

ENVIRONMENTAL TECHNOLOGY AND INDUSTRY SUPPORT ACT

Act No. 10615, Apr. 28, 2011
Amended by Act No. 10893, Jul. 21, 2011
Act No. 11266, Feb. 1, 2012
Act No. 11690, Mar. 23, 2013
Act No. 11713, Mar. 23, 2013
Act No. 11862, jun. 4, 2013
Act No. 11917, Jul. 16, 2013
Act No. 12523, Mar. 24, 2014
Act No. 13174, Feb. 3, 2015
Act No. 13534, Dec. 1, 2015
Act No. 13601, Dec. 22, 2015
Act No. 13747, Jan. 6, 2016
Act No. 13781, Jan. 19, 2016

Article 1 (Purpose)

The purpose of this Act is to promote the development, support, and dissemination of environmental technologies and foster the environmental industry, thereby contributing to environmental conservation, the promotion of green growth and the sustainable development of the national economy. *<Amended by Act No. 9931, Jan. 13, 2010>*

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: *<Amended by Act No. 10615, Apr. 28, 2011; Act No. 12523, Mar. 24, 2014>*

1. The term "environmental technologies" means each of the following technologies for improving the self-purification capacity of the environment and controlling or removing factors causing environmental damage to humans and nature, which are necessary for environmental conservation and control, such as prior prevention or reduction of environmental pollution or restoration of the polluted or damaged environment, etc.:

(a) Technologies for reduction and treatment of the following substances, etc. (hereinafter referred to as "environmental pollutants") and technologies for prevention of noise and vibration:

- (b) Technologies for prior prevention and reduction of environmental pollution, technologies for development of products controlling causes for pollution, and technologies for recycling and recovery;
- (c) Technologies for conservation, restoration, and improvement of the natural environment, technologies for assessment of environmental harm and its control, and technologies for evaluation of environmental effects;
- (d) Technologies for measurement and analysis of environmental pollutants, noise, vibration or environmental conditions;
- (e) Technologies for water purification and prevention of pollution of water supply;
- (f) Technologies applying or utilizing the technologies under items (a) through (e) (hereinafter referred to as "commercialization");

2. The term "environmental facilities" means facilities, machinery, apparatus and other objects for prior prevention or reduction of harm or damage caused to the natural environment and living environment by environmental pollutants, etc., or appropriate disposal of environmental pollutants, or recycling of wastes, as prescribed by Ordinance of the Ministry of Environment;

3. The term "environmental industry" means industry designing, manufacturing or installing environmental facilities or measuring apparatus under Article 9 of the Environmental Examination and Inspection Act or providing services concerning environmental technologies for environmental conservation and control, which falls under any of the following categories:

- (a) Industry providing facilities, materials or services necessary for activities for conservation of the environment, such as measuring, preventing, minimizing, restoring, etc. from environmental damage, etc. relating to air, water quality, noise and vibration, ecosystem, etc.;
- (b) Other industries providing facilities, materials or services necessary for the conservation and management of environment, which are prescribed by Presidential Decree;

4. The term "specialized environmental construction" means design and construction works of following facilities:

- (a) Air pollution preventive facilities under subparagraph 12 of Article 2 of the Clean Air Conservation Act;
- (b) Noise and vibration preventive facilities under subparagraph 4 of Article 2 of the Noise and Vibration Control Act;
- (c) Water pollution prevention facilities under subparagraph 12 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act.

5. The term "environmental impact of products" means the degree of impacts that materials and products have on the environment as measured by the degree of the emissions of pollutants or greenhouse gases and the degree of the use of resources and energy during the overall process of their manufacturing, consumption and disposal;

6. The term "label" means characters, numbers, or figures placed on the containers or packages of products;
7. The term "advertising" means the act of indicating or publicizing information on products through the radio, television, newspapers, magazines, voices, sounds, visual images, Internet, printed materials, signs or other means.

