by ordinances of a local government as deemed capable of performing waterworks management affairs by a general waterworks business operator which is a local government, or in cases of a waterworks business operator which is not a local government, entities prescribed by other Acts or subordinate statutes (limited to entrustment of simple and repetitive tasks, such as removing and treating sludge among simple entrustment).

Article 37 (Preparation of Entrustment Plans and Hearing of Opinions) (1) Where any general waterworks business operator (referring to a general waterworks business operator that is a local government; hereafter the same shall apply in this Article through Article 40) intends to entrust waterworks management affairs pursuant to Article 23 (1) of the Act, it shall formulate an entrustment plan which includes the following matters, hear the opinions of the entrustment review committee established under Article 23 (5) (hereinafter referred to as the "Entrustment Review Committee"), make such plan available for public perusal for at least 20 days, and hold an explanatory meeting: <Amended by Presidential Decree No. 22506, Nov. 26, 2010>

1. Objectives and scope of entrustment;
2. Period of entrustment;
3. Matters concerning the calculation of remuneration for entrustment and the payment thereof;
4. Other matters that a general waterworks business operator deems necessary to entrust waterworks management affairs.

(2) When each general waterworks business operator intends to make an entrustment plan available to residents for public perusal under paragraph (1), he/she shall publish in advance a summary of the entrustment plan, the period and place of public perusal, the time for

residents to present opinions and methods of presenting their opinions, etc. at least once in one or more nationally circulated daily newspapers (referring to any daily newspaper, the circulation area of which is nationwide registered under Article 12 (1) 6 of the Act on the Promotion of Newspapers, Etc. and which falls under subparagraph 1 (a) of Article 2 of the same Act; hereinafter the same shall apply) and in one or more locally circulated daily newspapers (referring to any daily newspaper, the main circulation area of which is the relevant local area registered under Article 12 (1) 6 of the same Act and which falls under subparagraph 1 (a) of Article 2 of the same Act; hereinafter the same shall apply), and make the relevant documents available for public perusal. <Amended by Presidential Decree No. 21148, Dec. 3, 2008; Presidential Decree No. 22003, Jan. 27, 2010>

(3) When each general waterworks business operator intends to hold an explanatory meeting referred to in paragraph (1), he/she shall publish in advance a summary of the entrustment plan, the date and venue of the explanatory meeting, at least once in one or more nationally circulated daily newspapers and in one or more locally circulated daily newspapers, and hold the explanatory meeting within ten days from the date on which the period of public perusal referred to in paragraph (2) begins.

(4) Each general waterworks business operator may hold a public hearing and seek residents' opinions upon hearing the opinions of the Entrustment Review Committee. In such cases, it shall publish a summary of the entrustment plan and the date on and venue at which a public hearing is to be held in the public bulletin, on the web-sites, or general daily newspapers under subparagraph 1 (a) of Article 2 of the Act on the Promotion of Newspapers, Etc.. at least 14 days before the public hearing begins. <Amended by Presidential Decree No. 21148, Dec. 3, 2008; Presidential Decree No. 22003, Jan. 27, 2010>

(5) When each general waterworks business operator intends to conclude an entrustment contract pursuant to Article 23 (1) of the Act, he/she shall reflect the opinions of the Entrustment Review Committee and the results of seeking opinions pursuant to paragraphs (1) through (4), unless any extenuating circumstances exist.

(6) Where any general waterworks business operator has concluded an entrustment contract, it shall publish the following matters in the public bulletin, on the web-sites, or daily newspapers within 15 days from the date on which the entrustment contract is concluded:

1. Objectives of entrustment;
2. Details and scope of entrustment;
3. Period of entrustment;
4. Name and address of the trustee;
5. Means of financing any costs incurred in entrustment;
6. Other matters subsequent to entrustment.

Article 38 (Functions and Operation of Entrustment Review Committees) (1) An Entrustment Review Committee shall deliberate on the following matters: <Amended by Presidential Decree No. 22506, Nov. 26, 2010>

1. The validity of objectives, subject matter and scope of entrustment;

2. The appropriateness of the period and remuneration for entrustment;
3. The appropriateness of investment plans and means of financing the budget;
4. The evaluation of the results of entrustment;
5. Other matters tabled to a meeting as the relevant general waterworks business operator deems them as requiring deliberation in relation to entrustment of waterworks management affairs.

(2) and (3) Deleted. <by Presidential Decree No. 22506, Nov. 26, 2010>

(4) Members of the Entrustment Review Committee shall be commissioned by the relevant general waterworks business operator, from among the following persons. In such cases, the general waterworks business operator shall commission at least one member from each of the following persons: <Amended by Presidential Decree No. 22506, Nov. 26, 2010>

1. Professional engineers in the field of waterworks and sewerage under Article 9 of the National Technical Qualifications Act;
2. Persons who hold doctorate degrees in waterworks and sewerage-related fields;
3. Certified public accountants registered under Article 7 of the Certified Public Accountant Act;
4. Legal professionals, such as attorneys-at-law and law professors.

(5) Allowances, travel expenses and other expenses to be incurred may be paid to members of the Entrustment Review Committee within budgetary limits: Provided, That the same shall not apply where public officials attend a meeting of the Entrustment Review Committee in direct connection with their duties.

(6) Except as otherwise expressly provided in this Decree, matters necessary for the operation of the Entrustment Review Committee shall be prescribed by ordinances of the relevant local government.

Article 39 (Evaluation on Results of Entrustment) (1) Each general waterworks business operator shall, where it entrusts water services management pursuant to Article 23 (1) of the Act, evaluate the operation and management of water services facilities and results of management of a trustee every five years from the date on which an entrustment contract is concluded, in order to improve and develop water services management.

(2) With respect to matters requiring correction, as a result of an evaluation referred to paragraph (1), each general waterworks business operator may request a trustee to correct them, or pay performance-based bonuses or provide other financial support, within budget, to a trustee who is found to have successfully performed its work.

(3) Matters necessary concerning means and procedures for evaluation of the results of entrustment pursuant to paragraphs (1) and (2) and measures to be taken subsequent to such evaluation shall be determined and publicly announced by the Minister of Environment.

Article 40 (Termination of Entrustment Contracts)

Each general waterworks business operator shall, when it intends to conclude an entrustment contract, clearly state on such contract in detail that such entrustment contract may be terminated when grounds falling under any of the following subparagraphs occur:

1. Where the goals of entrustment are impossible to be attained because a trustee fails to properly manage water services;
2. Where an entrustment contract is decided to be terminated by a resident referendum under the Residents' Voting Act.

Article 41 (Eligibility to Take Examinations for Certified Water-Purification Facility Managers)

Types of examinations for certified water-purification facility managers, set forth in Article 24 (5) of the Act, shall be Grades I, II, and III, and eligibility to take an examination is as shown in attached Table 3. <Amended by Presidential Decree No. 20521, Jan. 3, 2008>

Article 42 (Methods of Examinations and Standards for Passing Examinations) (1) An examination for certified water-purification facility managers prescribed by Article 24 (1) of the Act shall be held as the first test and the second test: Provided, That where it is deemed necessary by the Minister of Environment, the first test and the second test may be held simultaneously. <Amended by Presidential Decree No. 20521, Jan. 3, 2008>

(2) The first test and the second test under paragraph (1) shall be held for each of the following subjects, with different degrees of difficulty by each grade, and the first test shall be comprised of multiple-choice questions and the second exam shall be comprised of essays or short answers: <Amended by Presidential Decree No. 20521, Jan. 3, 2008>

1. Water-purification process;
2. Analysis on and control of water quality;
3. The operation of facilities and equipment (machinery, devices, measuring instruments, etc.);
4. The hydraulics of water-purification facilities.

(3) In order to pass the first and second tests, an examinee shall score at least 40 points in each subject and an average of at least 60 points out of 100 as full marks in each subject. <Amended by Presidential Decree No. 20521, Jan. 3, 2008>

(4) The second test shall be held for those who have passed the first test: Provided, That in cases where the first test and the second test are simultaneously held pursuant to the proviso to paragraph (1), the second test taken by any person who has failed to pass the first test shall become annulled.

