

MINING INDUSTRY ACT

Wholly Amended by Act No. 8355, Apr. 11, 2007

Amended by Act No. 8453, May 17, 2007

Act No. 8733, Dec. 21, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9313, Dec. 31, 2008

Act No. 9636, Apr. 22, 2009

Act No. 9763, jun. 9, 2009

Act No. 9774, jun. 9, 2009

Act No. 9982, Jan. 27, 2010

Act No. 10331, May 31, 2010

Act No. 11434, May 23, 2012

Act No. 11690, Mar. 23, 2013

Act No. 12738, jun. 3, 2014

Act No. 13729, Jan. 6, 2016

Act No. 13730, Jan. 6, 2016

Act No. 14990, Oct. 31, 2017

Article 1 (Purpose)

The purpose of this Act is to prescribe a basic framework for the mining industry to promote the development of national industries through the rational exploitation of mineral resources.

Article 2 (Authority of State)

The State has the authority to grant rights to extract and acquire untapped minerals.

Article 3 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 9982, Jan. 27, 2010; Act No. 13730, Jan. 6, 2016>

1. The term "minerals" means substances that fall under any of such elements as gold ore, silver ore, platinum ore, copper ore, lead ore, zinc ore, bismuth ore, tin ore, antimony ore, mercury ore, iron ore, chromite, titanium ore, iron sulfide ore, manganese ore, nickel ore, cobalt ore, tungsten ore, molybdenum ore, arsenic ore, phosphate ore, boron ore, bauxite, magnetite, coal, graphite, diamond, petroleum (including natural pitch and inflammable natural gas), mica (including sericite and vermiculite), sulfur, gypsum, agalmatolite, talc, andalusite (including andalusite, sillimanite, and

cyanite), fluorite, alunite, barite, nepheline, diatomite, feldspar, zeolite, serpentine, rock crystal, nephrite, kaolinite (including pottery stone, bentonite, acid clay, gairome clay, kibushi clay, and alum shale), limestone (including dolomite and wollastonite), alluvial gold, silica stone, silica sand, uranium ore, lithium ore, cadmium ore, thorium ore, beryllium ore, tantalum ore, niobium ore, zirconium ore, and vanadium ore, and rare earth ore (referring to earth and stone that contain cerium, lanthanum, yttrium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, and scandium), and whose being abandoned or slag (slag shall be remnants after refining) attached to land shall be deemed to be the minerals;

2. The term "mining" means exploration and extraction of minerals, and other incidental activities, such as ore dressing and refining;

3. The term "mining right" means the right to explore and extract;

3-2. The term "exploration right" means the right to explore registered minerals and other minerals existing in the same mineral deposits as the registered minerals within a registered land district (hereinafter referred to as "mining area");

3-3. The term "extraction right" means the right to extract and acquire registered minerals and other minerals existing in the same mineral deposits as the registered minerals within a mining area;

4. The term "mining concession" means the right, in accordance with an act establishing such right, to extract or acquire minerals which are subject to any extraction rights within the mining areas of other parties.

Article 4 (Extraction of Minerals)

No untapped minerals may be extracted without the establishment of extraction rights. <Amended by Act No. 9982, Jan. 27, 2010>

Article 5 (Ownership of Separated Minerals)

(1) Minerals separated from the land in a mining area for which mining rights or mining concessions do not exist shall be owned by the mining right holder or mining concession holder concerned: Provided, That minerals separated from the land in the process for a land owner and a person holding a legitimate authority over land to grow crops, install a structure, and build an architectural structure shall be owned by the relevant land owner and a person holding a legitimate authority, but, a land owner and a person holding a legitimate authority shall not be allowed to transfer the minerals that have been separated for the purpose of making profit. <Amended by Act No. 9982, Jan. 27, 2010>

(2) Minerals separated from the land outside a mining area shall be owned by the person acquiring the same: Provided, That the foregoing shall not apply where the said minerals are acquired through criminal acts.

Article 6 (Transfer of Rights and Obligations)

All rights and obligations of mining right holders or mining concession holders as prescribed in this Act shall be transferred along with the mining rights or mining concessions.

Article 7 (Succession of Effects Resulting from Acts)

Procedures and other acts performed in accordance with this Act shall be binding upon the successors of those who fall under any of the following subparagraphs:

1. Persons intending to apply for the establishment of mining rights;
2. Persons intending to be mining concession holders;
3. Persons applying for establishment of mining rights (hereinafter referred to as "mining applicants");
4. Persons applying for authorization for the establishment of mining concessions;
5. Mining right holders;
6. Mining concession holders;
7. Land owners;
8. Other interested parties.

Article 8 Deleted. <by Act No. 13730, Jan. 6, 2016>

Article 9 (Special Case for Petroleum Mining Rights)

(1) Mining rights for petroleum may be solely owned by the Government.

(2) The Minister of Trade, Industry and Energy shall, when he/she intends to extract and acquire petroleum, register mining rights for petroleum as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The provisions of the following Articles shall not apply to mining rights for petroleum: Articles 10-2 (including where such applies mutatis mutandis under Article 61), 11, 12, 15, 16, 17 (including where such applies mutatis mutandis under Article 61), 18 through 28, 30 (including where Article 30 (1) applies mutatis mutandis under Article 61), 31 (including where such applies mutatis mutandis under Article 61), 32 (including where such applies mutatis mutandis under Article 61), 35 through 37, 38 (1) 3 and 4 and (3), 39, 40, 41, 42 (including where such applies mutatis mutandis under Article 61), 42-2 (including where such applies mutatis mutandis under Article 61), 43 (including where such applies mutatis mutandis under Article 61), 44 (including where such applies mutatis mutandis under Article 61), 45 (including where such applies mutatis mutandis under Article 61), 46 (including where such applies mutatis mutandis under Article 61), 48, 49, 51 through 53, and 56 through 59. <Amended by Act No. 9982, Jan. 27, 2010>

(4) Articles 5, 7 through 21, 26, 31 through 32-2, and 34 of the Submarine Mineral Resources Development Act shall apply mutatis mutandis to mining rights for petroleum. In such cases, "submarine mining concession" shall be considered as "mining concession", "submarine mining concession holder" as "mining concession holder", "submarine minerals" as "petroleum", "submarine area map" as "area map", "submarine mining concession area" as "mining concession area", "production plan for submarine minerals" as "production plan for petroleum", "submarine mining register" as "mining register", "submarine mining activities" as "mining activities", and "written waiver of submarine mining concession" as "written waiver of mining concession."

Article 9-2 (Types of Mining Rights)

The types of the mining rights shall be as the following subparagraphs:

1. Exploration rights;
2. Extraction rights.

Article 10 (Nature of Mining Rights)

(1) All mining rights shall be real rights. Except as provided for separately in this Act, provisions concerning real estate in the Civil Act and other Acts and subordinate statutes shall apply mutatis mutandis thereto.

(2) Mining rights may be restricted, in accordance with the provisions of this Act, for the purpose of the rational development of the mining industry or adjustment with other public interests.

Article 10-2 (Capacity of Rights for Foreigners)

(1) Foreigners shall be allowed to have the rights to mine only in any one of the following cases:

1. Where the home country of a foreigner allows the national of Korea to have the right to mine, under the same condition as the national of the foreigner's home country;
2. Where Korea allows a foreigner to have the right to mine, and the home country of the foreigner allows the national of Korea to have the right to mine under the same condition as the national of the foreigner's home country;
3. Where the right to mine shall be allowed in a treaty or its equivalent.

(2) The concrete scope of the foreigners under the foregoing paragraph (1) shall be prescribed by Presidential Decree.

Article 11 (Limitation on Disposition of Mining Rights)

(1) No exploration rights shall be the object of any right or exercised by other parties except for inheritance, transfer, disposition on default, or compulsory execution. <Amended by Act No. 13730, Jan. 6, 2016>

(2) No extraction rights shall be the object of any right or exercised by other parties except for inheritance, transfer, establishment of mining concessions or mortgages, disposition on default, or compulsory execution. <Amended by Act No. 13730, Jan. 6, 2016>

Article 12 (Term of Mining Rights)

(1) The term of exploration rights shall not exceed seven years. <Amended by Act No. 9982, Jan. 27, 2010>

(2) The term of extraction rights shall not exceed 20 years. <Newly Inserted by Act No. 9982, Jan. 27, 2010>

(3) An extraction right holder may ask permission of the Minister of Trade, Industry and Energy for an extension to the term of the extraction rights prior to the expiration of such term, as prescribed by Presidential Decree. In such cases the period of such extension shall not exceed 20 years each. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>

Article 13 (Unit Area of Mining Areas)

(1) The boundaries of a mining area shall be delimited by the formation of straight lines and boundary lines extending below the surface of the earth.

(2) Mining areas shall be quadrilateral areas bounded by lines of longitude and latitude (hereinafter referred to as "unit areas") and the corners of each shall be located one minute from each other in terms of both longitude and latitude.

(3) The Minister of Trade, Industry and Energy shall publish a mining land register, the lengths of the sides and the area measures associated with unit areas. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 14 (Exception to Unit Areas)

(1) Notwithstanding Article 13 (2), mining areas may be established in accordance with any of the following subparagraphs:

1. Where it is difficult to establish unit areas as mining areas due to the terrain;
2. Where the type of mineral concerned does not require a whole unit area;
3. Where it is difficult to mark out a unit area due to pre-existing mining areas;
4. Where an area for which the application for the establishment of mining rights that has been filed is reduced under Article 24 (2) at the time of permission;
5. Where a disposition reducing mining areas is made under Article 34 (1) and (2).

