

# ENFORCEMENT DECREE OF THE CLEAN AIR CONSERVATION ACT

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Amended by Presidential Decree No. 20547, Jan. 15, 2008  
Presidential Decree No. 20680, Feb. 29, 2008  
Presidential Decree No. 20789, May 21, 2008  
Presidential Decree No. 21025, Sep. 22, 2008  
Presidential Decree No. 21241, Dec. 31, 2008  
Presidential Decree No. 21229, Dec. 31, 2008  
Presidential Decree No. 21325, Feb. 13, 2009  
Presidential Decree No. 21586, jun. 30, 2009  
Presidential Decree No. 21626, Jul. 7, 2009  
Presidential Decree No. 22075, Mar. 15, 2010  
Presidential Decree No. 22100, Mar. 26, 2010  
Presidential Decree No. 22224, jun. 28, 2010  
Presidential Decree No. 22601, Dec. 31, 2010  
Presidential Decree No. 23488, Jan. 6, 2012  
Presidential Decree No. 23792, May 22, 2012  
Presidential Decree No. 23967, Jul. 20, 2012  
Presidential Decree No. 24344, Jan. 31, 2013  
Presidential Decree No. 24451, Mar. 23, 2013  
Presidential Decree No. 25050, Dec. 30, 2013  
Presidential Decree No. 25144, Feb. 5, 2014  
Presidential Decree No. 25532, Aug. 6, 2014  
Presidential Decree No. 25751, Nov. 19, 2014  
Presidential Decree No. 25950, Dec. 31, 2014  
Presidential Decree No. 26229, May 6, 2015  
Presidential Decree No. 26419, Jul. 20, 2015  
Presidential Decree No. 26705, Dec. 10, 2015  
Presidential Decree No. 27062, Mar. 29, 2016  
Presidential Decree No. 27200, May 31, 2016  
Presidential Decree No. 27299, jun. 30, 2016

Presidential Decree No. 27392, Jul. 26, 2016  
Presidential Decree No. 27802, Jan. 24, 2017  
Presidential Decree No. 27960, Mar. 27, 2017  
Presidential Decree No. 28211, Jul. 26, 2017  
Presidential Decree No. 28243, Aug. 16, 2017  
Presidential Decree No. 28500, Dec. 26, 2017  
Presidential Decree No. 28583, Jan. 16, 2018

### **Article 1 (Purpose)**

The purpose of this Decree is to provide for the matters delegated by the Clean Air Conservation Act and matters necessary for the enforcement thereof.

### **Article 1-2 (Establishment, Operation, etc. of Environmental Satellite Observation Network)**

(1) The Minister of Environment may perform the following duties to efficiently establish and operate the environmental satellite observation network (hereinafter referred to as "environmental satellite observation network") referred to in Article 3-2 of the Clean Air Conservation Act (hereinafter referred to as the "Act") and to collect and utilize the relevant information:

1. Developing an environmental satellite to monitor the air environment and climate/ecosystem-changing substances and to ascertain environmental impacts of climate change;
2. Establishing and operating an environment satellite ground station;
3. Collecting, producing, analyzing, and disseminating environmental satellite observation data;
4. Data verification and improvement activities to enhance the accuracy of environmental satellite observation data;
5. Research and development to establish and operate an environmental satellite observation network as well as to collect and utilize the relevant information;
6. Cooperation with relevant institutions or organization to establish and operate an environmental satellite observation network as well as to collect and utilize the relevant information;
7. Any other matters necessary to efficiently establish and operate an environmental satellite observation network as well as to collect and utilize the relevant information.

(2) The Minister of Environment may request the head of a relevant institution to provide relevant data, if necessary to perform the duties referred to in paragraph (1).

### **Article 1-3 (Areas, etc. subject to Prediction and Announcement of Air Pollution Levels)**

(1) Areas subject to prediction and announcement of air pollution levels referred to in Article 7-2 (3) of the Act shall be determined and publicly notified by the Minister of Environment, in consideration of the following matters: <Amended by Presidential Decree No. 27392, Jul. 26, 2016>

1. Air pollution levels;

2. Population;
3. Geographical features and meteorological characteristics.

(2) Pollutants subject to prediction and announcement of air pollution levels under Article 7-2 (3) of the Act shall be the following pollutants, of the pollutants for which environmental standards are established under Article 12 of the Framework Act on Environmental Policy:

1. Fine dust (PM-10);
2. Fine dust (PM-2.5);
3. Ozone (O3).

(3) Standards for and details of the prediction and announcement of air pollution levels under Article 7-2 (3) of the Act shall be determined and publicly notified by the Minister of Environment, in consideration of the pollution levels and the degree of the harm a pollutant poses on human health, etc.

(4) The Minister of Environment may request the heads of the relevant agencies to submit necessary data for the prediction and announcement of air pollution levels. In such cases, the heads of the relevant agencies shall comply with such request, unless any extraordinary reason exists otherwise.

#### **Article 1-4 (National Center for Integrated Control of Air Quality)**

"Specialized institution prescribed by Presidential Decree such as a national or public research institute" in Article 7-3 (1) of the Act means any of the following institutions specializing in the field of atmospheric environment:

1. A national or public research institute;
2. A Government-funded research institute established under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes.

#### **Article 1-5 (Standards for Designation of Integrated Control Center)**

The standards for the designation of the National Center for Integrated Control of Air Quality referred to in Article 7-3 (1) of the Act (hereinafter referred to as the "Integrated Control Center") shall be as specified in attached Table 1.

#### **Article 1-6 (Procedures for Designation of Integrated Control Center)**

(1) Where the Minister of Environment intends to designate the Integrated Control Center pursuant to Article 7-3 (1) of the Act, he/she shall first publicly announce a plan, schedules, standards, etc., for the designation in the official gazette or on the official website of the Ministry of Environment for at least ten days.

(2) A specialized institution which intends to be designated as an Integrated Control Center pursuant to Article 7-3 (1) of the Act shall submit, to the Minister of Environment, an application for designation prescribed by Ordinance of the Ministry of Environment (including applications in electronic format), accompanied by the following documents (including electronic documents):

1. A plan to perform forecast affairs, including procedures for forecasting air pollution, etc.;
2. A document verifying past records of surveys and research conducted by utilizing data related to air pollution;

3. A document verifying facilities, equipment, and technical personnel.

(3) Where the Minister of Environment has designated the Integrated Control Center pursuant to Article 7-3 (1) of the Act, he/she shall issue a certificate of designation prescribed by Ordinance of the Ministry of Environment to the relevant institution, and publish such fact on the official website of the Ministry of Environment.

#### **Article 1-7 (Standards, etc., for Revocation of Designation of Integrated Control Center)**

Detailed standards for revocation of the designation, or business suspension, of the Integrated Control Center shall be as specified in attached Table 1-2.

#### **Article 2 (Areas for which Air Pollution Alerts are Issued, etc.)**

(1) Areas for which air pollution alerts are to be issued under Article 8 (4) of the Act shall be designated by the Special Metropolitan City Mayor, Metropolitan City Mayor, Metropolitan Autonomous City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), as the Mayor/Do Governor deems necessary. *<Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 25144, Feb. 5, 2014; Presidential Decree No. 27392, Jul. 26, 2016>*

(2) Pollutants for which air pollution alerts are to be issued under Article 8 (4) of the Act shall be the following: *<Amended by Presidential Decree No. 23967, Jul. 20, 2012; Presidential Decree No. 25144, Feb. 5, 2014>*

1. Fine dust (PM-10);
2. Fine dust (PM-2.5);
3. Ozone (O).

(3) Levels of air pollution alerts referred to in Article 8 (4) of the Act shall be classified as follows, and the density levels of pollutants shall be prescribed by Ordinance of the Ministry of Environment: *<Amended by Presidential Decree No. 25144, Feb. 5, 2014>*

1. Fine dust (PM-10): Warnings, alerts;
2. Fine dust (PM-2.5): Warnings, alerts;
3. Ozone (O): Warnings, alerts, emergency alerts.

(4) Measures to be taken under each level of alert referred to in Article 8 (4) of the Act shall include the matters classified as follows: Provided, That measures to be taken under each level of alert may be partially adjusted by Municipal Ordinance of the Special Metropolitan City, a Metropolitan City, Metropolitan Autonomous City, Do, or Special Self-Governing Province based on the characteristics of air pollution and other relevant factors in a specific area: *<Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 25144, Feb. 5, 2014>*

1. Where a warning is issued: Requests for residents to refrain from outdoor activities, driving cars, etc.;
2. Where an alert is issued: Requests for residents to restrict outdoor activities, restrictions on driving cars, urging places of business to reduce use of fuels, etc.;
3. Where an emergency alert is issued: Requests for prohibition from outdoor activities by residents, suspension of vehicle traffic, orders for curtailment of working hours by places of business, etc.

## **Article 2-2 (Designation and Operation of Korea Adaptation Center for Climate Change)**

(1) The Minister of Environment may designate any of the following institutions or organizations as the Korea Adaptation Center for Climate Change and have it operated under Article 9-2 of the Act. In such cases, the period of designation shall be three years:

1. National or public research institutes;
  2. Government-funded research institutions established under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions;
  3. The Korea Environment Corporation established under the Korea Environment Corporation Act (hereinafter referred to as the "Korea Environment Corporation");
  4. Corporations established upon permission of the Minister of Environment for the development of adaptation technologies to cope with climate change;
  5. Any other institutions or organizations prescribed by Ordinance of the Ministry of Environment.
- (2) "Projects prescribed by Presidential Decree" referred to in Article 9-2 (2) and (4) of the Act means any of the following: *<Amended by Presidential Decree No. 26419, Jul. 20, 2015>*

1. Surveys and research for promoting national measures to adapt to climate change;
2. Projects for support and cooperation for measures to adapt to climate change;
3. Education and public relations campaigns related to adaptation to climate change;
4. International exchanges for adaptation to climate change;
5. Duties entrusted by the State, local governments, or public institutions designated under Article 4 of the Act on the Management of Public Institutions in connection with the duties prescribed in subparagraphs 1 through 4;
6. Any other projects related to adaptation to climate change, which are acknowledged by the Minister of Environment.

(3) and (4) Deleted. *<by Presidential Decree No. 26419, Jul. 20, 2015>*

## **Article 2-3 (Evaluation of Korea Adaptation Center for Climate Change)**

(1) Where the Minister of Environment conducts an evaluation pursuant to Article 9-2 (3) of the Act, he/she shall do so as classified below: *<Amended by Presidential Decree No. 26419, Jul. 20, 2015>*

1. Periodic evaluations: To annually evaluate the previous years's performance, etc. of the Korea Adaptation Center for Climate Change;
  2. Comprehensive evaluations: To evaluate the overall operation of the Korea Adaptation Center for Climate Change once every three years.
- (2) Where deemed necessary for evaluating the Korea Adaptation Center for Climate Change under paragraph (1), the Minister of Environment may organize and operate a group that conducts an evaluation of the Korea Adaptation Center for Climate Change (hereinafter referred to as "evaluation group"), which is comprised of related experts.
- (3) Matters necessary for the organization and operation of the evaluation group shall be prescribed by Ordinance of the Ministry of Environment.

(4) Where the Minister of Environment intends to conduct an evaluation pursuant to paragraph (1), he/she shall pre-notify the Korea Adaptation Center for Climate Change of the standards and timing of the evaluation, and any other matters, as prescribed by Ordinance of the Ministry of Environment.

(5) If necessary for subsidizing expenses referred to in Article 9-2 (4) of the Act or evaluation, etc., referred to in paragraph (1), the Minister of Environment may request the Korea Adaptation Center for Climate Change to submit relevant data. *<Newly Inserted by Presidential Decree No. 26419, Jul. 20, 2015>*

(6) If the performance record turns out to be substantially poor as a result of the evaluation conducted under paragraph (1), the Minister of Environment may suspend subsidies referred to in Article 9-2 (4) of the Act or reduce the amount thereof. *<Amended by Presidential Decree No. 26419, Jul. 20, 2015>*

### **Article 3 (Establishment, etc., of Comprehensive Measures for Prevention of Damage Caused by Long-Range Transboundary Air Pollutants)**

(1) "Any of the significant matters prescribed by Presidential Decree" in the latter part of Article 13 (1) of the Act means each of the following: *<Amended by Presidential Decree No. 27200, May 31, 2016>*

1. Domestic measures for the prevention of damage caused by long-range transboundary air pollutants;
2. International cooperation to reduce generation of long-range transboundary air pollutants.

(2) The head of the relevant central administrative agency and Mayors/Do Governors shall submit documents containing each of the following materials to the Minister of Environment pursuant to Article 13 (4) of the Act by December 31 each year. In such cases, the Mayors/Do Governors may hear opinions of related experts, local residents, and other interested persons at public hearings, etc., for devising implementation programs: *<Amended by Presidential Decree No. 27200, May 31, 2016>*

1. Performance of programs, within its authority, for the prevention of damage caused by long-range transboundary air pollutants, and evaluation thereof;
2. Measures for implementation of programs, within its authority, for the prevention of damage caused by long-range transboundary air pollutants for the following year.