(5) Any person who has passed the first test shall be exempted from taking the first test for two years from the date on which he/she has passed the first test: Provided, That in cases where the first test has not been held within those two years, he/she shall be exempted from the immediately following first test only once.

(6) Setting questions, marking, application procedures, and service charges for qualification examinations, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 43 (Partial Exemption of Examination Subjects)

Part of examination subjects shall be exempted for persons who have obtained certificates in related fields prescribed by the National Technical Qualifications Act pursuant to Article 24

(5) of the Act, pursuant to the following classification: <Amended by Presidential Decree No. 20521, Jan. 3, 2008>

1. Certified tap water and sewerage technicians: Subjects under Article 42 (2) 1 through 4 from among the subjects of the first test for Grade I, II, or III certified water-purification facility managers under Article 42 (2);
2. Certified water-quality management technicians: Subjects under Article 42 (2) 1, 2 and 4 from among the subjects of the first test for Grade I, II, or III certified water-purification facility managers under Article 42 (2);
3. Certified water-quality and environment technicians: Subjects under Article 42 (2) 1 and 2 from among the subjects of the first test for Grade II or III certified water-purification facility managers under Article 42 (2);
4. Certified water-quality and environmental industry technicians: Subjects under Article 42 (2) 1 and 2 from among the subjects of the first test for Grade III certified water-purification facility managers under Article 42 (2).

Article 44 Deleted. <by Presidential Decree No. 22506, Nov. 26, 2010>

Article 45 Deleted. <by Presidential Decree No. 22506, Nov. 26, 2010>

Article 46 (Reporting of Municipal Ordinances on Tightened Water Quality Standards, etc.)

Where the matters referred to in Article 26 (4) of the Act are prescribed by municipal ordinance, the Mayor/Do Governor shall report to the Minister of Environment thereon without delay. The same shall also apply where any provision of the municipal ordinance on such matters is amended. <Amended by Presidential Decree No. 25430, Jun. 30, 2014>

Article 47 (Standards for Giving Public Notice on Details of Violations, etc. of Water Quality Standards)

"Cases falling under reasons prescribed by Presidential Decree" referred to in Article 27 (1) of the Act means any of the following cases:

1. As a result of monitoring through various warning systems, such as a fish monitoring water tank and a biology warning system, the inflow of a poisonous substance is deemed evident;
2. Where fecal coliforms are detected at the outlet of a clean water reservoir;
3. Where a waterborne disease is deemed to have occurred due to tap water;
4. Where turbidity exceeding 1 NTU (Nephelometric Turbidity Unit) lasts for at least 24 hours;
5. Where turbidity exceeds 5 NTU;
6. Where the residual chlorine concentration at the outlet of a clean water reservoir does not exceed 0.1mg/L (in cases of combined residual chlorine, less than 0.4mg/L) and lasts for at least one hour;
7. Where the residual chlorine concentration is not less than 4mg/L at the outlet of a clean water reservoir;
8. Where the value of inactivation required by disinfection does not exceed 1 and lasts for at least 48 hours;
9. Where the hydrogen ion concentration (pH) is less than 5.5 or exceeds 9.0 and lasts for

at least one hour;

10. Where the nitric nitrogen concentration exceeds 10mg/L;

11. Where a general waterworks business operator deems it necessary to give notice to residents immediately.

[This Article Wholly Amended by Presidential Decree No. 23784, May 14, 2012]

Article 48 Deleted. <by Presidential Decree No. 23784, May 14, 2012>

Article 49 (Installation of Water-Quality Inspection Facilities) (1) Criteria for water-quality inspection facilities, which each general waterworks business operator shall be equipped with in accordance with Article 29 (2) of the Act, shall be as follows: <Amended by Presidential Decree No. 23967, Jul. 20, 2012>

1. Raw-water inspection facilities: Equipment and testing facilities capable of inspecting whether the criteria for water quality and water ecosystems, as stipulated in the attached Table of the Enforcement Decree of the Framework Act on Environmental Policy, is met;

2. Purified-water inspection facilities: Equipment and testing facilities capable of inspecting whether the criteria for the quality of drinking water prescribed by Ordinance of the Ministry of Environment under Article 26 (2) of the Act is met.

(2) Notwithstanding the provisions of paragraph (1), if each general waterworks business operator entrusts or delegates the inspection of water quality, upon approval from the relevant Mayor/Do Governor, to any national or public research institution, such as the Public Health and Environment Research Institute, or any other institution prescribed by Ordinance of the Ministry of Environment, he/she may elect not to install water quality inspection facilities (excluding facilities to test inspection items prescribed by Ordinance of the Ministry of Environment) prescribed by paragraph (1). In such cases, the relevant Mayor/Do Governor shall determine whether to grant approval, considering the demand for water-quality inspections within his/her jurisdiction and the inspection capacity of the Public Health and Environment Research Institute, etc.

Article 49-2 (Composition, Operation, etc. of Tap-Water Quality Evaluation Committee, etc.) (1) The Tap-Water Quality Evaluation Committee in Article 30 (1) of the Act (hereinafter referred to as the "Tap-Water Quality Evaluation Committee") shall be comprised of not more than 15 members including a chairperson.

(2) The members shall be appointed or commissioned from among public officials in charge of the affairs pertaining to tap water, those who have abundant knowledge and experience relating to tap water-related areas, and general consumers.

(3) The Tap-Water Quality Evaluation Committee shall be convened regularly not less than twice a year for tap water quality examination, etc. and publish the results of the examination.

(4) Necessary matters for the organization, operation, etc. of the Tap-Water Quality Evaluation Committee, other than matters prescribed in paragraphs (1) through (3) shall be determined by ordinances of local governments.

[This Article Newly Inserted by Presidential Decree No. 22506, Nov. 26, 2010]

Article 50 (Types of Buildings or Facilities Required to Take Sanitary Measures, Such

as Disinfection)

"Buildings or facilities which exceed the scales specified by Presidential Decree" in Article 33 (2) of the Act, means buildings or facilities falling under the following subparagraphs: Provided, That buildings or facilities supplying tap water without using water tanks shall be excluded:

1. Buildings or facilities the total floor area of each of which is not less than 5,000 square meters (excluding the areas of parking lots within buildings or facilities);
2. Buildings or facilities prescribed by Article 3 of the Enforcement Decree of the Public Health Control Act;
3. Apartments and their welfare facilities prescribed by subparagraph 2 (a) of attached Table 1 of the Enforcement Decree of the Building Act.

Article 51 (Buildings or Facilities Required to Take Measures, such as Cleaning Water Pipes) (1) "Buildings or facilities, the scale of which exceeds the scale prescribed by Presidential Decree" in Article 33 (3) of the Act, means the buildings or facilities classified as follows:

1. Any of the following buildings or facilities with the total floor area of at least 60,000 square meters:
 - (a) Buildings or facilities referred to in Article 33 (3) 1 through 3 and 9 of the Act;
 - (b) General business facilities referred to in subparagraph 14 (b) of attached Table 1 of the Enforcement Decree of the Building Act, among facilities specified in Article 33 (3) 7 of the Act;
2. Any of the following buildings or facilities with the total floor area of at least 5,000 square meters:
 - (a) Facilities referred to in Article 33 (3) 4 through 6, 8, and 9 of the Act;
 - (b) Public facilities referred to in subparagraph 14 (a) of attached Table 1 of the Enforcement Decree of the Building Act, among facilities specified in Article 33 (3) 7 of the Act.
- (2) "Buildings prescribed by Presidential Decree" in Article 33 (3) 2 of the Act means apartment buildings referred to in subparagraph 2 (a) of attached Table 1 of the Enforcement Decree of the Building Act.
- (3) "Facilities prescribed by Presidential Decree" in Article 33 (3) 5 of the Act means any of the following facilities:
 1. Schools referred to in subparagraph 10 (a) of attached Table 1 of the Enforcement Decree of the Building Act;
 2. Libraries established by the State or local governments, among libraries referred to in subparagraph 10 (f) of attached Table 1 of the Enforcement Decree of the Building Act.
- (4) "Facilities prescribed by Presidential Decree" in Article 33 (3) 6 of the Act means any of the following facilities:
 1. Facilities for elderly citizens and children referred to in subparagraph 11 of attached Table 1 of the Enforcement Decree of the Building Act;
 2. Training facilities in living areas referred to in subparagraph 12 (a) of attached Table 1 of

the Enforcement Decree of the Building Act;

3. Training facilities in natural areas referred to in subparagraph 12 (b) of attached Table 1 of the Enforcement Decree of the Building Act;

4. Youth hostels referred to in subparagraph 12 (c) of attached Table 1 of the Enforcement Decree of the Building Act;

5. Physical training facilities referred to in subparagraph 13 of attached Table 1 of the Enforcement Decree of the Building Act.