(2) In the case of paragraph (1) 2 and 4, a mining area may be a quadrilateral area with sides having half the length of a unit area.

(3) In the case of paragraphs (1) and (2), the maximum and minimum sizes of mining areas shall be prescribed by Presidential Decree.

(4) In the case of paragraph (1) 3, a mining area shall be bounded by straight lines by establishing a surveying station at a reasonable distance from the boundary of an existing mining area: Provided, That the same shall not apply when an agreement is reached between the mining right holder of the existing mining area and a mining right holder or a mining applicant of an adjacent mining area.

Article 15 (Application, etc. for Establishment of Mining Rights)

(1) A person who intends to obtain the establishment of mining rights shall determine the type of the mining rights, and obtain permission for such by submitting an application to the Minister of Trade, Industry and Energy as prescribed by Presidential Decree. <Amended by Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>

(2) A person who applies for the establishment of mining rights under paragraph (1) shall submit an application therefor to the Minister of Trade, Industry and Energy, along with the documents referred to in the following subparagraphs: Provided, That the mineral deposit description provided for in subparagraph 2 may be submitted within a period set by Presidential Decree from the date the application for the establishment of mining rights is submitted: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13730, Jan. 6, 2016>

1. Deleted; <by Act No. 13730, Jan. 6, 2016>
2. Mineral deposit description compiled in compliance with Presidential Decree;

3. Other documents prepared in compliance with Ordinance of the Ministry of Trade, Industry and Energy.

(3) A person intending to explore or extract, and acquire two or more types of mineral in the same area shall submit an application pursuant to paragraph (1) for each mineral: Provided, That the same shall not apply where he/she intends to explore, or extract and acquire two or more types of mineral existing in the same mineral deposit. <Amended by Act No. 9982, Jan. 27, 2010>

(4) When an application for establishment of mining rights is incomplete, the Minister of Trade, Industry and Energy may allow a reasonable period of time for correction or supplementation thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13730, Jan. 6, 2016>

(5) When an application for establishment of mining rights is submitted, the Minister of Trade, Industry and Energy shall conduct a field survey: Provided, That such survey need not be conducted where certain grounds prescribed by Presidential Decree exist. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(6) When the Minister of Trade, Industry and Energy intends to conduct a field survey under paragraph (5), he/she may designate a surveyor, the particulars of the survey, the place, date and time of the survey, and he/she may order the mining applicant and other interested mining right holders to witness the survey: Provided, That if it is impossible to set a definite date and time for the survey, the Minister of Trade, Industry and Energy may set a tentative date and order the surveyor to designate the fixed date and time. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(7) When a person who was ordered to witness the survey under paragraph (6) fails to comply therewith without good cause, the Minister of Trade, Industry and Energy may conduct a field survey in the person's absence. In such cases, the person who fails to comply with the order to witness a survey shall be deemed to have agreed on the results of the relevant field survey. <Newly Inserted by Act No. 13730, Jan. 6, 2016>

Article 16 (Restrictions on Applications regarding Terminated Mining Areas)

Where the mining rights fall under any of the following, no application for the establishment of mining rights (including applications for the expansion of mining areas) for the registered minerals of the terminated mining area and other minerals existing in the same mineral deposit containing the said registered minerals may be made within one year from the date the relevant mining rights are terminated:

1. Where the mining rights are terminated because the term of mining rights provided in Article 12 lapses;
2. Where the mining rights are terminated because mining rights are revoked pursuant to Article 35;
3. Where mining rights are terminated pursuant to Article 37 (1).

Article 17 (Joint Mining Applicants)

(1) Two or more persons jointly applying for the establishment of mining rights (hereinafter referred to as "joint mining applicants") shall designate a representative from among themselves, and report such to the Minister of Trade, Industry and Energy. Any change in representatives shall also be reported. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) When the joint mining applicants fail to file a report under paragraph (1), the Minister of Trade, Industry and Energy may name a representative. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) No change of representative shall be effective until reported to the Minister of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The representative shall represent the joint mining applicants in matters before the State.

(5) Joint mining applicants shall be viewed as having concluded a partnership contract.

Article 18 (Priority in Cases of Overlapping Applications for Establishment of Mining Rights)

(1) Where applications for the establishment of mining rights overlap in the same area, the application for the establishment of mining rights that physically arrives first shall prevail.

(2) If applications for the establishment of mining rights arrive at the same time, the application for the establishment of extraction rights shall take precedence over the application for the establishment of exploration rights. <Amended by Act No. 9982, Jan. 27, 2010>

(3) If applications for the establishment of mining rights arrive at the same time from among several parties, the Minister of Trade, Industry and Energy shall determine the prevailing party by drawing lots. <Newly Inserted by Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>

Article 19 (Rejection of Application)

In any of the following cases, the Minister of Trade, Industry and Energy shall reject an application for the establishment of mining rights: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013; Act No. 13730, Jan. 6, 2016>

1. Where documents have not been corrected or supplemented by the end of the period designated pursuant to Article 15 (4);
2. Where a mining applicant fails to appear on the designated date after he/she has received an order under Article 15 (6), fails to indicate the point of confirmation of minerals in the field survey, or fails to prove survey items.

Article 20 (Limitations on Overlapping Areas)

Two or more mining rights shall not be established in the same area: Provided, That this provision shall not be applicable to the case of Article 31 or where the exploitation of different types of mineral is deemed not to cause difficulty to either party.

Article 21 (Non-permission in Cases of Overlapping Identical Minerals)

If an area for which an application for the establishment of mining rights is filed overlaps with a mining area of identical minerals at the time of the application, the establishment of mining rights for the overlapping area shall not be permitted.

Article 22 (Non-permission in Cases of Overlapping Non-identical Minerals)

Where an area for which an application for the establishment of mining rights is filed overlaps with a mining area of non-identical minerals, if the Minister of Trade, Industry and Energy deems that difficulties are posed thereby to the management of the mining activities of either party, the establishment of mining

rights for the overlapping area shall not be permitted: Provided, That where a limestone mining area overlaps with the application area of non-identical minerals the matrix of which is limestone, such shall not be considered to pose difficulties to the management of the mining activities of either party. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 23 (Identical and Non-identical Minerals)

In applying Articles 18, 21 and 22, non-identical minerals existing in the same mineral deposit shall be regarded as identical minerals.

Article 24 (Non-permission on Grounds of Public Interest)

(1) When the exploration and extraction of minerals in an area for which an application is filed for the establishment of mining rights is deemed detrimental to the public interest or the minerals concerned fails to meet the standard of scale, quality or other requirements for minerals by mineral type, as so determined and publicly announced by the Minister of Trade, Industry and Energy, the Minister of Trade, Industry and Energy shall not permit the establishment of mining rights. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>*

(2) If the Minister of Trade, Industry and Energy deems that mining would pose an obstacle to a major national construction project in an area designated under Article 34 (7), he/she may reduce the area applied for in granting permission for the establishment of mining rights or choose not to permit the establishment of mining rights. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) The standards on which the exploration and extraction of minerals in an area where an application is filed for the establishment of mining rights under paragraph (1) is deemed detrimental to the public interest shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>*

Article 25 (Conditional Permission for Establishment of Mining Rights)

The Minister of Trade, Industry and Energy may, when deemed necessary to take into account the rational development of the mining industry and the public interest in permitting the establishment of mining rights, and permit the establishment of mining rights with conditions attached. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 26 (Enlarging or Reducing, Dividing or Merging of Mining Areas)

(1) If an area for which an application is filed for the establishment of mining rights, or a mining area, falls under any of the following subparagraphs, an application may be submitted to request enlarging, reducing, dividing or merging (excluding merging into the application area for the establishment of exploration rights or mining area) the area to the application area or mining area: *<Amended by Act No. 9982, Jan. 27, 2010>*

1. If the application area overlaps that of an earlier application or an existing mining area, and the overlapping part is to be excluded;
2. If it is required for having the application area or mining area partially or in its entirety, coincide with the unit area;

3. If a mining right holder intends to divide or merge the mining area for having it partially or in its entirety, coincide with the unit area.

(2) Articles 15, 18, 20 through 23, 24 (1) and 28 shall apply mutatis mutandis with respect to applications for the enlarging, reducing, dividing or merging mining areas.

(3) In the case of paragraph (1) with respect to the mining area on which a mining concession or mortgage is established, no application for reduction, ing, dividing or merging the mining area shall be made without obtaining the consent of the mining concession holder or mortgagee.

(4) With respect to the consent of the mining concession holder or mortgagee as provided for in paragraph (3), Articles 31 and 32 shall apply mutatis mutandis.

Article 27 (Change in Name of Applicant)

(1) A mining applicant is allowed to change the applicant's name.

(2) If a mining applicant changes the applicant's name due to the secession of a joint mining applicant resulting from inheritance or other general succession or death, such fact shall promptly be reported to the Minister of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) No change in the name of a mining applicant due to any cause other than that provided for in paragraph (2) shall become effective, unless it is reported to the Minister of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 28 (Establishment of Mining Rights)

(1) If a mining applicant receives a notice of permission for the establishment of mining rights, he/she shall pay a registration tax and apply for registration thereof to the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree, within 60 days from the date of receiving the notice of permission. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13730, Jan. 6, 2016>*

(2) If the applicant fails to apply for registration under paragraph (1), the permission shall cease to be effective.

