

DEVELOPMENT OF AND SUPPORT FOR  
ENVIRONMENTAL TECHNOLOGY ACT

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### Article 1 (Purpose)

The purpose of this Act is to contribute to the environmental conservation and the sustainable development of the national economy by promoting the development, support, and spread of environmental technologies and by fostering the environmental industry.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

### Article 2 (Definitions)

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

1. The term “environmental technologies” means the technologies under the following items necessary for the environmental conservation and control, such as prior prevention or reduction of environmental pollution or restoration of the polluted and damaged environment, etc. as the technologies improving the self-cleansing ability of the environment and controlling and removing the factors causing environmental damage to man and nature:
  - (a) Technologies for reduction and treatment of the following substances, etc. (hereinafter referred to as the “environmental pollutants”) and technologies for prevention of noise and vibration:
    - (i) Air pollutants under subparagraph 1 of Article 2 of the Clean Air Conservation Act;
    - (ii) Malodor under subparagraph 1 of Article 2 of the Malodor Prevention Act;
    - (iii) Pollutants under subparagraph 3 of Article 2 of the Indoor Air Quality Control in Public Use Facilities, etc. Act;
    - (iv) Water pollutants under subparagraph 7 of Article 2 of the Water Quality and Ecosystem Conservation Act; and
    - (v) Soil pollutants and wastes under subparagraph 2 of Article 2 of the Soil Environment Conservation Act;
  - (b) Technologies for prior prevention and reduction of environmental pollution, technologies for development of products controlling causes of pollution, and technologies for recycling and recovery;
  - (c) Technologies for conservation, restoration, and improvement of the natural environment, tech-

nologies for assessment of environmental harm and its control, and technologies for assessment of environmental impact;

- (d) Technologies for measurement and analysis of environmental pollutants, noise, vibration or environmental conditions;
  - (e) Technologies for water purification treatment and prevention of pollution of water supply; and
  - (f) Technologies applying or utilizing (hereinafter referred to as “practical use”) the technologies under provisions of items (a) through (e);
2. The term “environmental facilities” means the facilities, machinery, apparatus and other objects prescribed by Ordinance of the Ministry of Environment for prior prevention or reduction of harm to natural environment and living environment caused by environmental pollutants, etc., or appropriate disposal of environmental pollutants, or recycling of wastes, etc.; and
  3. The term “environmental industry” means the industry prescribed by Presidential Decree as the industry designing, manufacturing and installing environmental facilities or measuring apparatus under Article 9 of the Environmental Examination and Inspection Act or providing services concerning environmental technologies for the environmental conservation and control.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 3 (Formulation of Comprehensive Plan for Development of Environmental Technologies)

(1) The Minister of Environment shall put the plans for development of environmental technologies of the relevant central administrative agencies together and make a comprehensive plan for development of environmental technologies (hereinafter referred to as the “development plan”) every five years through the deliberation of the National Science and Technology Council under Article 9 of the Framework Act on Science and Technology (hereafter referred to as the “National Science and Technology Council” in this Article).

(2) The development plan shall include the matters concerning the following subparagraphs:

1. Present status and a long-term prospect of the level of environmental control based on the long-term comprehensive plan for environmental conservation at the national level under Article 12 of the Framework Act on Environmental Policy;
  2. Objective of development of environmental technologies by stages and countermeasures to reach the objective;
  3. Promotion of advancement of the environmental industry, such as strengthening the competitiveness of environmental technologies, etc.;
  4. Promotion of the spread and practical use of environmental technologies;
  5. Investment and promotion plans for the projects by year concerning the development of environmental technologies promoted by the Government;
  6. Introduction and transfer of environmental technologies;
  7. Support for researches in environmental technologies to schools, scientific organizations, research institutions, etc.;
  8. Collection, classification, processing, and spread of the information on environmental technologies; and
  9. Other development of environmental technologies and fosterage of the environmental industry.
- (3) For the purpose of formulation of the development plan, the Minister of Environment may request the heads of the relevant central administrative agencies to submit necessary data as prescribed by Presidential Decree.
- (4) When formulating the development plan, the Minister of Environment shall take necessary measures for the promotion of joint researches of industrial, academic and research circles and international collaboration in environmental technologies.
- (5) The Minister of Environment shall, after being submitted by the promotion results of the development

plan by year classified by competent fields of the heads of the relevant central administrative agencies, report them to the National Science and Technology Council by putting them together.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 4 (Environmental Technology Deliberation Committee)

(1) The Environmental Technology Deliberation Committee (hereinafter referred to as the "Committee") shall be established under the control of the Minister of Environment to deliberate and adjust the development plan.

(2) The Vice Minister of Environment shall be the chairperson of the Committee, and the Committee shall be composed of not more than thirty members including the chairperson.

(3) Matters necessary for organization and operation, etc. of the Committee shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 5 (Promotion of Environmental Technology Development Projects)

(1) For the purpose of the environmental conservation and the sustainable development of the national economy, the Government may have institutions, organizations, or business operators (hereafter referred to as "research institutions, etc." in this Article) falling under any of the following subparagraphs perform environmental technology development projects (hereinafter referred to as the "development projects") as prescribed by Presidential Decree:

1. National research institutions and public research institutions;
  2. Research institutions governed by the Support of Specific Research Institutes Act;
  3. Government-invested research institutions established under the Act on the Establishment, Operation and Fostering of Government-Invested Research Institutions or government-invested research institutions of science and technology established under the Act on the Establishment, Operation and Fostering of Government-Invested Research Institutions of Science and Technology;
  4. Schools under Article 2 of the Higher Education Act;
  5. Research institutes attached to enterprises meeting the standards prescribed by Presidential Decree;
  6. Industrial technology research cooperatives under the Act on the Support of the Industrial Technology Research Cooperatives;
  7. Environmental technology development centers under Article 10;
  8. Business operators managing the environmental industry (hereinafter referred to as the "environmental industrial enterprises");
  9. Foreign research institutions meeting the standards prescribed by Presidential Decree: *Provided*, That they shall be limited to those conducting joint researches and development with domestic institutions or organizations or business operators; and
  10. Other institutions or organizations or business operators prescribed by Presidential Decree.
- (2) Expenses necessary for development projects shall be appropriated by contributions from the Government or contributions from persons other than the Government and other research and development expenses of enterprises.
- (3) The Government may disburse contributions to research institutions, etc. performing development projects under paragraph (1) for the promotion of development projects.
- (4) The heads of research institutions, etc. performing development projects with the contributions under paragraph (3) may collect technical royalties through the conclusion of a technical implementation contract with a person who intends to use, transfer, lend or export the results of research and development after completion of the development project.
- (5) Technical royalties collected under paragraph (4) shall be used for the purposes prescribed by Presidential Decree, such as development projects, etc., and an amount of money equivalent to a fixed rate as prescribed by Presidential Decree shall be paid to the Korea Institute of Environmental Science

and Technology under Article 5-2.