(5) “Facilities prescribed by Presidential Decree” in Article 33 (3) 8 of the Act means any of the following facilities:

1. Correctional institutions referred to in subparagraph 23 (a) of attached Table 1 of the Enforcement Decree of the Building Act;

2. Rehabilitation and protection institutions referred to in subparagraph 23 (b) of attached Table 1 of the Enforcement Decree of the Building Act;

3. Juvenile reformatory centers and juvenile classification review institutions referred to in subparagraph 23 (c) of attached Table 1 of the Enforcement Decree of the Building Act.

[This Article Wholly Amended by Presidential Decree No. 27335, Jul. 12, 2016]

Article 52 (Education, etc. on Management of Waterworks Facilities) (1) The details of education on the management of waterworks facilities under Article 36 (1) of the Act shall include the following:

1. The Water Supply and Waterworks Installation Act and hygiene-related laws and regulations;

2. Matters concerning the operation, maintenance and management of waterworks facilities;

3. Matters concerning quality standards for drinking water and the testing thereof;

4. Matters concerning improvement of water quality;

5. Other matters necessary for the management of waterworks facilities.

(2) Any person to receive education under Article 36 (1) and (2) of the Act shall receive the following education, and any person who violates Article 33 (2) of the Act or a person subject to a disposition to suspend his/her business under Article 35 of the Act shall receive re-education within two years from the date on which such violation is discovered: <Amended by Presidential Decree No. 22506, Nov. 26, 2010>

1. In cases of a person who falls under Article 36 (1) 1 and 2 of the Act, an employee directly engaged in the water-tank cleaning business or a supervisor who directly give instructions at the site: Group education for eight hours at class or other on-line education equivalent thereto within one year from the date on which he/she is required to receive such education;

2. In cases of persons to receive education, other than those referred to in subparagraph 1: Group education for 35 hours every three years or other on-line training equivalent thereto.

(3) Expenses incurred in receiving the education under paragraph (2) shall be borne by those who have received such education: Provided, That expenses incurred in providing education for operators and employees referred to in Article 36 (2) of the Act shall be borne by the general waterworks business operators or water-tank cleaning business operator,

which employs such operators and employees.

(4) "Institutions or organizations designated by Presidential Decree" referred to in Article 36 (3) of the Act means any of the following institutions and organizations: <Amended by Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 23967, Jul. 20, 2012>

1. The Korea Water and Wastewater Works Association (hereinafter referred to as the "Association") under Article 56 of the Act;
2. The Korea Water Resources Corporation under the Korea Water Resources Corporation Act;
3. The Korea Environmental Preservation Association under Article 59 of the Framework Act on Environmental Policy;
4. The Korea Environment Corporation under the Korea Environment Corporation Act;
5. Educational institutions acknowledged by the Minister of Environment as having proper human resources, etc. among educational institutions run by general waterworks business operators;
6. Other institutions acknowledged and prescribed by Ordinance of the Ministry of Environment as being capable of providing education.

(5) The head of each educational institution under paragraph (4) (hereafter referred to as "head of an educational institution" in this Article) shall formulate an education plan for the following year, including the following matters, and submit it to the Minister of Environment by the end of each year:

1. Basic direction-setting for education;
2. The results of a survey on demand for education and a long-term estimation thereof;
3. Implementation plans for educational programs;
4. Teaching materials (including practice materials) and plans for using them;
5. Persons to receive education and education expenses;
6. Other matters necessary for education.

(6) The head of an educational institution shall issue certificates of completion to persons who have completed a educational course and report the outcomes of education provided to the Minister of Environment by no later than January 15 of the following year.

(7) Other matters necessary for specific curricula for each person to receive education, methods of providing education, etc. shall be prescribed by the Minister of Environment.

Article 53 (Application for Approval of Provisions concerning Supply of Tap Water)

Any person who intends to obtain approval of provisions concerning the supply of tap water from the Authority for Authorization, as prescribed by Article 38 of the Act, shall prepare provisions concerning the supply of tap water, including the following matters, and apply for approval thereof:

1. Basic data necessary for the computation of tap-water use fee rates;
2. Criteria and methods for the computation of expenses for construction works relating to water services facilities;
3. Matters concerning the installment and management of water supply facilities, such as

the installation of a backflow-prevention valve in the base of a water gauge to prevent water pollution due to backflow;

4. Other matters prescribed by Ordinance of the Ministry of Environment, concerning the supply of tap water.

Article 53-2 (Reduction of and Exemption from Tap Water Fees) (1) “The public facilities prescribed by Presidential Decree, including educational facilities and social welfare facilities” in the part other than the subparagraphs of Article 38 (4) of the Act means the following facilities: <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012; Presidential Decree No. 24020, Aug. 3, 2012; Presidential Decree No. 25430, Jun. 30, 2014>

1. Schools that are defined in each subparagraph of Article 2 of the Elementary and Secondary Education Act;

2. Social welfare facilities that are defined in subparagraph 4 of Article 2 of the Social Welfare Services Act;

3. Other facilities prescribed by ordinances of a local government.

(2) Detailed matters necessary for the discount of tap water fees under Article 38 (4) of the Act, including discount rates, shall be prescribed by municipal ordinance of each local government. <Amended by Presidential Decree No. 25430, Jun. 30, 2014>

[This Article Newly Inserted by Presidential Decree No. 22506, Nov. 26, 2010]

Article 53-3 (Refusal to Supply Tap Water)

Pursuant to Article 39 (1) of the Act, no general waterworks business operator shall refuse to supply tap water to any person that wants to have tap water supplied, except in any of the following cases:

1. Where it is impracticable to supply tap water in a normal condition due to the destruction or breakdown of waterworks;

2. Where it is necessary for the protection of health of the persons to whom tap water is supplied, because tap water fails to meet the water quality standards under Article 26 of the Act due to the replacement or malfunction of purification facilities or the contamination by a hazardous substance.

[This Article Newly Inserted by Presidential Decree No. 25430, Jun. 30, 2014]

Article 54 (Application Mutatis Mutandis to Cases of Adjudication)

Article 51 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to applications for administrative adjudication under Article 41 (3) of the Act.

Article 55 (Application Mutatis Mutandis to Cases of Industrial-Use Water)

Articles 27 through 30, 33, 35 through 40, and 53 shall apply mutatis mutandis to industrial waterworks and industrial waterworks services.

Article 56 (Supply of Tap Water from Wide-Area Waterworks to General Consumers)

Tap water from wide-area waterworks may be supplied for general consumers under Article 43 (4) of the Act if the following requirements are met: <by Presidential Decree No. 22506,

Nov. 26, 2010>

1. Where the directly supply of tap water from wide-area water services is inevitable because the supply of tap water by local water supply or by other means is substantially difficult;
2. Where water is supplied for public institutions, military units, schools, power plants, or factories using at least 1,000 tons of water per day;
3. Deleted. <by Presidential Decree No. 22506, Nov. 26, 2010>

Article 57 (Exclusive Waterworks Installed by the State) (1) Where the State intends to install exclusive waterworks pursuant to Article 51 of the Act, the competent Minister shall consult with the Minister of Environment on private-use waterworks or with the Minister of Land, Infrastructure and Transport on private-use industrial waterworks. <Amended by Presidential Decree No. 20680, Feb. 29, 2008; Presidential Decree No. 24451, Mar. 23, 2013>

(2) Articles 53 and 54 of the Act shall apply mutatis mutandis to the cases of exclusive waterworks installed by the State.