Article 29 (Additional Registration of Minerals Existing in Same Mineral Deposit)

(1) When a mining right holder obtains a permit for the establishment of mining rights under Article 15 (1) and then intends to additionally explore or extract, and acquire other minerals existing in the mineral deposit identical to those from which the holder explores or extracts the minerals registered under Article 38, he/she shall obtain a verification of existence of the relevant minerals from the Minister of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>*

(2) Where the mining right holder has obtained the verification of the Minister of Trade, Industry and Energy under paragraph (1), the holder shall be deemed to have obtained a permit for establishment of mining rights under Article 15 (1) as to the relevant minerals and to have submitted an application for the registration of mining rights under Article 28 (1). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Article 38 shall apply mutatis mutandis with respect to the registration of mining rights whose applications are deemed to have been filed under paragraph (2).

(4) The term of mining rights registered under paragraph (3) shall be identical to the term of any other mining rights already registered for the same mineral deposit.

Article 30 (Joint Mining Right Holders)

(1) The provisions of Article 17 shall apply mutatis mutandis with respect to the report, appointment, change, etc. of a representative of those who own mining rights jointly (hereinafter referred to as "joint mining right holders"). In such cases, "joint mining applicants" shall be considered as "joint mining right holders." *<Amended by Act No. 9982, Jan. 27, 2010>*

(2) A joint mining right holder's share in mining rights shall not be transferred nor become the object of a mining concession or mortgage without the consent of such holder's counterpart.

Article 31 (Application for Expansion of Mining Areas Using Existing Mining Shafts)

(1) When minerals located in another person's mining area adjacent to an applicant's (hereinafter referred to as the "adjacent mining area") are the same as the minerals existing in the same mineral deposit as the registered minerals of the applicant's mining area, if it is more economical and reasonable to exploit such minerals by using the existing mining shafts in the applicant's mining area than to develop new ones separate from the adjacent mining area in terms of the location and condition of the mineral deposit, the applicant may apply for an expansion of the mining area by determining the mineral deposit with the consent of the mining right holders, mining concession holders and mortgagees of the adjacent mining area.

(2) In the case of paragraph (1), the mining right holders, mining concession holders and mortgagees of the adjacent mining area shall not withhold their consent without justifiable grounds.

(3) The provisions of Articles 18, 21, 22 and 24 shall not apply to applications filed under paragraph (1).

Article 32 (Rulings on Expansion of Mining Areas Using Existing Mining Shafts)

(1) When a mining right holder cannot obtain consent under Article 31 (1), he/she may file an application for a ruling by the Minister of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) When the Minister of Trade, Industry and Energy receives an application for a ruling under paragraph (1), he/she shall make a ruling on whether to allow the expansion of the mining area after conferring with the mining right holders, mining concession holders and mortgagees of the adjacent mining area. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) When the Minister of Trade, Industry and Energy reaches an affirmative ruling under paragraph (2), the mining right holders, mining concession holders and mortgagees of the adjacent mining area shall be deemed to have given their consent. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 33 (Application for Field Survey and Mining Area Boundary Survey)

(1) A mining right holder or any other interested person may file an application, with the Minister of Trade, Industry and Energy, for a field survey of the adjacent mining area. *<Amended by Act No. 8852, Feb.*

29, 2008; Act No. 11690, Mar. 23, 2013>

(2) A mining right holder or any other interested person may file an application, with the Minister of Trade, Industry and Energy, for a survey of the boundaries of his/her own mining area or the adjacent mining area. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) When the Minister of Trade, Industry and Energy receives an application for a survey of the boundaries of a mining area under paragraph (2), he/she may delegate the survey of those boundaries to a surveyor registered under Article 44 (2) of the Act on the Establishment, Management, etc. of Spatial Data. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9774, Jun. 9, 2009; Act No. 11690, Mar. 23, 2013; Act No. 12738, Jun. 3, 2014>

(4) Applicants under paragraphs (1) and (2) shall bear all costs incurred in the process of surveying.

(5) The Minister of Trade, Industry and Energy shall determine those matters necessary for the delegation of a survey of the boundaries of a mining area under paragraph (3). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 34 (Revocation, etc. on Grounds of Public Interest)

(1) If the Minister of Trade, Industry and Energy deems that certain mining activities are detrimental to the public interest, he/she shall revoke the mining rights or reduce the mining area concerned. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) If the Minister of Trade, Industry and Energy deems that mining rights or the extraction of minerals within major national construction project sites or adjoining areas poses difficulties to the major national construction project, he/she may revoke the mining rights or reduce the mining area concerned. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The State shall compensate the mining right holder concerned (any mining concession holder concerned shall be included, if a mining concession has been established on the mining area, the mining right of which has been revoked or the area of which has been reduced) for any loss arising from the revocation of the mining right or reduction of the mining area under paragraphs (1) and (2).

(4) The scope of losses subject to compensation under paragraph (3) shall be losses ordinarily arising from the revocation of mining rights or reduction of a mining area under paragraphs (1) and (2). In such cases, ordinary losses shall be assessed in consideration of the following matters, etc.: <Amended by Act No. 13730, Jan. 6, 2016>

1. The value of the mine, mining area, and facility evaluated by a person determined by Ordinance of the Ministry of Trade, Industry and Energy on the basis of the estimated value at the time of revocation of the relevant mining right or reduction of the relevant mining area;
2. The expenses invested in developing the mine until revocation of the relevant mining right or reduction of the relevant mining area;
3. The status of exploration, development, and extraction at the time of revocation of the relevant mining right or reduction of the relevant mining area.

(5) If any person benefits from the revocation of mining rights or a reduction of a mining area under paragraphs (1) and (2), the Minister of Trade, Industry and Energy may require such person to bear all or part of the compensation amount to be paid under paragraph (3) to the extent of such benefit. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(6) The provisions of Article 23 (2) of the Administrative Litigation Act shall not apply to any measures taken to revoke a mining right or to reduce a mining area under paragraph (2). <Amended by Act No. 9982, Jan. 27, 2010>

(7) Major national construction project sites and adjoining areas under paragraph (2) and detailed standards and procedures for the calculation of ordinary losses under paragraph (4) shall be determined by Presidential Decree. <Amended by Act No. 13730, Jan. 6, 2016>

Article 35 (Revocation of Mining Rights)

(1) If any exploration right holder falls under any of the following, the Minister of Trade, Industry and Energy may revoke the holder's exploration right: <Amended by Act No. 11434, May 23, 2012; Act No. 11690, Mar. 23, 2013; Act No. 13729, Jan. 6, 2016>

1. Where the holder fails to report his/her exploration plan (excluding a report of its modification), in violation of Article 40;
- 1-2. Where the holder conducts exploration by digging shafts without obtaining permission from the Minister of Trade, Industry and Energy in violation of Article 40-2;
2. Where the holder fails to submit his/her exploration records, in violation of Article 41 (1) or (2);
3. Where the holder fails to obtain the recognition under Article 41 (3) with respect to the exploration records submitted within the period provided in Article 41 (1) or (2);
4. Where the holder violates an order issued under Article 46;
5. Where the holder violates an order issued under Article 15-2 of the Mining Safety Act.

(2) If any extraction right holder falls under any of the following, the Minister of Trade, Industry and Energy may revoke the holder's extraction right: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13729, Jan. 6, 2016>

1. Where he/she fails to apply for authorization of his/her extraction plan, in violation of Article 42 (1) through (3);
2. Where he/she fails to obtain authorization under Article 42 (1) with respect to the extraction plan which has been applied for the authorization within the period provided in Article 42 (2) or (3);
3. Where the holder fails to have the performance of mining investment or mineral production prescribed by Presidential Decree, although three years have elapsed from the date he/she obtained authorization for his/her extraction plan under Article 42 (1), or where he/she fails to file a report under Article 83 for three consecutive years;
4. Where the holder extracts minerals without obtaining authorization for his/her extraction plan, in violation of Article 42 (4);

5. Where the holder fails to comply with an order to modify his/her extraction plan issued under Article 42 (5);
 6. Where the holder suspends his/her extraction business activities for at least one consecutive year without obtaining authorization under Article 42-2 (2): Provided, That the foregoing shall not apply where he/she has the performance of mining investment or mineral production prescribed by Presidential Decree during the three-year period prior to the suspension of his/her business activities;
 7. Where the holder fails to comply with a corrective order issued under Article 45;
 8. Where the holder violates an order issued under Article 46;
 9. Where the holder violates an order issued under Article 15-2 of the Mining Safety Act.
- (3) If any mining right holder falling under the proviso to Article 42 (2) falls under any of the following subparagraphs, the Minister of Trade, Industry and Energy may revoke the holder's mining right: *<Newly Inserted by Act No. 13730, Jan. 6, 2016>*
1. Where the holder fails to apply for authorization for an extraction plan, in violation of the proviso to Article 42 (2);
 2. Where the holder fails to obtain authorization for an extraction plan under Article 42 (1) applied within a period specified in the proviso to Article 42 (2);
 3. Where the holder extracts minerals without obtaining authorization for an extraction plan under the proviso to Article 42 (2);
 4. Where the holder violates an order under Article 46;
 5. Where the holder fails to comply with an order under Article 15-2 of the Mining Safety Act.