(6) Matters necessary for disbursement, use and management of the contributions under paragraph (3), and collection and use, etc. of technical royalties under paragraphs (4) and (5) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]

Article 5-2 (Korea Institute of Environmental Science and Technology)

(1) The Korea Institute of Environmental Science and Technology (hereafter referred to as the "Environmental Institute" in this Article) shall be established to effectively promote the planning, appraisal, and management of development projects, and the spread, etc. of developed technologies.

(2) The Environmental Institute shall be a juristic person.

(3) The Environmental Institute shall be formed by registration of incorporation at the seat of its main office.

(4) The Environmental Institute shall perform the following projects:

1. Support of planning, appraisal and management for development projects;
2. Survey on demand and prediction of technologies for development projects;
3. Spread of developed environmental technologies and promotion of putting them to practical use;
4. Projects entrusted by the Government in connection with development and practical use of environmental technologies; and
5. Other projects prescribed by Presidential Decree in connection with development and practical use of environmental technologies.

(5) The Government may contribute expenses necessary for establishment and operation of the Environmental Institute within the extent of budget.

(6) The Government may, notwithstanding the provisions of Article 26 of the State Properties Act, lease state-owned property free of charge in cases where it is necessary for establishment and operation of the Environmental Institute.

(7) The provisions for incorporated foundation of the Civil Act shall apply *mutatis mutandis* to the Environmental Institute except for the matters prescribed by this Act.

[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]

Article 6 (Practical Use of Environmental Technologies)

(1) The Government shall take necessary measures to foster business operators, etc. of the following subparagraphs: *Provided*, That it shall take supporting measures for persons falling under subparagraph 4:

1. A business operator who develops environmental technologies or put them to practical use;
2. A person who makes a principal business of investment in development of environmental technologies;
3. A person who has obtained authentication of environmental mark under Article 17;
4. A person who has obtained authentication of environmental grade mark under Article 18;
5. A business operator opening up overseas markets of the environmental industry; and
6. Environmental industrial enterprises.

(2) The Government may perform the projects of the following subparagraphs for the promotion of putting the developed environmental technologies to practical use:

1. Fostering of specialized institutions supporting practical use of environmental technologies;
2. Projects for practical use of patented technologies;
3. Support of human resources, facilities, information, etc. and technical guidance necessary for practical use of environmental technologies;
4. Projects to support opening local offices in foreign countries to open up overseas markets of the environmental industry; and
5. Other projects prescribed by Presidential Decree for the promotion of practical use of environmental technologies.

(3) A person who operates any of the financial resources under the following subparagraphs (hereinafter referred to as an “operator of financial resources”) may support necessary funds from such financial resources to a person falling under paragraph (1):

1. Special accounts for environmental improvement under the Act on Special Accounts for Environmental Improvement;
2. Funds for promotion of small and medium enterprises and industrial foundation under the Promotion of Small and Medium Enterprises and Encouragement of Purchase of Their Products Act; and
3. Funds for promotion of science and technology under the Framework Act on Science and Technology.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 7 (Authentication of New Technologies and Verification of Technologies)

(1) The Minister of Environment may grant authentication of new technology or verification of technologies to promote the spread of excellent technology which have a great ripple effect economically and technically and practical use thereof. In such cases, in cases where an application for appraisal for technologies under the following subparagraphs has been made, the Minister of Environment may grant authentication of new technology if such technology is the technology which has been authenticated (hereinafter referred to as the “new technology”) because it has been appraised as having novelty and excellency compared with the existing technology, and grant verification of technology if such technology is the technology the performance of which has been verified (hereinafter referred to as the “verified technology”) through the appraisal in the field, etc.:

1. Technologies, firstly developed at home, regarding the method of construction in the environmental field and technologies related to such technologies; and
2. New technologies in the method of construction in the environmental field by the improvement of introduced technologies and technologies related to such technologies.

(2) The Minister of Environment shall issue a note of authentication of new technology in cases where he/she has granted authentication of new technology, and a note of verification of technology in cases of verification of technology, respectively under paragraph (1).

(3) The Minister of Environment may have a person who makes an application for authentication of new technology or verification of technology under paragraph (1) bear expenses required for appraisal of such technology as prescribed by Ordinance of the Ministry of Environment.

(4) In order to promote authentication of new technologies and verification of technologies and support the spread of new technologies, an operator of financial resources may subsidize preferentially all or part of expenses required for authentication of new technologies, verification of technologies and exhibition projects, etc. to a person falling under any of the following subparagraphs from the financial resources of the subparagraphs of Article 6 (3):

1. A person who obtains authentication of new technology as a small and medium enterprise meeting the standards prescribed by Presidential Decree;
2. A person who executes an exhibition project of environmental technology which has obtained authentication of new technology; and
3. A person who puts the environmental technology to practical use, which is recognized by the Minister of Environment necessary to spread for the public purpose as the technology which has obtained authentication of new technology.

(5) Procedures for application, standards for appraisal and methods of appraisal of authentication of new technology or verification of technology, and other matters necessary for authentication or verification, etc. shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 7-2 (Method of Marking and Preferential Practical Use, etc. of New Technologies)

(1) A person who has obtained authentication of new technology under Article 7 may put a mark

of new technology on facilities installed by making use of new technology or products, etc., or make use of it for advertisement as prescribed by Ordinance of the Ministry of Environment.

(2) Unless a person has obtained authentication of new technology under Article 7, he/she shall not put a mark of new technology or similar mark, or advertise thereon.

(3) The Minister of Environment may take proper measures so that agencies or business operators under the following subparagraphs who have installed and operated environmental facilities may preferentially put new technology to practical use:

1. State agencies or local governments;
2. Public agencies under Article 5 of the Act on the Management of Public Agencies; and
3. Agencies which have received contributions from the State or local governments.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 7-3 (Term of Validity for Authentication of New Technologies)

(1) The term of validity for authentication of new technology shall be three years from the date of authentication as new technology.

(2) The term of validity under paragraph (1) may be extended once and such extended period shall be within three years.

(3) Matters necessary for application, etc. for extension of authentication of new technology shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 7-4 (Cancellation of Authentication of New Technology or Verification of Technology)

(1) The Minister of Environment shall cancel authentication of new technology or verification of technology when it falls under any of the following subparagraphs:

1. In cases where authentication of new technology or verification of technology has been obtained by deceitful or other unjust means; and
2. In cases where the Minister of Environment recognizes that it is not proper to spread because there are significant defects in the contents of new technology or verified technology.

(2) Matters necessary for procedures, etc. for cancellation under paragraph (1) shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 8 (Promotion of International Joint Researches)

(1) The Government shall take measures for promotion of international joint researches on environmental technologies and the environmental industry for the sustainable and balanced development of the national economy.