### **Article 4 (Members, etc., of Committee on the Prevention of Long-Range Transboundary Air Pollutants)**

(1) "Public officials of the central administrative agencies prescribed by Presidential Decree" in Article 14

(3) 1 of the Act means one public official, each recommended by the head of a relevant agency from among public officials belonging to the Senior Executive Service of the Ministry of Strategy and Finance, Ministry of Education, Ministry of Foreign Affairs, Ministry of the Interior and Safety, Ministry of Culture, Sports and Tourism, Ministry of Trade, Industry and Energy, Ministry of Health and Welfare, Ministry of Environment, Ministry of Land, Infrastructure and Transport, Ministry of Oceans and Fisheries, Office for Government Policy Coordination, Ministry of Food and Drug Safety, Korea Meteorological Administration, Rural Development Administration, and Korea Forest Service. *<Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 24451, Mar. 23, 2013; Presidential Decree No. 25751, Nov. 19, 2014; Presidential Decree No. 28211, Jul. 26, 2017>*

(2) "Fields prescribed by Presidential Decree" in Article 14 (3) 2 of the Act means the fields of forestry, atmospheric environment, meteorology, preventive medicine, public health, chemical accidents, marine affairs, international cooperation, and journalism. <Amended by Presidential Decree No. 27200, May 31, 2016>

(3) The term of office of a non-public official member shall be two years. <Amended by Presidential Decree No. 27200, May 31, 2016>

(4) The Minister of Environment may discharge or dismiss any of the members referred to in Article 14 (3) of the Act, if the relevant member falls under any of the following cases: <Newly Inserted by Presidential Decree No. 27200, May 31, 2016>

1. Where the relevant member is unable to perform his/her duties due to mental disability;
2. Where the relevant member commits irregularities in relation to his/her duties;
3. Where the relevant member is deemed inappropriate for a member due to neglect of duties, injury to dignity, or any other cause;
4. Where the relevant member voluntarily declares his/her intention that he/she has difficulty performing his/her duties.

#### **Article 5 (Operation, etc., of Committee)**

(1) The Committee on the Prevention of Long-range Transboundary Air Pollutants (hereinafter referred to as "Committee") shall hold a meeting once a year: Provided, That temporary meetings may be held upon request of the chairperson of the Committee (hereinafter referred to as "Chairperson"). <Amended by Presidential Decree No. 27200, May 31, 2016>

(2) Meetings of the Committee shall be held in the presence of a majority of members on the register and adopt resolutions by the concurrent vote of a majority of the members present.

(3) The Chairperson shall supervise the affairs of the Committee and preside over the meetings of the Committee.

(4) Where the chairperson is unable to carry out his/her duties due to inevitable causes, a member pre-nominated by the chairperson shall act on behalf of the Chairperson.

(5) The Committee shall have one secretary to handle the affairs of the Committee, and the secretary shall be nominated by the Chairperson from among the public officials of the Ministry of Environment.

#### **Article 6 (Composition of Working Committee)**

(1) The Working Committee referred to in Article 14 (4) of the Act shall be comprised of less than 25 members, including one chairperson (hereinafter referred to as "chairperson of the Working Committee").

(2) A person nominated by the chairperson from among the public officials belonging to the Senior Executive Service of the Ministry of Environment, whose job is related to measures for the prevention of long-range transboundary air pollutants, shall be the chairperson of the Working Committee, and the following persons shall be the members of the Working Committee: <Amended by Presidential Decree No. 20680, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 24451, Mar. 23, 2013; Presidential Decree No. 25751, Nov. 19, 2014; Presidential Decree No. 27200, May 31, 2016; Presidential Decree No. 28211, Jul. 26, 2017>

1. Each one public official of Grade IV or higher belonging to the Ministry of Strategy and Finance, Ministry of Education, Ministry of Foreign Affairs, Ministry of the Interior and Safety, Ministry of Culture, Sports and Tourism, Ministry of Trade, Industry and Energy, Ministry of Health and Welfare, Ministry of Environment, Ministry of Land, Infrastructure and Transport, Office for Government Policy Coordination, Ministry of Food and Drug Safety, Korea Meteorological Administration, Rural Development Administration, and Korea Forest Service, nominated by the head of each relevant agency;

2. One person nominated by the Minister of Environment from among public officials of the National Institute of Environmental Research;

3. Persons with extensive knowledge and experience in atmospheric environmental policies, commissioned by the Minister of Environment.

(3) The term of office of non-public official members shall be two years. <Amended by Presidential Decree No. 27200, May 31, 2016>

(4) The working committee shall have a secretary to handle the affairs of the working committee, and the secretary shall be nominated by the chairperson of the Working Committee from among the public officials of the Ministry of Environment.

#### **Article 6-2 (Withdrawal of Nomination and Dismissal of Working Committee Members)**

(1) A person who has nominated members of the Working Committee pursuant to Article 6 (2) 1 or 2 may withdraw his/her nomination, if the relevant member falls under any of the following cases:

1. Where the relevant member is unable to perform his/her duties due to mental disability;
2. Where the relevant member commits irregularities in relation to his/her duties;
3. Where the relevant member is deemed inappropriate for a member of the Working Committee due to neglect of duties, injury to dignity, or any other cause;
4. Where the relevant member voluntarily declares his/her intention that he/she has difficulty performing his/her duties.

(2) The Minister of Environment may dismiss a member referred to in Article 6 (2) 3, if he/she falls under any subparagraph of paragraph (1).

#### **Article 7 (Operation, etc. of Working Committee)**

(1) Meetings of the working committee shall be held once a year: Provided, That extraordinary meetings may be held as the chairperson of the working committee deems necessary.

(2) Meetings of the working committee shall be held in the presence of a majority of members on the register and pass resolutions by the affirmative vote of a majority of members present.

#### **Article 7-2 (Composition of Research Center for Long-Range Transboundary Air Pollutants)**

(1) The Research Center for Long-range Transboundary Air Pollutants referred to in Article 14 (5) of the Act (hereinafter referred to as "Research Center for Long-range Transboundary Air Pollutants") shall be comprised of less than 25 research members, including one director (hereinafter referred to as "director of the Research Center"). <Amended by Presidential Decree No. 27200, May 31, 2016>



(2) The director of the Research Center shall be nominated by the Chairperson from among persons with extensive knowledge and experience in the prevention of damage from long-range transboundary air pollutants and the following persons shall be the research members of the Research Center for Long-range Transboundary Air Pollutants (hereinafter referred to as “research center member”): <Amended by Presidential Decree No. 27200, May 31, 2016>

1. One person responsible for the affairs related to long-range transboundary air pollutants or expert, who is recommended by the central administrative agency to which each member of the Committee belongs;

2. Persons commissioned by the director of the Research Center from among the persons with extensive knowledge and experience in the prevention of damage from long-range transboundary air pollutants.

#### **Article 8 (Seeking Opinions, etc. of Public Officials of Relevant Agencies, etc.)**

The chairperson of the Committee, the chairperson of the working committee, and the director of the Research Center may require public officials of relevant agencies or experts to attend the meeting to make a statement, as classified below:

1. Chairperson of the Committee and the chairperson of the working committee: When a request is made by the members of the Committee and the working committee or when deliberation is required;

2. Director of the Research Center: When it is necessary for the director of the Research to conduct a survey or research, or when a request is made by a research member.

#### **Article 9 (Allowances and Travel Expenses)**

Allowances and travel expenses may be paid within budgetary limits in the following cases: Provided, That the same shall not apply where a public official attends a meeting in direct connection with his/her duties: <Amended by Presidential Decree No. 27200, May 31, 2016>

1. Where a member of the Committee, or the Working Committee, or a relevant public official or expert attends a meeting of the Committee or the Working Committee;

2. Where a research center member, or a relevant public official or expert attends a meeting of the Research Center for Long-range Transboundary Air Pollutants.

#### **Article 10 (Detailed Regulations on Operation)**

Except as otherwise expressly provided for in this Decree, matters necessary for the operation of the Committee, the Working Committee, and the Research Center for Long-range Transboundary Air Pollutants shall be prescribed by the chairperson, upon resolution of the Committee. <Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 27200, May 31, 2016>

#### **Article 11 (Permits for or Reporting on Installation of Emission Facilities, etc.)**

(1) Emission facilities requiring a permit for installation pursuant to Article 23 (1) of the Act are as follows: <Amended by Presidential Decree No. 23967, Jul. 20, 2012; Presidential Decree No. 26705, Dec. 10, 2015; Presidential Decree No. 27062, Mar. 29, 2016>

1. Emission facilities emitting specified hazardous air pollutants at levels higher than those prescribed by Ordinance of the Ministry of Environment;

2. Emission facilities to be installed in special measures areas designated and publicly notified under Article 38 of the Framework Act on Environmental Policy (hereinafter referred to as "special measures areas"): Provided, That emission facilities which do not emit any specified hazardous air pollutant at levels higher than those specified in subparagraph 1 and are installed in Type V places of business as classified in attached Table 1-3 shall be excluded.

(2) A person who intends to install emission facilities pursuant to Article 23 (1) of the Act, other than those referred to in the subparagraphs of paragraph (1), shall file a report on the installation of the emission facilities.

(3) A person who intends to obtain a permit to install emission facilities or file a report on the installation of emission facilities pursuant to Article 23 (1) of the Act, shall submit an application for a permit to install emission facilities or file a report thereon to the competent Mayor/Do Governor, accompanied by the following documents: <Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 25144, Feb. 5, 2014; Presidential Decree No. 26705, Dec. 10, 2015>

1. A detailed statement estimating the quantity of raw materials (including fuels), products, pollutants emitted, etc.;

2. A detailed statement on installation of emission facilities and prevention facilities;

3. General drawings of prevention facilities;

4. An annual plan for maintenance of prevention facilities;

5. A detailed statement analyzing ingredients of fuels to be used and estimating concentrations and quantities of sulfur oxides to be emitted, etc. (only applicable to emission facilities referred to in the proviso to Article 41 (3) of the Act);

6. A certificate of permit to install emission facilities (only applicable to an application for a permit for alteration).

(4) "Any of the significant matters prescribed by Presidential Decree" in Article 23 (2) of the Act means each of the following cases: <Amended by Presidential Decree No. 26705, Dec. 10, 2015>

1. Enlargement of at least 50/100 (at least 30/100 in cases of emission facilities emitting specified hazardous air pollutants referred to in paragraph (1) 1) of the total or cumulative sizes of emission facilities, for which permits for installation were obtained under Article 23 (1) of the Act or permits for alteration were obtained or reports on alteration were filed under Article 23 (2) of the Act. In such cases, the total or cumulative sizes of emission facilities shall be calculated by each point of emissions;

2. Addition of a new usage to an emission facility for which a permit for installation under Article 23 (1) of the Act or a permit for alteration under Article 23 (2) of the Act was obtained.

(5) Circumstances in which a report on alteration shall be filed under Article 23 (2) of the Act, procedures for filing reports on alteration, and any other matters shall be prescribed by Ordinance of the Ministry of Environment.

(6) When a Mayor/Do Governor grants a permit to install emission facilities or accepts a report on the installation of emission facilities pursuant to Article 23 (1) of the Act, he/she shall issue a certificate of

permit for installation of emission facilities or a certificate of report on installation of emission facilities to the relevant applicant: Provided, That if he/she grants a permit to alter emission facilities pursuant to Article 23 (2) of the Act, matters subject to such permit shall be written in the column for altered matters of the certificate of permit already issued. <Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 26705, Dec. 10, 2015>

#### **Article 12 (Restrictions on Installation of Emission Facilities)**

A Mayor/Do Governor shall restrict the installation of emission facilities in any of the following cases pursuant to Article 23 (6) of the Act: <Amended by Presidential Decree No. 22601, Dec. 31, 2010; Presidential Decree No. 24344, Jan. 31, 2013>

1. Installing facilities which annually emit at least ten tons of one specified hazardous air pollutant or at least 25 tons of two or more specified hazardous air pollutants in an area with a settled population of at least 20,000, which is located within one kilometer-radius from the site where such emission facilities are installed;
2. Installing an emission facility which annually emits at least ten tones of air pollutants (limited to dust, sulfur oxide and nitrogen oxide) in total in a special measures area (excluding any area designated as an area subject to regulation on total quantity under Article 22 of the Act).

#### **Article 13 (Standards for Classification of Places of Business)**

The standards for classifying places of business referred to in Article 25 (2) of the Act shall be as prescribed in attached Table 1-3. <Amended by Presidential Decree No. 27062, Mar. 29, 2016>

#### **Article 14 (Standards for Exemption from Installation of Prevention Facilities)**

"Where they meet the permissible emission levels prescribed by Presidential Decree" in the proviso to Article 26 (1) of the Act means any of the following cases:

1. Cases where pollutants are emitted in compliance with the permissible emission levels under Article 16 of the Act in the course of the functioning or processing of the emission facilities;
2. Any other cases where the proper treatment of pollutants using methods other than the installation of prevention facilities is possible.

#### **Article 15 (Scale of Emission Facilities Subject to Report on Commencement of Operation, Following Report on Alteration)**

"An alteration, not smaller than the scale prescribed by Presidential Decree" in Article 30 (1) of the Act means an alteration that enlarges an emission facility by at least 20/100 (in cases of a report on alteration resulting from enlargement of an air emission facility, referring to the cumulative size enlargements) than the total size of an emission facility by each point of emissions for which a permit for installation or alteration has been obtained, or for which a report on installation or alteration has been filed pursuant to Article 23 (1) through (3) of the Act. <Amended by Presidential Decree No. 26705, Dec. 10, 2015>

#### **Article 16 (Facilities for Trial Operation)**

"Facilities prescribed by Presidential Decree" in Article 30 (2) of the Act means the following emission facilities:

1. Emission facilities installed with facilities for desulfurizing flue gases;
2. Emission facilities installed with facilities for denitrifying flue gases;
3. Any other emission facilities publicly notified by the Minister of Environment as he/she deems they are in need of trial operation for a considerable period of time after the installation or repair of prevention facilities.

**Article 17 (Places of Business to be Installed with Measuring Devices, Types of Measuring Devices, etc.)**

(1) Each business entity who operates emission facilities shall install the following measuring devices to verify the quantities of pollutant emissions, their compliance with the permissible emission levels, or whether prevention facilities are properly operated under Article 32 (1) and (2) of the Act:

1. A watt-hour meter;
2. An automatic smokestack measuring device (including a flow meter, tachometer, thermometer, and data logger; hereinafter the same shall apply).