Article 36 (Revocation and Mortgage)

- (1) If the Minister of Trade, Industry and Energy revokes extraction rights, he/she shall immediately notify the mortgagee of such revocation. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>*
- (2) A mortgagee may, upon receipt of notification under paragraph (1), make a request to the Minister of Trade, Industry and Energy for auction sale of the extraction rights concerned within a period designated by the Minister of Trade, Industry and Energy from the date of receipt of such notification: Provided, That the mortgagee shall not make such a request where the extraction rights are revoked under Article 34. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>*
- (3) Extraction rights shall be regarded as continuing to exist for auction purposes until the auction procedure is concluded. *<by Act No. 9982, Jan. 27, 2010>*
- (4) When a successful bidder is determined, the revocation of the extraction rights concerned shall be regarded as not having come into effect. *<by Act No. 9982, Jan. 27, 2010>*
- (5) Proceeds from auction sale shall be appropriated to auction expenses, the repayment of debts to mortgagees and any back wages owed from mining employees, in that order, and the remainder, if any, shall revert to the National Treasury.

Article 37 (Abandonment of Mining Rights and Registration for Termination)

(1) The effectiveness of the abandonment of mining rights due to grounds for the business closedown, etc. shall take effect when the relevant mining rights holder applies for the registration for termination, and the mining rights thereof is registered to be terminated.

(2) The provisions of Article 36 shall apply mutatis mutandis with respect to mortgages on mining rights (falling under the extraction rights only) that the mining right holder abandons under the foregoing paragraph (1).

Article 38 (Registration of Mining Rights)

(1) The following matters shall be registered in the mining ledger: *<Amended by Act No. 9982, Jan. 27, 2010>*

1. Minerals and sort of mining rights;
2. Establishment, modification, transfer, termination and restriction on disposition of mining rights or mortgages;
3. Duration of mining rights;
4. Secession of a joint mining right holder.

(2) Registrations made under paragraph (1) shall have the same effect as the registration of real estate.

(3) If the disposition of mining rights is restricted, the registration for termination of mining rights due to grounds for the business closedown, etc. may not be made. *<Amended by Act No. 9982, Jan. 27, 2010>*

(4) Matters regarding registration of mining rights and modification of registered matters shall be determined by Presidential Decree. *<Amended by Act No. 9982, Jan. 27, 2010; Act No. 13730, Jan. 6, 2016>*

Article 39 (Effect of Registration)

Matters listed in each subparagraph of Article 38 (1) shall not become effective unless they are registered, except in the following cases:

1. Transfer of mining rights due to inheritance or other general succession;
2. Secession of a joint mining right holder due to death;
3. Termination of mining rights due to expiration;
4. Termination of a mortgage due to merger or the termination of the claim secured by the mortgage;
5. Auction sale under Article 36 or 37.

Article 40 (Reporting on Exploration Plans)

Every exploration right holder shall report his/her exploration plan to the Minister of Trade, Industry and Energy in accordance with Ordinance of the Ministry of Trade, Industry and Energy within one year after the registration date of the establishment of the exploration right. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 40-2 (Restrictions on Exploration through Digging Shafts)

No exploration right holder shall conduct exploration by digging shafts (referring to the exploration method by which an explorer conducts exploration by digging shafts to identify the distribution, quality, etc. of minerals): Provided, That the same shall not apply where such exploration is permitted by the Minister of Trade, Industry and Energy on inevitable grounds. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 41 (Recognitions on Exploration Records and Applications for Establishment of Extraction Rights)

(1) The exploration right holder shall submit exploration records to the Minister of Trade, Industry and Energy under Presidential Decree within three years from the date when the holder reports the exploration plan under Article 40. In such cases, the submission of exploration records shall be considered as the application for the establishment of extraction rights. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) If the exploration right holder fails to submit exploration records within the period prescribed under the foregoing paragraph (1) due to an unavoidable reason prescribed by Presidential Decree, or the reported exploration records fails to be recognized under the following paragraph (3), the Minister of Trade, Industry and Energy may extend the period for submission of exploration records once in a period of up to three years upon request of the exploration right holder. In such cases, the total period that the period of the foregoing extension, the period for reporting exploration plan under Article 40 and the period for submitting exploration records under paragraph (1), shall not exceed the term of exploration rights under Article 12 (1). *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) When exploration records which have been submitted under paragraph (1) and (2) comply with the standard of scale, quality, etc. of minerals by mineral type, and accordingly obtain recognition thereof, the Minister of Trade, Industry and Energy shall grant permission for the establishment of the extraction rights to a person who has submitted its exploration records. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) When the establishment of the extraction rights is registered upon receipt of permission under paragraph (3), the exploration rights of the exploration right holder shall be terminated notwithstanding the term of exploration rights under Article 12 (1).

Article 42 (Authorization of Extraction Plan)

(1) An extraction right holder shall obtain authorization for the extraction plan from the Minister of Trade, Industry and Energy before commencing such extraction. The same shall apply where the holder intends to modify the extraction plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A person who wishes to obtain authorization for the extraction plan under paragraph (1) shall apply for authorization for the extraction plan within three years after the date when the establishment of extraction rights is registered as prescribed by Presidential Decree: Provided, That where a mining right holder completed registration of a mining right before January 28, 2011 or filed an application for the establishment of a mining right but completed registration thereof after January 28, 2011, he/she shall apply for authorization for an extraction plan within 11 years from the date the mining right is registered or within seven years from the date an exploration plan is reported. *<Amended by Act No. 13730, Jan. 6, 2016>*

(3) When the extraction right holder fails to apply for authorization of the extraction plan within the period of paragraph (2) due to an unavoidable reason prescribed by Presidential Decree, or the applied extraction plan fails to obtain authorization under paragraph (1), the Minister of Trade, Industry and Energy may extend the period for application to obtain authorization of the extraction plan once in the period of up to

one year upon request of the extraction right holder. <Amended by Act No. 11690, Mar. 23, 2013>

(4) No extraction right holder shall extract or acquire minerals without obtaining authorization of the extraction plan under paragraph (1).

(5) When the Minister of Trade, Industry and Energy acknowledges that it is necessary for the rational development of the mining industry, he/she may order an extraction right holder to modify the extraction plan. <Amended by Act No. 11690, Mar. 23, 2013>

Article 42-2 (Commencement, Suspension and Resumption of Extraction)

(1) The extraction shall be considered to start on the date when the extraction right holder obtains authorization of the extraction plan.

(2) If the extraction right holder wishes to continuously suspend the extraction for the period of more than one year, he/she shall obtain authorization from the Minister of Trade, Industry and Energy by determining the period. <Amended by Act No. 11690, Mar. 23, 2013>

(3) When the extraction right holder who has suspended the extraction upon receipt of the authorization of the foregoing paragraph (1) resumes the extraction thereof, he/she immediately report the fact to the Minister of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

Article 43 (Legal Fiction of Permission, etc.)

(1) In authorizing extraction plans or the modifications thereof under Article 42 (1), the permission, cancellation or consultation falling under each of the following subparagraphs (hereafter referred to as "permission, etc." in this Article), about which the Minister of Trade, Industry and Energy has consulted with the heads of other administrative agencies under paragraph (2), shall be deemed to have been obtained: <Amended by Act No. 8338, Apr. 6, 2007; Act No. 8733, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9313, Dec. 31, 2008; Act No. 9763, Jun. 9, 2009; by Act No. 9982, Jan. 27, 2010; Act No. 10331, May 31, 2010; Act No. 11690, Mar. 23, 2013; Act No. 14990, Oct. 31, 2017>

1. Permission for occupying and using public waters under Article 8 of the Public Waters Management and Reclamation Act;
2. Permission for development activities under Article 56 of the National Land Planning and Utilization Act;
3. Consultations regarding permission, etc. by administrative agencies under Article 13 of the Protection of Military Bases and Installations Act;
4. Deleted; <by Act No. 8733, Dec. 21, 2007>
5. Permission for farmland conversion under Article 34 of the Farmland Act;
6. Permission for opening private roads under Article 4 of the Private Road Act;
7. Cancellation of the designation of erosion control areas under Article 20 of the Erosion Control Work Act;
8. Permission for and a report on the cutting, etc. of standing timber under Article 36 (1) and (4) of the Creation and Management of Forest Resources Act, and permission for and a report on activities in forest protection areas (excluding any forest hereditary resource protection areas) under Article 9 (1)

and (2) 1 and 2 of the Forest Protection Act;

9. Permission for and a report on the conversion of mountainous districts under Articles 14 and 15 of the Mountainous Districts Management Act, and permission for and report on the temporary use of mountainous districts under Article 15-2 of the same Act (limited to cases where the mountainous districts are restored to the original state after altering their form and quality and extracting them);

10. Permission for activities in park areas under Article 23 (1) of the Natural Parks Act;

11. Permission for occupying and using rivers under Article 33 of the River Act, and permission for using river water under Article 50 of the same Act;

12. Deleted. <by Act No. 8733, Dec. 21, 2007>

(2) When the Minister of Trade, Industry and Energy receives an application for authorizing an extraction plan under Article 42 (2) and finds that the matters falling under any subparagraph of paragraph (1) of this Article belong to the authority of other administrative agencies, he/she shall consult in advance with the heads of such other administrative agencies. <Amended by Act No. 8852, Feb. 29, 2008; by Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>

Article 44 (Restrictions on Mining)

(1) No mining right holder shall mine minerals in any of the following places without obtaining a permit from the competent government agencies or the consent of the owners thereof or interested persons: <Amended by Act No. 11434, May 23, 2012>

1. Places on or vertically below the surface of the earth within 50 meters from railroads, roadbeds, roads, water systems, canals, ports, rivers, lakes, swamps, irrigation and drainage facilities, mausoleums, churches and temple compounds, historic spots, buildings or other structures;

2. Places on or vertically below the surface of the earth within 30 meters from graveyards.

(2) The competent government agencies, owners or interested persons shall not refuse to give permission or consent without justifiable grounds.

