

ENFORCEMENT DECREE OF THE SPECIAL ACT ON THE IMPROVEMENT OF AIR QUALITY IN SEOUL METROPOLITAN AREA

Presidential Decree No. 18612, Dec. 30, 2004
Amended by Presidential Decree No. 18647, Dec. 31, 2004
Presidential Decree No. 18953, Jul. 22, 2005
Presidential Decree No. 19513, jun. 12, 2006
Presidential Decree No. 20083, jun. 4, 2007
Presidential Decree No. 20200, Jul. 27, 2007
Presidential Decree No. 20383, Nov. 15, 2007
Presidential Decree No. 20680, Feb. 29, 2008
Presidential Decree No. 21033, Sep. 25, 2008
Presidential Decree No. 21289, Feb. 3, 2009
Presidential Decree No. 21607, Jul. 1, 2009
Presidential Decree No. 21626, Jul. 7, 2009
Presidential Decree No. 21656, Jul. 30, 2009
Presidential Decree No. 22139, Apr. 29, 2010
Presidential Decree No. 23456, Dec. 30, 2011
Presidential Decree No. 23718, Apr. 10, 2012
Presidential Decree No. 23966, Jul. 20, 2012
Presidential Decree No. 24145, Oct. 22, 2012
Presidential Decree No. 24451, Dec. 30, 2013
Presidential Decree No. 25050, Dec. 30, 2013
Presidential Decree No. 25080, Jan. 14, 2014
Presidential Decree No. 25621, Sep. 24, 2014
Presidential Decree No. 25700, Nov. 4, 2014
Presidential Decree No. 26597, Oct. 20, 2015
Presidential Decree No. 26845, Dec. 31, 2015
Presidential Decree No. 27587, Nov. 15, 2016
Presidential Decree No. 27737, Dec. 30, 2016

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area and matters necessary for enforcing the aforesaid matters.

Article 2 (Air Control Zone)

Air control zone under subparagraph 2 of Article 2 of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area (hereinafter referred to as the "Act") shall be as specified in attached Table 1.

Article 3 (Types of Low-Emission Motor Vehicles)

Low-emission motor vehicles under subparagraph 6 of Article 2 of the Act shall be classified as follows in accordance with levels of emissions of pollutants: *<Amended by Presidential Decree No. 23456, Dec. 30, 2011>*

1. Class I low-emission motor vehicles: Motor vehicles, such as electric vehicles, fuel cell vehicles and solar vehicles, emitting air pollutants which meet the relevant emission standards prescribed by Ordinance of the Ministry of Environment;
2. Class II low-emission motor vehicles: Motor vehicles using motor vehicle fuels produced pursuant to Article 74 (1) of the Clean Air Conservation Act or hybrid vehicles emitting air pollutants which meet the relevant emission standards prescribed by Ordinance of the Ministry of Environment;
3. Class III low-emission motor vehicles: Among motor vehicles using motor vehicle fuels produced pursuant to Article 74 (1) of the Clean Air Conservation Act, motor vehicles emitting air pollutants which exceed the emission standards for Class II low-emission motor vehicles, but meet the relevant emission standards prescribed by Ordinance of the Ministry of Environment.

Article 3-2 (Standards for Making Requests to Take Measures as Result of Measurement of Air Pollution Levels)

"Where ---(omitted)--- exceeds standards prescribed by Presidential Decree" in Article 7-2 (2) of the Act means where the fine dust concentration exceeds 200 micrograms per cubic meter.

Article 4 (Matters to Be Included in Master Plan)

"Matters prescribed by Presidential Decree" in Article 8 (2) 12 of the Act means the following: *<Amended by Presidential Decree No. 23718, Apr. 10, 2012>*

1. Matters concerning the reduction of air pollutants through the provision of eco-friendly motor vehicle fuels;
2. Matters concerning the following related to the reduction of air pollutants:
 - (a) Managing traffic demand;
 - (b) Scientizing and automating the operation and management of traffic systems;
 - (c) Improving efficiency in means of transportation;
 - (d) Producing and consuming energy;
 - (e) Reasonably and efficiently using energy.
3. Matters concerning impediments to atmospheric circulation and reducing air pollution due to formulating and implementing urban/Gun plans.