(2) The Government may promote the projects of the following subparagraphs to facilitate international joint researches under paragraph (1):

1. Research and study for international collaboration on environmental technologies and the environmental industry;
2. International exchange of human resources and information on environmental technologies and the environmental industry;
3. Holding exhibitions and scientific conferences on environmental technologies and the environmental industry;
4. Opening up overseas markets for environmental technologies and the environmental industry;
5. Promotion of technical development for the global environmental conservation; and
6. Other projects recognized necessary for the promotion of international joint researches.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 9 (Spread, etc. of Environmental Technologies and Information)

(1) The Government shall take specific measures for the spread of excellent environmental technologies

and the collection and spread of information on environmental technologies.

(2) The Government may manage environmental technologies and information by computerizing them for the spread of environmental technologies and the collection and spread of information on environmental technologies under paragraph (1).

(3) The Minister of Environment may request the heads of related agencies to furnish the data necessary for the computerization of environmental technologies and information under paragraph (2).

(4) The Government may advise business operators and environmental industrial enterprises, etc. discharging environmental pollutants to develop environmental technologies, import excellent environmental technologies and exchange information on environmental technologies, etc.

(5) In cases where it is recognized as necessary to meet the environmental standards under Article 10 of the Framework Act on Environmental Policy, the Minister of Environment may advise the heads of the relevant central administrative agencies or local governments to use and spread excellent environmental technologies.

*[This Act Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 10 (Designation, Operation, Appraisal and Cancellation of Designation of Environmental Technology Development Centers)

(1) The Minister of Environment may designate and operate environmental technology development centers for promotion and support of the development of environmental technologies and collection and spread, etc. of the information on environmental technologies as prescribed by Presidential Decree.

(2) Environmental technology development centers under paragraph (1) shall perform the projects under the following subparagraphs, and the Minister of Environment may give necessary support, such as contribution of funds, etc., to environmental technology development centers:

1. Projects of development of and research on environmental technologies;
2. Projects of collection, classification, processing, and spread of the information on environmental technologies and of the basic data related to the environment, and projects related to the construction of computer networks thereon;
3. International exchange of environmental technologies;
4. Projects for support of and collaboration with environmental industrial enterprises; and
5. Other projects related to development of environmental technologies recognized by the Minister of Environment.

(3) The Minister of Environment may appraise the results of operations, etc. of environmental technology development centers periodically to ascertain whether they smoothly perform the projects under paragraph (2) and have them substantially contribute to the solution of environmental problems of the region by enhancing the efficiency of such projects. In such cases, when it is recognized that an environmental technology development center performs the projects unfaithfully as a result of the appraisal, the Minister of Environment may warn the relevant center and suspend the support under paragraph (2).

(4) In cases where an environmental technology development center falls under any of the following subparagraphs, the Minister of Environment may cancel the designation:

1. In cases where it has been warned under the latter part of paragraph (3) not less than twice within the latest three years; and
2. In cases where it is recognized difficult to attain the designated purpose of environmental technology development center because it has failed to meet the conditions of designation under paragraph (5).

(5) Matters necessary for the conditions, etc. of designation of environmental technology development centers shall be prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 11 (Fosterage of Associations related to Environmental Industry)

(1) In order to promote development of environmental technologies and advancement of the environmental



industry, the Minister of Environment may provide support, such as funds, etc., to associations which performs the projects falling under any of the following subparagraphs, from among the environmental industry-related associations incorporated with permission of the Minister of Environment under Article 32 of the Civil Act:

1. Projects of development of and research on environmental technologies;
2. Projects of investigation, such as collection and analysis, etc. of the information on market trends of the environmental industry, the development of environmental technologies and the actual conditions of practical use thereof; and
3. Mutual aid projects for putting new environmental technologies to practical use.

(2) The Minister of Environment may, when promoting development projects in his/her competent field, preferentially promote tasks of research and development picked out by the environmental industry-related associations for fosterage of the environmental industry.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 12 (Support for Environmental Technologies)

(1) The Government may provide technical support for the purpose of prior prevention or reduction of environmental pollution arising from the process of manufacturing activities of enterprises and effective operation and management of environmental pollution control facilities (referring to air pollution control facilities under subparagraph 12 of Article 2 of the Clean Air Conservation Act, noise and vibration control facilities under subparagraph 4 of Article 2 of the Noise and Vibration Control Act, and water pollution control facilities under subparagraph 12 of Article 2 of the Water Quality and Ecosystem Conservation Act; hereinafter the same shall apply).

(2) In cases where improvement of facilities is recognized necessary as a result of the technical support under paragraph (1), the Government may subsidize part of expenses required for improvement of such facilities.

(3) Matters necessary for facilities subject to technical support under paragraph (1), and method of support and expenses for support, etc. under paragraph (2) shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 13 (Technical Diagnosis)

(1) The Minister of Environment may conduct technical diagnosis for public environmental facilities in order to prevent failure of them and promote proper operation thereof.

(2) In cases where improvement of facilities is recognized necessary as a result of the technical diagnosis under paragraph (1), the Minister of Environment may subsidize part of expenses required for improvement of such facilities.

(3) The Minister of Environment may request the administrator of public environmental facilities to take necessary measures, such as complementation of facilities, according to the results of the technical diagnosis under paragraph (1).

(4) The administrator of public environmental facilities shall cooperate in the technical diagnosis under paragraph (1).

(5) Matters necessary for facilities subject to technical diagnosis, interval of the diagnosis, and expenses for the diagnosis, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 14 (Precision Control of Measurement and Analysis Agencies)

(1) The Minister of Environment may evaluate ability in measurement and analysis, provide education and verify data related to measurement and analysis, etc. (hereafter referred to as the “precision control” in this Article) for the persons prescribed by Presidential Decree (hereafter referred to as the “measuring and analyzing agencies” in this Article) from among the persons measuring and analyzing environmental pollutants, noise and vibration or environmental conditions, etc. as prescribed by Ordinance of the

Ministry of Environment.

(2) If it is recognized necessary as a result of the precision control on measuring and analyzing agencies, the Minister of Environment may issue an order to improve and complement the related equipment and apparatus and take other necessary measures.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 15 (Registration of Pollution Control Facilities Business)

(1) A person who intends to conduct a business (hereinafter referred to as the “pollution control facilities business”) of design or construction of environmental pollution control facilities (excluding the cases prescribed by Ordinance of the Ministry of Environment) shall register with the Mayor/*Do* governor by satisfying the conditions for the technical ability prescribed by Presidential Decree. The same shall also apply in cases where it is intended to change the matters prescribed by Presidential Decree, from among the matters registered.

(2) A person who has reported to the Mayor/*Do* governor as prescribed by Ordinance of the Ministry of Environment as a person falling under any of the following subparagraphs shall be deemed as having registered a pollution control facilities business under paragraph (1) for design of environmental pollution control facilities in the relevant field:

1. A person who has registered opening of an office of professional engineers to perform the works of design of noise and vibration control facilities under Article 6 the Professional Engineers Act; and
2. A person who has reported the main body of engineering activities in order to conduct a business for design of noise and vibration control facilities under Article 4 of the Engineering Technology Promotion Act.