Article 3 (Formulation of Plans for Promotion of Environmental Technologies and Environmental Industry)

(1) The Minister of Environment shall compile plans for development of environmental technologies of the related central administrative agencies and formulate a plan for the development of environmental technologies and promotion of environmental industry (hereinafter referred to as "promotion plan") every five years following the deliberation thereon by the National Science and Technology Council under Article 9 of the Framework Act on Science and Technology (hereafter in this Article referred to as the "National Science and Technology Council"). *<Amended by Act No. 10615, Apr. 28, 2011; Act No. 11713, Mar. 23, 2013>*

(2) A promotion plan shall include the following: *<Amended by Act No. 10615, Apr. 28, 2011; Act No. 10893, Jul. 21, 2011>*

1. Present status and long-term prospects of the level of environmental control based on the long-term comprehensive plan for environmental conservation at the national level under Article 14 of the Framework Act on Environmental Policy;
2. Domestic and overseas trend of and development outlook for environmental technologies and environmental industry;
3. Matters concerning the objectives of the promotion of environmental technologies and environmental industry, basic direction for policies, and promotion policies by sector;
4. Annual investment and promotion plans for environmental technologies and environmental industry;
5. International cooperation on environmental technologies and environmental industry, and advancement into the foreign market;
6. Support for research of environmental technologies and environmental industry for schools, academic organizations, research institutions, etc.;
7. Promotion of the dissemination and commercialization of environmental technologies;
8. Other matters necessary for the promotion of environmental technologies and environmental industry;
9. Deleted. *<by Act No. 10615, Apr. 28, 2011>*

(3) In order to formulate promotion plans, the Minister of Environment may request the heads of related central administrative agencies to submit necessary data, as prescribed by Presidential Decree. *<Amended by Act No. 10615, Apr. 28, 2011>*

(4) Promotion plans shall be formulated in a way to promote joint research by industry, academia and institutes as well as international collaboration in environmental technologies and environmental industry.

<Amended by Act No. 10615, Apr. 28, 2011>

(5) After receiving the results of implementation of promotion plans in the fields under each jurisdiction of the heads of related central administrative agencies, the Minister of Environment shall compile and report them to the National Science and Technology Council. *<Amended by Act No. 10615, Apr. 28, 2011; Act No. 11713, Mar. 23, 2013>*

(6) Where the Minister of Environment intends to establish a promotion plan, he/she may hold a public hearing, etc. in advance and hear the opinions of the stakeholders, experts, etc. *<Newly Inserted by Act No. 10615, Apr. 28, 2011>*

(7) When the Minister of Environment establishes or changes a promotion plan, he/she may make a public notification of its contents through its website, etc. *<Newly Inserted by Act No. 10615, Apr. 28, 2011>*

Article 4 Deleted. *<by Act No. 9335, Jan. 7, 2009>*

Article 5 (Promotion of Environmental Technology Development Projects)

(1) In order to ensure environmental conservation and the sustainable development of the national economy, the Government may authorize any of the following institutions, organizations, or business operators (hereafter in this Article referred to as "research institutions, etc.") to carry out environmental technology development projects (hereinafter referred to as "development projects"), as prescribed by Presidential Decree: *<Amended by Act No. 10615, Apr. 28, 2011>*

1. National research institutions and public research institutions;
 2. Research institutions governed by the Specific Research Institutes Support Act;
 3. Government-funded research institutions established under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions.Etc or government-funded research institutions of science and technology established under the Act on the Establishment, Operation and Fostering of Government-Funded Science and technology Research Institutions.Etc;
 4. Schools under Article 2 of the Higher Education Act;
 5. Adjunct laboratories to enterprises meeting the standards prescribed by Presidential Decree;
 6. Industrial technology research cooperatives under the Industrial Technology Research Cooperatives Support Act;
 7. Green environment support centers under Article 10;
 8. Business operators working for the environmental industry (hereinafter referred to as "environmental industrial enterprises");
 9. Foreign research institutions meeting the standards prescribed by Presidential Decree: Provided, That they shall be limited to those conducting joint research and development projects with domestic institutions, organizations or business operators;
 10. Other institutions, organizations or business operators prescribed by Presidential Decree.
- (2) Any expense to be incurred in relation to development projects shall be covered 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. carrying out development projects under paragraph (1) for the promotion of development projects.