Article 5 (Submission of Performance Report of Master Plan)

(1) The Minister of Environment shall submit a performance report under Article 8 (7) of the Act to the National Assembly of the Republic of Korea every three years by December 31 of the year in which he/she submits the report. <Amended by Presidential Decree No. 27587, Nov. 15, 2016>

(2) A report under paragraph (1) shall include any of the following:

1. Goals of and basic directions for air quality improvement;
2. Important matters contained in a master plan for air quality control in Seoul metropolitan area under Article 8 (1) of the Act and a detailed plan for the implementation thereof (hereinafter referred to as "action plan");
3. The total permissible amount of emission in each region and the amount of reduced air pollutants from each source of pollution of Seoul Special Metropolitan City, Incheon Metropolitan City and Gyeonggi Do (hereinafter referred to as "City/Do");
4. Other results achieved in implementing measures to improve air quality.

Article 6 (Formulation and Implementation of Eco-Friendly Development Plan)

"Plans prescribed by Presidential Decree" in subparagraph 5 of Article 10 of the Act means the following plans: <Amended by Presidential Decree No. 21656, Jul. 30, 2009; Presidential Decree No. 23966, Jul. 20, 2012; Presidential Decree No. 25700, Nov. 4, 2014>

1. A free economic zone development plan under Article 6 of the Special Act on Designation and Management of Free Economic Zones;
2. A master plan for maintenance and improvement of urban areas and dwelling conditions under Article 3 of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents;
3. A Seoul Metropolitan area readjustment plan under Article 4 of the Seoul Metropolitan Area Readjustment Planning Act;
4. A master plan for the supply of integrated energy under Article 3 of the Integrated Energy Supply Act;
5. An administrative plan subject to strategic environmental impact assessment under Article 9 of the Environmental Impact Assessment Act.

Article 6-2 (Deliberation and Mediation by Seoul Metropolitan Air Quality Management Committee)

"Matter prescribed by Presidential Decree" in Article 11 (1) 3 of the Act means matters which the Chairperson of the Metropolitan Air Quality Management Committee (hereinafter referred to as the "Committee") under Article 11 (1) of the Act submits to the Committee, regarding the implementation of projects to improve air quality in the Seoul Metropolitan area.

Article 7 (Formation of Committee)

(1) "Vice Ministers of relevant central administrative agencies prescribed by Presidential Decree" in Article 11 (2) of the Act means the Vice Minister of Strategy and Finance, the Vice Minister of Trade, Industry and Energy, the Vice Minister of Land, Infrastructure and Transport, and the Vice Minister of

Office for Government Policy Coordination. <Amended by Presidential Decree No. 24451, Mar. 23, 2013>

(2) The Chairperson of the Committee (hereinafter referred to as the "Chairperson") may organize and operate an advisory board comprised of related public officials, related experts, etc. to provide advice and suggestions on the efficient deliberation and coordination by the Committee and technicalities. <Amended by Presidential Decree No. 22139, Apr. 29, 2010>

Article 8 (Secretariat)

(1) A secretariat shall be established in the Ministry of Environment to perform clerical work of the Committee pursuant to Article 11 (4) of the Act.

(2) The following persons shall serve as staff members of the secretariat:

1. Persons appointed by the Minister of Environment from among public officials belonging to the Ministry of Environment;
2. Persons appointed by the Minister of Environment on recommendation by the head of the relevant agency from among public officials belonging to local governments, such as Cities and Dose;
3. Other public officials or employees dispatched from related agencies or institutions.

(3) The Minister of Environment shall appoint the head of the secretariat from among employees of the secretariat under paragraph (2).

Article 9 (Convocation of Meetings of Committee and Quorum for Resolution)

(1) The Committee shall hold an annual meeting: Provided, That where the Chairperson deems it necessary, he/she may convene a special meeting.

(2) Where the Minister of Trade, Industry and Energy requests the Chairperson to grant permission to establish or change a place of business pursuant to the proviso to Article 15 of the Act or to adjust the total permissible amount of emission pursuant to Article 19 (1) of the Act, the Chairperson shall convene an extraordinary meeting except in extenuating circumstances. <Amended by Presidential Decree No. 24451, Mar. 23, 2013>

(3) The Committee shall hold meetings when a majority of its incumbent members attend, and pass resolutions when a majority of the members present give their approval.

Article 10 (Duties, etc. of Chairperson)

(1) The Chairperson shall preside over the business of the Committee and preside at its meetings.

(2) Where the Chairperson is unable to perform his/her duties due to circumstances beyond his/her control, a member appointed by the Chairperson in advance shall perform his/her duties on his/her behalf.

Article 11 (Delegation to Working Committee)

Where the Committee intends to delegate part of its affairs to the Working Committees for Metropolitan Air Quality Management (hereinafter referred to the "Working Committee") under Article 12 (1) of the Act pursuant to Article 12 (2) 2 of the Act, it shall pass a resolution to delegate the same.

Article 12 (Formation of Working Committee)

(1) The Working Committee shall be comprised of up to 20 members including one chairperson.