Article 45 (Guidance and Inspection of Extraction, etc.)

The Minister of Trade, Industry and Energy may perform guidance and inspection, as prescribed by Presidential Decree, on whether an extraction right holder who has obtained authorization for an extraction plan under Article 42 performs the extraction activities concerned in compliance with such extraction plan (including activities to alter the form and nature of forests where the scope of altering the form and nature of forests is stipulated as a condition of authorization for the extraction plan; hereafter the same shall apply in this Article), and may order the extraction right holder to take corrective measures when the results of the guidance and inspection indicate that he/she has performed the extraction activities concerned in a manner that is different from the extraction plan. <Amended by Act No. 8852, Feb. 29, 2008; by Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013; Act No. 13730, Jan. 6, 2016>

Article 46 (Restrictions on Mining of Non-identical Minerals in Mining Areas which Overlap)

When a mining area overlaps another person's mining area of a non-identical mineral, if the Minister of Trade, Industry and Energy deems that the mining of the overlapping part obstructs the other person's

mining operations, he/she may order the mining right holder to remove such obstruction or to suspend the mining operations. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 47 (Nature of Concession and Restrictions on Disposition)

(1) Mining concessions shall be real rights and the provisions of the Civil Act and other Acts and subordinate statutes concerning real estate shall apply mutatis mutandis, except as otherwise provided for in this Act.

(2) No mining concession may be the object of any other right or exercised by other persons except for inheritance or other general succession. <Amended by Act No. 13730, Jan. 6, 2016>

Article 48 (Grounds for Disqualification of Mining Concession Holders)

A person who falls under any of the following subparagraphs shall be prohibited from obtaining authorization for the establishment of his/her mining concession: <Amended by Act No. 13729, Jan. 6, 2016>

1. A person who has been sentenced to imprisonment with prison labor for violating the Mining Industry Act or the Mining Safety Act and for whom two years have yet to elapse from the date the execution of the sentence is completed (including where the execution of the sentence is deemed to be completed) or exempted;

2. A person who has been sentenced to a stay of the execution of imprisonment with prison labor for violating the Mining Industry Act or the Mining Safety Act and is under the period of the stay of execution;

3. The representative of a juristic person who falls under subparagraph 1 or 2.

Article 49 (Term of Mining Concessions)

(1) The term of a mining concession shall be the same as that of the extraction rights concerned: Provided, That the foregoing shall not apply when the extraction right holder and the person intending to hold the mining concession agree otherwise. <Amended by Act No. 9982, Jan. 27, 2010>

(2) In the case of the proviso to paragraph (1), if extension of a mining concession term is required, the extraction right holder or mining concession holder may extend the term with the authorization of the Minister of Trade, Industry and Energy before the expiration of the term of the mining concession, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; by Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>

Article 50 (Mining Concession Areas)

(1) The boundaries of an area covered by a mining concession (hereinafter referred to as "mining concession area") shall be the same as those of the extraction rights concerned: Provided, That this shall not apply to the boundaries of specified mineral deposits prescribed by Presidential Decree. <by Act No. 9982, Jan. 27, 2010>

(2) In the case of the proviso to paragraph (1), the surface boundaries shall consist of straight lines, and the limit may be determined by dividing the area immediately below the surface boundary lines.

Article 51 (Establishment of Mining Concessions)

(1) The establishment of mining concessions shall be made in accordance with the written contract for the establishment of mining concessions between an extraction right holder and a person intending to hold a mining concession.

(2) Two or more mining concessions shall not be established on the same extraction rights: Provided, That mining concession areas of up to five may be established in the case of Article 31 (1) or the proviso to Article 50 (1).

(3) The maximum amount of the mining concession fee which is paid from a mining concession holder to an extraction right holder may be restricted as prescribed by Presidential decree.

Article 52 (Authorization of Establishment, etc.)

(1) If a person intending to hold a mining concession and an extraction right holder intend to establish a mining concession, they shall obtain authorization therefor from the Minister of Trade, Industry and Energy as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; by Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>*

(2) If a person intending to hold a mining concession receives a notice of authorization of establishment of the mining concession, he/she shall pay a registration tax and apply for registration thereof to the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree, within 60 days from the date of receiving such notice of authorization. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13730, Jan. 6, 2016>*

(3) If an application for registration under paragraph (2) is not filed, the authorization shall cease to be effective.

Article 53 (Changes in Extraction Rights and Mining Concessions)

If an extraction right holder intends to apply for the reduction, division, registration for termination due to application of merger, abolition, etc. of a mining area, or a decrease in the number of types of registered minerals, he/she shall obtain the consent of the mining concession holder concerned. *<Amended by Act No. 9982, Jan. 27, 2010>*

Article 54 Deleted *<by Act No. 9982, Jan. 27, 2010>*

Article 55 (Succession of Effect of Acts)

(1) When mining concessions are established or mining concession areas are added, the procedures and other actions taken by extraction right holders under this Act shall have an effect on the mining concession holders concerned within the limits of such mining concessions. *<Amended by Act No. 9982, Jan. 27, 2010>*

(2) When mining concessions are terminated or mining concession areas are reduced, the procedures and other actions taken by mining concession holders under this Act shall have an effect on the extraction right holders concerned within the limits of such extraction rights: Provided, That the foregoing shall not apply when the mining concessions are terminated due to the termination of the relevant extraction rights. *<Amended by Act No. 9982, Jan. 27, 2010>*

Article 56 (Termination of Mining Concessions)

(1) If a mining concession holder is in arrears in the payment of his/her mining concession royalty or fails to perform his/her contractual obligations, the extraction right holder concerned shall give the mining concession holder a peremptory notice to perform his/her obligations within a fixed period of at least three months; and if the mining concession holder fails to do so within such period, the extraction right holder may apply for the termination of the mining concession to the Minister of Trade, Industry and Energy as prescribed by Presidential Decree. If the mining concession holder fails to perform his/her contractual obligations because he/she is approaching the inability to manage his/her mining business due to insolvency, etc., the period for the peremptory notice required for application for the termination of the mining concession shall be one month. <Amended by Act No. 8852, Feb. 29, 2008; by Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>

(2) If the Minister of Trade, Industry and Energy deems that the application under paragraph (1) is reasonable, he/she may terminate the mining concession as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 57 (Revocation of Mining Concessions)

The Minister of Trade, Industry and Energy may, when a mining concession holder falls under any of the following subparagraphs, revoke the holder's mining concession: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13729, Jan. 6, 2016>

1. When the holder fails to apply for authorization of the extraction plan in violation of the provisions of Article 42 (1) through (3) which is applied mutatis mutandis pursuant to Article 61;
2. When the holder fails to obtain authorization under the same Article (1), with respect to the extraction plan which has been applied for authorization in the period under Article 42 (2) and (3) which is applied mutatis mutandis pursuant to Article 61;
3. When the holder fails to have the record of mining production or mineral investment as prescribed by Presidential Decree, although three years have elapsed from the date he/she obtained authorization for his/her extraction plan under Article 42 (1) which is applied mutatis mutandis pursuant to Article 61, or when he/she fails to file a report under Article 83 continuously for three years;
4. When the holder fails to apply for authorization of the extraction plan and extracts minerals in violation of Article 42 (4) which is applied mutatis mutandis pursuant to Article 61;
5. When the holder fails to comply with a corrective order of the extraction plan under Article 42 (5) which is applied mutatis mutandis pursuant to Article 61;
6. When the holder fails to obtain authorization under Article 42-2 (2) which is applied mutatis mutandis pursuant to Article 61 and suspends the extraction for the period of more than one year: Provided That excluding the case that he/she has the record of mining production or mineral investment as prescribed by Presidential Decree for the period of three years before the suspension of the extraction;
7. When the holder fails to comply with a corrective order under Article 45 which is applied mutatis mutandis pursuant to Article 61;

8. When the holder violates an order under Article 46 which is applied mutatis mutandis pursuant to Article 61;

9. When the holder violates an order under Article 15-2 of the Mining Safety Act.

Article 58 (Registration)

(1) Matters referred to in the following subparagraphs shall be registered in the mining concession ledger:

<Amended by Act No. 9982, Jan. 27, 2010>

1. Establishment and modification of mining concessions;
2. Transfer of mining concessions due to inheritance or other general succession;
3. Termination of mining concessions;
4. Term of mining concessions;
5. Secession of joint mining concession holders (referring to those who are joint owners of mining concessions; hereinafter the same shall apply).

(2) With respect to registration under paragraph (1), Article 38 (2) and (4) concerning the registration of mining rights shall apply mutatis mutandis.

Article 59 (Effect of Registration)

Matters enumerated in each subparagraph of Article 58 (1) shall be ineffective unless they are registered, except in the following cases: *<Amended by Act No. 9982, Jan. 27, 2010>*

1. Transfer of mining concessions due to inheritance or other general succession;
2. Secession of joint mining concession holders due to death;
3. Termination of mining concessions due to the termination, expiration or merger of extraction rights.