(4) The head of a research institution, etc. carrying out a development project with the contributions under paragraph (3) may collect royalties by concluding a technology license agreement with a person who intends to use, transfer, lend or export the findings of research and development after completion of the development project.

(5) Royalties collected under paragraph (4) shall be used for the purposes prescribed by Presidential Decree, such as development projects, etc., and the amount of money equivalent to a certain ratio shall be paid to the Korea Environmental Industry and Technology Institute under Article 5-3, as prescribed by Presidential Decree. *<Amended by Act No. 9335, Jan. 7, 2009; Act No. 11917, Jul. 16, 2013>*

(6) Necessary matters concerning the disbursement, use and management of the contributions under paragraph (3), and the collection and use, etc. of royalties under paragraphs (4) and (5) shall be prescribed by Presidential Decree.

Article 5-2 (Restriction, etc. on Participation in National Research and Development Projects, etc.)

(1) Where institutions, organizations, business operators, or their executives or employees that participate in any development project pursuant to Article 5 fall under any of the subparagraphs of Article 11-2 (1) of the Framework Act on Science and Technology, the Minister of Environment may restrict their participation in development projects, and national research and development projects provided in Article 11 of the Framework Act on Science and Technology and ordered by the Minister of Environment (hereafter in this Article referred to as “national research and development projects”), for up to five years, and may recover all or part of the project costs already contributed by the Minister of Environment.

(2) Where the Minister of Environment has restricted the participation in development projects or national research and development projects pursuant to paragraph (1), he/she shall notify the heads of other related central administrative agencies of such fact.

(3) Upon being notified of the restriction on participation pursuant to paragraph (2), the heads of related central administrative agencies may restrict the participation of those who are subject to such restriction in national research and development projects under their control for up to five years.

(4) Where the Minister of Environment and the heads of related central administrative agencies have decided to restrict participation pursuant to paragraphs (1) through (3), they shall without delay notify a person subject to such restriction of their decision.

(5) A person who has become subject to the restriction on participation under paragraph (1) or (3) may file an objection to a person who has placed such restriction.

(6) Necessary matters concerning the period of participation restriction, standards and procedures for evaluating the outcome of development projects, recovery of project costs, procedures for filing an objection, etc. under paragraphs (1) through (5) shall be prescribed by Presidential Decree.

Article 5-3 (Korea Environmental Industry and Technology Institute)

(1) In order to effectively support the development of environmental technologies and purchase of green products under subparagraph 5 of Article 2 of the Framework Act on Low Carbon, Green Growth (hereinafter referred to as "green products") and foster the environmental industry, there shall be established a Korea Environmental Industry and Technology Institute. *<Amended by Act No. 9335, Jan. 7, 2009; Act No. 9931, Jan. 13, 2010>*

(2) The Korea Environmental Industry and Technology Institute shall be incorporated as a corporation. *<Amended by Act No. 9335, Jan. 7, 2009>*

(3) The Korea Environmental Industry and Technology Institute shall be established by registration of its incorporation at the seat of its main office. *<Amended by Act No. 9335, Jan. 7, 2009>*

(4) The Korea Environmental Industry and Technology Institute shall carry out the following business affairs: *<Amended by Act No. 9335, Jan. 7, 2009; Act No. 9931, Jan. 13, 2010; Act No. 10550, Apr. 5, 2011; Act No. 11917, Jul. 16, 2013; Act No. 13781, Jan. 19, 2016>*