(2) The Vice Minister of Environment shall serve as the Chairperson of the Working Committee (hereinafter referred to as the "Chairperson of the Working Committee"), and the following persons shall serve as members of the Working Committee: <Amended by Presidential Decree No. 24451, Mar. 23, 2013>

1. Each person appointed by the head of an agency to which he/she belongs, who is a public official in general service or public official in Grade 3 or higher grade belonging to the Ministry of Strategy and Finance, the Ministry of Trade, Industry and Energy, the Ministry of Environment, the Ministry of Land, Infrastructure and Transport, the Office for Government Policy Coordination or the Senior Executive Service of each City/Do;

2. Each person appointed by the Minister of Environment, The Mayor of Seoul Special Metropolitan City, the Mayor of Incheon Metropolitan City, and the Governor of Gyeonggi Do (hereinafter referred to as the "Mayor of Seoul Special Metropolitan City, etc.") from among those belonging to the National Institute of Environmental Research and health and environmental research institutes of Cities/Dos;

3. Each one person commissioned by the Minister of Trade, Industry and Energy, the Minister of Land, Infrastructure and Transport and the Minister of Environment from among those who have extensive knowledge and experience in air quality policy;

4. The Director of the Seoul Metropolitan Air Quality Management Office.

(3) The term of office of members who are not public officials is two years.

(4) One administrative secretary shall be assigned to the Working Committee to perform clerical work of the Working Committee, and the Chairperson of the Working Committee shall appoint the administrative secretary from among public officials belonging to the Ministry of Environment.

Article 13 (Convocation of Meetings of Working Committee and Quorum for Resolution)

(1) The Working Committee shall hold an annual meeting: Provided, That where the Chairperson of the Working Committee deems it necessary, he/she may convene a special meeting.

(2) The Working Committee shall hold its meetings when a majority of its incumbent members attend, and pass resolutions when a majority of the members present give their approval.

Article 14 (Hearing of Opinions of Public Officials, etc. of Related Agencies)

Where a member of the Committee or the Working Committee makes a request or the Chairperson or the Chairperson of the Working Committee deems it necessary for deliberation, he/she may require public officials of related agencies, experts, etc. to attend its meeting and make remarks.

Article 15 (Allowances and Travel Expenses)

The Minister of Environment may pay allowances and travel expenses to members, related public officials or related experts who attend a meeting of the Committee or the Working Committee within the budgetary limits: Provided, That where a public official attends a meeting in direct relation to his/her business, the Minister of Environment shall not pay an allowance and travel expenses thereto.

Article 16 (Detailed Rules Governing Operation)

In addition to matters provided for in this Decree, the Chairperson shall prescribe matters necessary to operate the Committee and the Working Committee following resolutions adopted by the Committee.

Article 17 (Amount Emitted by Persons Who Must Obtain Permission to Establish Places of Business)

"Emission amount prescribed by Presidential Decree" in the former part of Article 14 (1) of the Act means the amount of emissions under attached Table 2.

Article 18 (Installation, Operation, etc. of Measuring Equipment)

(1) A business entity to whom the total permissible amount of emission has been allocated (hereinafter referred to as "business entity subject to total amount control") pursuant to Article 16 (1) of the Act shall install and operate measuring equipment that can measure the emission intensity of each pollutant subject to the management of total amount and the amount of gases emitted from the relevant place of business pursuant to Article 16 (4) of the Act.

(2) Types of measuring equipment under paragraph (1), methods of installing and managing the same, methods for calculating the emission volume, etc. shall be as specified in attached Table 2-2.

Article 19 (Preservation of Results of Measurement)

A business entity subject to total amount control shall preserve the results calculated pursuant to Article 16 (4) of the Act for five years.

Article 20 (Exclusion from Application of Emission-Based Charges and Sulfur Content Standards)

(1) Emission-based charges exempted pursuant to Article 17 (1) of the Act shall be as follows:

1. Business Operators to whom the total permissible amount of emission of sulfur oxides is allocated: Basic charges and excess charges for sulfur oxides under the Clean Air Conservation Act;
2. Business Operators subject to the management of total amount to whom the total permissible amount of emission of dust is allocated: Basic charges and excess charges for dust under the Clean Air Conservation Act.

(2) Sulfur content standards of fuels shall not apply to business operators under the total volume control of sulfur oxides pursuant to Article 17 (1) of the Act.

Article 21 (Use of Total Permissible Amount of Emission in Following Year)

(1) The amount the Minister of Environment may add to the total permissible amount of emission for the following year of a business entity subject to total amount control pursuant to Article 18 (4) of the Act shall be calculated pursuant to attached Table 3. In such cases, the total permissible amount of emission for the following year of the business entity subject to total amount control shall not exceed the total permissible amount of emission for the relevant year.