(3) When a person who has registered a pollution control facilities business under paragraph (1) (including a person deemed that he/she has registered a pollution control facilities business under paragraph (2); hereinafter referred to as a “pollution control facilities business operator”) constructs environmental pollution control facilities, in cases where such construction falls under the construction works under subparagraph 4 of Article 2 of the Framework Act on the Construction Industry, he/she may perform such construction notwithstanding Article 9 (1) of the same Act.

(4) A person who falls under any of the following subparagraphs shall not register or report a pollution control facilities business under paragraph (1) or (2):

1. A minor, an incompetent or a quasi-incompetent;
2. A person who was declared bankrupt but has not been reinstated;
3. A person in whose case two years have not passed since the cancellation of his/her registration of a pollution control facilities business operator under paragraph (5);
4. A person in whose case two years have not passed since his/her imprisonment with labor, as declared by a court in violation of this Act, the Clean Air Conservation Act, the Water Quality and Ecosystem Conservation Act or the Noise and Vibration Control Act, was completely executed (including the cases where it is deemed that the execution has been completed) or exempted; or
5. A juristic person in which there is an executive falling under any of subparagraphs 1 through 4.

(5) The Mayor/*Do* governor may, if a pollution control facilities business operator falls under any of the following subparagraphs, cancel such registration or order to suspend all or part of such business with a fixed period within six months: *Provided*, That if it falls under subparagraph 1 or 2, he/she shall cancel such registration:

1. In cases where it falls under paragraph (4): *Provided*, That in cases where there is an executive falling under paragraph (4) from among the executives of a juristic person, this shall not apply in cases where such executive is replaced by a newly appointed executive within six months;

2. In cases where it has registered by deceitful or other unjust means;
3. In cases where it has received disposition of the suspension of business not less than twice within a year;
4. In cases where it has failed to commence business within two years after registration or it has failed to attain actual results of business for more than two consecutive years;
5. In cases where it has failed to satisfy necessary conditions for registration under paragraph (1);
6. In cases where it has had another person conduct pollution control facilities business by using its name or has lent its certificate of registration to another person;
7. In cases where it has unfaithfully performed design or construction of environmental pollution control facilities by intention or gross negligence;
8. In cases where it has given out a subcontract in the lump for the contracted work; and
9. In cases where it has conducted business during the period for suspension of business after having received an order for the suspension of business.

(6) Registration fee for pollution control facilities business shall be prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 16 (Continued Construction, etc. by Pollution Control Facilities Business Operator Whose Registration Has Been Cancelled or Whose Business Has Been Suspended)

(1) A person whose registration has been cancelled or whose business has been suspended under Article 15 (5) may design or construct environmental pollution control facilities for a contract only concluded before such disposition. In such cases, the Mayor/*Do* governor may designate a supervisor of construction and have him/her manage and supervise the construction as prescribed by Ordinance of the Ministry of Environment.

(2) A person who continues to design or construct environmental pollution control facilities under paragraph (1) shall be deemed as a pollution control facilities business operator under this Act until he/she completes such design or construction.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 16-2 (Designation, etc. of Eco-Friendly Enterprises)

(1) The Minister of Environment may designate an establishment which contributes greatly to the environmental improvement through remarkable decrease of pollutants, reduction of resources and energy, improvement of eco-friendliness of products, construction of environmental management systems, etc. as eco-friendly enterprise and may re-designate it when a period of designation expires. In such cases, when designating eco-friendly enterprises, the Minister of Environment shall extend preferential treatment to an enterprise which has obtained authentication of environmental management systems under the Act on the Promotion of the Conversion into Environment-Friendly Industrial Structure.

(2) The period of designation for eco-friendly enterprises under paragraph (1) shall be three years and period of re-designation shall be five years.

(3) In cases where a person who has been designated as eco-friendly enterprise under paragraph (1) intends to modify the matters prescribed by Ordinance of the Ministry of Environment from among such matters designated, he/she shall make a report of modification.

(4) Matters necessary for the standards and procedures for designation and re-designation and the operation of eco-friendly enterprises shall be prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall consult with the Minister of Knowledge Economy and the Minister of Land, Transport and Maritime Affairs.

(5) The Minister of Environment shall take a measure falling under any of the following subparagraphs for each establishment designated as eco-friendly enterprise:

1. Report in lieu of permission under Article 23 of the Clean Air Conservation Act and Article

33 of the Water Quality and Ecosystem Conservation Act;

2. Exemption of the matters prescribed by Ordinance of the Ministry of Environment from the report and inspection under Article 82 of the Clean Air Conservation Act, Article 68 of the Water Quality and Ecosystem Conservation Act, Article 47 of the Noise and Vibration Control Act, Article 39 of the Wastes Control Act, Article 45 of the Toxic Chemicals Control Act, Article 41 of the Act on the Management and Use of Livestock Excreta and Article 69 of the Sewerage Act; and
3. Other measures for preferential treatment prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 16-3 (Cancellation of Designation of Eco-Friendly Enterprise)

If a person who has been designated as eco-friendly enterprise falls under any of the following subparagraphs, the Minister of Environment may cancel such designation: *Provided*, That such designation shall be cancelled in cases where he/she falls under subparagraph 1:

1. In cases where he/she has been designated as eco-friendly enterprise by deceitful or other unjust means;
2. In cases where he/she has failed to meet the standards for designation under Article 16-2 (4); and
3. In cases where he/she has been prescribed by Presidential Decree as unsuitable for eco-friendly enterprise due to reasons, such as violation, etc. of the Acts and subordinate statutes related to the environment.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 16-4 (Registration of Environment Consulting Firm)

(1) A firm under the Commercial Act, which intends to receive the support under Article 16-5 as a firm performing the affairs of the following subparagraphs (hereinafter referred to as an "environment consulting firm") shall register with the Minister of Environment by satisfying the necessary conditions for human resources prescribed by Presidential Decree. The same shall also apply in cases where it intends to change important matters prescribed by Presidential Decree from among the matters registered, such as name of firm or technical human resources, etc.:

1. Survey, analysis, consultation and provision of information on the environment-related controls at home and abroad (hereinafter referred to as the "survey, etc.");
2. Consultation, provision of information and vicarious execution for procedures for the environmental administration, such as registration, authorization and permission, etc. related to the environment;
3. Diagnosis and survey, etc. on the environmental controls in connection with location, construction, operation and management, etc. of establishments and various facilities;
4. Diagnosis, survey, etc. and education for prevention and optimum treatment of the environmental pollution;
5. Diagnosis, survey, etc. and education for the commencement and operation of an environmental industrial enterprise;
6. Diagnosis, survey, etc. and education for eco-friendliness of an establishment;
7. Diagnosis, survey, etc. and education for the development and practical use of environmental technologies; and
8. Other matters prescribed by Presidential Decree.