1. Planning, evaluation and management of development projects;
2. Diffusion of environmental technologies developed and promotion of their commercialization;
3. Support for the research of environmental technologies and green management;
4. Support for start-ups and the management of the environmental industry;
5. Support for the overseas expansion of the environmental industry;
6. Projects for the creation of a foundation for the environmental industry, such as the establishment of support facilities for activating the environmental industry;
7. Training and education of human resources specializing in the environmental industry and technology and green management;
8. Development of the criteria for determination on green products;
9. Support for the promotion of production, sales and distribution of green products;
10. Collection, utilization, education and publicity of information related to the environmental industry and technology, green management, and green products;
11. Projects commissioned by public institutions under subparagraph 2 of Article 2 of the Act on the Promotion of Purchase of Green Products in connection with the development and utilization of environmental technologies, fostering of the environmental industry, green management, and the promotion of purchase of green products;
12. Test and examination of environmental impact, and products related thereto;
- 12-2. Support necessary to prevent unfair labeling or advertising provided in each subparagraph of Article 16-10 (1);
13. Other projects prescribed by Presidential Decree for achieving the purposes of establishment of the Korea Environmental Industry and Technology Institute.

(5) The Government may contribute expenses necessary for the establishment and operation of the Korea Environmental Industry and Technology Institute within the budgetary limits. *<Amended by Act No. 9335, Jan. 7, 2009>*

(6) Notwithstanding the State Property Act, the Government may lease, or allow another person to make use of and benefit from, any state property without consideration where it is necessary for the establishment and operation of the Korea Environmental Industry and Technology Institute. <Amended by Act No. 9335, Jan. 7, 2009>

(7) Except as provided in this Act, the provisions concerning incorporated foundations of the Civil Act shall apply mutatis mutandis to the Korea Environmental Industry and Technology Institute. <Amended by Act No. 9335, Jan. 7, 2009>

Article 6 (Commercialization of Environmental Technologies)

(1) The Government shall establish necessary policies for fostering the following business operators, etc.:
Provided, That it shall establish policies for supporting persons under subparagraph 4:

1. A business operator who develops or commercializes environmental technologies;
2. A person who specializes in investment for the development of environmental technologies;
3. A person who has obtained certification of eco-label under Article 17;
4. A person who has obtained environmental declaration of products under Article 18;
5. A business operator who develops overseas markets of the environmental industry;
6. Environmental industrial enterprises.

(2) The Government may carry out the following projects for promoting the commercialization of environmental technologies that have already been developed:

1. Development of specialized institutions supporting the practical use of environmental technologies;
2. Projects for commercializing patented technologies;
3. Provision of human resources, facilities, information, etc. necessary for the commercialization of environmental technologies and technical guidance;
4. Projects for supporting the establishment of local offices in foreign countries for developing overseas markets of the environmental industry;
5. Other projects for promoting the commercialization of environmental technologies, as prescribed by Presidential Decree.

(3) A person who operates any of the following financial resources (hereinafter referred to as "operator of financial resources") may render necessary financial support out of such financial resources to persons falling under paragraph (1): <Amended by Act No. 9685, May 21, 2009; Act No. 10893, Jul. 21, 2011>

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

Article 7 (New Technology Certifications and Technology Verifications)

(1) When an application for the new technology certification of any of the following technologies is filed, the Minister of Environment may award a new technology certification if such technology has been

certified as having novelty and excellence compared with the existing technology (hereinafter referred to as "new technology"):

1. Technologies regarding the method of construction in the environmental field which have initially been developed in the country and technologies related thereto;
2. New technologies in the method of construction in the environmental field following the improvement of introduced technologies and technologies related thereto.

(2) When an application for the new technology certification of any of the following technologies is filed with the Minister of Environment, a technology verification may be conducted if performance of such technology has been verified through evaluations in the field, etc. (hereinafter referred to as "verified technology");

1. New technology awarded a new technology certification pursuant to paragraph (1);
2. A technology for which an application for a technology verification is filed for the judgement on success or failure of the technology which is applied in the environmental facilities installed in the agencies referred to in each subparagraph of Article 7-2 (3).