(2) Where a business entity subject to total amount control intends to use the total permissible amount of emission which he/she has not used in the following year pursuant to paragraph (1), he/she shall submit the details thereof to the Minister of Environment by March 31 of the following year. <Amended by Presidential Decree No. 22139, Apr. 29, 2010>

Article 22 (Adjustment of Total Permissible Amount of Emission for Following Year)

(1) Where a business entity subject to total amount control has emitted pollutants in excess of the total permissible amount of emission pursuant to Article 19 (2) of the Act, the value obtained by multiplying the amount of pollutants emitted in excess of the total permissible amount of emission for the relevant

year by the coefficient of violation shall be deducted from the total permissible amount of emission for the following year.

(2) The coefficient of violation under paragraph (1) shall be as specified in attached Table 4.

Article 23 (Standards for Calculation of Penalties for Pollutants in Excess of Total Amount)

A penalty per kilogram of pollutants under Article 20-2 (2) of the Act, the coefficient of imposition for each region, the coefficient of imposition for each percentage in excess of the total permissible amount of emission and the coefficient of imposition for each number of violations have been committed shall be as specified in attached Table 5.

Article 24 (Notice Demanding Payment of Penalties)

(1) The Minister of Environment shall give notice demanding payment of a penalty for pollutants in excess of the total permissible amount of emission (hereinafter referred to as "penalty") calculated pursuant to Article 20-2 of the Act within 60 days from the date a ground for imposing the penalty arises.

<Amended by Presidential Decree No. 26597, Oct. 20, 2015>

(2) Where the Minister of Environment imposes a penalty, he/she shall give a notice stating the amount of pollutants subject to the imposition thereof, the amount of a penalty, the payment period, the place for paying the penalty, and other necessary matters in writing. In such cases, the payment period of the penalty shall be 30 days from the date on which he/she issues a notice calling for the payment thereof.

<Amended by Presidential Decree No. 26597, Oct. 20, 2015>

Article 25 (Subsidization of Expenses Incurred in Collection)

(1) Where the Minister of Environment entrusts the collection of penalties and additional dues to the Mayor of Seoul Special Metropolitan City, etc. having jurisdiction over the air quality management area pursuant to Article 20 (7) of the Act, he/she shall pay the amount equivalent to ten percent of the penalty surcharge and additional charge which the Mayor of Seoul Special Metropolitan City, etc. have collected to them as expenses incurred in collecting the same. *<Amended by Presidential Decree No. 26597, Oct. 20, 2015>*

(2) The Minister of Environment shall pay expenses incurred in collecting penalty surcharge and additional charge under paragraph (1) among penalty surcharge or additional charge paid in the special account for environmental improvement under the Framework Act on Environmental Policy to the Mayor of Seoul Special Metropolitan City, etc. by January 31 of the following year. *<Amended by Presidential Decree No. 26597, Oct. 20, 2015>*

Article 26 (Range of Motor Vehicle Dealers)

"Quantity prescribed by Presidential Decree" in Article 23 (1) of the Act means sales falling under any of the following:

1. Average annual sales for the preceding three years: 3,000 motor vehicles;
2. Average annual sales of vans and trucks with gross tonnage of at least 3.5 ton for the preceding three years: 300 motor vehicles.

Article 27 (Range, etc. of Agencies Purchasing Low-Emission Motor Vehicles)

"Quantity prescribed by Presidential Decree" in Article 24 (1) of the Act means ten motor vehicles.

Article 28 (Range of Public Agencies)

"Public agencies prescribed by Presidential Decree" in Article 24 (1) 2 of the Act means the following institutions: <Amended by Presidential Decree No. 21289, Feb. 3, 2009; Presidential Decree No. 25621, Sep. 24, 2014; >

1. Public institutions under Article 4 of the Act on the Management of Public Institutions;
2. Government-funded research institutes established pursuant to Article 8 of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, Etc.;
3. Research institutes established pursuant to Article 8 of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, Etc.;
4. Local corporations under Article 49 of the Local Public Enterprises Act, local industrial complexes under Article 76 of the aforesaid Act, and institutions invested or funded under Article 2 (1) of the Act on the Operation of Institutions Provided with Investments or Funds by Local Governments;
5. Corporations under Article 2 of the Act on the Improvement of Managerial Structure and Privatization of Public Enterprises;
6. Organizations related to public offices under Article 3 (1) 12 of the Public Service Ethics Act.

Article 29 (Diesel-Fueled Vehicles for Business Eligible for Support, such as Emission Reduction Devices, etc.)