Article 60 Deleted. *<by Act No. 9982, Jan. 27, 2010>*

Article 61 (Provisions to be Applied Mutatis Mutandis)

The provisions of Articles 10-2, 17, 30 (1), 31 through 34 and 42, 42-2, 43 through 46 shall apply mutatis mutandis to mining concessions and mining concession holders. In such cases, "mining rights" or "extraction rights" shall be deemed "mining concessions", while "a person who applies joint mining" shall be deemed "a person who applies joint mining concession", "joint mining right holder" shall be deemed "joint mining concession holder", and "mining right holder" or "extraction right holder" shall be deemed "mining concession right holder". *<Amended by Act No. 9982, Jan. 27, 2010>*

Article 62 (Competent Administrative Agency for State-Run Mining Businesses)

State-run mining businesses shall be supervised by the Minister of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 63 (Establishment of State-Run Mining Corporation)

State-run mining businesses may be managed by a legal entity established pursuant to any separately enacted Act.

Article 64 (Investment by Private Citizens in State-Run Mining Business)

Citizens of the Republic of Korea (including legal entities established under the Acts of the Republic of Korea; hereinafter referred to as "private citizens") shall be allowed to make investments in the legal entity

specified in Article 63: Provided, That more than half of the capital of the legal entity shall be invested by the Government.

Article 65 (Protection of Profit Distribution)

When a private citizen is allowed to make an investment under Article 64, he/she shall have priority in receiving profit distributions.

Article 66 (Acts Applicable to State-Run Mining Businesses)

Except as otherwise specified in other Acts, this Act shall apply to State-run mining businesses.

Article 67 (Access to Land and Removal of Obstructions)

(1) If it is necessary for mining surveys or field investigations, persons intending to apply for establishment of mining rights, persons intending to become mining concession holders, mining applicants, persons applying for authorization of the establishment of mining concessions, mining right holders or mining concession holders may enter another person's land or remove obstructions on such land with the permission of the Minister of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) After the permission of the Minister of Trade, Industry and Energy has been obtained under paragraph (1), opinions of the owner and the occupant of the land or the owner of the obstruction shall be sought. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) If a person who has obtained permission under paragraph (1) intends to enter another person's land or remove an obstruction thereon, he/she shall notify such fact in advance to the owner and the occupant of the land or the owner of the obstruction.

Article 68 (Rights of Access to and Use of Land)

If it is necessary for the prevention of imminent danger to mining activities, a mining right holder or a mining concession holder may immediately enter or use another person's land. In such cases, the mining right holder or the mining concession holder shall notify without delay the owner and the occupant of the land of such fact.

Article 69 (Compensation for Losses Arising from Entering and Using Land)

A person entering or using another person's land or removing an obstruction under Articles 67 and 68 shall compensate the person concerned for losses arising therefrom.

Article 70 (Purposes of Land Use)

A mining right holder or a mining concession holder may use the land of another person which is located in a mining area or mining concession area, or in the vicinity thereof, if the land is required for any of the following purposes: *<Amended by Act No. 9636, Apr. 22, 2009; Act No. 9982, Jan. 27, 2010>*

1. Opening of pitheads;
2. Extraction of minerals by strip mining;
3. Installation of machinery necessary for exploring or mining minerals;
4. Installation of facilities for piling pit props, gunpowder, fuel or other important materials, minerals, earth, stone, or mineral scraps or ashes;

5. Installation of facilities for ore dressing or refining;
6. Opening of railroads, tramroads, roads, canals, drainage systems, ponds, wells, or electric structures;
7. Installation of mining offices or lodging facilities or health and sanitation mining facilities for those engaged in mining operations;
8. Installation of other structures necessary for mining operations.

Article 71 (Purposes of Expropriating Land)

A mining right holder or a mining concession holder may expropriate another party's land in a mining area or mining concession area, or in the vicinity thereof, for any of the following purposes: *<Amended by Act No. 9636, Apr. 22, 2009>*

1. Opening of pitheads, mineral extraction by strip mining, or installation of machinery necessary for mineral extraction operations;
2. Installation of facilities for piling earth and stone or mineral scraps;
3. Installation of facilities for ore dressing or refining;
4. Opening of railroads, tram roads, roads, canals, drainage systems, ponds, wells, or establishment of electrical structures.

Article 72 (Approval of Use and Expropriation of Land)

(1) If a mining right holder or a mining concession holder intends to use or expropriate another party's land under Articles 70 and 71, he/she shall obtain approval of the Minister of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) If the Minister of Trade, Industry and Energy intends to grant approval under paragraph (1), he/she shall confer with the landowner and persons holding rights in the land. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) A mining right holder or a mining concession holder who has obtained approval for use or expropriation of another party's land under paragraph (1) shall, when such holder acquires a right to the land or when he/she commences or ceases to use the land under the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor, file a report of such fact with the Minister of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 73 (Application of Act on the Acquisition of Land, etc. for Public Works Projects and the Compensation Therefor)

(1) With respect to the use or expropriation of land under Articles 70 and 71, the Act on Acquisition of Land, etc. for Public Works Projects shall apply, unless otherwise prescribed by this Act.

(2) Approval granted by the Minister of Trade, Industry and Energy under Article 72 (1) shall be deemed the project approval under Article 20 (1) of the Act on Acquisition of Land, etc. for Public Works Projects. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 74 (Water Right)

The provisions concerning the use and expropriation of land shall apply mutatis mutandis to the right concerning water use.

Article 75 (Types of Mining Damages and Obligation to Compensate)

(1) When significant damages are inflicted on other persons due to the excavation of land, discharge of pit water or waste water, piling of waste stone or mineral scraps or discharge of mine smoke for the purpose of extraction minerals, the person provided for in each of the following subparagraphs shall be liable to compensate for the said damages:

1. Where the mining right is not terminated at the time of the occurrence of the damages: The mining right holder of the mining area concerned (if a mining concession is established on the mining area concerned, the mining concession holder concerned in such mining concession area);

2. Where the mining right has already been terminated prior to the occurrence of the damages: The mining right holder of the mining area at the time of the termination (if a mining concession has already been established on the mining right at the time of the termination of the mining right, the mining concession holder concerned in such mining concession area).

(2) In the case of paragraph (1), if the damages occur due to a cause for which the mining right holders or mining concession holders of two or more mining areas or mining concession areas shall be liable, each such mining right holder or mining concession holder shall be jointly and severally liable for compensation for the damages. The same shall apply where it is not clear which mining right holder or mining concession holder caused the damages.

(3) In the case of paragraphs (1) and (2), if the mining right is transferred after the damages have occurred, the mining right holder at the time of the occurrence of the damages and subsequent mining right holders shall be jointly and severally liable for compensation for the damages, and if the mining concession is established after the damages have occurred, the mining right holder prior to the occurrence of the damages and subsequent mining concession holders shall be jointly and severally liable for compensation for the damages.

(4) If a mining concession holder compensates for damages pursuant to paragraphs (1) through (3), the mining right holder of the mining area on which the mining concession is established at the time of the occurrence of the damages, and subsequent mining right holders, shall be liable for the compensation for the damages jointly and severally with the mining concession holder, and if the mining right has already been terminated at the time of the occurrence of the damages, the mining right holder of the mining area at the time of the termination shall be liable for the compensation for the damages jointly and severally with the mining concession holder.

(5) Joint mining right holders or joint mining concession holders shall be jointly and severally liable for any compensation required under paragraphs (1) through (4).

Article 76 (Proportion of Liability for Damages and Demand for Reimbursement)

(1) The proportion of damages to be borne by and among joint obligers under Article 75 (2) shall be presumed to be equal.

(2) If the assignee of a mining right, or a person who has taken over a mining concession after the occurrence of damages, has performed the compensation obligation under Article 75 (3), he/she may

demand that those who are required to compensate for the damages under Article 75 (1) or (2) make reimbursement therefor. The same shall apply where the mining right holder has performed the obligation of compensation under Article 75 (4).

Article 77 (Method of Compensation)

(1) Compensation for damages shall be made in money: Provided, That if the damaged property can be restored to its original state without requiring excessive expenses, compared with monetary compensation, the victim may demand restoration of the property to its original state.

(2) A court may, upon request by a person liable for damages, order restoration to the property's original state in lieu of monetary compensation if deemed proper, notwithstanding the main body of paragraph (1).

Article 78 (Factors to be Taken into Consideration in Determining Compensation)

If a victim is partly responsible for damages, the court shall take such fact into consideration in determining the liability and the scope of compensation for the damages. The same shall apply where natural disaster or other unavoidable causes concurrently contribute to the occurrence of the damages.

Article 79 (Predetermined Amount of Damage Compensation)

When the amount of damage compensation is predetermined, either party may request an increase or a decrease in the amount if the predetermined amount is obviously inappropriate.

Article 80 (Prescriptive Extinction)

(1) The right to claims for compensation for damages shall be terminated by prescription if the victims do not exercise such right within three years of the date of knowing the identity of persons liable for the damages. The same shall apply when ten years have passed from the date of the occurrence of such damages. *<Amended by Act No. 8453, May 17, 2007>*

(2) With respect to continuing damages, the period as referred to in paragraph (1) shall be calculated from the date the damages cease.

Article 81 (Competent Court)

(1) If any disputes arise as to compensation for damages, the parties concerned may apply for mediation thereof through the district court within jurisdiction where the damages took place, or to such other district court as the parties designate by mutual agreement.

(2) Matters concerning mediation of mining damage disputes shall be determined separately by Act.

Article 82 (Exceptions)

The provisions of Articles 75 through 81 shall not apply to occupational injuries, diseases and death of those who are engaged in the mining industry.