(2) For a small or medium enterprise defined in Article 2 of the Framework Act on Small and Medium Enterprises, the Minister of Environment or the relevant Mayor/Do Governor may take measures, such as the installation and operation of measuring devices with the consent of the business entity under the proviso to Article 32 (1) of the Act (including where an application is filed by a business entity, as prescribed by Ordinance of the Ministry of Environment). *<Newly Inserted by Presidential Decree No. 24344, Jan. 31, 2013>*

(3) In installing measuring devices referred to in Article 32 (1) of the Act, the relevant Mayor/Do Governor may request the Korea Environment Corporation to support, such as the method of installation. *<Newly Inserted by Presidential Decree No. 24344, Jan. 31, 2013>*

(4) Facilities to be installed with a watt-hour meter referred to in paragraph (1) 1 and methods of installation shall be as prescribed in attached Table 2.

(5) Places of business to be installed with an automatic smokestack measuring device referred to in paragraph (1) 2 shall be Types I through III places of business as classified in attached Table 1-3, emission facilities to be installed with an automatic smokestack measuring device, measuring items, exemption from installation, timing of installation, and postponement of installation shall be as prescribed in attached Table 3. *<Amended by Presidential Decree No. 27062, Mar. 29, 2016>*

(6) The Minister of Environment or Mayors/Do Governors may use the data measured with automatic smokestack measuring devices and transmitted via computer networks pursuant to Article 32 (7) of the Act (hereinafter referred to as "automatically measured data") as data necessary for verifying whether the permissible emission levels are complied with, or for calculating emission charges under Article 35 of the Act: Provided, That the same shall not apply where abnormal data has been transmitted due to malfunctions of automatic smokestack measuring devices, computer networks, etc. *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

### **Article 18 (Period for Improvement of Measuring Devices)**

(1) Where a Mayor/Do Governor issues an order to take measures under Article 32 (5) of the Act, he/she shall set a period for improvement not exceeding six months. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

(2) Where a person subject to an order to take measures under paragraph (1) is unable to complete such measures within the period set under paragraph (1) due to a natural disaster or any other unavoidable cause, the relevant Mayor/Do Governor may extend the period for improvement up to six months, if requested by the person. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

### **Article 19 (Installation and Operation of Smokestack Tele-Monitoring System Control Center)**

(1) The Minister of Environment may install and operate a smokestack tele-monitoring system control center (hereinafter referred to as "control center") in order to efficiently manage the computer network to electronically process the measurement results of automatic smokestack measuring devices installed at the places of business under Article 32 (7) of the Act. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

(2) Places of business subject to control by the control center and the functions and operation of the control center, management of automatically measured data and any other necessary matters shall be determined and announced by the Minister of Environment.

### **Article 19-2 (Disclosure of Measurement Results)**

The Minister of Environment shall make public electronically processed results, such as the names of business entities, the locations of places of business, and the quantities of annual air pollutant emissions, on its official website or the computer network referred to in Article 32 (7) of the Act, by June 30 each year, pursuant to the former part of Article 32 (8) of the Act.

### **Article 19-3 (Registration Standards, etc. for Agency Business for Managing Measuring Devices)**

(1) The standards for facilities, equipment and technical personnel, which a person intending to register an agency business for managing measuring devices must meet under the former part of Article 32-2 (1) of the Act, shall be as specified in attached Table 3-2.

(2) "Significant matters prescribed by Presidential Decree" referred to in the latter part of Article 32-2 (1) of the Act, means any of the following:

1. Trade name, title, or representative's name;
2. Location of an office or laboratory;
3. Status of technical personnel registered under the standards referred to in attached Table 3-2.

### **Article 20 (Period for Improvement of Emission Facilities and Prevention Facilities)**

(1) Where a Mayor/Do Governor issues an order for improvement under Article 33 of the Act, he/she shall set a period for improvement not exceeding one year, taking into account measures necessary for improvement, a period of time required to install facilities, etc. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

(2) Where a person subject to an order for improvement under Article 33 of the Act is unable to complete ordered measures within the period set under paragraph (1) due to a natural disaster or any other inevitable

cause, he/she may request an extension of the period for improvement up to one year to the relevant Mayor/Do Governor before such period for improvement expires. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

#### **Article 21 (Submission of Improvement Plans)**

(1) A business entity subject to an order to take measures (excluding an order to take measures, issued for violating the operation and management standards for watt-hour meters; hereafter the same shall apply in this Article) under Article 32 (5) of the Act or an order for improvement under Article 33 of the Act shall submit an improvement plan (where an automatic smokestack measuring device is installed, including plans prepared in electronic documents; hereinafter the same shall apply) stating the following matters to the relevant Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment, within 15 days from the date after receipt of such order: Provided, That the Mayor/Do Governor may extend such period if requested by a business entity, when he/she deems it necessary to extend the period, considering the type, scale, etc. of the relevant emission facilities: <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

1. Each of the following matters in cases of an order to take measures issued under Article 32 (5) of the Act:

- (a) Descriptions about improper operation and management of an automatic smokestack measuring device;
- (b) Causes of improper operation and management of an automatic smokestack measuring device, and an improvement plan thereof;
- (c) A plan for self-measurement of pollutants emitted during the period for improvement of an automatic smokestack measuring device;

2. The following matters in cases of an order for improvement issued under Article 33 of the Act:

- (a) If the business entity intends to make improvement prior to the expiration of the period for improvement set under Article 33 of the Act, the period required to make such improvement;
- (b) If the business entity intends to suspend or restrict the operation of emission facilities during the period for improvement, the period of time required to make the improvement or restriction, and the details of such restriction;
- (c) If the business entity intends to reduce the emission of pollutants by improving working methods, etc., the details thereof.

(2) Where a business entity fails to submit an improvement plan under paragraph (1) or fails to state the matters referred to the subparagraphs of paragraph (1) in the submitted improvement plan, he/she shall be presumed to have been continuously operating the emission facilities, emitting pollutants in any of the following states during the period for improvement:

1. In cases falling under Article 32 (5) of the Act, the highest emission density of pollutants for the last three months during which the automatic smokestack measuring device has been working normally. In such cases, the emission density shall be the value computed by arithmetically averaging the values

measured every five minutes during the time from every hour on the hour to 30 minutes past the hour, or from every hour at 30 minutes to the next hour on the hour (hereinafter referred to as "30-minute average value");

2. In cases falling under Article 33 of the Act, the state of pollution indicated in the order for improvement.

(3) In any of the following circumstances, a business entity not subject to an order to take measures under Article 32 (5) of the Act may make an improvement, after submitting an improvement plan to the Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment: *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

1. Where it is strictly necessary for improving, altering, inspecting, or repairing an automatic smokestack measuring device;

2. Where the business entity is unable to properly operate an automatic smokestack measuring device due to a sudden malfunction of major parts, etc. of the automatic smokestack measuring device;

3. Where the business entity is unable to properly operate an automatic smokestack measuring device due to a natural disaster, a fire, or any other force majeure.

(4) Where a business entity not subject to an order for improvement under Article 33 of the Act falls under any of the following cases has emitted or is likely to emit pollutants in excess of the permissible emission levels, he/she may make an improvement, after submitting an improvement plan to the relevant Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment: *<Amended by Presidential Decree No. 21229, Dec. 31, 2008; Presidential Decree No. 24344, Jan. 31, 2013>*

1. Where it is strictly necessary for improving, altering, inspecting, or repairing emission facilities or prevention facilities;

2. Where the business entity is unable to properly operate emission facilities or prevention facilities due to a sudden malfunction of major mechanical parts, etc. of emission facilities or prevention facilities;

3. Where the business entity is unable to properly operate emission facilities or prevention facilities due to power failure or suspension of water supply;

4. Where the business entity is unable to properly operate emission facilities or prevention facilities due to a natural disaster, fire or any other force majeure.

#### **Article 22 (Reporting on and Verification of Performance of Orders for Improvement, etc.)**

(1) A business entity subject to an order to take measures under Article 32 (5) of the Act or an order for improvement under Article 33 of the Act shall report to the relevant Mayor/Do Governor thereon without delay when he/she has performed such order. *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

(2) Upon receipt of a report under paragraph (1), the relevant Mayor/Do Governor shall require a relevant public official to confirm the performance status of the order without delay. In such cases, if it is necessary to test the levels of air pollution, he/she shall collect a sample and instruct or request an inspection institution designated by Ordinance of the Ministry of Environment to test such sample. *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

### **Article 23 (Pollutants Subject to Emission Charges)**

(1) Pollutants subject to basic charges under Article 35 (2) 1 of the Act are as follows: <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

1. Sulfur oxides;
2. Dust.

(2) Pollutants subject to excess charges under Article 35 (2) 2 of the Act (hereinafter referred to as "excess charges") are as follows: <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

1. Sulfur oxides;
2. Ammonia;
3. Hydrogen sulfide;
4. Carbon bisulfide;
5. Dust;
6. Fluoride compounds;
7. Hydrogen chloride;
8. Chlorine;
9. Hydrogen cyanide.

### **Article 24 (Methods of and Criteria for Calculation of Excess Charges)**

(1) The amount of excess charges imposed on pollutants referred to in Article 23 (2) shall be calculated in according with each of the following calculation methods: <Amended by Presidential Decree No. 27062, Mar. 29, 2016>

1. Cases of improvement after submitting an improvement plan under Article 21 (4): The amount of charges per kilogram of pollutants  $\times$  the quantity of a pollutant emitted in excess of the permissible emission level  $\times$  regional imposition coefficient  $\times$  annual charges calculation index;
2. Cases other than those falling under paragraph (1): The amount of charges per kilogram of pollutants  $\times$  imposition coefficient of each rate of excess of the permissible emission level  $\times$  regional imposition coefficient  $\times$  annual charges calculation index  $\times$  imposition coefficient for each instance of violation.

(2) The amount of charges per kilogram of pollutants, imposition coefficient for each rate of excess of permissible emission levels and regional imposition coefficient necessary for the calculation of additional charges under paragraph (1) shall be as prescribed in attached Table 4.

### **Article 25 (Calculation, etc., of Quantity of Pollutant Emissions to Calculate Excess Charges)**

(1) The quantity of a pollutant emitted in excess of the permissible emission levels (hereinafter referred to as "emission quantity in excess of the standard"), which is necessary for calculating excess charges under Article 24 (1), shall be the quantity of pollutants emitted as a result of operation in excess of the permissible emission levels during any of the following emission periods, and shall be calculated by multiplying the daily emission quantity in excess of the standard by the number of days of the emission period: Provided, That where the 30-minute average value of the automatically measured data of a place of business which has an automatic smokestack measuring device to automatically transmit measurement



data to the control center under Article 17 (1) 2 (hereinafter referred to as "automatically measuring business place") has exceeded permissible emission levels, the excess emission quantity shall be calculated by multiplying the concentration exceeding the permissible emission levels for every 30 minutes, in which the 30-minute average value has exceeded the permissible emission levels (referring to the value computed by subtracting the permissible emission density standard from the 30-minute average value exceeding the permissible emission levels), and the emission quantity in excess of the standard shall be calculated by aggregating these amounts every six months:

1. Improvements made after submitting an improvement plan under Article 21 (4): The period from the commencement date of indicated improper operation to the expiration date of the improvement period;
2. Cases other than those falling under subparagraph 1: The period from the date the emission of a pollutant commenced (in cases where the date the emission commenced is not clearly known, the date a pollutant was collected to inspect whether it exceeded the permissible emission levels) to the expected date of completion of performance of orders for improvement, suspension of operation, suspension of use or closure under Article 33, 34 or 38 of the Act or the cancellation date of permission under Article 36 of the Act.

(2) The daily emission quantity in excess of the standard referred to in paragraph (1) shall be the quantity converted into kilograms, calculated by multiplying the density of a pollutant exceeding the permissible emission levels on the collection date (in cases of improvements made after submitting an improvement plan under Article 21 (4), the collection date of the pollutant as prescribed by Ordinance of the Ministry of Environment) of the emitted pollutant which is the cause of issuing an order for improvement, order for suspension of operation, cancellation of permission, order for suspension of use or order for closure under Article 33, 34, 36 or 38 of the Act by the total quantity of gas emitted (hereinafter referred to as "daily discharge") on the date the emission density is measured according to the discharge of gas emitted at the time of measurement (hereinafter referred to as "discharge measured").

(3) The daily emission quantity in excess of the standards and daily discharge under paragraph (2) shall be calculated in accordance with attached Table 5, and the discharge measured shall be calculated according to the official environmental pollution test standards for the field falling under Article 6 (1) 1 of the Environmental Examination and Inspection Act. <Amended by Presidential Decree No. 21229, Dec. 31, 2008>

(4) The emission quantity of a pollutant referred to in Article 24 (1) shall be the quantity of gas emitted during the emission period, which is indicated in the unit of 1,000, and shall be calculated by multiplying the daily discharge by the number of days of the emission period. In such cases, paragraphs (1) through (3) shall apply mutatis mutandis to the calculation of an emission period and calculation of discharge measured.

(5) In calculating the emission quantities of pollutants exceeding the permissible emission levels subject to the imposition of basic charges under Article 23 (1) in accordance with the proviso to paragraph (1), the deductible portion of the excess emission quantity calculated under attached Table 5-2 shall be deducted from the excess emission quantity, if the three month average value of the emission density before the

permissible emission levels are exceeded is less than 30 percent of the permissible emission levels. <Newly Inserted by Presidential Decree No. 22601, Dec. 31, 2010; Presidential Decree No. 27062, Mar. 29, 2016>

(6) The emission period under paragraph (1) shall be stated as the number of days, and the calculation of such period shall comply with the Civil Act on condition that the first day is to be included in the calculation.

#### **Article 26 (Annual Charges Calculation Index and Imposition Coefficient of Each Instance of Violation)**

(1) The annual charges calculation index referred to in Article 24 (1) shall be obtained by multiplying the charges calculation index of the preceding year by the price fluctuation index which the Minister of Environment announces each year, considering the rate of price increase of the preceding year, etc.

(2) The imposition coefficient of each instance of violation referred to in Article 24 (1) shall be obtained by multiplying the imposition coefficient by the rates as classified in each of the following subparagraphs:

1. No violation: 100/100;

2. First instance of violation: 105/100;

3. At least two occasions of violation: Value obtained by multiplying the imposition coefficient immediately before the violation by 105/100.