Article 58 (Application for Authorization of Private-Use Waterworks) (1) Any person who intends to obtain authorization for installing private-use waterworks pursuant to Article 52 of the Act shall submit, to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province or the head of a Si/Gun, an application for authorization to install private-use waterworks, along with installation plans, as prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012>

(2) Installation plans under paragraph (1) shall include the following matters: <Amended by Presidential Decree No. 20846, Jun. 20, 2008>

1. An outline of waterworks facilities;
2. The population to be supplied with water and the volume of water to be supplied per person per day;
3. The maximum daily water supply and the average daily water supply;
4. Matters prescribed in Article 27 (2) 5 through 8;
5. A review of the effects of installing private-use waterworks upon persons holding existing water rights: Provided, That this shall not apply where a permit to exploit or use a forebay is obtained under any other Act or subordinate statute, such as the Groundwater Act.

Article 58-2 (Requirements for Authorization of Private-use Waterworks)

Any person who intends to obtain authorization of private-use waterworks as prescribed by Article 52 (1) of the Act shall meet all of the following requirements:

1. To meet standards for facilities under Article 29: Provided, That standards for facilities pursuant to paragraph (1) 2, 3, 5 or 6 of the same Article shall apply only to cases where the relevant facilities are necessary;
2. To obtain consent from persons holding existing water rights, if such authorization will clearly inflict losses thereon: Provided, That cases where permission to exploit or use water-intake sources is obtained under any other Act or subordinate statute, such as the

Groundwater Act shall be excluded.

[This Article Newly Inserted by Presidential Decree No. 20846, Jun. 20, 2008]

Article 59 (Matters of which Modification Requires Authorization for Private-Use Waterworks)

"Important matters prescribed by Presidential Decree" in Article 52 (2) of the Act means any of the following matters:

1. The location of water source or forebay, and the methods of purification;
2. A location map of water services facilities and ground plans;
3. The maximum daily water supply and the average daily water supply (excluding cases where the volume of decrease or increase shows less than 1/10).

Article 60 (Missions, etc.)

The Association shall perform the following missions: <Amended by Presidential Decree No. 25430, Jun. 30, 2014>

1. Making proposals and providing advice with respect to policies on and administration of water services (including sewage; hereinafter the same shall apply in this Article);
2. Collecting statistics with respect to water services and publishing books related thereto;
3. Surveying and researching on, and propagating the development of water supply-related technology and water services;
4. Researching on and propagating standards for water services facilities and for the design thereof, and official instructions;
5. Public relations, education, and in-service training for water services;
6. International exchanges relating to water supply;
7. Promoting the welfare of members of the Association and protecting their rights and interests;
8. Research on specifications of materials and products for waterworks, the establishment of collective standards, testing, and certification;
9. Evaluation of technology and technical support for water services facilities;
10. Other missions that are commissioned by the Minister of Environment, or prescribed by the articles of association.

Article 61 (Supervision over Association) (1) The Minister of Environment shall supervise the affairs of the Association.

(2) Where the Minister of Environment deems necessary for supervision pursuant to paragraph (1), he/she may request the Association to submit necessary material.

Article 62 (Establishment of Safety Management System for Water-Purification Plants) (1) The Minister of Environment may implement a system to evaluate the operation of water-purification plants and the status of management of the facilities therein, in order to establish safety supervision for water-purification plants.

(2) Matters necessary to grant a reward, etc. based on the operation of an evaluation system under paragraph (1) and evaluation thereby shall be determined and publicly announced by the Minister of Environment. <Amended by Presidential Decree No. 23784, May 14, 2012>

Article 63 (Delegation or Entrustment of Compulsory Collection)

Any local government which intends to delegate or entrust the compulsory collection of tap-water use fee rates, etc. in accordance with Article 68 (2) of the Act, shall send delegated or entrusted local government documents, stating the following matters:

1. The former and present addresses of obligators to pay such fee rates;
2. The amount to be paid and the deadline for the payment thereof;
3. Whether demand notes or notices have been issued and, if issued, the dates of issuance;
4. Other matters for reference.

Article 64 (Scope of Usage of Revenues)

"Matters prescribed by Presidential Decree" in Article 69 of the Act means the following matters: <Amended by Presidential Decree No. 25430, Jun. 30, 2014>

1. Subsidies or loans that are provided to cover expenses incurred in washing, renewing, or replacing water supply facilities under Article 21 (5) of the Act;
2. Subsidies that are provided to cover expenses incurred in conducting a water-quality inspection under Article 33 (2) of the Act;
3. Partial subsidies that are provided to cover expenses incurred in installing water pipes under provisions on supply under Article 53.

Article 65 (Expenses to be Levied on Persons Incurring Such Expenses) (1) In order to levy waterworks expenses on a person who has incurred such expenses (including a person who has incurred waterworks expenses to build new or more water services facilities, as a result of building facilities which use a large volume of tap water, such as housing complexes and industrial complexes), as prescribed by Article 71 (1) of the Act, a waterworks business operator shall have prior consultation with the person on whom such expenses are to be levied with regard to standards for the computation of such expenses prescribed by Article 71 (2) of the Act and the method of payment thereof. In such cases, if such consultation does not lead to agreement, the waterworks business operator may determine such amount in consideration of anticipated expenses necessary for waterworks. <Amended by Presidential Decree No. 20521, Jan. 3, 2008>

(2) In order to levy waterworks expenses on a person who has incurred such expenses as prescribed by paragraph (1), a waterworks business operator shall compute anticipated waterworks expenses, and issue the person on whom such expenses are to be levied a written notice stating the amount of expenses and the deadline and place for payment thereof. <Amended by Presidential Decree No. 20521, Jan. 3, 2008>

(3) Expenses to be levied on a person who has incurred such expenses in accordance with paragraph (1) shall be the aggregate of the followings:

1. The cost of building new or additional water services facilities;
2. Costs for restoration of facilities to their original state;
3. The amount of money corresponding to use fees for tap water which became unusable due to the cleaning, etc. of water services facilities;
4. Expenses for water wagons used due to the suspension of water supply;

5. Expenses for the restoration of roads to their original state and costs required for preventing the freezing of roads;

6. Expenses for vehicles used and personnel called into services for restoration works;

7. Other expenses, etc. for public relations.

(4) In order to levy waterworks expenses on a person who has inflicted damage to water services facilities in accordance with Article 71 (1) of the Act, a waterworks business operator shall compute expenses for repair and maintenance of water services facilities or expenses to build damage prevention facilities, and issue the person on whom such expenses are to be levied a written notice stating the amount of expenses, and the deadline and place for payment thereof. <Newly Inserted by Presidential Decree No. 20521, Jan. 3, 2008>

(5) Expenses to be levied on a person who has incurred such expenses in accordance with paragraph (4) shall be the aggregate of each of the following subparagraphs: <Newly Inserted by Presidential Decree No. 20521, Jan. 3, 2008>

1. The amount of money corresponding to use fees for tap water which has leaked or become unusable due to damage, etc. to water services facilities;

2. Expenses prescribed by paragraph (3) 2, and 4 through 7.

(6) The detailed criteria necessary for the computation of expenses prescribed by paragraphs (3) and (5) shall be prescribed by ordinances of the relevant local government. <Amended by Presidential Decree No. 20521, Jan. 3, 2008>

Article 66 (Subsidy from National Treasury to Water Services Provider)

When the State provides subsidies to a waterworks business operator, which is a local government, according the proviso to Article 75 of the Act, the percentage of the State subsidy shall be based on 30/100 of the total project expenses, however, such rate may increase or decrease within 20/100 in consideration of manufacturing cost for water and water use fees, etc.

[This Article Newly Inserted by Presidential Decree No. 21829, Nov. 17, 2009]

Article 67 (Delegation or Entrustment of Authority) (1) The Minister of Environment shall delegate the following authority to a Mayor/Do Governor pursuant to Article 78 (1) of the Act: <Amended by Presidential Decree No. 22506, Nov. 26, 2010; Presidential Decree No. 23557, Jan. 26, 2012; Presidential Decree No. 23784, May 14, 2012; Presidential Decree No. 27335, Jul. 12, 2016>

1. Designation or modification of water source protection areas prescribed in Article 7 (1) and (2) of the Act, or giving public notices thereon;

2. Removal of equipment, etc. prescribed in Article 13 (2) of the Act, taking other necessary measures, or suspending the supply of tap water;

3. Recommendation and order for collecting, etc. of products, etc. prescribed in Articles 14-3 and 14-4 of the Act;

4. Approval for the purchase of waterworks facilities, etc. prescribed in Article 44 (1) of the Act;

5. Seeking opinions from residents when designating or modifying water source protection

areas prescribed in Article 11-2.