Article 83 (Production Report)

Extraction right holders and mining concession holders shall submit mineral production reports to the Minister of Trade, Industry and Energy as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>*

Article 84 (Mining Records and Survey Maps of Pits)

Extraction right holders and mining concession holders shall prepare mining records and survey maps of pits and keep them in their mining offices, and submit copies thereof to the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>*

Article 85 (Mining Development Plans)

If the Minister of Trade, Industry and Energy deems it necessary for the reasonable development of a mine and the promotion of the smooth provision of the industrial raw material of minerals, he/she may establish and announce the mining development plans and the annual implementation plans thereof as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 86 (Support to Mining Industry Development)

The Minister of Trade, Industry and Energy may provide the following support, for the purpose of developing the mining industry, within the limits of the budget as prescribed by Presidential Decree: *<Amended by Act No. 9982, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>*

1. Subsidies or loans for operations of exploring and developing important mineral resources, and processing, distributing and reserving mineral products;
2. Deleted; *<by Act No. 9982, Jan. 27, 2010>*
3. Subsidies or loans for operations aimed at preventing mining damages and restoring mines (including closed mines);
4. Contributions to operations related to surveying the national geological features or mineral resources and of technological development relevant to the mineral resources.

Article 87 (Charges on Import and Sale of Minerals)

(1) For purposes of stabilization of demand, supply and price of minerals, and support of projects prescribed in the subparagraphs of Article 86 (1), the Minister of Trade, Industry and Energy may collect charges from those who import or sell minerals. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The persons from whom the charges referred to in paragraph (1) are to be collected, the criteria for imposition and method of collection of the charges, and other matters necessary for imposition and collection of the charges, shall be determined by Presidential Decree.

(3) If a person from whom the charges referred to in paragraph (1) are to be collected fails to pay the charges within the payment deadline, the Minister of Trade, Industry and Energy shall collect additional dues as prescribed by Presidential Decree, for the period beginning with the day immediately following the payment deadline to the date such payment is made. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) If a person from whom the charges referred to in paragraph (1) are to be collected fails to pay the charges within the payment deadline, the Minister of Trade, Industry and Energy may demand payment within a fixed period, and if the charges and the additional dues referred to in paragraph (3) are not paid within that fixed period, the Minister may collect such charges and additional dues in the same manner as

delinquent national taxes are collected. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) The charges and additional dues collected under paragraphs (1) and (3) shall be reverted to special accounts for energy and resources projects.

Article 88 (Entrustment of Charge Collecting Affairs)

(1) The Minister of Trade, Industry and Energy may entrust such agency or organization as prescribed by Presidential Decree with the affairs of collecting the charges prescribed in Article 87. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy may, upon entrusting the affairs of collecting the charges under paragraph (1), appoint any accounting personnel to carry out such affairs from among the officers and employees of the entrusted agency or organization. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The provisions of the Act on Liability of Accounting Personnel, etc. concerning accounting personnel shall be applicable mutatis mutandis to the accounting personnel appointed under paragraph (2).

(4) The Minister of Trade, Industry and Energy may, upon entrusting the affairs of collecting the charges under paragraph (1), pay the fees or necessary expenses from the special accounts for energy and resources projects, as prescribed by the Minister of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 89 (Supervision)

(1) Deleted. <by Act No. 13730, Jan. 6, 2016>

(2) The Minister of Trade, Industry and Energy may, if deemed necessary, cause those who have received support under Article 86 to submit any necessary documents or reports, or cause his/her subordinate public officials to inspect any necessary documents. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The public officials performing inspections under paragraph (2) shall carry their certificates of authority and present them to interested persons.

Article 90 (Objections)

Any person who objects to any disposition taken under this Act or pursuant to orders issued under this Act may file an objection with the Minister of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 91 (Execution of Disposition)

No objection filed under Article 90 shall suspend the execution of a disposition taken by the Minister of Trade, Industry and Energy: Provided, That if the Minister of Trade, Industry and Energy deems that irreparable damage will occur due to such execution, he/she may suspend the execution, upon request or ex officio. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 92 (Mining Coordination Committee)

(1) A Mining Coordination Committee (hereinafter referred to as the "Committee") shall be established within the Ministry of Trade, Industry and Energy to resolve objections filed under Article 90. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Members of the Committee shall be persons of knowledge and experience in the mining industry.

(3) The organization, function and administration of the Committee and other necessary matters shall be prescribed by Presidential Decree.

Article 93 (Resolution)

The Minister of Trade, Industry and Energy shall make decisions on objections through resolution of the Committee. <Amended by Act No. 8852, Feb. 29, 2008; <Amended by Act No. 11690, Mar. 23, 2013>

Article 94 (Demand for Re-Resolution)

If the Minister of Trade, Industry and Energy deems that a resolution made by the Committee is unreasonable, he/she may demand a re-resolution thereof for one time only. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 95 (Mutatis Mutandis Application of Administrative Appeals Act)

Except as provided for in Articles 90 through 94 of this Act, the Administrative Appeals Act shall apply mutatis mutandis to objection petitions.

Article 96 (Delegation of Authority)

The Minister of Trade, Industry and Energy may delegate part of his/her authority prescribed under this Act to the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, Special Self-Governing Province Governors or heads of agencies under the control of the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 97 (Mining Agents)

A mining right holder or a mining concession holder may, in carrying on the mining business, appoint a mining agent for each mine for the purpose of standing proxy for the procedures and other activities to be performed by himself/herself, by stipulating in advance the scope of the representation right.

Article 98 (Fees)

A person who intends to make an application, request, petition or report concerning his/her mining rights or mining concession shall pay the fees prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 99 (Hearings)

The Minister of Trade, Industry and Energy shall hold hearings in cases under any of the following subparagraphs: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where the Minister intends to take a disposition aimed at revoking mining rights or reducing a mining area under Article 34;
2. Where the Minister intends to revoke mining rights under Article 35;

3. Where the Minister intends to revoke a mining concession under Article 57.

Article 100 (Penalty Provisions)

Any person who has extracted or acquired petroleum without obtaining permission for the establishment of the right to explore or extract under Articles 12 and 14 of the Submarine Mineral Resources Development Act which are applied mutatis mutandis pursuant to Article 9 (4) shall be punishable by imprisonment for not more than five years or by a fine not exceeding 50 million won, or both.

Article 101 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won, or may be punished by both: <Amended by Act No. 11434, May 23, 2012; Act No. 11690, Mar. 23, 2013; Act No. 13730, Jan. 6, 2016>

1. A person who violates Article 4;

1-2. An exploration right holder who has conducted exploration by digging shafts without obtaining permission from the Minister of Trade, Industry and Energy in violation of Article 40-2;

2. A person who obtains permission or authorization for the establishment of or modification to mining rights or a mining concession by an unlawful means;

3. A person who explores for petroleum in a third person's mining concession area without obtaining permission therefor.

(2) Any person who excavates outside of his/her mining area or mining concession area due to negligence shall be punished by a fine not exceeding 10 million won.

Article 102 (Penalty Provisions)

Any of the following persons shall be punishable by imprisonment for not more than one year or by a fine not exceeding 10 million won: <Amended by Act No. 9982, Jan. 27, 2010>

1. A person who transfers separated minerals for the purpose of making profit in violation of the proviso of Article 5 (1);

2. A person who is in violation of Article 42 (4) (including where such applies mutatis mutandis pursuant to Article 61);

3. A person who is in violation of an order issued under Article 42 (5) (including where such applies mutatis mutandis pursuant to Article 61);

4. A person who extracts minerals in violation of Article 44 (including where such applies mutatis mutandis pursuant to Article 61);

5. A person who is in violation of an order issued under Article 46 (including where such applies mutatis mutandis pursuant to Article 61).

Article 103 (Joint Penalty Provisions)

If the representative of a juristic person, the agent of a juristic person or an individual, the employee or any other employed person commits an offense under Article 101 or Article 102 with respect to affairs of the juristic person or individual, not only the offender shall be punished, but also the juristic person or individual shall be punished by a fine under the corresponding Article: Provided, That this shall not apply

where the juristic person or individual has not neglected to pay due attention and to exercise supervision with respect to the relevant affairs to prevent such offense.

Article 104 (Administrative Fines)

(1) A person who fails to file a mineral production report, or files a false mineral production report, in violation of Article 83 shall be subject to an administrative fine not exceeding five million won.

(2) A person falling under any of the following subparagraphs shall be subject to an administrative fine not exceeding two million won: *<Amended by Act No. 9982, Jan. 27, 2010>*

1. A person who fails to file a report on the resumption of his/her extraction, or makes a false report, in violation of Article 42-2 (3) (including the case which is applied under Article 61 mutatis mutandis);

2. A person who fails to prepare and keep survey maps of pits and mining records or fails to file copies of such in violation of Article 84.

(3) A person falling under any of the following subparagraphs shall be subject to an administrative fine exceeding one million won: *<by Act No. 9982, Jan. 27, 2010>*

1. A person who refuses, obstructs or evades an on-the-spot survey under Article 26 of the Submarine Mineral Resources Development Act, which is applied mutatis mutandis pursuant to Article 9 (4);

2. A person who refuses, obstructs or evades guidance and inspection of extraction activities under Article 45;

3. A person who fails to file a document or report, or files a false document or report, in violation of Article 89 (2);

4. A person who refuses, obstructs or evades an inspection under Article 89 (2).

(4) The administrative fine under paragraphs (1) through (3) shall be imposed and collected by the Minister of Trade, Industry and Energy as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(5) through (7) Deleted. *<by Act No. 9982, Jan. 27, 2010>*

ADDENDA

Article 1 (Enforcement Date)

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

Articles 2 through 17 Omitted.