"Period prescribed by Presidential Decree" in Article 25 (6) 2 of the Act means 180 days annually.

Article 29-2 (Establishment and Operation of Electronic Data Processing System)

The Minister of Environment may establish and operate an electronic data processing system to efficiently manage the current status of motor vehicles bearing the mark for the formulation of measures to provide support to motor vehicles marked with the label pursuant to Article 28 (2) of the Act.

Article 30 (Levels of Emissions of Air Pollutants of Motor Vehicles)

(1) The levels of emissions of air pollutants of motor vehicles under Article 29 of the Act shall be prescribed within five levels in consideration of the following:

1. Degree of the difference between permissible emission levels for manufactured motor vehicles under Article 46 of the Clean Air Conservation Act and emissions measured during occasional inspections under Article 48 (1) 1 of the Enforcement Decree of the aforesaid Act;
2. Degree of the difference between annual permissible emission levels for manufactured motor vehicles under Article 46 of the Clean Air Conservation Act;
3. Types and levels of environmental hazards of emissions produced by the relevant motor vehicles.

(2) Levels of emissions under paragraph (1) shall be calculated for each type of motor vehicles and for each fuel under subparagraph 13 of Article 2 of the Clean Air Conservation Act, and specific methods of the calculation thereof shall be prescribed and publicly notified by the Minister of Environment.

Article 31 (Quality Grade of Motor Vehicle Fuels)

(1) The Minister of Environment shall prescribe quality grades of fuels under Article 29 of the Act within five grades in consideration of the following:

1. Degree of the difference between the result of testing of the relevant fuel and manufacturing standards for manufacturing (including importing) motor vehicle fuels under Article 74 of the Clean Air Conservation Act;
2. Content of substances causing air pollution contained in the relevant fuel and the degree of the environmental hazard thereof;
3. Level of emissions of air pollutants due to the use of the relevant fuel.

(2) The Minister of Environment shall consult about specific evaluation standards, such as items relating to quality, and methods for evaluating each item, necessary to calculate quality grades of fuels under paragraph (1) with the heads of related central administrative agencies and provide public notice of such standards.

Article 32 (Delegation and Entrustment of Authority)

(1) The Minister of Environment shall delegate the authority for the following measures to the Mayor of Seoul Special Metropolitan City, etc. pursuant to Article 39 (1) of the Act: <Amended by Presidential Decree No. 26597, Oct. 20, 2015>

1. Permission to establish a place of business under Article 14 (1) of the Act or permission to alter a place of business under paragraph (3) of the aforesaid Article;
2. Acceptance of reports under Article 14 (2) of the Act and the latter part of paragraph (4) of the aforesaid Article;
3. Restrictions on permission under Article 15 of the Act;
4. Allocation of the total permissible amount of emission under Article 16 (1) of the Act;
5. Requests for data under Article 16 (6) of the Act;
6. Receipt of and handling objections (limited to objections to the allocation of the total permissible amount of emission) under Article 16-2 of the Act;
7. Reduction of the total permissible amount of emission for the following year under Article 19 (2) of the Act;
8. Imposition and collection of penalty surcharge under Article 20 of the Act;
9. Orders to revoke permission to establish or alter a place of business and to close the place of business under Article 21 of the Act;
10. Orders to file reports, orders to submit data, and inspections under Article 36 (1) 1 (limited to matters delegated pursuant to provisions of subparagraphs 1 through 9) of the Act;
11. Hearings under subparagraphs 1 and 2 of Article 37 of the Act;
12. Imposition and collection of administrative fines under Article 46 (3) (limited to administrative fines related to subparagraph 10) of the Act;

(2) The Minister of Environment shall delegate authority for the following measures to the Director of the Seoul Metropolitan Air Quality Management Office pursuant to Article 39 (1) of the Act: <Amended by Presidential Decree No. 22139, Apr. 29, 2010; Presidential Decree No. 23456, Dec. 30, 2011; Presidential Decree No. 25080, Jan. 14, 2014; Presidential Decree No. 26597, Oct. 20, 2015>