(3) In the case of the environmental technologies prescribed by Presidential Decree, including the sewage water, wastewater treatment technology, and water purification technology, among the technologies which require both new technology certification and technology verification as provided in paragraphs (1) and (2), both the new technology certification and technology verification shall be obtained. In such cases, the applications for new technology certification and technology verification shall be filed at the same time, as prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 11917, Jul. 16, 2013>*

(4) The Minister of Environment shall issue a certificate of new technology when he/she has awarded a new technology certification pursuant to paragraph (1), a certificate of technology verification when he/she has conducted a technology verification pursuant to paragraph (2), and a certificate of new technology as well as a certificate of technology verification when he/she has both awarded a new technology certification and conducted a technology verification pursuant to paragraph (3). *<Amended by Act No. 11917, Jul. 16, 2013>*

(5) The Minister of Environment may have a person who applies for a new technology certification or technology verification pursuant to paragraphs (1) through (3) bear expenses incurred in evaluating such technology, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 11917, Jul. 16, 2013>*

(6) In order to promote new technology certifications and technology verifications and support the dissemination of new technologies, the operator of financial resources may fully or partially subsidize the expenses to be incurred by any of the following persons in relation to new technology certifications, technology verifications, model projects, and the commercialization of environmental technologies from the financial resources mentioned in each subparagraph of Article 6 (3), on a preferential basis: *<Amended by Act No. 11917, Jul. 16, 2013>*

1. A small and medium enterprise which obtains a new technology certification or technology verification and meets the standards prescribed by Presidential Decree;
2. A person who executes a model project regarding an environmental technology which has obtained a new technology certification or technology verification;
3. A person who commercializes an environmental technology which has been awarded a new technology certification or technology verification and which is recognized by the Minister of Environment as necessary to be disseminated for public interests.

(7) Necessary matters concerning the application procedures, evaluation standards and evaluation methods of new technology certifications or technology verifications, and other matters necessary for new technology certifications or technology verifications, etc. shall be prescribed by Presidential Decree.

<Amended by Act No. 11917, Jul. 16, 2013>

Article 7-2 (Method of Indicating New Technology Certifications or Technology Verifications, Preferential Use Thereof, etc.)

(1) A person who has obtained a new technology certification or technology verification pursuant to Article 7 may place indications of the new technology certification or technology verification on facilities, products, etc. installed by making use of a relevant technology, or make use of it for advertisement, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 11917, Jul. 16, 2013>*

(2) No person other than a person who has obtained a new technology certification or technology verification shall place any indication of a new technology certification or technology verification, similar mark, or advertise thereon. *<Amended by Act No. 11917, Jul. 16, 2013>*

(3) The Minister of Environment may take proper measures, such as preferential grant of subsidies relating to Article 75 of the Water Supply and Waterworks Installation Act, Article 56 of the Waste Control Act and Article 63 of the Sewerage Act so that the following institutions or business operators who have installed and operated environmental facilities may preferentially use new technologies or verified technologies: *<Amended by Act No. 10615, Apr. 28, 2011; Act No. 11917, Jul. 16, 2013>*

1. State agencies or local governments;
2. Public institutions under Article 5 of the Act on the Management of Public Institutions;
3. State or local government-invested institutions.

(4) When institutions or business operators referred to in each subparagraph of paragraph (3) have utilized new technologies or verified technologies, they shall submit the result of application annually to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 10615, Apr. 28, 2011; Act No. 11917, Jul. 16, 2013>*

(5) The Minister of Environment may conduct a follow-up evaluation on the performance and economical efficiency of new technologies or verified technologies as prescribed by Ordinance of the Ministry of Environment based on the results of the application of new technologies or verified technologies submitted pursuant to paragraph (4). *<Newly Inserted by Act No. 11917, Jul. 16, 2013>*

(6) The Minister of Environment shall publicly announce the results of the follow-up evaluation provided in paragraph (5) as prescribed by Ordinance of the Ministry of Environment, and make a notification thereof to the institutions or business operators referred to in each subparagraph of paragraph (3). *<Newly Inserted by Act No. 11917, Jul. 16, 2013>*

Article 7-3 (Effective Term of New Technology Certifications and Technology Verifications)

(1) The effective term of a new technology certification or a technology verification shall be five years from the date on which the certification of the new technology or the verification of the technology is received. *<Amended by Act No. 10615, Apr. 28, 2011; Act No. 11917, Jul. 16, 2013>*

(2) The effective term under paragraph (1) may be extended only once, which shall not exceed five years in case of a new technology certification or seven years in case of a technology verification. *<Amended by Act No. 10615, Apr. 28, 2011>*

(3) Matters necessary for the filling of an application, etc. for the extension of a new technology certification shall be prescribed by Presidential Decree.