(2) The Minister of Environment shall delegate the following authority to the head of each basin environmental office or the head of each regional environmental office pursuant to Article 78 (1) of the Act: <Amended by Presidential Decree No. 22506, Nov. 26, 2010; Presidential Decree No. 23784, May 14, 2012; Presidential Decree No. 25430, Jun. 30, 2014>

1. Evaluation of the management status on water source protection areas under Article 8 (3) of the Act;
2. Review of the validity of water quality control plans for water source protection areas and evaluation of the results of implementation of such plans under Article 8-2 (2) and (3) of the Act;
3. Orders to improve the management of waterworks business under Article 62 of the Act, or orders to take other necessary measures.

(3) Notwithstanding the jurisdiction of a basin environmental office under Article 36 of the Organization of the Ministry of Environment and its affiliated agencies, the Minister of Environment may delegate the following authority to the head of a basin environmental office according to the jurisdiction referred to in attached Table 4, pursuant to Article 78 (1) of the Act: <Newly Inserted by Presidential Decree No. 23784, May 14, 2012>

1. Approval for a basic plan for waterworks installation and management for general waterworks formulated by the head of a Si/Gun pursuant to Article 4 (3) of the Act and approval for amendment thereto: Provided, That a plan for waterworks installation and management for general waterworks formulated by the head of a Si/Gun that supplies or is supplied with wide-area waterworks shall be excluded;
2. Authorization for local waterworks installed by the head of a Si/Gun pursuant to Article 17 (1) 1 of the Act and authorization for revision thereto;
3. A public notice of authorization for local waterworks referred to in subparagraph 2 pursuant to Article 17 (3) of the Act.

(4) The Minister of Environment shall entrust certification affairs of hygiene and safety standards under Article 14 (1) of the Act to the Association, pursuant to Article 78 (2) of the Act. <Newly Inserted by Presidential Decree No. 22506, Nov. 26, 2010>

(5) The Minister of Environment shall entrust administration affairs of the qualifying examinations for operation managers on water-purification facilities under Article 24 (1) of the Act to the Human Resources Development Service of Korea established under the Human Resources Development Service of Korea Act, pursuant to Article 78 (2) of the Act. <Newly Inserted by Presidential Decree No. 20864, Jun. 20, 2008; Presidential Decree No. 22506, Nov. 26, 2010>

(6) The Minister of Land, Infrastructure and Transport shall entrust the following affairs to the Korea Water Resources Corporation pursuant to Article 78 (2) of the Act: <Newly Inserted by Presidential Decree No. 22506, Nov. 26, 2010; Presidential Decree No. 24451, Mar. 23, 2013>

1. Surveys and research to formulate a basic plan for waterworks installation and

management for wide-area waterworks and industrial waterworks under Article 4 (1) 1 of the Act;

2. Surveys, design, and research on installing industrial waterworks facilities under Article 48 of the Act.

(7) Pursuant to Article 78 (2) of the Act, the Minister of Environment shall entrust the following authority to the Korea Environment Corporation: <Newly Inserted by Presidential Decree No. 25430, Jun. 30, 2014>

1. Registration of water-saving business under Article 15-2 (1) of the Act;

2. Assistance to water-saving business operators under Article 15-2 (2) of the Act;

3. Establishment and operation of the computer network under Article 29 (4) of the Act;

4. Establishment and operation of the national waterworks information center under Article 74-2 (1) of the Act.

Article 67-2 (Handling of Private Information)

Where a general waterworks business operator deems inevitable in carrying out affairs for the discount of water service fees under Article 38 (4) of the Act, he/she may handle sensitive data containing a resident registration number or an alien registration number under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act.

[This Article Newly Inserted by Presidential Decree No. 27335, Jul. 12, 2016]

Article 68 (Review of Regulations)

The Minister of Environment shall review the validity of the following matters every three years from the reference date specified in each subparagraph (referring to on or before the day immediately before every third anniversary of the reference date) and shall take measures for improvement: <Amended by Presidential Decree No. 25430, Jun. 30, 2014>

1. The hygiene and safety standards under Article 24 and attached Table 1-2: July 1, 2014;

2. The use of materials or products for waterworks under Article 24-2: July 1, 2014;

3. Subject matters of water-saving facilities under Article 25: July 1, 2014;

3-2. Standards for the registration of water-saving business under Article 25-2 and attached Table 1-3: July 1, 2014;

4. Managers of water services facilities under Article 33: July 1, 2014;

5. Education, etc. on the management of water services facilities under Article 52: July 1, 2014.

[This Article Newly Inserted by Presidential Decree No. 25050, Dec. 30, 2013]

Article 69 (Standards for Imposition of Administrative Fines)

Standards for imposition of administrative fines provided for in Article 87 (1) through (4) of the Act shall be as stipulated in attached Table 5. <Amended by Presidential Decree No. 27335, Jul. 12, 2016>

[This Article Wholly Amended by Presidential Decree No. 23784, May 14, 2012]

ADDENDA (Omitted)

40. Act on Conservation and Utilization of the Marine Environment

[Enforcement Date 22. Sep, 2017.] [Act No.14746, 21. Mar, 2017., New Enactment]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prescribe matters concerning basic direction-setting for policies to conserve and utilize the marine environment and concerning the establishment and implementation system for such policies, so as to manage the sea in a systematic and sustainable manner, thereby improving marine health and contributing to the enhancement of quality of life of citizens as well as to continuous national development.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "marine environment" means the natural and living conditions at sea, including organisms inhabiting the sea, abiological environments surrounding the organisms, such as seawater, land at sea, and marine atmosphere, and human behavioral patterns at sea;
2. The term "conservation and utilization of the marine environment" means acts of preserving, managing and utilizing the sea, while maintaining marine health by preventing marine pollution and deterioration of marine ecosystems, improving polluted or deteriorating sea and restoring and maintaining its original state through the elimination, etc. of pollutants, and by appropriately utilizing and using spatial resources, bioresources, food resources, etc. in the marine environment;
3. The term "marine pollution" means a state in which substances or energy flowing into the sea or generated at sea adversely affects or is likely to adversely affect the marine environment;
4. The term "deterioration of marine ecosystems" means a state in which such activities as overfishing of marine organisms, etc., destruction of their habitats, and disturbance of marine order seriously damage the original functions of marine ecosystems;
5. The term "marine health" means a state of the marine environment contributing to the welfare of present and future generations and the national economy, which includes production of fishery products, marine tourism, job creation, pollution cleanup, response to climate change, and coastal protection, as well as the sustainability of such state;
6. The term "marine environmental standards" means marine environmental levels which it is desirable for the State to achieve and meet in order to protect citizens' health and the marine environment;
7. The term "accuracy control of marine environment information" means management activities which pursue the appropriateness of production, management, utilization, etc. of data through marine environment surveys;
8. The term "sea area management authority" means any of the following administrative agencies that perform the duties of marine environment management, such as activities to improve the marine environment and prevent marine pollution for the waters under its jurisdiction:

(a) The competent Metropolitan City Mayor, Do Governor, and Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), in cases of the territorial sea and internal waters specified in the Territorial Sea and Contiguous Zone Act and sea areas prescribed by Presidential Decree;

(b) The Minister of Oceans and Fisheries, in cases of an exclusive economic zone defined in Article 2 of the Act on the Exclusive Economic Zone and Continental Shelf, sea areas prescribed by Presidential Decree, and a sea area inside a harbor.

Article 3 (Duty of State and Local Governments) (1) The State shall have the duty to formulate and implement plans and policies necessary to prevent marine pollution and deterioration of marine ecosystems and to properly conserve, manage and utilize the marine environment in consideration of the characteristics of the Korean marine environment, while observing international agreements on the marine environment.

(2) Each local government shall have the duty to formulate and implement plans and policies necessary to conserve and utilize the marine environment of the waters under its jurisdiction in consideration of the local characteristics and conditions, in accordance with national plans and policies necessary to conserve and utilize the marine environment.