(2) A firm which has an executive falling under any of the following subparagraphs from among its executives shall not register as environment consulting firm:

1. A minor, an incompetent or a quasi-competent;
2. A person who was declared bankrupt and has not been reinstated;
3. A person in whose case three years have not passed since his/her imprisonment with labor, as

declared by a court in violation of this Act, the Clean Air Conservation Act, the Water Quality and Ecosystem Conservation Act, the Noise and Vibration Control Act or the Soil Environment Conservation Act, was completely executed (including the cases where it is deemed that the execution has been completed) or exempted; and

4. A person who was an executive of a firm at the time of the cancellation of registration of such firm in which case two years have not passed since the cancellation of registration under Article 16-6.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 16-5 (Support to Environment Consulting Firm)

The Minister of Environment may provide the support under the following subparagraphs to the registered environment consulting firms:

1. Provision of information related to the environmental consulting; and
2. Education for human resources engaged in the environmental consulting.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 16-6 (Cancellation, etc. of Registrations of Environment Consulting Firms)

The Minister of Environment may, when a registered environmental consulting firm falls under any of the following subparagraphs, cancel its registration or suspend the support under this Act: *Provided*, That in cases where it falls under subparagraph 1 or 2, the Minister of Environment shall cancel its registration:

1. In cases where it has registered by deceitful or other unjust means;
2. In cases where its executive falls under any subparagraph of Article 16-4 (2): *Provided*, That the same shall not apply in cases where such executive is replaced with a newly appointed executive within six months from the date when he/she falls under the reasons of disqualification;
3. In cases where it has failed to fulfill the necessary conditions for human resources under Article 16-4 (1);
4. In cases where it has lent its certificate of registration; and
5. In cases where it has failed to commence the affairs of each of subparagraphs of Article 16-4 (1) within one year from the date of registration or has failed to attain actual results of business not less than one year continuously.

*[This Article Wholly Amended by Act No. 8957, Mar. 28, 2008]*

Article 16-7 (Obligation of Observance of Secrecy)

A person who is or was an executive or an employee of an environment consulting firm registered under Article 16-4 (1) and a person who has participated in the affairs under the subparagraphs of the same paragraph shall not leak or secretly use a secret obtained on his/her duties.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 17 (Authentication of Environmental Mark)

(1) The Minister of Environment may grant authentication of environmental mark for the products which may cause less environmental pollution or save resources compared with other products for the same use (including apparatus, materials and services affecting the environment; hereinafter the same shall apply).

(2) A person who intends to obtain authentication under paragraph (1) shall make an application to the Minister of Environment as prescribed by Presidential Decree.

(3) Matters necessary for selection and cancellation of the products subject to authentication of environmental mark under paragraph (1) shall be prescribed by Presidential Decree, and the standards for authentication by products shall be determined and announced by the Minister of Environment.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 18 (Authentication, etc. of Environmental Grade Mark)

(1) In order to enhance the eco-friendliness of materials and products, the Minister of Environment may have a specialized institution designated by the Minister of Environment in consultation with the Minister of Knowledge Economy (hereinafter referred to as an “authenticating institution”) grant authentication of environmental grade mark indicating the information on the eco-friendliness quantitatively for the process, such as production stage, distribution stage, consumption stage and disuse stage, etc. of materials and products.

(2) Standards for designation of authenticating institutions shall be as the following subparagraphs:

1. Each authenticating institution shall provide itself with an exclusive organization in charge of performing affairs of authentication of environmental grade mark; and
2. Each authenticating institution shall have not less than two examiners under Article 21 and shall provide itself with a system controlling such examiners.

(3) The Minister of Environment may direct and supervise the affairs of an authenticating institution to attain the purpose designated under paragraph (1) within the necessary extent.

(4) A person who intends to be designated as an authenticating institution shall make an application for designation of authenticating institution to the Minister of Environment.

(5) The Minister of Environment shall, in cases where he/she has designated an applicant under paragraph (4) as an authenticating institution, issue a written designation of authenticating institution for environmental grade mark to the applicant.

(6) Each authenticating institution shall, in cases where it modifies the matters prescribed by Presidential Decree, such as its name, seat, etc., make a report of modification within 30 days from the date of such modification.

(7) Detailed matters necessary for procedures for and methods, etc. of designation of authenticating institution shall be prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 19 (Cancellation, etc. of Designation of Authenticating Institution)

If an authenticating institution falls under any of the following subparagraphs, the Minister of Environment may cancel such designation or order the suspension of all or part of its business with a fixed period within one year: *Provided*, That such designation shall be cancelled in cases where it falls under subparagraph 1 or 7:

1. In cases where it has been designated by deceitful or other unjust means;
2. In cases where it has failed to perform affairs of authentication not less than one year consecutively from the date of designation without justifiable reasons;
3. In cases where it has failed to meet the standards for designation under Article 18 (2);
4. In cases where it has failed to make a report of modification under Article 18 (6);
5. In cases where it has performed affairs of authentication in violation of the standards and procedures for authentication under Article 20 (3);
6. In cases where it has failed to cancel authentication notwithstanding the occurrence of reasons for the cancellation of authentication of environmental grade mark in violation of Article 23 (2);
7. In cases where it has failed to investigate the production process of materials and products or to collect materials and products necessary for test and analysis in violation of Article 28 (2); and
8. In cases where it has performed affairs of authentication under the suspension of business after having been ordered the suspension of business.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 20 (Application, etc. for Authentication of Environmental Grade Mark)

(1) Matters necessary for selection and cancellation of materials and products subject to authentication of environmental grade mark under Article 18 (1) shall be prescribed by Presidential Decree, and a

preparation guide for environmental grade mark shall be as determined by the Minister of Environment.

(2) A person who intends to obtain authentication of environmental grade mark shall make an application for authentication of environmental grade mark to an authenticating institution.

(3) In cases where an authenticating institution has received an application for authentication under paragraph (2), it shall examine whether the relevant environmental grade mark has been prepared in compliance with a preparation guide for environmental grade mark under paragraph (1) according to the procedures prescribed by Ordinance of the Ministry of Environment, and shall grant authentication if it has been prepared in compliance with such preparation guide.

(4) In cases where an authenticating institution has authenticated environmental grade mark under paragraph (3), it shall report to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 21 (Examiner of Authentication)

(1) A person who performs affairs of examination for authentication of environmental grade mark (hereinafter referred to as an “examiner”) or a person who intends to be an examiner shall receive the education provided by the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(2) Standards for qualifications, etc. for an examiner shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 21-2 (Regulations of Affairs)

(1) An authenticating institution, an institution or an organization entrusted with the affairs of authentication of environmental mark and the affairs related to such authentication under Article 31 (2) (hereinafter referred to as an “institution entrusted with authentication”), and an institution or an organization entrusted with the affairs of education for examiners shall establish the regulations necessary for the affairs of authentication or education and obtain the approval of the Minister of Environment for such regulations. The same shall also apply to any modifications thereof.