Article 7-4 (Cancellation of New Technology Certifications or Technology Verifications)

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

1. Where such new technology certification or technology verification has been obtained by fraudulent or other illegal means;
2. Where the Minister of Environment recognizes that it is not proper to disseminate the relevant technology due to significant defects found in such new technology or verified technology.

(2) Necessary matters concerning the procedures for cancellation, etc. under paragraph (1) shall be prescribed by Presidential Decree.

Article 7-5 (Designation of and Support for Superior Environmental Industrial Enterprises)

(1) In order to support and promote environmental industry, the Minister of Environment may designate environmental industrial enterprises which are superior in business result, technical skills, etc. as a superior environmental industrial enterprise in accordance with the criteria prescribed by Presidential Decree.

(2) The Minister of Finance may provide preferential support for the penetration of overseas market and financial support under Article 13-3 to the superior environmental industrial enterprises which are designated under paragraph (1).

(3) Effective period for designation of superior environmental industrial enterprises pursuant to paragraph (1) shall be five years from the date of such designation, and such enterprises may be re-designated every five years.

(4) Matters necessary, such as the method of and procedure for designation of superior environmental industrial enterprises, etc. under paragraph (1) shall be prescribed by Ordinance of Ministry of Environment.

(5) In any case of the following subparagraphs, the Minister of Environment may cancel the designation of a superior environmental industrial enterprise which is granted under paragraph (1): Provided, That he/she shall cancel the designation in cases of falling under subparagraph 1:

1. When it is designated as a superior environmental industrial enterprise by false or illicit means;

2. When it falls below the criteria of designation prescribed by Presidential Decree under paragraph (1).

(6) When the Minister of Environment designates or re-designates a superior environmental industrial enterprise under paragraph (1) or (3), or cancels the designation thereof under paragraph (5), he/she shall make a public notification of such content through Internet homepage, etc.

Article 8 (Promotion of International Joint Research Programs)

(1) In order to ensure the sustainable and balanced development of the national economy, the Government shall establish policies for promoting international joint research programs on environmental technologies and the environmental industry.

(2) The Government may promote the following projects to facilitate international joint research programs 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. Hosting of exhibitions and academic conferences on environmental technologies and the environmental industry;

4. Development of overseas markets for environmental technologies and the environmental industry;

5. Promotion of technical development for the conservation of the earth's environment;

6. Other projects recognized as necessary for the promotion of international joint research programs.

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

(1) The Government shall establish detailed policies for the dissemination of innovative environmental technologies and the collection and spread of information on environmental technologies.

(2) The Government may computerize environmental technologies and information for management purposes for the dissemination 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 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, introduce innovative environmental technologies and exchange information on environmental technologies, etc.

(5) Where it is recognized as necessary to meet the environmental standards under Article 12 of the Framework Act on Environmental Policy, the Minister of Environment may advise the heads of related central administrative agencies or local governments to use and disseminate innovative environmental

technologies. *<Amended by Act No. 10893, Jul. 21, 2011>*

Article 9-2 (Survey of Actual Conditions of Environmental Technologies and Environmental Industry)

(1) To formulate governmental policies related to environmental technologies and environmental industry, the Minister of Environment may conduct an investigation of the actual conditions of environmental technologies and environmental industry (hereinafter referred to as "investigation of actual conditions") and make a public notification of its result .