ADDENDA *<Act No. 8355, Apr. 11, 2007>*

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measures concerning Dispositions, etc.)

Acts done by or toward administrative agencies pursuant to the previous provisions at the time this Act enters into force shall be deemed acts done by or toward administrative agencies under this Act which correspond thereto.

Article 3 (Transitional Measures concerning Mining Rights)

@Articles 13 (2) and 14 (excluding paragraph (4) thereof) shall not apply with respect to the mining rights already existing at the time the former Mining Industry Act, Act No. 234, enters into force.

Article 4 (Transitional Measures concerning Penalties or Administrative Fines)

The application of penalties or administrative fines to acts committed before this Act enters into force shall be governed by the previous provisions.

Article 5 Omitted.

Article 6 (Relationship with other Acts and Subordinate Statutes)

Where the former Mining Industry Act or the provisions thereof are cited in other Acts and subordinate statutes at the time this Act enters into force, this Act or the corresponding provisions in this Act shall be deemed to be cited in lieu of the previous provisions if there are provisions corresponding thereto in this Act.

ADDENDA <Act No. 8453, May 17, 2007>

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

(2) (Transitional Measures concerning Liability to Compensate for Mining Damages) The liability to compensate for mining damages that have been caused before this Act enters into force shall be governed by the previous provisions.

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

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9313, Dec. 31, 2008>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 9636, Apr. 22, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <Act No. 9763, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <Act No. 9774, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 19 Omitted.

ADDENDA <Act No. 9982, Jan. 27, 2010>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Minerals)

With respect to minerals for the purpose of the mining rights which is on the process of applying to obtain the establishment of the mining rights under the previous Article 15 at the time this Act enters into force, or has not been registered upon receipt of permission of the establishment of the mining rights, and has been established and registered under the previous provisions, the mining rights shall apply for the previous provisions notwithstanding the amended provisions of Article 3 (1) until the mining rights subsists.

Article 3 (Transitional Measures concerning Mining Rights, etc. having obtained Authorization of Mining Plan)

(1) With respect to the mining rights which has obtained the authorization of the mining plan under the previous Article 42 at the time this Act enters into force and the mining concessions which has been established and registered on the mining rights, the extraction rights shall be deemed to be established and registered in accordance with the amended provisions of this Act, or the mining concessions on the extraction rights shall be deemed to be established and registered on the date when the mining rights is established and registered under the previous provisions, and when the mining concession is established and registered. And the authorization of the extraction plan shall be deemed to be obtained in accordance with the amended provisions of this Act at the date when the extraction plan has been authorized.

(2) The term of the extraction rights which is deemed to be established and registered under the foregoing paragraph (1) shall be the term which has been offered to the relevant mining rights under the previous Article 12 (1) and (2), and the extension of term thereof shall be applied to the amended

provisions of Article 12 (3).

Article 4 (Transitional Measures concerning Mining Rights, etc. having not obtained Authorization of Mining Plan)

(1) Notwithstanding the amended provisions of this Act, Articles 4, 8, 11, 12, 19, 24, 36, 49, 50, 51, 52, 53, 54, 55, 56, and 59 shall apply to a mining right that falls under any of the following subparagraphs at the time this Act enters into force, mining concessions on the mining right established and registered, the establishment of the mining concessions on the mining right, etc.: Provided, That this shall not apply when authorization for a mining plan under the previous provisions of Article 42 or for an extraction plan under in Article 42 has been obtained: *<Amended by Act No. 13730, Jan. 6, 2016>*

1. The mining rights which is on the process of applying to obtain the establishment of the mining rights under the previous Article 15, or has not registered upon receipt of authorization of the establishment of mining rights;

2. The mining rights which has not obtained the authorization of the mining plan under the previous Article 42.

(2) With respect to the mining rights which has obtained the authorization of the mining plan under the previous Article 42 in accordance with the foregoing paragraph (1) and the mining concessions which has been established and registered on the mining rights at the time of the authorization thereof, the extraction rights shall be deemed to be established and registered in accordance with the amended provisions of this Act, or the mining concessions on the extraction rights shall be deemed to be established and registered on the date when the mining rights is established and registered under the previous provisions, and when the mining concession is established and registered. And the authorization of the extraction plan shall be deemed to be obtained in accordance with the amended provisions of this Act at the date when the mining plan has been authorized.

(3) The term of the extraction rights which is deemed to be established and registered under the foregoing paragraph (2) shall be the term which has been offered to the relevant mining rights under the previous Article 12 (1) and (2), and the extension of term shall be applied to the amended provisions of Article 12 (3).

Article 5 (Transitional Measures concerning Revocation of Capacity of Enjoyment of Rights for Foreigner)

A foreigner who has obtained the authorization of the establishment of the mining rights under the previous provisions at the time this Act enters into force shall be deemed to be the foreigner who is able to obtain the mining rights under the amended provision of Article 10-2.

Article 6 (Transitional Measures concerning Limitation on Applications regarding Terminated Mining Areas)

With respect to the limitation on applications of mining rights on mining areas where the mining rights have been terminated due the term of mining rights lapses under the previous Article 12 before this Act enters into force, or due mining rights are revoked under the previous Article 35, the previous provision

shall apply notwithstanding the amended provision of Article 16.

Article 7 (Transitional Measures concerning Revocation of Mining Rights or Mining Concessions)

(1) With respect to the revocation of the mining rights and the mining concessions pursuant to the act before this Act enters into force, which is related to the mining rights which has obtained the authorization of the mining plan under the previous Article 42 at the time this Act enters into force, and the mining concessions which has been established and registered on the mining rights, the previous provision shall apply notwithstanding the amended provisions of Article 35 and 57.

(2) As an act which is related to the mining rights pursuant to Article 4 (1) of the addenda of this Act, and the mining concessions being adjusted and registered on the mining rights, with respect to the revocation of the mining rights and the mining concessions due to the act that has committed before the authorization of the mining plan under the previous Article 42 after this Act enters into force, the previous provision shall apply notwithstanding the amended provisions of Article 35 and 57.

Article 8 (Transitional Measures concerning Basic Plan of Mining Rights)

The development plan of mining rights and the annual action plan which has been established and announced pursuant to the previous Article 85 at the time when this Act enters into force shall be deemed to be the same as the amended provisions of Article 85.

Article 9 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

(1) Where the penalty provisions or the administrative fines are applied to the act before this Act enters into force, which is related to the mining rights which has obtained the authorization of the mining plan under the previous Article 42 at the time this Act enters into force and the mining concessions thereon which has been established and registered, the previous provision shall apply.

(2) As an act which is related to the mining rights pursuant to Article 4 (1) of the addenda of this Act and the mining concessions being adjusted and registered on the mining rights, when the penalty provisions or the administrative fines are applied to the act that has committed before the authorization of the mining plan under the previous Article 42 after this Act enters into force, the previous provision shall apply.

Article 10 Omitted.

ADDENDA <Act No. 10331, May 31, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 13 Omitted.

ADDENDA <Act No. 11434, May 23, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Restrictions on Exploration through Digging Shafts)

The amended provisions of Article 35 (1) 1-2 and Articles 40-2 and 101 (1) 1-2 shall also apply to a person who holds the mining right referred to in Article 4 (1) 1 or 2 of Addenda to Act No. 9982, Mining Industry Act, as at the time this Act enters into force. In such cases, an "exploration right holder" shall be construed as a "mining right holder".

Article 3 (Transitional Measures concerning Restrictions on Exploration through Digging Shafts)

An exploration right holder (including a person who holds the mining right referred to in Article 4 (1) 1 or 2 of Addenda to Act No. 9982, Mining Industry Act) who conducts exploration by digging shafts as at the time this Act enters into force shall obtain permission from the Minister of Knowledge Economy pursuant to the amended provisions of Article 40-2 within three months after this Act enters into force, and shall suspend such exploration if he/she fails to obtain such permission.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 12738, Jun. 3, 2014>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 13729, Jan. 6, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 13730, Jan. 6, 2016>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Payment of Registration Fees and Application for Registration with Respect to Establishment of Mining Rights)

Notwithstanding the amended provisions of Article 28 (1), the previous provisions shall apply to the payment of registration fees and a period of registration application where a notice of permission for the establishment of a mining right is served before this Act enters into force.

Article 3 (Transitional Measures concerning Payment of Registration Fees and Application for Registration with Respect to Establishment of Mining Concessions)

Notwithstanding the amended provisions of Article 52 (2), the previous provisions shall apply to the payment of registration fees and a period of registration application where a notice of authorization for the establishment of a mining concession is served before this Act enters into force.

Article 4 (Transitional Measures concerning Mining Rights, etc. with Respect to Which Extraction Plans are not Authorized)

(1) Where a mining right holder or a mining concession holder subject to the previous provisions pursuant to Article 4 of the Addenda of the Act (Act No. 9982) is granted authorization for an extraction plan pursuant to the amended provisions of Article 42, an extraction right or a mining concession on the extraction right is deemed established and registered on the date of registration of the mining right or on the date of establishment and registration of the mining concession.

(2) The term of a mining right granted at the time of its registration shall be the term of an extraction right deemed established and registered pursuant to paragraph (1), and Article 12 (3) shall apply to the extension of the term.

(3) The term of a mining concession granted at the time of its establishment and registration shall be the term of a mining concession deemed established and registered pursuant to paragraph (1), and Article 49 (2) and Article 56 shall apply to the extension of the term and its termination, respectively.

ADDENDUM <Act No. 14990, Oct. 31, 2017>

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