Article 4 (Responsibilities of Citizens and Business Entities) (1) All citizens shall endeavor to prevent marine pollution and deterioration of marine ecosystems in their daily lives, and cooperate with the State and local governments in their policies to preserve and utilize the marine environment.

(2) Any person who engages in an activity or a business which affects the marine environment, such as development or usage at sea, shall take measures necessary to minimize marine pollution and deterioration of marine ecosystems.

Article 5 (Assessment of Marine Health) (1) The State and local governments shall control activities to use or develop the sea to ensure that such activities are performed to the extent not damaging marine health and are acceptable by the marine environment.

(2) The Minister of Oceans and Fisheries shall establish a marine health assessment system and reflect the results of assessments therefrom in the comprehensive plan for the marine environment referred to in Article 10, as prescribed by Presidential Decree.

Article 6 (Conservation and Management of Marine Ecosystems)

The State and local governments shall prevent deterioration of marine ecosystems in advance, improve systems for preserving marine biodiversity and sustainably using marine living resources; and shall formulate plans and policies to protect marine assets.

Article 7 (Control of Flow, Discharge and Disposal of Pollutants into Sea) (1) The State and local governments shall prepare policies to prevent pollutants from flowing into the sea in advance, and to minimize impacts that discharge, disposal, etc. of pollutants into the sea will have on the marine environment.

(2) The State and local governments shall prepare measures necessary to control the creation of contaminated sediments, waste, other substances, etc. in the sea, to promptly

restore and recover damage to the marine environment, to improve the marine environment, and to perform environmentally-friendly control of pollutants.

Article 8 (Polluter-Pays Principle)

A person whose use or development of sea results in marine pollution or deterioration of marine ecosystems (hereinafter referred to as "polluter"), shall be liable to prevent such pollution or deterioration and restore the polluted or deteriorating marine environment, and in principle, shall bear expenses incurred in restoring the marine environment and rectifying damage caused by such pollution or deterioration.

Article 9 (Relationship with other Acts) (1) Any other Acts relating to the conservation and utilization of the marine environment shall be enacted or amended in compliance with this Act.

(2) Except as otherwise expressly provided for in other Acts, this Act shall apply to the conservation and utilization of the marine environment.

CHAPTER II FORMULATION, ETC. OF COMPREHENSIVE PLANS FOR MARINE ENVIRONMENT

Article 10 (Formulation of Comprehensive Plans for Marine Environment) (1) The Minister of Oceans and Fisheries shall formulate and implement a comprehensive plan for conservation and utilization of the marine environment (hereinafter referred to as "comprehensive plan for the marine environment") every ten years, as prescribed by Presidential Decree.

(2) Where the Minister of Oceans and Fisheries intends to formulate or amend a comprehensive plan for the marine environment, he/she shall consult with the heads of relevant central administrative agencies after hearing the opinions of Mayors/Do Governors; and shall finalize the plan after deliberation by the Maritime Affairs and Fisheries Development Committee established under Article 7 of the Framework Act on Marine Fishery Development: Provided, That the same shall not apply to any amendment of minor matters prescribed by Presidential Decree.

(3) Where deemed necessary to formulate or amend a comprehensive plan for the marine environment, the Minister of Oceans and Fisheries may hold a hearing, etc. to gather consensus from citizens, relevant experts, etc.

(4) Where the Minister of Oceans and Fisheries formulates or amends a comprehensive plan for the marine environment, he/she may request the heads of relevant central administrative agencies or the Mayors/Do Governors to submit necessary data.

Article 11 (Details of Comprehensive Plans for Marine Environment)

Each comprehensive plan for the marine environment shall include the following:

1. Current status of the marine environment and changes in conditions;
2. Target-setting and step-by-step strategies for conserving and utilizing the marine environment;
3. Assessment of marine health and marine environmental quality, and the marine

environmental standards;

4. Comprehensive space management for the marine environment;
5. Managing the marine environment to respond to climate change;
6. Promoting and supporting marine environmental education;
7. Promoting marine environmental technology and the marine environmental industry;
8. International cooperation for conservation and utilization of the marine environment;
9. Securing finances for conservation and utilization of the marine environment;
10. Other matters relating to conservation and utilization of the marine environment.

Article 12 (Implementation of Comprehensive Plans for Marine Environment, etc.) (1)

Where a comprehensive plan for the marine environment is formulated or amended under Article 10, the Minister of Oceans and Fisheries shall notify the heads of relevant central administrative agencies and the Mayors/Do Governors thereof.

(2) Upon receipt of the notification under paragraph (1), the heads of relevant central administrative agencies and the Mayors/Do Governors shall take measures necessary to implement the comprehensive plan for the marine environment.

Article 13 (Establishment of Marine Environmental Standards) (1)

After hearing opinions of the heads of relevant central administrative agencies, the Minister of Oceans and Fisheries shall establish and publicly notify marine environmental standards by sea area and purpose of use, which are required to implement policies for preserving the marine environment and marine ecosystems under Articles 13 and 14 of the Framework Act on Marine Fishery Development, taking into account the environmental standards referred to in Article 12 of the Framework Act on Environmental Policy; and shall ensure that the appropriateness of such marine environmental standards is maintained according to changes in the marine environment.

(2) Where deemed necessary based on the particular conditions of the waters under his/her jurisdiction, a Mayor/Do Governor may establish or amend separate local marine environmental standards, which are stricter than the marine environmental standards referred to in paragraph (1), and publicly notify the standards. In such cases, the Mayor/Do Governor shall obtain prior approval from the Minister of Oceans and Fisheries.

(3) Necessary matters, such as the methods of establishing or amending the marine environmental standards under paragraph (1) and the local marine environmental standards under paragraph (2), shall be prescribed by Presidential Decree.

Article 14 (Meeting Marine Environmental Standards)

Where the State or a local government formulates a plan, or executes a project, in relation to the marine environment, it shall take account of the following matters to meet the marine environmental standards referred to in Article 13:

1. Eliminating the causes of marine pollution or minimizing marine pollution;
2. Eliminating the causes of deterioration of the marine ecosystem and restoring the marine ecosystem;
3. Properly distributing finances for conservation and utilization of the marine environment.

Article 15 (Comprehensive Space Management of Marine Environment) (1) To systematically manage and sustainably use the marine environment, the Minister of Oceans and Fisheries shall manage the marine environment by classifying it into spaces by zone and purpose of use.

(2) In order to manage spaces of the marine environment under paragraph (1), the Minister of Oceans and Fisheries shall prepare necessary measures, such as formulating a plan for ocean spaces.

(3) The space management of the marine environment under paragraph (1), formulation of a plan for ocean spaces under paragraph (2), and other necessary matters shall be prescribed by Presidential Decree.

Article 16 (Designation, etc. of Marine Environmental Management Sea Areas)

The Minister of Oceans and Fisheries shall prepare policies to systematically preserve and manage the marine environment and to sustainably develop and use it by classifying the waters into a sea area which has a desirable marine environment and requires continuous conservation; a sea area in which it is impracticable to meet the marine environmental standards; or a sea area in which substantial problems have occurred or are likely to occur in relation to the preservation of the marine environment.

Article 17 (Response to Marine Climate Change) (1) In order to respond to climate change defined in subparagraph 12 of Article 2 of the Framework Act on Low Carbon, Green Growth in the marine and fisheries sector, the State and local governments shall prepare policies necessary for matters prescribed by Presidential Decree, such as surveys on the sea, impact prediction, and adaptation.

(2) The Minister of Oceans and Fisheries may provide technical or administrative support for local governments, citizens, business entities, etc. in connection with their activities to respond to marine climate change.

Article 18 (Comprehensive Marine Environmental Surveys) (1) The Minister of Oceans and Fisheries shall regularly conduct a comprehensive survey on the status of, and changes in, the marine environment.

(2) A Mayor/Do Governor may conduct a survey on the marine environment for the waters under his/her jurisdiction, and shall report plans for, and finding from, the survey to the Minister of Oceans and Fisheries.

(3) Matters concerning the surveys referred to in paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 19 (Marine Environmental Quality Assessment) (1) To efficiently preserve the marine environment and use the sea in an environmentally friendly manner, the Minister of Oceans and Fisheries shall conduct an assessment of the environmental value of the sea (hereinafter referred to as "marine environmental quality assessment").