(2) If necessary to investigate actual conditions, the Minister of Environment may request related public institutions, environmental industrial enterprises or corporations and organizations related to environmental technologies and environmental industry to submit materials or to state their opinions.

(3) Matters necessary to investigate actual conditions, such as contents, timing and procedure, etc., shall be prescribed by Presidential Decree.

Article 10 (Designation, Operation, Evaluation and Cancellation of Designation of Green Environment Support Centers)

(1) To resolve pending environmental issues and to establish infrastructure for and promotion of green growth under subparagraph 2 of Article 2 of the Framework Act on Low Carbon, Green Growth (hereinafter referred to as "green growth"), etc., the Minister of Environment may designate and operate green environment support centers, as prescribed by Presidential Decree. *<Amended by Act No. 10615, Apr. 28, 2011>*

(2) Green environment support centers under paragraph (1) shall perform the following projects, and the Minister of Environment may provide necessary support, such as contribution of funds, to such green environment support centers: *<Amended by Act No. 10615, Apr. 28, 2011>*

1. Projects for the investigation, research and development of environmental technologies for the improvement and conservation of regional environment;
 2. Projects for the collection, classification, processing, and spread of information on environmental technologies and basic data related to the environment, and projects for the construction of computer networks in relation thereto;
 3. International exchange of environmental technologies;
 4. Projects for the support of and collaboration with environmental industrial enterprises;
 5. Environment-related educational projects for green growth;
 6. Projects entrusted by the State, local government, and public institutions under Article 4 of the Act on the Management of Public Institutions in connection with projects referred to in subparagraphs 1 through 5;
 7. Other projects related to regional environmental issues recognized by the Minister of Environment.
- (3) Designation period of green environment support centers under paragraph (1) shall be five years, and they may be re-designated every five years after conducting comprehensive evaluation under Article 10-2
- (1) 2. *<Amended by Act No. 10615, Apr. 28, 2011>*

(4) Necessary Matters concerning the criteria of designation, etc. of green environment support centers under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 10615, Apr. 28, 2011>

(5) Deleted. <by Act No. 10615, Apr. 28, 2011>

Article 10-2 (Evaluation of Green Environment Support Centers and Cancellation of Designation, etc.)

(1) The Minister of Environment shall evaluate green environment support centers under Article 10 in accordance with classifications set forth in the following subparagraphs:

1. Regular evaluation: Evaluation of the previous year's performance of the green environment support centers once every year;
2. Comprehensive evaluation: Evaluation of overall operation of green environment support centers every five years upon expiration of their designation period for re-designation.

(2) The Minister of Environment may, if deemed necessary for evaluation of green environment support centers under paragraph (1), organize and operate an evaluation board of green environment support centers (hereinafter referred to as the "evaluation board") which consists of related experts.

(3) Matters necessary for organization and operation of the evaluation board shall be prescribed by Ordinance of the Minister of Environment.

(4) Where the Minister of the Environment intends to conduct the evaluation under paragraph (1), he/she shall inform the standards and time of evaluation in advance, as prescribed by Presidential Decree,

(5) When the business performance is rated poor as a result of the regular evaluation under paragraph (1) 1, the Minister of Environment may warn the relevant center, suspend the provision of support or reduce the amount of support referred to in Article 10 (2).

(6) If a person who obtained designation of a green environment support center under Article 10 falls under any of the following subparagraphs, the Minister of Environment may cancel the designation:

1. Where the person receives warnings twice or more in the last three years;
2. Where it is recognized difficult to attain the designated purposes of such green environment support center because it has failed to meet the conditions of designation under Article 10 (4).

Article 11 (Establishment and Operation of Associations of Environmental Industry)

(1) Any persons who are specialized environmental constructors under Article 15 (3), or the environmental consulting companies under Article 16 (4), etc. as prescribed by Presidential Decree may establish an association of environmental industry (hereinafter referred to as "association" after obtaining the permission thereof from the Minister of Environment.

(2) An association shall be incorporated as a juristic person.