(3) The instances of violation referred to in paragraph (2) shall be the number of times of receiving an order for improvement, order for suspension of operation, cancellation of permission, order for the suspension of use or order for closure under Article 33, 34, 36 or 38 of the Act as a result of emitting pollutants on which charges are imposed under Article 23 in excess of permissible emission levels. In such cases, the number of instances of violation shall be calculated by each point of emissions of a place of business on the basis of the last two years before the date on which a violation occurs.

(4) Notwithstanding paragraph (3), in cases of automatically measured business places, the number of instances when the 30-minute average value exceeds the permissible emission levels shall be the number of instances of violation; and when the 30-minute average value exceeds the permissible emission levels on at least two occasions within 24 hours, it shall be considered as one instance, and where the 30-minute average value exceeds the permissible emission levels after an improvement plan is submitted under Article 21 (3), the number of instances of violation during the improvement period shall be considered as one instance. In such cases, the number of instances of violation shall be counted by pollutant under each subparagraph of Article 23 (2) for each point of emissions every three months. <Amended by Presidential Decree No. 22100, Mar. 26, 2010; Presidential Decree No. 27062, Mar. 29, 2016>

#### **Article 27 (Base Date and Period for Imposition of Basic Charges and Excess Charges on Automatically Measuring Business Places)**

Basic charges referred to in Article 35 (1) 2 of the Act and excess charges on automatically measuring business places referred to in the proviso to the part other than subparagraphs of Article 25 (1) shall be imposed on a half-yearly basis, and the base date and period for imposition shall be as prescribed in attached Table 6. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

### **Article 28 (Methods of, and Criteria for, Calculation of Basic Charges)**

(1) The amount of basic charges imposed under Article 35 (2) 1 of the Act shall be the amount computed by multiplying the quantity of pollutants emitted below the permissible emission levels (hereinafter referred to as "emission quantities within the permissible emission levels") by an imposition amount per kilogram of pollutants, annual charges calculation index, the regional imposition coefficient, and the imposition coefficient by density. *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

(2) Article 24 (2) shall apply mutatis mutandis to an imposition amount per kilogram of pollutants, which is necessary for calculating basic charges under paragraph (1); and the regional imposition coefficients of basic charges shall be as prescribed in attached Table 7, while the imposition coefficient of basic charges by density shall be as prescribed in attached Table 8.

(3) The annual charges calculation index referred to in paragraph (1) shall be one in the first year of imposition, and shall be calculated from the following year by multiplying the index of the preceding year by the price fluctuation index annually determined and announced by the Minister of Environment, in consideration of the rate of inflation in the preceding year, etc.

### **Article 29 (Calculation, etc. of Emission Quantity of Pollutants for Imposition of Basic Charges)**

(1) Where necessary to verify the emission quantities within the permissible emission levels necessary for calculating the basic charges under Article 28 (1), the relevant Mayor/Do Governor may require the business entities to submit data on the emission quantities within the permissible emission levels, which are actually emitted during the imposition period of basic charges (hereinafter referred to as "actual emission quantity") under Article 82 (1) of the Act. In such cases, the business entities shall submit data on the actual emission quantity within 30 days after expiration of the imposition period. *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

(2) The actual emission quantity shall be calculated in accordance with the method prescribed in attached Table 9: Provided, That the same shall not apply where it is calculated on the basis of the results of measurement by automatic smokestack measuring devices.

(3) Where a business entity who has submitted an improvement plan under Article 21 (3) calculates an actual emission quantity pursuant to the proviso to paragraph (2), the actual emission quantity during the improvement period shall be calculated by applying the value computed by arithmetically averaging the 30-minute average values for the three months in which the automatic smokestack measuring device worked normally before the improvement period.

(4) Matters concerning data to verify the data submitted under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

### **Article 30 (Adjustment of Emission Quantities within Permissible Emission Levels, etc.)**

Where a business entity fails to submit data under Article 29 or it is deemed that details submitted are not true, or have been falsely compiled, the competent Mayor/Do Governor may adjust the emission quantity within the permissible emission levels in accordance with any of the following methods: *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

1. Where the business entity fails to submit data on the actual emission quantity under Article 29 (1): Emission quantity within the permissible emission levels presumed to have been emitted while operating 24 hours a day at the density for the permissible emission levels of pollutants by emission facilities during the imposition period and at the maximum capacity of the emission facilities or prevention facilities;
2. Where the details of the actual emission quantity (including details concerning used fuels, etc.) submitted by a business entity are found different from the truth as a result of examination of data and field inspection: Emission quantity within the permissible emission levels, calculated based on the result of examination of data and field inspection;
3. Where the data on the actual emission quantity submitted by a business entity under Article 29 (1) is found explicitly false: Emission quantity within the permissible emission levels, calculated based on the emission quantity equivalent to 120 percent of the actual emission quantity on condition that the actual emission quantity is calculated through field inspection.

#### **Article 31 (Submission of Data, Inspections, etc.)**

Where it is necessary to adjust the emission quantity within the permissible emission levels pursuant to Article 30 because it is deemed that the details of the actual emission quantity submitted by a business entity is substantially different from those of other places of business of similar size or not true, the competent Mayor/Do Governor may require the business entity to submit relevant data under Article 82 (1) of the Act. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

#### **Article 31-2 (Grant of Collection Expenses)**

(1) The Minister of Environment shall grant an amount classified as follows to the relevant Mayor/Do Governor as collection expenses under Article 35 (8) of the Act: <Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 25144, Feb. 5, 2014>

1. Where the ratio of the amount actually collected to the charges and surcharges imposed under Article 35 of the Act or imposed after adjustment under Article 35-3 of the Act (hereinafter referred to as "collection rate") by the Mayor/Do Governor is less than 60%: 7/100 of the charges and surcharges collected;
2. Where the collection rate is not less than 60% but less than 80%: 10/100 of the charges and surcharges collected;
3. Where the collection rate is not less than 80%: 13/100 of the charges and surcharges collected.

(2) The Minister of Environment shall calculate the collection expenses referred to in paragraph (1) on a monthly basis, out of the charges and surcharges paid to the special accounts for environmental improvement under the Framework Act on Environmental Policy, and pay them to the relevant Mayor/Do Governor by the following month. <Amended by Presidential Decree No. 25144, Feb. 5, 2014>

#### **Article 32 (Exemption from Charges, etc.)**

- (1) A business entity who operates emission facilities using any of the following fuels under Article 35-2 (1) of the Act shall not be subject to charges on sulfur oxides: Provided, That emission facilities burning

a fuel referred to subparagraph 1 or 2, or mixing with fuels other than the fuel referred to in subparagraph 1 or 2, which are capable of complying with the permissible emission levels shall not be subject to charges on sulfur oxides equivalent to the quantity of the fuel used referred to in subparagraph 1 or 2: <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

1. Emission facilities which use liquid or solid fuels, the sulfur content of which does not exceed 0.3 percent in cases of power plants, and in cases of emission facilities, other than power plants (including cogeneration power plants, the capacity of which does not exceed 100 megawatts), use liquid fuels, the sulfur content of which does not exceed 0.5 percent or solid fuels, the sulfur content of which does not exceed 0.45 percent and which are capable of observing the permissible emission levels. In such cases, the sulfur content of solid fuels shall be the average sulfur content of various solid fuels injected into the burner;
  2. Emission facilities which use gas generated as a by-product in the process, the sulfur content of which does not exceed 0.05 percent and are capable of observing the permissible emission levels;
  3. Emission facilities which burn a mixture of fuels referred to in subparagraphs 1 and 2 and are capable of observing the permissible emission levels.
- (2) Charges on dust and sulfur oxides shall not be imposed on business entities operating emission facilities which use liquefied natural gas or liquefied petroleum gas as fuels under Article 35-2 (1) 1 of the Act. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>
- (3) "Optimum prevention facilities prescribed by Presidential Decree" in Article 35-2 (1) 2 of the Act means the prevention facilities capable of observing the permissible emission levels and maintaining the designed removal efficiency of air pollutants, which the Minister of Environment announces upon consultation with the heads of relevant central administrative agencies. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>
- (4) Where the Minister of National Defense intends to seek consultation pursuant to Article 35-2 (1) 3 of the Act, he/she shall submit a document stating the use of military facilities which intend to be exempted from charges, grounds for exemption, etc. to the Minister of Environment: Provided, That the same shall not apply to military facilities as defined in subparagraph 2 of Article 2 of the Protection of Military Bases and Installations Act. <Amended by Presidential Decree No. 21025, Sep. 22, 2008; Presidential Decree No. 24344, Jan. 31, 2013>
- (5) "Emission facilities prescribed by Presidential Decree" in Article 35-2 (2) 1 of the Act means emission facilities of small and medium enterprises as defined in Article 2 of the Framework Act on Small and Medium Enterprises and of Type IV and Type V places of business as classified in attached Table 1-3, which comply with the permissible emission levels, among the business places where measuring devices are installed under Article 32 (1) of the Act. <Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 27062, Mar. 29, 2016>
- (6) Procedures for exemption from, or reduction of, charges under Article 35-2 of the Act, and any other necessary matters shall be prescribed by Ordinance of the Ministry of Environment. <Amended by

*Presidential Decree No. 24344, Jan. 31, 2013*>

### **Article 33 (Notice of Payment of Charges)**

(1) A payment notice of excess charges shall be given at the time the ground for imposition of excess charges arises (where the 30-minute average value of the automatically measured data exceeds the permissible emission levels, within 60 days after the termination of each half-year term) and a payment notice of basic charges, within 60 days after the termination of the period for submission of data on the actual emission quantity during the period in which the basic charges are imposed: Provided, That a payment notice may be given immediately where emission facilities are closed down, or where the ownership of emission facilities is transferred to another person.

(2) Where a Mayor/Do Governor imposes charges (including adjusted charges under Article 35-3 of the Act), he/she shall give a written notice of the quantity of a pollutant on which the charges are imposed, the amount imposed, the period and place for payment, and any other necessary matters to the relevant business entity. In such cases, the period for payment of charges shall be 30 days after the issuance of a payment notice. *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

### **Article 34 (Adjustment of Charges)**

(1) “Any of the grounds prescribed by Presidential Decree” in Article 35-3 (1) of the Act means any of the following circumstances: *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

1. Where the emission period of a pollutant or an emitted substance which is the basis of the calculation of excess charges has changed because an order for improvement, an order for suspension of operation, an order for suspension of use, or an order for closure is complied with or not complied with by the expiration date of the improvement period under Article 25 (1) or the scheduled completion date for performance of the order;

2. Where the emission quantity of a pollutant or an emitted substance is found to differ from that measured on the first occasion as a result of re-measurement performed, as it is deemed that the state of emission of pollutants, etc., measured on the first occasion has been changed since the imposition of excess charges.

3. Where a business entity has submitted the actual emission quantity erroneously calculated by negligence, or the relevant Mayor/Do Governor has erroneously adjusted the emission quantity within the permissible emission levels pursuant to Article 30.

(2) When adjusting excess charges pursuant to paragraph (1) 1, the excess charges shall be calculated, deeming the completion date of improvement, as prescribed by Ordinance of the Ministry of Environment or the date on which a report on the performance of an order is filed under Article 22 (1) to be the last date of the period of emissions of a pollutant or substance emitted.

(3) When adjusting excess charges pursuant to paragraph (1) 2, the excess charges shall be calculated based only on the emission quantity re-measured during a period after the date of re-checking lapses.

(4) The imposition of an adjusted amount of excess charges or a refund of excess charges based on one of the grounds referred to in paragraph (1) 1 shall be made within 30 days after the date of verification as to

whether an order for completion of improvement, an order for suspension of operation, an order for suspension of use or an order for completion of closure has been complied with for the relevant emission facilities or prevention facilities. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

(5) When adjusting basic charges under paragraph (1) 3, the basic charges shall be calculated based on the data submitted at the time of application for a permit for installation of emission facilities, a permit for alteration, a report on installation or a report on alteration under Article 23 (1) through (3) of the Act, the operation record of emission facilities or prevention facilities under Article 31 (2) of the Act, a record of self-measurements under Article 39 (1) of the Act, findings from inspections conducted under Article 82 of the Act. <Amended by Presidential Decree No. 26705, Dec. 10, 2015>

(6) Where a Mayor/Do Governor imposes or refunds the difference under Article 35-3 (1) of the Act, he/she shall give a written notice of the amount, time, place, and any other necessary matters. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

### **Article 35 (Applications for Adjustment of Charges)**

(1) A business entity in receipt of an order to pay charges (hereinafter referred to as "payer of charges") may apply for adjustment of the charges in cases referred to in any subparagraph of Article 34 (1).

(2) An application for adjustment referred to in paragraph (1) shall be filed within 60 days after receipt of the payment notice of charges. <Amended by Presidential Decree No. 22601, Dec. 31, 2010>

(3) Upon receipt of an application for adjustment, the Mayor/Do Governor shall notify the relevant applicant of the result thereof within 30 days. <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

(4) An application for adjustment referred to in paragraph (1) shall not affect the period for payment of charges.

### **Article 36 (Deferment of Collection of Charges, Installment Payment of Charges, and Procedures for Collection thereof)**

(1) A person who intends to have the collection of the charges deferred or to make installment payments of the charges under Article 35-4 (1) or (2) of the Act shall file an application for deferment of collection of the charges or an application for installment payments of the charges with the competent Mayor/Do Governor.

(2) The deferment of collection under Article 35-4 (1) of the Act shall comply with the grace period of collection and the number of installment payments during such period as classified in each of the following: <Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 22601, Dec. 31, 2010>

1. Basic charges: The period from the date following the date of deferment to the date preceding the date the imposition period begins, and up to four installments;

2. Excess charges: Within two years from the date following the date of deferment, and up to 12 installments;

(3) The period for deferment of collection under Article 35-4 (2) of the Act shall be three years from the date following the date of deferment, and the number of installment payments shall be up to 18

installments:

(4) The deadline for each of the installment payments, the amount thereof, and any other matters necessary for the imposition and collection of charges shall be prescribed by the Mayors/Do Governors.