(2) The criteria and method for conducting marine environmental quality assessments and other necessary matters shall be prescribed by Presidential Decree.

(3) The Minister of Oceans and Fisheries shall ensure that the results of marine

environmental quality assessments will be reflected in the marine and fisheries-related plans prescribed by Presidential Decree, in cooperation with the heads of relevant central administrative agencies.

Article 20 (Sea Area Utilization Impact Assessment, etc.)

Any person who intends to engage in activities to develop or use the sea shall consult with the Minister of Oceans and Fisheries as to the appropriateness, etc. of the use of the relevant sea area in order to ensure that such activities influencing the marine environment can be performed in an environmentally sustainable manner; and the Minister of Oceans and Fisheries may assess the impacts of developing or using the sea on the marine environment.

CHAPTER III ESTABLISHMENT OF FOUNDATION FOR MARINE ENVIRONMENTAL POLICIES

Article 21 (Integrated Management of Marine Environment Information) (1) The Minister of Oceans and Fisheries shall prepare an integrated management system for marine environment information, such as building an integrated marine environmental information network, in order to disseminate knowledge and information about the marine environment, establish standards related to the marine environment, formulate relevant plans, and conduct assessments.

(2) Matters necessary for the integrated management system for marine environment information referred to in paragraph (1), shall be prescribed by Presidential Decree.

Article 22 (Accuracy Control of Marine Environment Information)

To enhance the reliability and utilization of data, information, etc. gathered through comprehensive marine environmental surveys, etc., the Minister of Oceans and Fisheries shall determine the standards for acquisition, processing and management of the data, information, etc., and take measures necessary for the implementation thereof, such as technical guidance and ability certification.

Article 23 (Development, etc. of Science and Technology related to Marine Environment) (1) The State and local governments shall promote research, technology development, and relevant industries necessary to prevent or respond to marine pollution and deterioration of marine ecosystems, to restore and improve the sea and marine ecosystems, or to enhance ship energy efficiency.

(2) In order to promote research, technology development, and relevant industries under paragraph (1), the Minister of Oceans and Fisheries shall prepare and implement policies necessary for nurturing professional manpower for marine environmental technology.

Article 24 (Facilitating International Cooperation) (1) The State and local governments shall recognize the seriousness of impacts of climate change on the marine environment, such as rising sea levels and ocean acidification; engage in exchanges of marine environment information and relevant technology; nurture professional manpower through international cooperation; and cooperate with foreign governments and international bodies relating to the marine environment, such as mutual cooperation on conserving and

managing the marine environment at a global level in relation to climate change, marine pollution, etc.

(2) In order to promote cooperation under paragraph (1), the Minister of Oceans and Fisheries may implement projects prescribed by Presidential Decree, such as joint surveys of the marine environment and the development of science and technology related to the marine environment, in cooperation with foreign governments, international bodies, etc. relating to the marine environment. In such cases, the Minister of Oceans and Fisheries may require relevant Korean research institutes, academic institutions, etc. to jointly participate in relevant projects; and may grant necessary subsidies thereto, within budgetary limits, as prescribed by Presidential Decree.

Article 25 (Promotion of and Support for Marine Environmental Education) (1) The State and local governments shall formulate policies to promote marine environmental education in order to raise awareness of the significance of conserving and utilizing the marine environment and to cultivate knowledge, functions, attitudes, values, etc. necessary for the sustainable conservation, management and utilization of the marine environment.

(2) The Minister of Oceans and Fisheries shall formulate and implement a promotion plan for marine environmental education, which includes the following matters, every five years pursuant to paragraph (1):

1. Objectives and development strategies for marine environmental education;
2. Nurturing and supporting professional manpower for marine environmental education;
3. Developing and disseminating teaching materials and programs relating to the marine environment;
4. Measures to subsidize marine environmental education implemented by marine-related private institutions, organizations, etc.;
5. Any other matters necessary to promote marine environmental education.

(3) The Minister of Oceans and Fisheries may fully or partially subsidize, within budgetary limits, necessary expenses incurred by institutions, organizations, etc. in conducting marine environmental education.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 26 (Marine Environment Preservation Association) (1) The Marine Environment Preservation Association (hereinafter referred to as the "Association") shall be established to conduct surveys, research, education, public relations, etc. for the conservation and utilization of the marine environment.

(2) The Association shall be a juristic person.

(3) The composition and operation of the Association and other necessary matters shall be prescribed by Presidential Decree.

(4) Except as otherwise expressly provided for in this Act, the provisions of the Civil Act governing incorporated associations shall apply mutatis mutandis to the Association.

Article 27 (Promotion of and Support for Activities by Private Organizations) (1) The

State and local governments shall prepare policies necessary to promote voluntary activities by private organizations for conservation of the marine environment.

(2) Where a private organization engages in such activities as surveys, improvements, education, public relations, etc. in relation to the marine environment, the Minister of Oceans and Fisheries may provide necessary administrative support for such organization.

Article 28 (Delegation and Entrustment) (1) Part of the authority of the Minister of Oceans and Fisheries bestowed under this Act, may be delegated to a Mayor/Do Governor or the administrator of a regional office of oceans and fisheries, as prescribed by Presidential Decree.

(2) Part of the duties of the Minister of Oceans and Fisheries imposed under this Act, may be entrusted to the head of a relevant specialized institution or public institution, as prescribed by Presidential Decree.

Inventory of international authorities related to marine pollution effective for the People's Republic of China and the Republic of Korea

Part I Multilateral Agreements

1. United Nations Convention on the Law of the Sea

(http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm)

2. Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (Marpol)

(Accessible from IMO DOCS)

3. Protocol of 1997 to Amend the International Convention for the Prevention Of Pollution From Ships, 1973, as Modified by the Protocol of 1978 Relating Thereto (Marpol Prot 1997)

(Accessible from IMO DOCS)

4. Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC Prot 1992)

(Accessible from IMO DOCS)

5. International Convention on Oil Pollution Preparedness, Response and Co-Operation, 1990 (OPRC 1990)

(Accessible from IMO DOCS)

6. Protocol on Preparedness, Response and Co-Operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS 2000)

(Accessible from IMO DOCS)

7. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001(Bunkers 2001)

(Accessible from IMO DOCS)

8. International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS 2001)

(Accessible from IMO DOCS)

9. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as Amended (LC 1972)

(<http://www.imo.org/en/OurWork/Environment/LCLP/Pages/default.aspx>)

10. 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (LP 1996)

(<http://www.imo.org/en/OurWork/Environment/LCLP/Pages/default.aspx>)

11. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

(<http://www.basel.int/Portals/4/Basel%20Convention/docs/text/BaselConventionText-e.pdf>)

12. The Stockholm Convention on Persistent Organic Pollutants

<http://www.pops.int/TheConvention/Overview/TextoftheConvention/tabid/2232/Default.aspx>

13. Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

(<http://www.pic.int/TheConvention/Overview/TextoftheConvention/tabid/1048/language/en-US/Default.aspx>)

14. The Minamata Convention on Mercury

(ROK only signatory)

(<http://www.mercuryconvention.org/Convention/Text/tabid/3426/language/en-US/Default.aspx>)

15. Convention on Biological Diversity

(<https://www.cbd.int/convention/text/>)

Part II Policy Documents

1. The Future We Want

Oceans and seas

1. We recognize that oceans, seas and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical to sustaining it, and that international law, as reflected in the United Nations Convention on the Law of the Sea, provides the legal framework for the conservation and sustainable use of the oceans and their resources. We stress the importance of the conservation and sustainable use of the oceans and seas and of their resources for sustainable development, including through their contributions to poverty eradication, sustained economic growth, food security and creation of sustainable livelihoods and decent work, while at the same time protecting biodiversity and the marine environment and addressing the impacts of climate change. We therefore commit to protect, and restore, the health, productivity and resilience of oceans and marine ecosystems, to maintain their biodiversity, enabling their conservation and sustainable use for present and future generations, and to effectively apply an ecosystem approach and the precautionary approach in the management, in accordance with international law, of activities having an impact on the marine environment, to deliver on all three dimensions of sustainable development.
2. We recognize the importance of the Convention on the Law of the Sea to advancing sustainable development and its near universal adoption by States, and in this regard we urge all its parties to fully implement their obligations under the Convention.
3. We recognize the importance of building the capacity of developing countries to be able to benefit from the conservation and sustainable use of the oceans and seas and their resources, and in this regard we emphasize the need for cooperation in marine scientific research to implement the provisions of the Convention on the Law of the Sea and the outcomes of the major summits on sustainable development, as well as for the transfer of technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology.
4. We support the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, established under the auspices of the General Assembly, and look forward to the completion of its first global integrated assessment of the state of the marine environment by 2014 and the subsequent consideration by the Assembly. We encourage consideration by States of the assessment findings at appropriate levels.
5. We recognize the importance of the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. We note the ongoing work under the auspices of the General Assembly of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity

beyond areas of national jurisdiction. Building on the work of the Ad Hoc Open-ended Informal Working Group and before the end of the sixty- ninth session of the General Assembly, we commit to address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including by taking a decision on the development of an international instrument under the Convention on the Law of the Sea.