1. Conducting basic surveys under Article 7 (1) of the Act;
2. Investigating the degree of hazards and the cause of occurrence of hazards under Article 7 (3) of the Act;
3. Formulating and amending a master plan under Article 8 (1) and (3) of the Act;
4. Consulting with the heads of related central administrative agencies and the Mayor of Seoul Special Metropolitan City, etc., determination of a master plan and public notices in the Official Gazette under Article 8 (4) of the Act;
5. Preparing performance reports of a master plan under Article 8 (7) of the Act;
6. Approving an action plan and approval of modification thereto under Article 9 (1) of the Act;
7. Receiving the performance report of an action plan under Article 9 (3) of the Act;
8. Receiving the results of the calculation of emissions under Article 16 (5) of the Act;
9. Receiving and handling objections (limited to objections to the results of the calculation of emissions) under Article 16-2 of the Act;
10. Receiving and confirming certifying documents concerning the transfer of the total permissible amount of emission under Article 18 (2) of the Act;
11. Increasing the total permissible amount of emission for the following year under Article 18 (4) of the Act;
12. Adjusting the total permissible amount of emission under Article 19 (1) of the Act;
13. Concluding a voluntary agreement and the confirmation of the results of the implementation thereof under Article 22 of the Act;
- 13-2. Giving public notice of standards for yearly popularization of low-emission motor vehicles under Article 23 (1) of the Act;
14. Approving a plan for supply of low-emission motor vehicles and the receipt of the results achieved in the popularization thereof under Article 23 (3) and (4) of the Act;
15. Recommending preferred purchase of low-emission motor vehicles under Article 24 (2) of the Act;
16. Receiving the results of inspection of the performance of motor vehicles on which an emission reduction device under Article 26-4 (4) of the Act has been installed or which have been retrofitted with a low-emission engine;
- 16-2. Giving public notice of the levels of emissions of air pollutants from motor vehicles under subparagraph 1 of Article 29 of the Act;
- 16-3. Giving public notice of fuel quality grades based on the components of motor fuels and effect on air pollution under subparagraph 2 of Article 29 of the Act;

17. Giving orders to make reports, and orders to submit and inspect data under Article 36 (1) 1 through 3 (limited to matters delegated pursuant to the provisions of subparagraphs 1 through 16) and 4 of the Act;

18. Imposing and collecting administrative fines under Article 46 (3) of the Act (limited to matters related to subparagraph 17);

19. Deleted. <by Presidential Decree No. 26597, Oct. 20, 2015>

20. Deleted. <by Presidential Decree No. 25080, Jan. 14, 2014>

21. Giving public notice of standards for evaluation for the calculation of quality grade of motor vehicle fuels under Article 31 (2).

(3) The Minister of Environment shall delegate the following authority to the President of the National Institute of Environmental Research pursuant to Article 39 (1) of the Act:

1. Certification of emission reduction devices or low-emission engines, certification of alterations thereto and the revocation of the certification thereof under Article 26 of the Act;

2. Occasional inspections of emission reduction devices or low-emission engines under Article 26-2 (1) of the Act;

3. Inspection to ascertain defects in motor vehicles on which an emission reduction device under Article 26-3 (1) of the Act has been installed or which has been retrofitted with a low-emission engine.

(4) The Minister of Environment shall entrust the following affairs to the Korea Environment Corporation under the Korea Environment Corporation Act pursuant to Article 39 (2) of the Act: <Amended by Presidential Decree No. 21607, Jul. 1, 2009; Presidential Decree No. 25080, Jan. 14, 2014; Presidential Decree No. 26597, Oct. 20, 2015>

1. Measuring air pollution levels, such as fine dust, and disclosing the results thereof under Article 7-2 (1) of the Act;

2. Providing technical support necessary for operating computer network and the installing and operating measuring equipment under Article 16 (8) of the Act;

3. Managing the current status of motor vehicles bearing the mark for the formulation of measures to provide support to motor vehicles marked with the label under Article 28 (2) of the Act;

4. Establishing and operating an electronic data processing system under Article 29-2;

5. Providing technical support necessary for installation, operation, etc. of prevention facilities under Article 34 (1) 2 of the Act.

Article 33 (Supervision, etc. over Affairs Following Delegation of Authority)

(1) Notwithstanding Article 32 (1) 10, the Minister of Environment may inspect or require the Director of the Seoul Metropolitan Air Quality Management Office to inspect a place of business under the total amount control to confirm whether the place of business under the total amount control observes the total permissible amount of emission.

(2) Where the Minister of Environment or the Director of the Seoul Metropolitan Air Quality Management Office discovers the fact that a place of business under the total amount control has violated statutes as a

result of inspection conducted pursuant to paragraph (1), he/she shall notify the Mayor of Seoul Special Metropolitan City, etc. of the details thereof and his/her opinion on measures to be taken.

(3) The Mayor of Seoul Special Metropolitan City, etc. who receives notification pursuant to paragraph (2) shall take measures according to such notification, and report the results thereof to the Minister of Environment or notify the Director of the Seoul Metropolitan Air Quality Management Office.