**Article 37 Moved to Article 31-2.**

**Article 38 (Imposition of Penalty Surcharges)**

"Any of the cases prescribed by Presidential Decree" in the part other than the subparagraphs of Article 37 (1) of the Act means each of the following cases:

1. Cases of producing products for the purpose of exporting them to foreign countries after opening a letter of credit;
2. Cases where it is feared that an explosion or a fire might be likely to occur due to such causes as chemical reactions between materials, subsidiary materials or products, which are put into an emission facility, as a result of the suspension of operation;
3. Cases of producing products through melting or dissolving materials.

**Article 38-2 (Types of Business subject to Reduction of Fugitive Emissions)**

"Any of the types of business prescribed by Presidential Decree" in Article 38-2 (1) of the Act means any of the types of business specified in attached Table 9-2.

**Article 39 (Qualification Standards for Environmental Engineers and Term of Appointment)**

(1) Where a business entity intends to appoint an environmental engineer under Article 40 (1) of the Act, he/she shall make an appointment during the periods of time as classified below: <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

1. Where emission facilities are first installed, at the time of filing a report on the commencement of operation;
2. Where an environmental engineer is appointed to replace the existing one, within five days after the ground for replacement occurs: Provided, That where it is impracticable to employ an environmental engineer within five days in a place of business requiring an environmental engineer qualified as a Grade I or II environmental engineer or higher in rank due to an unavoidable circumstance, such place of business may appoint an environmental engineer based on the standards for Types IV and V places of business as classified in attached Table 10 by a period of up to 30 days.

(2) The qualification standards for environmental engineers to be employed by each place of business under Article 40 (1) of the Act shall be as prescribed in attached Table 10.

**Article 40 (Use of Low-Sulfur Oil)**

(1) The standards for areas to be supplied with oils for fuel (hereinafter referred to as "low-sulfur oil"), the sulfur content levels of which have been determined under Article 41 (1) of the Act (hereinafter referred to as "sulfur content level") and on the extent of facilities using such oils for fuel shall be as prescribed in attached Table 10-2. <Amended by Presidential Decree 21229, Dec. 31, 2008>

(2) Pursuant to Article 41 (4) of the Act, the relevant Mayor/Do Governor shall issue an order to a person who has supplied or sold oil not meeting the standards stipulated in attached Table 10-2 to prohibit the



supply or sale of such oil or to recall such oil, and shall issue an order to a person who has used such oil to prohibit the use thereof. *<Amended by Presidential Decree No. 21229, Dec. 31, 2008; Presidential Decree No. 24344, Jan. 31, 2013>*

(3) A person subject to an order to recall or prohibit the use of the relevant oil under paragraph (2) shall submit a completion report specifically stating the following matters to the relevant Mayor/Do Governor within five days after receipt of such order: *<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

1. The supply period or the use period, or the quantities of supply or use of the relevant oil;
2. The quantity of the relevant oil recalled, the method of recalling thereof, and the period spent for recalling thereof;
3. Matters concerning data, etc. to verify the supply or use of low-sulfur oil.

(4) Deleted. *<by Presidential Decree No. 24344, Jan. 31, 2013>*

#### **Article 41 (Use of Fuels other Than Low-Sulfur Oil)**

The Minister of Environment or the Mayor/Do Governor may permit low-sulfur oil-using facilities located in low-sulfur oil-supplied areas under Article 40 (1), which fall under any of the following subparagraphs, to use fuels other than low-sulfur oil: *<Amended by Presidential Decree No. 26705, Dec. 10, 2015>*

1. Facilities using by-product gases referred to in Article 32 (1) 2 or waste heat acknowledged by the Minister of Environment;
2. Facilities exempted from the payment of charges through installation of the optimum prevention facilities under Article 32 (3);
3. Any other facilities which emit sulfur oxides in compliance with the permissible emission levels which apply to the relevant facilities using low-sulfur oils when using fuels other than low-sulfur oils, and which have obtained permits for the installation of emission facilities or permits for alteration, or have made a report on installation or a report on alteration under Article 23 of the Act.

#### **Article 42 (Prohibition on Use of Solid Fuels)**

(1) In order to prevent air pollution caused by the use of fuel, the Minister of Environment or the Mayor/Do Governor may restrict the use of solid fuels under the following subparagraphs for the areas falling under attached Table 11-2 in accordance with Article 42 of the Act: Provided, That in the case of subparagraph 3, the use of the relevant solid fuels may be restricted only when the prohibition thereon is particularly required for the relevant area concerned: *<Amended by Presidential Decree No. 21229, Dec. 31, 2008>*

1. Coal;
2. Coke;
3. Firewood and charcoal;
4. Any other combustible wastes including plastic refuse prescribed by the Minister of Environment, or fuels produced through processing such materials.

(2) The Minister of Environment or the Mayor/Do Governor shall order business entities in the areas prescribed in paragraph (1) not to use solid fuels: Provided, That the same shall not apply to business

entities equipped with any of the following facilities:

1. Smelting furnaces, etc. in a foundry or iron and steel mill in which mineral solid fuels have to be used in the process of melting fuels for manufacturing;
  2. Kilns of cement, lime, etc., and other similarly facilities, in which the emissions of pollutants generated in the process of burning are reduced considerably by means of suction, absorption and other methods in the manufacturing process;
  3. Wastes treatment facilities (including facilities using energy generated from wastes) under Article 2 of the Wastes Control Act;
  4. Facilities emitting pollutants in compliance with the permissible emission levels even when using solid fuels as referred to in paragraph (1), which are approved by the Minister of Environment or the Mayor/Do Governor for the use of solid fuels.
- (3) If the owner or occupant of a facility under paragraph (2) 4 intends to use a solid fuel, he/she shall submit an application for approval for the use of solid fuels to the Minister of Environment or the Mayor/Do Governor under conditions prescribed by Ordinance of the Ministry of Environment.

#### **Article 43 (Use of Clean Fuels)**

(1) Under Article 42 of the Act, the Minister of Environment or the Mayor/ Do Governor may, notwithstanding measures to restrict the use of fuels under Articles 40 and 42, order the areas or facilities under attached Table 11-3 not to use fuels other than gaseous fuels (hereinafter referred to as "clean fuels") which emit only little amount of pollutants, such as liquefied natural gas and liquefied petroleum gas. *<Amended by Presidential Decree No. 21229, Dec. 31, 2008>*

(2) The Minister of Environment or the Mayor/Do Governor shall issue an order to prohibit petroleum refining business entities or petroleum selling business entities under the Petroleum and Petroleum Substitute Fuel Business Act from the supply or sale of oil for fuel to facilities required to use clean fuels.

(3) With respect to power plants, integrated energy supply facilities and heat supply facilities of scale below a specific size, etc. which are deemed to exert a significant influence over the supply and demand of clean fuels because of their excessive use of fuel, or of which energy conservation has a substantial air pollution reduction effect, the Minister of Environment may have them use fuels other than clean fuels pursuant to attached Table 11-3. *<Amended by Presidential Decree No. 21229, Dec. 31, 2008>*

#### **Article 44 (Businesses Generating Fugitive Dust)**

"Any business prescribed by Presidential Decree" in the former part of Article 43 (1) of the Act means each of the following businesses, which are prescribed by Ordinance of the Ministry of Environment: *<Amended by Presidential Decree No. 26419, Jul. 20, 2015>*

1. Manufacturing and processing business of cement, lime, plaster, and cement-related products;
2. Extracting, manufacturing, and processing business of non-metallic materials;
3. Manufacturing business of primary metals;
4. Manufacturing business of fertilizer and fodder products;

5. Construction business (limited to foundation works, building architecture and civil engineering works, and landscape architecture);
6. Transportation business of cement, coal, earth and sand, fodder, grain, and steel scrap;
7. Manufacturing business of transportation equipment;
8. Business requiring the installation of coal storage facilities;
9. Loading and unloading, and storage business of steel scrap, grain, fodder, timber, and ore;
10. Manufacturing and processing business of metal products;
11. Business of installing and operating waste reclamation facilities.

**Article 45 (Regulation, etc., on Volatile Organic Compounds)**

(1) "Any of the facilities prescribed by Presidential Decree" in Article 44 (1) of the Act means each of the following facilities: Provided, That the same shall not apply where they are used in any of the type of business prescribed in Article 38-2: <Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 26419, Jul. 20, 2015>

1. Manufacturing facilities, storage facilities and forwarding facilities for petroleum refining, and manufacturing facilities, storage facilities and forwarding facilities of manufacturing business of petrochemicals;
2. Storage facilities and forwarding facilities of oil reservoirs;
3. Storage facilities and pumping facilities of gas stations;
4. Cleaning facilities;
5. Any other facilities emitting volatile organic compounds, which the Minister of Environment publicly notifies as such after consultation with the heads of the relevant central administrative agencies.

(2) The scale of facilities falling under each of the subparagraphs of paragraph (1) shall be publicly notified by the Minister of Environment, in consultation with the heads of the relevant central administrative agencies.

(3) "Any of the grounds prescribed by Presidential Decree" in Article 45 (4) of the Act means either of the following cases: <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

1. Where special technology, which is unavailable in the Republic of Korea, is needed;
2. Where a natural disaster or any other cases which the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, a Do Governor (excluding a city with the population of at least 500,000 among the districts within his/her jurisdiction), the Special Self-Governing Province Governor, or the mayor of a city with the population of at least 500,000, excluding the Metropolitan Autonomous City, Metropolitan Cities, and Metropolitan Autonomous Cities, deems unavoidable.

**Article 45-2 (Order to Take Measures, etc., When Paint Exceeds Volatile Organic Compound Content Levels)**

(1) Where the Minister of Environment gives an order to take measures under Article 44-2 (3) or (4) of the Act, he/she shall do so with a document stating the details of the order to take measures, an implementation period not exceeding ten days, etc.

(2) A person given an order to take measures under Article 44-2 (3) of the Act shall submit, to the Minister of Environment, a report on the completion of implementation specifically stating the following matters within the relevant implementation period, as prescribed by Ordinance of the Ministry of Environment:

1. The period of the supply or sale of the relevant paint, and the supply quantity or sales thereof;
2. The quantity of the relevant paint recalled and the method, and period spent, for recalling thereof;
3. Any other matters on data to verify the suspension of the supply or sale of the relevant paint or recalling thereof.

(3) A person given an order to take measures under Article 44-2 (4) of the Act shall submit, to the Minister of Environment, a report on the completion of implementation specifically stating the following matters within the relevant implementation period, as prescribed by Ordinance of the Ministry of Environment:

1. The period of the supply or sale of the relevant paint, and the supply quantity or sales thereof;
2. Matters on data to verify the quantity of the relevant paint owned and the suspension of the supply or sale thereof.

#### **Article 46 (Kinds of Exhaust Gases)**

"Pollutants prescribed by Presidential Decree" in Article 46 (1) of the Act means the following substances:

1. In cases of motor vehicles using gasoline, alcohol or gas:
  - (a) Carbon monoxide;
  - (b) Hydrocarbon;
  - (c) Nitrogen oxides;
  - (d) Aldehyde;
2. In cases of motor vehicles using light oil:
  - (a) Carbon monoxide;
  - (b) Hydrocarbon;
  - (c) Nitrogen oxides;
  - (d) Smoke;
  - (e) Granular matter.

#### **Article 47 (Motor Vehicles Eligible for Exemption from or Omission of Certification)**

(1) Motor vehicles eligible for exemption from certification under the proviso to Article 48 (1) of the Act shall be as follows: <Amended by Presidential Decree No 21241, Dec. 31, 2008; Presidential Decree No. 22100, Mar. 26, 2010; Presidential Decree No. 24451, Mar. 23, 2013>

1. Motor vehicles used for special official purposes of the State, such as military duties and patrol service, and motor vehicles for fire-fighting;
2. Motor vehicles used by foreign embassies or diplomats in Korea, or other persons similarly treated, for official purposes, as confirmed by the Minister of Foreign Affairs;

3. Motor vehicles used by members of foreign armies in the Republic of Korea for official purposes;
  4. Motor vehicles for export, and those temporarily brought in by participants in expositions or any other similar events similar thereto for exhibition purposes;
  5. Motor vehicles temporarily brought in by travelers, etc. on condition that they bring them out after a certain period;
  6. Motor vehicles imported by motor vehicle manufacturers, motor vehicle-related research institutes, etc. for purposes other than travelling, which include motor vehicle development or exhibitions;
  7. Deleted; <by Presidential Decree No. 21229, Dec. 31, 2008>
  8. One motor vehicle which a foreigner, or a Korean national who has resided overseas for at least one year brings in as one of his/her articles of immigration in order to change his/her residence.
- (2) Motor vehicles for which certification may be omitted under the proviso to Article 48 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 20680, Feb. 29, 2008>

1. Motor vehicles used by or for the training of national athletes, as confirmed by the Minister of Culture, Sports and Tourism;
2. Motor vehicles donated by foreign countries as a gift to domestic public institutions or nonprofit organizations;
3. Motor vehicles brought in by families of foreign diplomats or foreign soldiers in the Republic of Korea for personal use;
4. Motor vehicles used for aircraft groundwork;
5. Motor vehicles that a person who has not received certification under Article 48 (1) of the Act manufactures by purchasing the engines of motor vehicles manufactured under such certification;
6. Motor vehicles for which certification may be omitted under international agreements, etc.;
7. Any other motor vehicles for which the Minister of Environment deems it necessary to omit certification.

#### **Article 47-2 (Standards for Imposition of Penalty Surcharges)**

(1) Standards for the imposition of penalty surcharges under Article 48-4 (2) of the Act shall be as follows:

1. Penalty surcharges shall be calculated by multiplying the number of days of business suspension by the amount to be imposed per day, in accordance with the criteria for administrative dispositions determined under Article 84 of the Act;
2. The amount to be imposed per day under subparagraph 1 shall be 200,000 Korean won.