6. We note with concern that the health of oceans and marine biodiversity are negatively affected by marine pollution, including marine debris, especially plastic, persistent organic pollutants, heavy metals and nitrogen-based compounds, from a number of marine and land-based sources, including shipping and land run-off. We commit to take action to reduce the incidence and impacts of such pollution on marine ecosystems, including through the effective implementation of relevant conventions adopted in the framework of the International Maritime Organization, and the follow-up of relevant initiatives such as the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, well as the adoption of coordinated strategies to this end. We further commit to take action to, by 2025, based on collected scientific data, achieve significant reductions in marine debris to prevent harm to the coastal and marine environment.

7. We note the significant threat that alien invasive species pose to marine ecosystems and resources, and commit to implement measures to prevent the introduction and manage the adverse environmental impacts of alien invasive species, including, as appropriate, those adopted in the framework of the International Maritime Organization.

8. We note that sea-level rise and coastal erosion are serious threats for many coastal regions and islands, particularly in developing countries, and in this regard we call upon the international community to enhance its efforts to address these challenges.

9. We call for support to initiatives that address ocean acidification and the impacts of climate change on marine and coastal ecosystems and resources. In this regard, we reiterate the need to work collectively to prevent further ocean acidification, as well as to enhance the resilience of marine ecosystems and of the communities whose livelihoods depend on them, and to support marine scientific research, monitoring and observation of ocean acidification and particularly vulnerable ecosystems, including through enhanced international cooperation in this regard.

10. We stress our concern about the potential environmental impacts of ocean fertilization. In this regard, we recall the decisions related to ocean fertilization adopted by the relevant intergovernmental bodies, and resolve to continue addressing ocean fertilization with utmost caution, consistent with the precautionary approach.

11. We commit to intensify our efforts to meet the 2015 target as agreed to in the Johannesburg Plan of Implementation to maintain or restore stocks to levels that can produce maximum sustainable yield on an urgent basis. In this regard, we further commit to urgently take the measures necessary to maintain or restore all stocks at least to levels that can produce the maximum sustainable yield, with the aim of achieving these goals in the

shortest time feasible, as determined by their biological characteristics. To achieve this, we commit to urgently develop and implement science-based management plans, including by reducing or suspending fishing catch and fishing effort commensurate with the status of the stock. We further commit to enhance action to manage by-catch, discards and other adverse ecosystem impacts from fisheries, including by eliminating destructive fishing practices. We also commit to enhance actions to protect vulnerable marine ecosystems from significant adverse impacts, including through the effective use of impact assessments. Such actions, including those through competent organizations, should be undertaken consistent with international law, the applicable international instruments and relevant General Assembly resolutions and guidelines of the Food and Agriculture Organization of the United Nations.

12. We urge States parties to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks to fully implement that Agreement and to give, in accordance with Part VII of the Agreement, full recognition to the special requirements of developing States. Furthermore, we call upon all States to implement the Code of Conduct for Responsible Fisheries and the international plans of action and technical guidelines of the Food and Agriculture Organization of the United Nations.

13. We acknowledge that illegal, unreported and unregulated fishing deprive many countries of a crucial natural resource and remain a persistent threat to their sustainable development. We recommit to eliminate illegal, unreported and unregulated fishing as advanced in the Johannesburg Plan of Implementation, and to prevent and combat these practices, including by the following: developing and implementing national and regional action plans in accordance with the Food and Agriculture Organization of the United Nations International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; implementing, in accordance with international law, effective and coordinated measures by coastal States, flag States, port States, chartering nations and the States of nationality of the beneficial owners and others who support or engage in illegal, unreported and unregulated fishing by identifying vessels engaged in such fishing and by depriving offenders of the benefits accruing from it; as well as cooperating with developing countries to systematically identify needs and build capacity, including support for monitoring, control, surveillance, compliance and enforcement systems.

14. We call upon States that have signed the Food and Agriculture Organization of the United Nations Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing to expedite procedures for its ratification with a view to its early entry into force.

15. We recognize the need for transparency and accountability in fisheries management by regional fisheries management organizations. We recognize the efforts already made by those regional fisheries management organizations that have undertaken independent performance reviews, and call upon all regional fisheries management organizations to

regularly undertake such reviews and make the results publicly available. We encourage implementation of the recommendations of such reviews and recommend that the comprehensiveness of those reviews be strengthened over time, as necessary.

16. We reaffirm our commitment in the Johannesburg Plan of Implementation to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and overcapacity, taking into account the importance of this sector to developing countries, and we reiterate our commitment to conclude multilateral disciplines on fisheries subsidies that will give effect to the mandates of the World Trade Organization Doha Development Agenda and the Hong Kong Ministerial Declaration to strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of World Trade Organization fisheries subsidies negotiation, taking into account the importance of the sector to development priorities, poverty reduction and livelihood and food security concerns. We encourage States to further improve the transparency and reporting of existing fisheries subsidies programmes through the World Trade Organization. Given the state of fisheries resources, and without prejudicing the Doha and Hong Kong ministerial mandates on fisheries subsidies or the need to conclude these negotiations, we encourage States to eliminate subsidies that contribute to overcapacity and overfishing, and to refrain from introducing new such subsidies or from extending or enhancing existing ones.

17. We urge the identification and mainstreaming by 2014 of strategies that further assist developing countries, in particular the least developed countries and small island developing States, in developing their national capacity to conserve, sustainably manage and realize the benefits of sustainable fisheries, including through improved market access for fish products from developing countries.

18. We commit to observe the need to ensure access to fisheries and the importance of access to markets, by subsistence, small-scale and artisanal fisherfolk and women fish workers, as well as indigenous peoples and their communities, particularly in developing countries, especially small island developing States.

19. We also recognize the significant economic, social and environmental contributions of coral reefs, in particular to islands and other coastal States, as well as the significant vulnerability of coral reefs and mangroves to impacts, including from climate change, ocean acidification, overfishing, destructive fishing practices and pollution. We support international cooperation with a view to conserving coral reef and mangrove ecosystems and realizing their social, economic and environmental benefits, as well as facilitating technical collaboration and voluntary information-sharing.

20. We reaffirm the importance of area-based conservation measures, including marine protected areas, consistent with international law and based on best available scientific information, as a tool for conservation of biological diversity and sustainable use of its components. We note decision X/2 of the tenth meeting of the Conference of the Parties to

the Convention on Biological Diversity, held in Nagoya, Japan, from 18 to 29 October 2010, that, by 2020, 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are to be conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures.

2. 2030 agenda

Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development

14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution

14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans

14.3 Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels

14.4 By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics

14.5 By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information

14.6 By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation²

14.7 By 2030, increase the economic benefits to small island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism

14.a Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries

14.b Provide access for small-scale artisanal fishers to marine resources and markets.

14.c Enhance the conservation and sustainable use of oceans and their resources by

implementing international law as reflected in the United Nations Convention on the Law of the Sea, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of “The future we want”

Part III Bilateral Ageements

1. Agreement on Environmental Cooperation between the governments of the RO Korea and PR China, signed in 1993

2. Letter of Intent on deepening environmental cooperation between PR China and RO Korea, signed in 2016

3. China-ROK Environmental Cooperation Plan (2018-2020), signed in 2017

(Omitted, Chinese only)