Article 34 (Reporting)

Where the Mayor of Seoul Special Metropolitan City, etc. or the Director of the Seoul Metropolitan Air Quality Management Office conducts affairs delegated pursuant to Article 39 (1) of the Act, he/she shall report the details thereof to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

Article 34-2 (Management of Personally Identifiable Information)

Where it is inevitable to conduct affairs concerning certification of emission reduction devices or low-emission engines under Article 26 (1) of the Act, the Minister of Environment (including a person to whom his/her authority has been delegated pursuant to Article 32) may manage data including resident registration numbers, passport numbers or alien registration numbers under Article 19 of the Enforcement Decree of the Personal Information Protection Act.

Article 34-3 (Re-Examination of Regulations)

(1) The Minister of Environment shall re-exam the appropriateness of the following as of the following base date every five years (referring to every fifth anniversary from the base date) and take measures, such as making improvements:

1. Air quality control zone under Article 2 and attached Table 1: January 1, 2014;
2. Emissions produced by a person who must obtain permission to establish a place of business under Article 17 and attached Table 2: January 1, 2014.

(2) The Minister of Environment shall re-exam the appropriateness of the following as of the following basic date every three years (referring to every third anniversary from the base date) and take measures, such as making improvements: *<Amended by Presidential Decree No. 26597, Oct. 20, 2015>*

1. Installation, operation, etc. of measuring equipment under Article 18 and attached Table 2-2: January 1, 2014;
2. Standards for calculation of penalties under Article 23 and attached Table 5: January 1, 2014;
3. Range of motor vehicle dealers under Article 26: January 1, 2014.

Article 35 (Criteria for Imposition of Administrative Fines)

Criteria for imposing administrative fines under the provisions of Article 46 (1) through (4) of the Act shall be as specified in attached Table 6. *<Amended by Presidential Decree No. 26597, Oct. 20, 2015>*

ADDENDA

(1) (Enforcement Date) This Decree shall enter into force on January 1, 2005: Provided, That the provisions of Articles 17 through 25 shall enter into force on July 1, 2007.

(2) (Applicability to Calculation Index of Imposition Amount) When calculating the calculation index of amount to be imposed annually pursuant to the provision of Article 23 (3), the calculation index of imposition amount in the year before the year in which the first imposition amount is imposed shall be 1.2.

ADDENDA <Presidential Decree No. 18647, Dec. 31, 2004>

(1) (Enforcement Date) This Decree shall enter into force on January 1, 2005.

(2) (Amendment of Other Statutes) Omitted.

ADDENDA <Presidential Decree No. 18953, Jul. 22, 2005>

Article 1 (Enforcement Date)

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

Article 2 (Amendment of Other Statutes) Omitted.

ADDENDA <Presidential Decree No. 19513, Jun. 12, 2006>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2006.

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 20083, Jun. 4, 2007>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2007.

Article 2 (Transitional Measures concerning Installation of Measuring Equipment)

A person deemed permitted to establish a place of business pursuant to the former part of Article 14 (3) of the Act, before this Decree enters into force, shall install measuring equipment under attached Table 2-2 in accordance with the following classification and by the following deadline:

1. Where he/she has been operating facilities that emit air pollutants as at the time this Decree enters into force:

(a) Common facilities under subparagraph 1 of attached Table 2-2: By December 31, 2007;

(b) Process combustion plants and non-combustion plants under subparagraph 1 of attached Table 2-2: By June 30, 2008;

2. Where he/she operates facilities that emit air pollutants from July 1, 2007: Within six months from the date he/she reports on the commencement of the operation thereof under Article 14 (1) of the Clean Air Conservation Act.

ADDENDUM <Presidential Decree No. 20200, Jul. 27, 2007>

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

ADDENDA <Presidential Decree No. 20383, Nov. 15, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

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. 21033, Sep. 25, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 29, 2008.

Article 2 (Applicability to Installation of Measuring Equipment)

Notwithstanding the provisions of Article 18, a business operator required to close the relevant facility within two years after this Decree enters into force because an area where the relevant facility emitting air pollutants has been established as at the time this Decree enters into force is designated as a renewal promotion area under subparagraph 4 of Article 2 of the Special Act on the Promotion of Urban Renewal may not install measuring equipment under attached Table 2-2.

Article 3 (Applicability to Exemption from Charges for Excess)

(1) The Amended provision of Article 20 (1) shall also apply to a business entity subject to total amount control who is subjected to the imposition of charges for pollutants in excess of emission standards because emissions he/she has produced exceeding emission standards for sulfur oxides and dust under the Clean Air Conservation Act from January 1, 2008 until this Decree enters into force.

(2) The Minister of Environment shall recalculate charges for pollutants exceeding emission standards and give a notice calling for payment to a person who becomes eligible for exemption from charges for pollutants in excess of emission standards pursuant to paragraph (1), and where difference exists between the amount of charges already paid and the amount recalculated, he/she shall refund the difference.