(2) Any violation subject to business suspension for at least six months among the violations provided for in the subparagraphs of Article 48-2 (2) shall not be subject to the imposition of penalty surcharges.

#### **Article 48 (Kinds of Inspections on Permissible Emission Levels for Manufactured Motor Vehicles)**

(1) With respect to manufactured motor vehicles, the Minister of Environment shall conduct inspections as classified in each of the following subparagraphs pursuant to Article 50 (1) of the Act:

1. Occasional inspections: Inspections conducted as occasion calls, to verify at any time whether motor vehicles in the manufacturing process comply with the permissible emission levels for manufactured motor vehicles;

2. Regular inspections: Inspections conducted periodically, based on the number of manufactured motor vehicles by model to verify whether motor vehicles in the manufacturing process are in compliance with permissible emission levels for manufactured motor vehicles.

(2) A person who has an objection to the result of an inspection conducted under paragraph (1) may file an application for reinspection under conditions prescribed by Ordinance of the Ministry of Environment.

#### **Article 49 (Omission of Inspections on Permissible Emission Levels for Manufactured Motor Vehicles)**

The regular inspections under Article 48 (1) 2 may be omitted pursuant to Article 50 (2) of the Act.

#### **Article 49-2 (Order to Replace, Give Refunds for, or Repurchase Motor Vehicles)**

(1) An order for replacement of, a refund for, or repurchase (hereafter in this Article, referred to as "replacement, etc.") of a motor vehicle issued pursuant to Article 50 (8) of the Act shall comply with the following criteria:

1. Replacement: Where the relevant motor vehicle manufacturer manufactures any motor vehicle which is categorized as the same motor vehicle as the one subject to replacement, etc. according to the sub-classification by size and sub-classification by type under Article 3 (3) of the Motor Vehicle Management Act;

2. Refund: Where the relevant motor vehicle manufacturer does not fall under subparagraph 1 or where the owner of the motor vehicle does not want its replacement: Provided, That a refund may be given only when one year has not passed since the date of initial registration of the motor vehicle subject to replacement, etc. listed in the motor vehicle register provided for in Article 5 of the Motor Vehicle Management Act (hereafter in this Article, referred to as "motor vehicle register");

3. Repurchase: Where the criteria specified in subparagraph 1 or 2 are not satisfied.

(2) Where an order to give a refund is issued pursuant to paragraph (1) 2, the amount to be refunded shall be the amount calculated by aggregating the supply value of the motor vehicle subject to replacement, etc., value-added tax, and acquisition tax (hereafter in this Article, referred to as "standard amount").

(3) Where an order for repurchase is issued pursuant to paragraph (1) 3, the amount of repurchase shall be calculated according to the following formula. In such cases, the number of months of operation shall be calculated from the date of initial registration of the motor vehicle subject to replacement, etc. listed in the motor vehicle register:

Amount of repurchase = Standard amount - [(Number of months of operation of the motor vehicle subject to replacement, etc./12) x (Standard amount x 0.1)]

(4) Where the amount calculated pursuant to paragraph (3) is less than 30/100 of the standard amount, the amount of repurchase shall be the amount equivalent to 30/100 of the standard amount.

(5) In issuing an order for replacement, etc. of a motor vehicle pursuant to paragraph (1), the Minister of Environment may require the relevant motor vehicle manufacturer to additionally pay the owner of the

motor vehicle expenses incurred in replacement, etc. thereof, within the limit not exceeding 10/100 of the standard amount.

(6) Upon receipt of an order for replacement, etc. under paragraph (1), the relevant motor vehicle manufacturer shall formulate an implementation plan, including the scope of motor vehicles subject to replacement, etc., estimated expenses, a plan to give notice to the owners of the motor vehicles, etc., and execute the plan with the approval of the Minister of Environment within 60 days after receipt of such order; and shall report the results of execution of the plan to the Minister of Environment.

#### **Article 50 (Reporting on Current Status of Correction of Defects and Current Status of Defective Parts)**

(1) Where a motor vehicle manufacturer falls under all of the following subparagraphs pursuant to the main body of Article 53 (1) of the Act, he/she shall report on the current status of correction of defective parts to the Minister of Environment, verifying the details of correction, etc. within 30 days after the end of each quarter, starting from the relevant quarter: *<Amended by Presidential Decree No. 23792, May 22, 2012>*

1. Where the number of cases requested for correction of defects for the same part of the same motor vehicle model sold in the same year is 40 or more;
2. Where the rate of cases requested for correction of the defects for the same part of the same motor vehicle model sold in the same year (hereinafter referred to as "rate of requests for correction of defects") is 2 percent or more.

(2) Where a motor vehicle manufacturer falls under all of the following subparagraphs pursuant to the main body of Article 53 (1) of the Act, he/she shall report on the current status of defective parts to the Minister of Environment within 90 days from the end of each quarter, starting from the relevant quarter, verifying the cause of occurrence of defects, etc.: *<Amended by Presidential Decree No. 23792, May 22, 2012>*

1. Where the number of cases requested for correction of defects for the same part of the same motor vehicle model sold in the same year is 50 or more;
2. Where the rate of requests for correction of defects is 4 percent or more.

(3) The period for reporting under paragraph (1) or (2) shall end in the quarter during which the warrant period of exhaust gas-related parts terminates.

(4) Details, etc. of reporting under paragraphs (1) and (2) shall be prescribed by Ordinance of the Minister of Environment.

#### **Article 50-2 (Requirements for Reporting on Current Status of Correction of Defects)**

In either of the following cases, a motor vehicle manufacturer shall report the current status of correction of defects to the Minister of Environment by the end of January each year, pursuant to Article 53 (2) of the Act:

1. Where the number of cases requested for correction of defects for the same part of the same motor vehicle model sold in the same year does not exceed 40;
2. Where the rate of requests for correction of defects does not exceed two percent.

### **Article 51 (Requirements for Mandatory Correction of Defects)**

(1) Where a motor vehicle manufacturer falls under all of the following subparagraphs, he/she shall correct the defect of the relevant parts pursuant to the main body of Article 53 (3) of the Act: <Amended by Presidential Decree No. 23792, May 22, 2012; Presidential Decree No. 27200, May 31, 2016>

1. Where the number of cases (referring to the number of cases of adjustment or replacement of parts due to manufacturing defects; hereafter the same shall apply in this paragraph) of defective parts for the same part of the same motor vehicle model sold in the same year exceeds 50;
  2. Where the rate of cases requested for correction of the defects for the same part of the same motor vehicle model sold in the same year exceeds 4 percent.
- (2) The mandatory correction of defects referred to in paragraph (1) shall be limited to the exhaust gas guarantee period.

### **Article 52 (Calculation of Amount of Penalty Surcharges)**

The standards for the imposition of penalty surcharges based on the types of violations, the degree of increase or decrease in exhaust gases, and other factors under Article 56 (2) of the Act shall be as prescribed in attached Table 12. <Amended by Presidential Decree No. 28500, Dec. 26, 2017>

### **Article 53 (Specialized Institution for Regular Inspections of Two-Wheeled Motor Vehicles)**

"A specialized institution prescribed by Presidential Decree" in Article 62-2 (1) of the Act means the Korea Transportation Safety Authority established under the Korea Transportation Safety Authority Act.

### **Article 54 (Areas Requiring Close Inspections of Exhaust Gases from Motor Vehicles in Operation)**

"Any other areas prescribed by Presidential Decree" in Article 63 (1) 2 of the Act means the following areas: <Amended by Presidential Decree No. 24344, Jan. 31, 2013>

1. Gwangju Metropolitan City, Daejeon Metropolitan City, Ulsan Metropolitan City;
2. Yongin-si, Jeonju-si, Changwon-si, Cheonan-si, Cheongju-si, Pohang-si.

**Article 55 Deleted.** <by Presidential Decree No. 24344, Jan. 31, 2013>

### **Article 56 (Standards for Registration of Specialized Maintenance Business)**

The facilities, equipment, and technical personnel that a person who intends to file for registration of a specialized exhaust gas maintenance business under Article 68 (1) of the Act is required to have shall be as prescribed in attached Table 13.

### **Article 57 (Alteration of Registered Matters of Specialized Maintenance Business)**

"Any of the significant registered matter prescribed by Presidential Decree" in the latter part of Article 68 (1) of the Act means each of following matters:

1. Name of representative;
2. Technical personnel;
3. Trade name;
4. Location of place of business;
5. Items of maintenance, checkup, and verification inspections.



**Articles 58 and 59 Deleted.** <by Presidential Decree No. 21586, Jun. 30, 2009>

**Article 60 (Kinds of Air Pollutants from Ships)**

"Any of the air pollutants prescribed by Presidential Decree" in Article 76 (1) of the Act means nitrogen oxides.

**Article 60-2 (Scope of Sales Turnover)**

"Sales figures prescribed by Presidential Decree" in the main body of Article 76-6 (1) of the Act means the sales turnover of the year during which the permissible levels of greenhouse gas emissions from motor vehicles as defined in subparagraph 21 of Article 2 of the Act are not complied with.

**Article 60-3 (Methods of Computation, etc. of Penalty Surcharges)**

(1) Methods of calculation, etc. of penalty surcharges under Article 76-6 (1) of the Act shall be as specified in attached Table 14.

(2) When imposing a penalty surcharge under Article 76-6 (1) of the Act, the Minister of Environment shall give a written notice clearly stating the grounds for imposition of the penalty surcharge and the amount thereof in the year following the end of the period prescribed by Ordinance of the Ministry of Environment under Article 76-5 (2) of the Act.

(3) A motor vehicle manufacturer in receipt of a notice under paragraph (2) shall pay the relevant penalty surcharge to a collecting agency prescribed by the Minister of Environment by not later than September 30 of the year he/she receives such notice: Provided, That where he/she is unable to pay the penalty surcharge during such period due to a natural disaster or any other unavoidable cause, he/she shall pay it within 30 days from the date such cause ceases to exist.

(4) A receiving agency which receives a penalty surcharge under paragraph (3) shall issue a receipt to the payor.

(5) Detailed matters necessary for the imposition of penalty surcharges other than those prescribed in paragraphs (1) through (4) shall be determined and publicly notified by the Minister of Environment.

**Article 61 (Objects, Procedures, and Methods for Financial Support)**

(1) Financial support under Article 81 (3) of the Act shall be provided to the following projects: <Amended by Presidential Decree No. 27200, May 31, 2016>

1. Research projects related to long-range transboundary air pollutants;
2. Domestic and overseas projects for the prevention of damage caused by long-range transboundary air pollutants.

(2) A corporation or organization which intends to receive financial support shall make an application for financial support to a competent government agency by December 31 each year.

(3) A competent government agency which has received an application under paragraph (2) shall determine whether to provide financial support after consultation with relevant government agencies and deliberation by the Committee.

**Article 62 (Cooperation with Related Agencies)**

"Any other matters prescribed by Presidential Decree" in subparagraph 12 of Article 83 of the Act mean each of the following matters: *<Amended by Presidential Decree No. 21586, Jun. 30, 2009; Presidential Decree No. 25144, Feb. 5, 2014>*

1. Restoration of land damaged by installing tourist facilities or industrial facilities, etc. to its original state;
2. Regulation of fuels by motor vehicle model;
3. Regulation of the engine power by motor vehicle model;
4. Matters concerning the restriction of the power sources of motor vehicles used in a specific zone for a specific use to electricity, solar energy, hydrogen, natural gas, etc.

#### **Article 62-2 (Installation and Operation of Electronic Data Processing System)**

The Minister of Environment may establish and operate an electronic data processing system necessary for the efficient processing of the following affairs: *<Amended by Presidential Decree No. 27392, Jul. 26, 2016; Presidential Decree No. 28500, Dec. 26, 2017>*

1. Financial assistance for persons who purchase low-emission motor vehicles under Article 58 (3) of the Act;
2. Placement of identification marks on low-emission motor vehicles, etc. under Article 58 (11) of the Act.

#### **Article 63 (Delegation of Authority)**

(1) The Minister of Environment shall delegate the following authorities to Mayors/Do Governors pursuant to Article 87 (1) of the Act: *<Amended by Presidential Decree No. 21586, Jun. 30, 2009; Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 25144, Feb. 5, 2014>*

1. Extension of inspection periods, or suspension of, the regular inspections of two-wheeled motor vehicles under Article 62 (3) of the Act;
2. Issuance of orders for two-wheeled motor vehicles to undergo regular inspections under Article 62 (4) of the Act;
3. Designation of maintenance providers to perform affairs related to regular inspection of two-wheeled motor vehicles under Article 62-3 (1) of the Act;
4. Issuance of business suspension orders to designated maintenance providers for regular inspections of two-wheeled motor vehicles and the revocation of designation under Article 62-4 (1) of the Act;
5. Issuance of orders for improvement under Article 70 of the Act;
6. Issuance of orders for suspension of operation of motor vehicles under Article 70-2 of the Act.