(2) Matters to be included in the regulations necessary for the affairs of authentication or education under paragraph (1) shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 22 (Use of Environmental Mark, etc.)

(1) A person who has obtained authentication of environmental mark or environmental grade mark (hereinafter referred to as an “environmental mark, etc.”) under Article 17 (1) or 20 (3) may put an environmental mark, etc. on packages, containers, etc. of materials and products as prescribed by Ordinance of the Ministry of Environment or advertise about authentication of environmental mark, etc.

(2) No person other than those who have obtained authentication of environmental mark, etc. under Article 17 (1) or 20 (3) shall put an environmental mark, etc. or other similar mark on packages, containers, etc. of materials and products or advertise about authentication of environmental mark, etc.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 23 (Cancellation of Authentication of Environmental Mark, etc.)

(1) In cases where a person who has obtained authentication of environmental mark under Article 17 (1) falls under any of the following subparagraphs, the Minister of Environment may cancel such authentication: *Provided*, That in cases where he/she falls under subparagraph 1, the Minister of Environment shall cancel such authentication:

1. In cases where he/she has obtained authentication by deceitful or other unjust means;
2. In cases where he/she distributes products not meeting the standards for authentication under Article 17 (3) with an environmental mark put thereon;
3. In cases where he/she fails to continuously distribute products which have obtained authentication

of environmental mark for a period prescribed by Ordinance of the Ministry of Environment without *force majeure* or other unavoidable reasons; and

4. In cases where it is prescribed by Presidential Decree that there are other reasons unsuitable for authentication of environmental mark.

(2) In cases where a person who has obtained authentication of environmental grade mark under Article 20 (3) falls under any of the following subparagraphs, an authenticating institution may cancel such authentication: *Provided*, That in cases where he/she falls under subparagraph 1, it shall cancel such authentication:

1. In cases where he/she has obtained authentication by deceitful or other unjust means;

2. In cases where he/she distributes materials or products different from the contents of authentication under Article 20 (3) with an environmental grade mark put thereon;

3. In cases where he/she fails to continuously distribute materials and products which have obtained authentication of environmental grade mark for a period prescribed by Ordinance of the Ministry of Environment without *force majeure* or other unavoidable reasons; and

4. In cases where it is prescribed by Presidential Decree that there are other reasons unsuitable for authentication of environmental grade mark.

(3) In cases where an authenticating institution cancels authentication of environmental grade mark under paragraph (2), it shall report such fact to the Minister of Environment.

(4) In cases where authentication of environmental mark under paragraph (1) or environmental grade mark under paragraph (2) is cancelled, the Minister of Environment shall publicly announce such cancellation as prescribed by Presidential Decree.

[*This Article Wholly Amended by Act No. 8957, Mar. 21, 2008*]

Article 24 (Removal of Environmental Mark, etc.)

In cases where materials and products authentication of which has been cancelled under Article 23 are distributed, the Minister of Environment shall order a person subject to the disposition of cancellation of authentication to remove environmental mark, etc. therefrom.

[*This Article Wholly Amended by Act No. 8957, Mar. 21, 2008*]

Article 24-2 (Mutual Recognition of Environmental Mark between States)

(1) The Government may conclude an agreement with a foreign government with respect to the mutual recognition of environmental mark, etc.

(2) The Minister of Environment shall, if an agreement has been concluded with a foreign government under paragraph (1), announce the contents of such agreement.

[*This Article Wholly Amended by Act No. 8957, Mar. 21, 2008*]

Article 25 (Fees, etc.)

(1) The Minister of Environment, authenticating institutions and institutions entrusted with the affairs of authentication may collect fees for application from the persons who have applied for authentication of environmental mark, etc. under Article 17 (2) or 20 (2), and royalties from the persons who use environmental mark, etc. under Article 22. In such cases, fees for application and royalties collected by an authenticating institution or an institution entrusted with the affairs of authentication shall be revenues for such authenticating institution or institution entrusted with the affairs of authentication.

(2) An authenticating institution or an institution entrusted with the affairs of authentication collecting fees for application and royalties under paragraph (1) may use such revenues only for operating expenses and publicity expenses for authentication of environmental mark, etc. and other expenses as prescribed by Presidential Decree.

(3) Matters necessary for the standards for collection, etc. of fees for application and royalties under paragraph (1) shall be prescribed by Presidential Decree.

[*This Article Wholly Amended by Act No. 8957, Mar. 21, 2008*]



Article 26 (Support for Development, etc. of Standards for Authentication of Environmental Mark)

In cases where an authenticating institution or an institution entrusted with the affairs of authentication promotes projects under the following subparagraphs, the Government may contribute funds necessary therefor or provide other necessary support:

1. Development of the standards for authentication under Article 17 or 18;
2. Development of techniques for analysis of eco-friendliness in the process of production stage, distribution stage, consumption stage and disuse stage, etc. of materials and products;
3. Construction and operation of information networks for promotion of production and use of eco-friendly materials and products;
4. Diffusion of the development and spread of product design and production techniques by taking the environment into consideration; and
5. Enhancement of professionalism in the affairs of authentication of environmental mark, etc.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 27 (Fosterage of Environmental Technical Human Resources)

(1) In order to train human resources necessary for the advancement of environmental technologies, the Government shall make plans for the fosterage of environmental technical human resources every five years and shall take measures for strengthening the education for environmental technical human resources, and securing and management, etc. of environmental technical human resources.

(2) Technical human resources engaged in pollution control facilities business shall receive specialized environmental education.

(3) A person who employs a person subject to the education under paragraph (2) shall have the latter receive specialized environmental education.

(4) A person who provides the education under paragraph (2) may collect educational expenses from the persons who employ persons subject to the education or the persons subject to the education (limited to the cases where pollution control facilities business operators are the persons subject to the education) under the conditions prescribed by Ordinance of the Ministry of Environment.

(5) Institutions providing education and the contents of education, etc. under paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 28 (*Ex Post Facto* Administration)

(1) The head of the relevant central administrative agency may have a person who falls under any of the following subparagraphs report on the present status of the conduct of relevant business and have relevant public officials investigate necessary matters or inquire relevant persons to ascertain the use of the government-contributed funds:

1. Research institutions, etc. performing development projects under Article 5; and
2. Persons receiving expenses under Articles 6 (3) and 7 (4).

(2) The Minister of Environment or the Mayor/*Do* governor may, if prescribed by Ordinance of the Ministry of Environment, have a person who falls under any of the following subparagraphs submit necessary data or have relevant public officials have access to office, place of business or other necessary place to inspect relevant documents, facilities, equipment, etc., and may have an authenticating institution or an institution entrusted with the affairs of authentication investigate the manufacturing process of materials and products or collect materials and products necessary for test and analysis for a person falling under subparagraph 3:

1. Environmental technology development centers under Article 10;
2. Pollution control facilities business operators; and
3. Persons who put an environmental mark, etc. or advertise about authentication of environmental mark, etc. under Article 22 (1).