ADDENDA <Presidential Decree No. 21289, Feb. 3, 2009>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 21607, Jul. 1, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 32 (4) shall enter into force on January 1, 2010.

Article 2 (Transitional Measures)

Where criteria for the imposition of administrative fines based on the number violations committed are applied pursuant to the amended provisions of Article 35 and attached Table 6, a violation committed for the first time after this Decree enters into force shall be deemed the first violation.

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

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

ADDENDA <Presidential Decree No. 21656, Jul. 30, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 31, 2009.

Article 2 Omitted.

ADDENDUM <Presidential Decree No. 22139, Apr. 29, 2010>

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

ADDENDUM <Presidential Decree No. 23465, Dec. 30, 2011>

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

ADDENDA <Presidential Decree No. 23718, Apr. 10, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on April 15, 2012. (Proviso Omitted.)

Articles 2 through 15 Omitted.

ADDENDA <Presidential Decree No. 23966, Jul. 20, 2012>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 24145, Oct. 22, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Calculation of Charges for Pollutants in Excess of Total Emissions)

Where the Minister of Environment calculates charges for pollutants in excess of total emissions pursuant to the provision of subparagraph 3 (c) of the remarks of attached Table 5, such charge calculation shall apply beginning with cases where a business entity subject to total amount control emits air pollutants in excess of the total permissible amount of emission allocated in a conservation and management area after this Decree enters into force.

Article 3 (Exceptions to Facilities Subject to Installation of Automatic Measuring Equipment on Chimney)

Notwithstanding the amended provisions of subparagraph 1 (a) ii) and iii) of attached Table 2-2, a business entity subject to total amount control who should install an automatic measuring equipment on a chimney pursuant to the amended provisions of subparagraph 1 (a) ii) and iii) of attached Table 2-2 shall install automatic measuring equipment on the chimney within six months after this Decree enters into force.

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. 25080, Jan. 14, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 17, 2014.

Article 2 (Applicability to Period during Which Measured Data Are Invalidated)

The amended provisions of subparagraph 3 (a) iii) of attached Table 2-2 shall also apply to measuring equipment in which defects are being improved as at the time this Decree enters into force or which are being inspected after the expiration of the period of validity of precision inspection.

Article 3 (Applicability to Total Permissible Amount of Emission Addable to Total Permissible Amount of Emission for Following Year)

The amended provision of subparagraphs 1 and 2 of attached Table 3 shall apply beginning with a business operator under total volume control who adds the total permissible amount of emission that has not been used in the preceding year to the total permissible amount of emission in the relevant year after this Decree enters into force.

Article 4 (Applicability to Coefficient of Imposition of Charges for Pollutants in Excess of Total Emissions for Each Violation Committed)

The amended provisions of attached Table 5 shall also apply to a business entity subject to total amount control who emitted air pollutants exceeding the total permissible amount of emission in 2013.

ADDENDA <Presidential Decree No. 25621, Sep. 24, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 25, 2014.

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 25700, Nov. 4, 2014>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Presidential Decree No. 26597, Oct. 20, 2015>

This Decree shall enter into force on October 21, 2015.

ADDENDA <Presidential Decree No. 26845, Dec. 31, 2015>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2016.

Article 2 (Transitional Measures concerning Specific Diesel-Fueled Motor Vehicles)

Among diesel-fueled motor vehicles registered in Gwangju City, Ansong City, Yeosu City or Pocheon City included in the air quality management areas pursuant to the amended provisions of attached Table 1, a motor vehicle of which the warranty of emissions under Article 46 of the Clean Air Conservation Act has expired shall not be deemed a specific diesel-fueled motor vehicle under Article 25 (1) of the Act until three months elapse from the date this Decree enters into force.

Article 3 (Transitional Measures concerning Permission to Establish Place of Business)

A person who has established or is establishing a Class III place of business that emits air pollutants exceeding the amount of emissions under the amended provisions of attached Table 2 after obtaining permission to establish or modify the place of business or reporting the establishment or modification of the place of business under Article 23 of the Clean Air Conservation Act in the air quality management areas as at the time this Decree enters into force shall be deemed permitted to establish the place of business under the main sentence of Article 14 (1) of the Act. In such cases, the person who has established or is establishing the place of business shall report matters prescribed by Ordinance of the Ministry of Environment within three months from the date on which this Decree enters into force.

ADDENDUM <Presidential Decree No. 27587, Nov. 15, 2016>

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

ADDENDA <Presidential Decree No. 27737, Dec. 30, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2017.

Articles 2 and 3 Omitted.