(2) The Minister of Environment shall delegate the following authority to the heads of river basin environmental offices, the heads of regional environmental offices, or the head of the Metropolitan Air Quality Management Office pursuant to Article 87 (1) of the Act: Provided, That the authority provided for in subparagraphs 1 and 3 shall be delegated to the head of the Metropolitan Air Quality Management Office: *<Amended by Presidential Decree No. 21229, Dec. 31, 2008; Presidential Decree No. 21325, Feb. 13, 2009; Presidential Decree No. 21586, Jun. 30, 2009; Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree*

No. 25144, Feb. 5, 2014; Presidential Decree No. 26419, Jul. 20, 2015; Presidential Decree No. 27392, Jul. 26, 2016; Presidential Decree No. 27802, Jan. 24, 2017>

1. Installation of measuring networks and regular measurement (limited to the jurisdiction of the head of the Metropolitan Air Quality Management Office) of the air pollution levels under Article 3 (1) of the Act;
  2. Determination, alteration, announcement, and inspection of plans for measuring network installation under Article 4 (1) of the Act;
  3. Expropriation or use of land, etc. (limited to that related to the affairs delegated under subparagraph 1) under Article 5 (1) of the Act;
  4. Receipt and evaluation of statements on implementation outcomes of programs under Article 19 (3) through (5) of the Act and the authority to entrust the business affairs to specialized institutions;
  - 4-2. Registration of an agency business for managing measuring devices and registration of alteration under Article 32-2 of the Act; revocation of registration of such agency business and issuance of orders to suspend business under Article 32-3 of the Act; and hearings referred to in subparagraph 1-2 of Article 85 of the Act;
  - 4-3. Receipt of reports on the installation and operation of fugitive emission facilities under Article 38-2 (1) of the Act and reports on change under Article 38-2 (2) of the Act;
  - 4-4. Issuance of orders to take measures under Article 38-2 (6) of the Act;
  - 4-5. Issuance of orders to take measures or orders for withdrawal under Article 44-2 (3) of the Act;
  - 4-6. Issuance of orders to suspend supply or sale under Article 44-2 (4) of the Act;
  - 4-7. Inspection of motor vehicle fuels, additives, or catalysts under Article 74 (3) of the Act;
  5. Regulation on the manufacture, sale, or use of motor vehicle fuels, additives, or catalysts under Article 74 (5) of the Act;
  6. Issuance of orders to suspend the relevant manufacture or to withdraw products under Article 75 (1) of the Act;
  - 6-2. Issuance of orders to suspend the relevant supply or sale under Article 75 (2) of the Act;
  - 6-3. Authority concerning orders to make a report and requests for submission of data, as well as authority concerning access, collection, and inspection referred to in Article 82 (1) of the Act (limited to where such authority is required to verify whether agency business for managing measuring devices referred to in Article 32-2 of the Act is properly performed, whether the facility management standards referred to in Article 38-2 (3) of the Act are complied with, or whether the permissible volatile organic compound content levels referred to in Article 44-2 of the Act are complied with; and to conduct inspections under Article 74 of the Act);
  7. Deleted. <by Presidential Decree No. 27802, Jan. 24, 2017>
- (3) The Minister of Environment shall delegate the following authority to the president of the National Institute of Environmental Research pursuant to Article 87 (1) of the Act: <Amended by Presidential Decree No. 21229, Dec. 31, 2008; Presidential Decree No. 21325, Feb. 13, 2009; Presidential Decree No. 21586, Jun. 30,

2009; Presidential Decree No. 22100, Mar. 26, 2010; Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 25144, Feb. 5, 2014; Presidential Decree No. 27200, May 31, 2016>

1. Installation of measuring networks and regular measurement of the air pollution levels (limited to long-range transboundary air pollutants outside the jurisdiction of the head of the Metropolitan Air Quality Management Office) under Article 3 (1) of the Act;
2. Expropriation and use of land, etc. (limited to those related to the affairs delegated under subparagraph 1) under Article 5 (1) of the Act;
3. Receipt of reports under Article 3 (2) of the Act;
- 3-2. Prediction and announcement of air pollution levels under Article 7-2 of the Act;
4. Certification, certification for alteration, revocation of certification of, and hearings thereon under Articles 48 (1) and (2), 55, and 85 of the Act: Provided, That certification, revocation of certification of, and hearings on motor vehicles manufactured in the Republic of Korea shall be excluded;
5. Inspections and omission of inspections under Article 50 (1) and (2) of the Act;
6. Inspections for the confirmation of defects and selection of motor vehicles subject to such inspections under Article 51 of the Act;
7. Receipt of documents filed under Article 53 (1) and (2) of the Act;
- 7-2. Inspection for verifying the performance of exhaust gas reduction devices installed or replaced in motor vehicles or the low-emission engines converted or replaced.
8. Inspections under Article 74 (2) of the Act;
9. Authority to designate an inspection agency under Article 74-2 of the Act and revoke designation, etc., of an inspection agency under Article 74-3 of the Act.

#### **Article 64 (Supervision, etc. of Duties based on Delegation of Authority)**

(1) Where deemed specifically necessary to manage air pollution affecting a wide area, the Minister of Environment may check or confirm the places of business for any violation of Acts and subordinate statutes, such as their compliance with the permissible emission levels, or require the head of a river basin environmental office or the head of a regional environmental office to check and confirm such matters.

*<Amended by Presidential Decree No. 24344, Jan. 31, 2013>*

(2) Where the Minister of Environment, the head of a river basin environmental office, or the head of a regional environmental office has discovered that a place of business violates Acts and subordinate statutes as a result of checkup and confirmation under paragraph (1), he/she shall notify the competent Mayor/Do Governor of the details thereof and his/her opinions on measures to be taken.

(3) Upon receipt of a notice given under paragraph (2), the competent Mayor/Do Governor shall take measures therefor and report or notify to the Minister of Environment, the head of the relevant river basin environmental office or the head of the relevant regional environmental office of the results thereof.

#### **Article 65 (Reporting)**

Where a Mayor/Do Governor, the head of a river basin environmental office, the head of a regional environmental office, the head of the Metropolitan Air Quality Management Office or the president of the

National Institute of Environmental Research has completed the affairs delegated under Article 87 (1) of the Act, he/she shall file a report on the details thereof to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

#### **Article 66 (Entrustment of Authority)**

(1) Pursuant to Article 87 (2) of the Act, the Minister of Environment shall entrust the following duties to the Korea Environment Corporation: <Amended by Presidential Decree No. 21325, Feb. 13, 2009; Presidential Decree No. 21586, Jun. 30, 2009; Presidential Decree No. 22100, Mar. 26, 2010; Presidential Decree No. 23792, May 22, 2012; Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 25950, Dec. 31, 2014; Presidential Decree No. 26419, Jul. 20, 2015; Presidential Decree No. 27200, May 31, 2016; Presidential Decree No. 27392, Jul. 26, 2016; Presidential Decree No. 27802, Jan. 24, 2017; Presidential Decree No. 28500, Dec. 26, 2017>

1. Installation of measuring networks and regular measurement of air pollution levels (limited to pollutants other than long-range transboundary air pollutants outside the jurisdiction of the head of the Metropolitan Air Quality Management Office) under Article 3 (1) of the Act;
- 1-2. Establishment and operation of a computer network under Article 3 (3) of the Act;
2. Expropriation or use of land, etc. (limited to those related to the duties delegated under subparagraph 1) under Article 5 (1) of the Act;
- 2-2. Projects to reduce the emissions of climate/ecosystem-changing substances under Article 9 (2) of the Act;
- 2-3. Examination of whether the management plans for refrigerants of air conditioners referred to in Article 9-3 (2) of the Act are complied with;
- 2-4. Checking the performance, etc. of facilities having a combustion control system for which provision of support for installation is due under Article 26 (3) of the Act, or such facilities already installed;
- 2-5. Installation and operation of measuring devices under the proviso to Article 32 (1) of the Act;
3. Operation of computer networks and technological support to Mayors/Do Governors or business entities under Article 32 (7) of the Act;
4. Omission of certification under the proviso to Article 48 (1) of the Act;
5. through 7. Deleted; <by Presidential Decree No. 24344, Jan. 31, 2013>
8. Operation and management of the computer networks under Article 54 of the Act;
- 8-2. Subsidization for persons who purchase low-emission motor vehicles (limited to hybrid motor vehicles as defined in subparagraph 2 of Article 3 of the Enforcement Decree of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area) under Article 58 (3) of the Act;
- 8-3. Management of the current status of placement of identification marks on low-emission motor vehicles, etc., under Article 58 (11) of the Act;
- 8-4. Establishment and operation of computer networks for the management of information on electric motor vehicle charging under Article 58 (15) of the Act;

- 8-5. Installation of facilities for charging electricity vehicles under Article 58 (16) of the Act;
- 8-6. Evaluation of the performance of electric vehicles under Article 58 (17) of the Act;
9. Occasional checkups of the emission state of exhaust gases from motor vehicles under Article 61 (1) of the Act;
10. Technical support for business entities, which implement the projects under Article 81 (1) 3-2 of the Act.

(2) Pursuant to Article 87 (2) of the Act, the Minister of Environment shall entrust his/her authority for training of environmental engineers under Article 77 of the Act to the Environmental Preservation Association established under Article 59 of the Framework Act on Environmental Policy. *<Amended by Presidential Decree No. 23967, Jul. 20, 2012>*

(3) Pursuant to Article 87 (2) of the Act, the Minister of Environment shall entrust the following duties to the Korea Automobile Environmental Association established under Article 78 of the Act: *<Amended by Presidential Decree No. 27392, Jul. 26, 2016; Presidential Decree No. 28500, Dec. 26, 2017>*

1. Operating facilities for charging electricity vehicles under Article 58 (16) of the Act;
2. Developing and disseminating educational and promotional programs related to eco-friendly driving under Article 77-2 (1) 1 of the Act.

(4) When the president of the Korea Environment Corporation or the president of the Environmental Preservation Association has performed the duties delegated under paragraph (1) or (2), 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. 21586, Jun. 30, 2009>*

#### **Article 66-2 (Re-examination of Regulation)**

The Minister of Environment shall examine the appropriateness of the following matters every three years counting from the following base dates (referring to a date before the same date as the base date of the year that comes every three years), and shall take measures for improvement, etc.: *<Amended by Presidential Decree No. 27062, Mar. 29, 2016>*

1. Permits for and reporting on installation, etc., of emission facilities under Article 11: January 1, 2014;
2. Places of business subject to installation of measuring devices, and the types of measuring devices, etc. under the provisions of Article 17 and attached Tables 1-3, 2, and 3: January 1, 2014;
3. Methods of, and criteria for, the calculation of basic charges under Article 28 and attached Tables 7 and 8: January 1, 2014;
4. Qualification standards for environmental engineers and their term of appointment under Article 39 and attached Table 10: January 1, 2014;
5. Use of low-sulfur oil under Article 40 and attached Table 10-2: January 1, 2014;
6. Use of clean fuels under Article 43 and attached Table 11-3: January 1, 2014;
7. Areas requiring close inspection of exhaust gases from motor vehicles in operation under Article 54: January 1, 2014;

8. Standards for the registration of specialized maintenance business under Article 56 and attached Table 13: January 1, 2014.

### **Article 66-3 (Management of Personally Identifiable Information)**

The Minister of Environment (including persons to whom the Minister of Environment's authority is delegated under Article 63 and 66), Mayors/Do Governors or the heads of Sis/Guns/Gus (including persons to whom the relevant authority is delegated or entrusted, if applicable) may manage the data which contains resident registration numbers, passport numbers, or alien registration numbers referred to in Article 19 of the Enforcement Decree of the Personal Information Protection Act, if it is inevitable to perform the following affairs: <Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 25144, Feb. 5, 2014; Presidential Decree No. 25532, Aug. 6, 2014; Presidential Decree No. 25950, Dec. 31, 2014; Presidential Decree No. 27062, Mar. 29, 2016; Presidential Decree No. 27960, Mar. 27, 2017; Presidential Decree No. 28500, Dec. 26, 2017>

1. Affairs of raising citizens' awareness of climate change and support for practice under Article 9 (2) 4 of the Act;
2. through 4. Deleted; <by Presidential Decree No. 27062, Mar. 29, 2016>
5. Affairs related to the inspection for confirmation and correction of defects under Article 51 of the Act;
6. Affairs related to the early scrapping of motor vehicles under Article 58 of the Act;
- 6-2. Affairs related to financial assistance under Article 58 (3) of the Act;
- 6-3. Affairs related to the placement of identification marks on low-emission motor vehicles, etc., under Article 58 (11) of the Act;
7. Affairs related to the registration, etc., of specialized exhaust gas maintenance business under Article 68 of the Act;
8. Affairs related to inspections of motor vehicle fuels, additives, or catalysts conducted under Article 74 (2) of the Act.

### **Article 67 (Administrative Fines)**

Standards for the imposition of administrative fines referred to in Article 94 (1) and (6) of the Act shall be as specified in attached Table 15. <Amended by Presidential Decree No. 24344, Jan. 31, 2013; Presidential Decree No. 25144, Feb. 5, 2014>

## **ADDENDA**

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

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 2 of Article 54 shall enter into force on January 1, 2008, the amended provisions of Article 60 (limited to diesel engines in the range between 130 kilowatts and 294 kilowatts from among small diesel engines according to the proviso to Article 1 of the Addenda of the partially amended Clean Air Conservation Act (Act No. 7779)) on June 29, 2009, and the amended provisions of

Article 45 (1) 3 on the date prescribed by Ordinance of the Ministry of Environment.

**Article 2 (Applicability to Restrictions on Installation of Emission Facilities)**

(1) The amended provisions of subparagraph 1 of Article 12 shall begin to apply to the emission facilities first installed after August 31, 1996, which is the enforcement date of subparagraph 1 of Article 5 of the amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 15143).

(2) The amended provisions of subparagraph 2 of Article 12 shall begin to apply to emission facilities first installed after January 1, 2004, which is the enforcement date of subparagraph 2 of Article 5 of the amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 18042).

**Article 3 (Applicability to Reports on Current Status of Correction of Defects and Defective Parts and Requirements for Mandatory Correction of Defects)**

The amended provisions of Articles 50 and 51 shall begin to apply to the motor vehicles forwarded after January 1, 2007.

**Article 4 (Transitional Measures concerning Approval on Use of Fuels)**

Where the use of fuels other than low-sulfur oil, or solid fuels is allowed under the previous provisions as of January 1, 1998, which is the enforcement date of the amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 15583), the permission or reports under subparagraph 3 of Article 41 or approval under Article 42 (2) 4 shall be deemed obtained or made.

**Article 5 (Transitional Measures concerning Types of Places of Business)**

A place of business legally established or for which authorization and permission have been obtained under other statutes as of June 30, 2003, which is the enforcement date of the amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 18042), shall be deemed a place of business of the type in compliance with the relevant statutes, despite the amended provisions of attached Table 10.