(3) Public officials and relevant personnel of authenticating institutions or institutions entrusted with the affairs of authentication who investigate and inquire under paragraph (1) or have access to, inspect, investigate or collect under paragraph (2) shall carry a certificate showing their authority and produce such certificate to relevant persons.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 29 (Standards for Administrative Measures)

The standards for administrative measures under Articles 15 (5), 16-6 and 19 shall be prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 30 (Hearing)

The Minister of Environment or the Mayor/*Do* governor shall hold a hearing in advance if he/she intends to take measures falling under any of the following subparagraphs:

1. Cancellation of authentication of new technologies or verification of technologies under Article 7-4;
2. Cancellation of designation of environmental technology development center under Article 10;
3. Cancellation of registration of pollution control facilities business under Article 15 (5);
4. Cancellation of designation of eco-friendly enterprise under Article 16-3;
5. Cancellation of designation of environment consulting firm under Article 16-6;
6. Cancellation of designation of authenticating institution under Article 19; and
7. Cancellation of authentication of environmental mark, etc. under Article 23.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 31 (Delegation and Entrustment of Authority)

(1) Part of the authority of the Minister of Environment under this Act may be delegated to the president of the National Institute of Environmental Research, the head of an environmental local government office, or the Mayor/*Do* governor as prescribed by Presidential Decree.

(2) The Minister of Environment may entrust the institutions concerned, etc. with the affairs according to the classification of the following subparagraphs as prescribed by Presidential Decree:

1. Affairs of authentication of new technologies or verification of technologies under Article 7: Specialized institutions prescribed by Presidential as environment-related institutions;
2. Affairs of supporting environmental technologies (including affairs of subsidizing expenses) under Article 12: The Environmental Management Corporation under the Environmental Management Corporation Act;
3. Affairs of diagnosis of technologies (including affairs of subsidizing expenses) under Article 13: The Environmental Management Corporation under the Environmental Management Corporation Act and the Korea Environment and Resources Corporation under the Korea Environment and Resources Corporation Act;
4. Affairs concerning authentication of environmental mark or environmental grade mark under Article 17 or 20: Environment-related institutions or organizations, or institutions or organizations prescribed by Presidential Decree from among the institutions or organizations designated by the head of the relevant central administrative agency; and
5. Affairs concerning education under Article 21: Environment-related institutions or organizations, or institutions or organizations prescribed by Presidential Decree from among the institutions or organizations designated by the head of the relevant central administrative agency.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 32 (Legal Fiction as Public Official in Application of Penal Provisions)

An executive or an employee of an institution or an organization falling under any of the following subparagraphs shall be deemed as a public official when applying the penal provisions under the provisions of Articles 129 through 132 of the Criminal Act to the authority entrusted:

1. Specialized institutions appraising environmental technologies under Article 7 (2);
2. Authenticating institutions under Article 18;
3. The Environmental Management Corporation entrusted with the authority of the Minister of Environment under Article 31 (2);
4. Environment-related institutions and organizations entrusted with the authority of the Minister of Environment under Article 31 (2); and
5. Institutions or organizations designated by the head of the relevant central administrative agency entrusted with the authority of the Minister of Environment under Article 31 (2).

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 33 (Reward)

In order to promote the development and spread of environmental technologies and foster the environmental industry, the Government may award a person falling under any of the following subparagraphs a prize:

1. A person who has developed excellent products or has put them to practical use in the field of environmental technologies;
2. A person who has manufactured eco-friendly products in the process of introduction of product design techniques taking the environment into consideration, putting them to practical use and manufacturing stage, distribution stage, consumption stage and disuse stage, etc.; and
3. A person who has contributed to the enhancement of efficiency and economical efficiency in the installation and operation of environmental facilities.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 34 (Penal Provisions)

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

1. A person who has put a mark of new technology or a similar mark, or has advertised about new technology without having obtained authentication of new technology in violation of Article 7-2 (2);
2. A person who has leaked or secretly used a secret obtained on his/her duties in violation of Article 16-7;
3. A person who has put an environmental mark, etc. or a similar mark, or advertised about authentication of environmental mark, etc. without having obtained authentication of environmental mark, etc. in violation of Article 22; and
4. A person who has violated an order for removal of environmental mark, etc. under Article 24.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 35 (Penal Provisions)

A person who has conducted pollution control facilities business without registration or registration of modification in violation of Article 15 (1) and (2) or a person who has conducted pollution control facilities business during the period for suspension of business shall be punished by imprisonment for not more than one year or a fine not exceeding five million won.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 36 (Joint Penal Provisions)

- (1) If the representative, an agent, an employee or any other employed person of a juristic person commits an act in violation of Article 34 or 35 with respect to the affairs of the juristic person, not only shall such an actor be punished, but also the juristic person shall be punished by a fine under the same Article: *Provided*, That this shall not apply when the juristic person has not neglected to pay reasonable attention to and supervise the affairs concerned to prevent such an act of violation.
- (2) If the representative, an employee or any other employed person of an individual commits an act

in violation of Article 34 or 35 with respect to the affairs of the individual, not only shall such an actor be punished, but also the individual shall be punished by a fine under the same Article: *Provided*, That this shall not apply when the individual has not neglected to pay reasonable attention to and supervise the affairs concerned to prevent such an act of violation.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

Article 37 (Fines for Negligence)

(1) A person who falls under any of the following subparagraphs shall be punished by fines for negligence of not exceeding one million won:

1. A person who has failed to receive education in violation of Article 27 (2) or a person who has failed to have him/her receive education in violation of paragraph (3) of the same Article; and
2. A person who has refused, hindered or evaded presentation of data, access, inspection or investigation, collection under Article 28 (2).

(2) A fine for negligence under paragraph (1) shall be imposed and collected by the Minister of Environment or the Mayor/*Do* governor as prescribed by Presidential Decree.

(3) A person who is dissatisfied with the disposition of a fine for negligence under paragraph (2) may raise an objection to the Minister of Environment or the Mayor/*Do* governor within thirty days from the date when he/she has been notified of such disposition.

(4) If a person who is subject to the disposition of a fine for negligence under paragraph (2) raises an objection under paragraph (3), the Minister of Environment or the Mayor/*Do* governor shall, without delay, notify the competent court of such fact, and the competent court notified shall proceed to a trial on a fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.

(5) If no objection is raised within the period under paragraph (3) and a fine for negligence is not paid, it shall be collected by referring to the practices of disposition on default of national taxes or local taxes.