**Article 6 (Transitional Measures concerning Installation of Watt-Hour Meter)**

Emission facilities to be installed with automatic smokestack measuring devices by December 31, 2007 under the proviso to Article 7 (1) of the Addenda from among emission facilities which have been installed and are in operation after obtaining permission for installation or making a report on installation before April 15, 2005 which is the enforcement date of the partially amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 18788), and are installed with a prevention facility to which a watt-hour meter is to be installed under the amended provisions of Article 17 (2) shall be installed with a watt-hour meter by December 31, 2007.

**Article 7 (Transitional Measures for Installation of Automatic Smokestack Measuring Devices)**

(1) Emission facilities which have been installed and are in operation after obtaining permission for installation or making a report on installation before April 15, 2005 which is the enforcement date of the partially amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 18788), and are required to be installed with an automatic smokestack measuring device under the



amended provisions of Article 17 (3) shall be installed with an automatic smokestack measuring device by December 31, 2005 and shall endeavor to normally transmit the results of measurement to the control center: Provided, That emission facilities under the amended provisions of subparagraph 1 (a) () through (c) () a (applicable only to decomposition facilities of heavy oil), (b) () b (applicable only to dust from among measuring items), (b) () c (applicable only to hydrochloric acid recovery facilities), (c) () d (applicable only to nitrogen recovery and recycling facilities), (c) () a), (c) () b) (applicable only to dust from among measuring items), (c) (v) (applicable only to dust from among measuring items), (c) () and (d), (e), (f) () through (v), (i) (excluding continuous incineration facilities for household wastes), (j) and (k) of attached Table 3 shall be installed with an automatic smokestack measuring device by June 31, 2007 and emission facilities under the amended provisions of item (f) () of the same subparagraph, which are cooling facilities for cement manufacturing facilities, by December 31, 2007, and shall endeavor to normally transmit the results of measurement to the control center.

(2) Notwithstanding paragraph (1), in cases of an emission facility under subparagraph 2 of attached Table 8, which is found to constantly emit pollutants below 30 percent of the permissible emission level as a result of measurement of emission quantity on at least one occasions each month for one year before the expiration of the deadline for installation under paragraph (1), the installation of an automatic smokestack measuring device shall be postponed until the emission quantity increases by at least 30 percent of the permissible emission levels: Provided, That in cases where the emission quantity increases by at least 30 percent of the permissible emission levels, the emission facility shall be installed with an automatic smokestack measuring device within six months from such date and shall endeavor to normally transmit the results of measurement to the control center.

**Article 8 (Transitional Measures for Designation of Inspection Institutions of Automobile Fuels or Additives)**

An institution designated as an inspection institution of motor vehicle fuels or as an inspection institution of additives under conditions prescribed by the Minister of Environment before December 31, 2006 which is the enforcement date of the partially amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 19770) shall be deemed an institution designated under the amended provisions of Article 58.

**Article 9 (Transitional Measures for Administrative Disposition, etc.)**

Permission granted by administrative agencies or other acts of administrative agencies, or reports or other acts for administrative agencies under the previous provisions as at the time this Decree enters into force shall be deemed acts of relevant administrative agencies or acts for relevant administrative agencies under this Decree.

**Article 10 Omitted.**

**Article 11 (Relations with other Acts and Subordinate Statutes)**

Where other statutes have cited the provisions of the former Enforcement Decree of the Clean Air Conservation Act as at the time this Decree enters into force, if the provisions corresponding thereto exist in this Decree, they shall be deemed cited the provisions corresponding thereto in this Decree in lieu of the previous provisions.

ADDENDA <Presidential Decree No. 20547, Jan. 15, 2008>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures for Installation of Automatic Smokestack Measuring Device)**

(1) Emission facilities which have been installed or are under installation, obtaining permission, etc., under the previous provisions as at the time this Decree enters into force and have become emission facilities to be installed with automatic smokestack measuring devices under the amended provisions of subparagraph 1 of attached Table 3 shall be installed with automatic smokestack measuring devices within six months (in cases where the installation of an automatic smokestack measuring device is required to measure dust of the facilities under subparagraph 1 (a) (iii) of attached Table 3 and where the same place of business required to be newly installed with an automatic smokestack measuring device has at least ten points of emissions, within one year) and shall endeavor to normally transmit the results of measurement to the control center.

(2) In cases of an emission facility under attached Table 8, of which emission quantity of a pollutant (limited to dust and sulfur oxides) measured on at least one occasions each month for one year six months before the expiration of the deadline for installation under paragraph (1) does not always exceed 30 percent of the permissible emission levels, an automatic smokestack measuring device may not be installed, notwithstanding paragraph (1): Provided, That the emission quantity of a pollutant has increased by at least 30 percent of the permissible emission levels, an automatic smokestack measuring device shall be installed within six months from such date. <Amended by Presidential Decree No. 21229, Dec. 31, 2008>

ADDENDA <Presidential Decree No. 20680, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 20789, May 21, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on May 26, 2008.

**Articles 2 through 6 Omitted.**

ADDENDA <Presidential Decree No. 21025, Sep. 22, 2008>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

ADDENDUM <Presidential Decree No. 21229, Dec. 31, 2008>

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 47 (1) 7 shall enter into force on January 1, 2010.

ADDENDA <Presidential Decree No. 21241, Dec. 31, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2009.

**Article 2 Omitted.**

ADDENDUM <Presidential Decree No. 21325, Feb. 13, 2009>

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

ADDENDUM <Presidential Decree No. 21586, Jun. 30, 2009>

This Decree shall enter into force on July 1, 2009: Provided, that the amended provisions of Article 66 (1) and (3) shall enter into force on January 1, 2010.

ADDENDA <Presidential Decree No. 21590, Jun. 30, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2009. (Proviso Omitted.)

**Articles 2 through 9 Omitted.**

ADDENDUM <Presidential Decree No. 21626, Jul. 7, 2009>

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

ADDENDA <Presidential Decree No. 22075, Mar. 15, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on March 19, 2010. (Proviso Omitted.)

**Article 2 Omitted.**

ADDENDUM <Presidential Decree No. 22100, Mar. 26, 2010>

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 47 (1) 8, 63 (3) 4, 5, and 7, 66 (1) 4, 5, and 7 shall enter into force on July 1, 2010, while the amended provisions of Articles 63 (3) 6, and 66 (1) 6 shall enter into force on January 1, 2011.

ADDENDA <Presidential Decree No. 22224, Jun. 28, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on Jul. 1, 2010.

**Articles 2 through 5 Omitted.**

ADDENDUM <Presidential Decree No. 22601, Dec. 31, 2010>

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

ADDENDA <Presidential Decree No. 23488, Jan. 6, 2012>

**Article 1 (Enforcement Date)**

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

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 23792, May 22, 2012>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Reporting, etc. on Current Status of Correction of Defects)**

The amended provisions of Article 50 (1) and (2) shall apply to motor vehicles first delivered on or after this Decree enters into force.

ADDENDA <Presidential Decree No. 23967, Jul. 20, 2012>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 22, 2012. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 24344, Jan. 31, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on May 24, 2013: Provided, That the amended provisions of the Articles 23, 27, 28, 32, 33, 34 (1) (excluding its subparagraphs), 36, 39, 53 through 57, 63 (1) 11 and 17 through 18, 63 (2) 7 and (3), 66 (1) 5 through 7 and 9, 66-3, 67, and attached Tables 10-2, 13, and 15 (excluding subparagraph 2 (a) and (p)) shall enter into force on February 2, 2013.

**Article 2 (Transitional Measures following Amendment to Acts and Subordinate Statutes)**

"The relevant Mayor/Do Governor" in the amended provisions of Article 33 (2) shall be construed as "the Minister of Environment" until May 23, 2013; "the relevant Mayor/Do Governor" in the amended provisions of Article 36 (1) as "the Minister of Environment" until May 23, 2013; "the relevant Mayor/Do Governor" in the amended provisions of Article 36 (4) as "the Minister of Environment" until May 23, 2013; "Article 94 (3) 1-2 of the Act" in the amended provisions of subparagraph 2 (b) of attached Table 15 as "Article 94 (3) 1 of the Act" until May 23, 2013; and "Article 74 (4) of the Act in the amended provisions of subparagraph 2 (za) of the same Table as "Article 74 (3) of the Act" until May 23, 2013, respectively.

ADDENDA <Presidential Decree No. 24451, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation

**Articles 2 through 4 Omitted.**

ADDENDUM <Presidential Decree No. 25050, Dec. 30, 2013>

This Decree shall enter into force on January 1, 2014. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 25144, Feb. 5, 2014>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on February 6, 2014: Provided, That the amended provisions of Articles 1-2 (2) 2 and 3, and 2 (2) 1 and 2, and (3) 1 and 2 shall enter into force on January 1, 2015, and the amended provisions of Article 63 (1) 3 and 4 on July 17, 2016.

**Article 2 (Transitional Measures concerning Grant of Collection Expenses)**

Notwithstanding the amended provisions of Article 31-2 (1), the grant of expenses for collection of charges and surcharges imposed by Mayors/Do Governors under Article 35 of the Act before this Decree enters into force shall be governed by the previous provisions.

**Article 3 (Transitional Measures concerning Permits for or Documents for Reporting on Installation of Emission Facilities)**

Notwithstanding the amended provisions of Article 11 (3) 1, a person who has submitted a report on the installation of emission facilities to a Mayor/Do Governor in accordance with the previous provisions of Article 11 (3) before this Decree enters into force shall be governed by the former provisions.

ADDENDUM <Presidential Decree No. 25532, Aug. 6, 2014>

This Decree shall enter into force on August 7, 2014.

ADDENDA <Presidential Decree No. 25751, Nov. 19, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDUM <Presidential Decree No. 25950, Dec. 31, 2014>

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

ADDENDUM <Presidential Decree No. 26229, May 6, 2015>

This Decree shall enter into force on July 1, 2015.

ADDENDUM <Presidential Decree No. 26419, Jul. 20, 2015>

This Decree shall enter into force on July 21, 2015: Provided, That the amended provisions of Article 38-2, subparagraph 11 of Article 44, and attached Table 9-2 shall enter into force on January 1, 2016, and the amended provisions of the main sentence in the provisions other than each subparagraph of Article 45 (1) shall enter into force on January 21, 2017.

ADDENDA <Presidential Decree No. 26705, Dec. 10, 2015>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures, etc., concerning Permits for Installation, etc., of Emission Facilities Emitting Specified Hazardous Air Pollutants)**

(1) A person who is required to file a report on installation under the amended provisions of Article 11 (1) and paragraph (2) of the same Article, among persons who have obtained permits for installation of emission facilities emitting specified hazardous air pollutants under the former provisions, shall be deemed to have filed a report under Article 23 (1) of the Act.

(2) Where it is intended to take an administrative disposition under Article 36 or 38 of the Act against a facility which becomes subject to a report on installation under the amended provisions of Article 11 (1) and paragraph (2) of the same Article, among facilities subject to permits for installation under the former provisions of Article 11 (1) and (4), for violations relating to a permit or a permit for alteration obtained or a report on alteration filed under Article 23 (1) or (2) of the Act before this Decree enters into force, the provisions concerning a report or a report on alteration under Article 36 or 38 of the Act shall apply.

**Article 3 Omitted.**

ADDENDA <Presidential Decree No. 27062, Mar. 29, 2016>

**Article 1 (Enforcement Date)**

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

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 27200, May 31, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on June 2, 2016.

**Article 2 (Applicability to Reporting on Current Status of Correction of Defects)**

The amended provisions of Article 50-2 shall begin to apply where the owner or entity of a motor vehicle requires the relevant motor vehicle manufacturer to correct defective exhaust gas-related parts of a motor vehicle pursuant to Article 52 (1) of the Act, after this Decree enters into force.

ADDENDA <Presidential Decree No. 27299, Jun. 30, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2016. (Proviso Omitted.)

**Articles 2 through 15 Omitted.**

ADDENDUM <Presidential Decree No. 27392, Jul. 26, 2016>

This Decree shall enter into force on July 28, 2016: Provided, That the amended provisions of Articles 1-2 through 1-7 and attached Tables 1 and 1-2 shall enter into force on January 28, 2017; while the amended provisions of subparagraph 3 of attached Table 14 shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 27802, Jan. 24, 2017>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 28, 2017: Provided, That the amended provisions of subparagraph 3 and subparagraphs 9 through 13 of attached Table 9-2 shall enter into force on January 1, 2018; while the amended provisions of Article 66 (1) 1-2, subparagraph 1 (b) of attached Table 10-2, subparagraph 2 (a) of attached Table 11-3, and subparagraph 1 of attached Table 15 shall enter into force on the date of its promulgation.

**Article 2 (Transitional Measures concerning Reporting on Fugitive Emission Facilities)**

Any business entity engaging in any type of business specified in the amended provisions of subparagraph 3 (c) through (e) of attached Table 9-2 or subparagraphs 9 through 13 of the same Table, who has installed and operated fugitive emission facilities as of January 1, 2018, may install and operate fugitive emission facilities of the type of business without filing a report on the fugitive emission facilities under Article 38-2 (1) of the Act, until June 30, 2018.

ADDENDUM <Presidential Decree No. 27960, Mar. 27, 2017>

This Decree shall enter into force on March 30, 2017. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 28211, Jul. 26, 2017>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That amendments to Presidential Decrees already promulgated but which have not yet entered into force before this Decree enters into force, among Presidential Decrees amended pursuant to Article 8 of the Addenda, shall enter into force on the dates the respective Presidential Decrees enter into force.

**Articles 2 through 8 Omitted.**

ADDENDUM <Presidential Decree No. 28243, Aug. 16, 2017>

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

ADDENDUM <Presidential Decree No. 28500, Dec. 26, 2017>

This Decree shall enter into force on December 28, 2017.

ADDENDA <Presidential Decree No. 28583, Jan. 16, 2018>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 18, 2018.

**Article 2 Omitted.**