*[This Article Wholly Amended by Act No. 8957, Mar. 21, 2008]*

## ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the amended provisions of Articles 21 through 24 shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures for Environmental Technologies Development Projects)

Environmental technologies development projects that are implemented under the former provisions at the time when this Act enters into force shall be considered to be the environmental technologies development projects that are implemented under the amended provisions of Article 5.

Article 3 (Transitional Measures for Official Approval for Calibration Supplies)

A person who receives official approval for or calibration of calibration supplies under the former provisions at the time when this Act enters into force shall be considered to have received the official approval referred to in the amended provisions of Article 14 (4).

Article 4 (Transitional Measures for Inspection Agents)

An inspection agent who is designated as a person to whom the operations related with precision inspection of environmental measurement equipment or official approval for or calibration of calibration supplies are delegated under the former provisions at the time when this Act enters into force shall be considered to be an inspection agent who is designated under the amended provisions of Article 15.

Article 5 (Transitional Measures for Preventive Facilities Business Operator)

A person who registers his preventive facilities business under the former provisions of Article 44

of the Clean Air Conservation Act, Article 43 of the Noise and Vibration Control Act, or Article 39 of the Water Quality Conservation Act at the time when this Act enters into force shall be considered to be a person who registers his preventive facilities business under the amended provisions of Article 18.

Article 6 (Transitional Measures for Order of Revocation of Registration, etc.)

Orders, such as revocation of registration, that are implemented against preventive facilities business operators under the former provisions of Article 46 of the Clean Air Conservation Act, Article 45 of the Noise and Vibration Control Act, or Article 41 of the Water Quality Conservation Act before the time when this Act enters into force shall be considered to be orders that are implemented under the amended provisions of Article 18 (5).

Article 7 (Transitional Measures for Training of Environmental Technologies Manpower)

A person who receives the training referred to in the former provisions of Article 48 of the Clean Air Conservation Act, Article 50 of the Noise and Vibration Control Act, or Article 48 of the Water Quality Conservation Act at the time when this Act enters into force shall be considered to receive the specialized environmental training referred to in the amended provisions of Article 31 (2).

Article 8 (Transitional Measures for Penal Provisions, etc.)

(1) Application of penal provisions to offenses that are committed before the time when this Act enters into force in connection with preventive facilities businesses shall be governed by the former provisions of the Clean Air Conservation Act, Noise and Vibration Control Act, or Water Quality Conservation Act.

(2) Application of fine for negligence to offenses that are committed before the time when this Act enters into force in connection with specialized environmental training referred to in the amended provisions of Article 31 (2) shall be governed by the former provisions of the Clean Air Conservation Act, Noise and Vibration Control Act, or Water Quality Conservation Act.

Article 9 Omitted.

Article 10 (Relation to Other Acts and Subordinate Statutes)

(1) In cases where the provisions concerning the preventive facilities business referred to in Article 44 of the Clean Air Conservation Act, Article 43 of the Noise and Vibration Control Act, and Article 39 of the Water Quality Conservation Act are cited in other Acts and subordinate statutes at the time when this Act enters into force, each corresponding provision of this Act shall be considered to have been cited respectively.

(2) In cases where the provisions of the Development of and Support for Environmental Technology Act are cited in other Acts and subordinate statutes at the time when this Act enters into force, if there are corresponding provisions in this Act, the corresponding provisions of this Act shall be considered to have been cited in lieu of the former provisions.

ADDENDA <Act No. 6353, Jan. 16, 2001>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 6590, Dec. 31, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on March 1, 2002. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Act No. 6913, May 29, 2003>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures for Environment-Friendly Enterprises)

The places of business designated as the environment-friendly enterprises under the former provisions of Article 10-3 of the Clean Air Conservation Act, Article 10-2 of the Water Quality Conservation Act, and Article 20 of the Noise and Vibration Control Act, at the time of enforcement of this Act, shall be deemed to have been designated as the environment-friendly enterprises under the amendments to Article 19-2.

Article 3 Omitted.

ADDENDA <Act No. 7170, Feb. 9, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 7219, Sep. 23, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 7292, Dec. 31, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 7294, Dec. 31, 2004>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures for Korea Institute of Environmental Science and Technology)

(1) The Foundation Korea Institute of Environmental Science and Technology at the time of enforcement of this Act may apply to the Minister of Environment for relevant approval by undergoing a resolution of its board of directors so that the Environmental Institute may succeed to all its rights and obligations.

(2) The Foundation Korea Institute of Environmental Science and Technology shall, when it has obtained approval of the Minister of Environment by filing an application under paragraph (1), be considered to have been dissolved simultaneously with the establishment of the Environmental Institute, notwithstanding the provisions concerning dissolution and liquidation of a foundation under the Civil Act.

(3) The Environmental Institute shall succeed to all of the properties, rights and obligations of the Foundation Korea Institute of Environmental Science and Technology for which the approval of the Minister of Environment has been obtained by the application under paragraph (1).

Article 3 (Transitional Measures for Registration of Measurement Agency Business Operators and Preventive Facilities Business Operators)

Measurement agency business operators and preventive facilities business operators who registered with the Minister of Environment under the former provisions at the time this Act enters into force shall be considered to have registered with the Mayor/Do governor under the amended provisions of Articles 17 and 18.

ADDENDA <Act No. 7296, Dec. 31, 2004>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

## ADDENDA &lt;Act No. 7428, Mar. 31, 2005&gt;

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

## ADDENDA &lt;Act No. 7459, Mar. 31, 2005&gt;

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

## ADDENDA &lt;Act No. 7820, Dec. 30, 2005&gt;

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

(2) (Transitional Measures for Application Period of Plan for Training Environmental Technical Manpower)

The first application period of the plan for training the environmental technical manpower, which is developed pursuant to the amended provisions of Article 31 (1) after the enforcement of this Act, shall be the period ranging from January 1, 2008 to December 31, 2012.

## ADDENDA &lt;Act No. 8038, Oct. 4, 2006&gt;

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

## ADDENDUM &lt;Act No. 8216, Jan. 3, 2007&gt;

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the amended provisions of Article 5-2 (6) shall enter into force on the date of its promulgation.

## ADDENDA &lt;Act No. 8369, Apr. 11, 2007&gt;

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

## ADDENDA &lt;Act No. 8371, Apr. 11, 2007&gt;

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

## ADDENDA &lt;Act No. 8404, Apr. 27, 2007&gt;

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

## ADDENDA &lt;Act No. 8466, May 17, 2007&gt;

Article 1 (Enforcement Date)

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

Articles 2 through 5 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. 8957, Mar. 21, 2008>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

Article 3 (Relations with other Acts and Subordinate Statutes)

In cases where the former Development of and Support for Environmental Technology Act or the provisions thereof have been cited by other Acts and subordinate statutes at the time when this Act enters into force, if there are the provisions in this Act equivalent to such provisions, it shall be deemed that this Act or the equivalent provisions of this Act have been cited in lieu of the former provisions.