(3) An association shall engage in the following business affairs:

1. Investigation of present conditions by business type of environmental industry and related statistics;
2. Research of the system for fostering of environmental industry and recommendations for improvement;

3. Collection, analysis and provision of the environmental technologies and market information related to environmental industry;
4. Affairs entrusted by the State or local governments;
5. Other business affairs related to the fostering of environmental industry which are prescribed by the Articles of association of the association.

(4) The Minister of Environment may subsidize the association part of fund necessary for the development of environmental technologies and environmental industry.

(5) Except as otherwise prescribed in this Act, the provisions of the Civil Act, which pertain to incorporated associations shall apply mutatis mutandis to associations.

Article 12 (Support for Environmental Technologies)

(1) The Government may provide technical support for preventing or reducing environmental pollution generated from the process of manufacturing activities of enterprises and ensuring the effective operation and management of environmental facilities. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 10615, Apr. 28, 2011>*

(2) Where improvement of facilities is recognized as necessary as a result of technical support under paragraph (1), the Government may partially subsidize the expenses to be incurred for improving such facilities.

(3) Necessary matters concerning the facilities subject to technical support under paragraph (1), and method of support and subsidization, etc. under paragraph (2) shall be prescribed by Presidential Decree.

Article 13 (Technology Inspection)

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

(2) Where improvement of facilities is recognized as necessary as a result of technology inspections under paragraph (1), the Minister of Environment may partially subsidize the expenses to be incurred for improving such facilities.

(3) The Minister of Environment may request the administrators of public environmental facilities to take necessary measures, such as supplementation of facilities, according to the results of technology inspections.

(4) The administrators of public environmental facilities shall cooperate on technology inspections under paragraph (1).

(5) Necessary matters concerning facilities subject to technology inspections, the intervals of, and expenses for, technology inspections, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 13-2 (Creation of Environmental Industry Promotion Complexes)

(1) The State or local governments may create environmental industry promotion complexes to increase efficiency of environmental industry and to attract or foster domestic or foreign environmental industrial enterprises by interrelating environmental industrial enterprises, public institutions, and the related

academic circles.

(2) The head of a central administrative agency concerned may subsidize all or part of the cost incurred in the creation of an environmental industry promotion complex that is being propelled by a local government within the limit of the budget.

(3) The creation of an environmental industry promotion complex under paragraph (1) shall follow the procedures for designation and development of an industrial complex under the Industrial Sites and Development Act.

Article 13-3 (Support, etc. for Penetration of Overseas Market)

(1) The Minister of Environment may implement the following projects to support the international cooperation of environmental industry and the penetration of overseas market:

1. Investigation and research for international cooperation of environmental industry and penetration of overseas market;
2. International exchange of environmental industry-related technologies, human resources and information;
3. Hosting of environmental industry-related exhibitions and academic conferences;
4. Overseas marketing and public relation activities related to environmental technologies and environmental industry;
5. Provision of such supports related to the overseas expansion of environmental industrial enterprises as provision of information, consultation, advices and education, etc.

(2) Where an environmental industrial enterprise promotes a project falling under any of the following subparagraphs for reinforcement of the international competitiveness of environmental industry, the Minister of Environment may subsidize or lend part of the required fund:

1. Development, design and construction of environmental facilities;
2. Penetration of environmental industry-related overseas market;
3. International exchange of environmental industry-related technologies, human resources and information;
4. Other projects for the reinforcement of international competitiveness of environmental industry which are prescribed by Presidential Decree.

Article 14 Deleted. <by Act No. 11266, Feb. 1, 2012>

Article 15 (Registration of Specialized Environmental Construction Business)

(1) A person who intends to run a specialized environmental construction business shall register with the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor or the Governor of a Special Self-Governing Province (hereinafter referred to as the "Mayor/Do Governor") after developing technical skills prescribed by Presidential Decree. The same shall also apply to any revision to the registered matters as prescribed by Presidential Decree. <Amended by Act No. 10615, Apr. 28, 2011>

(2) Any of the following persons who has reported to the Mayor/Do Governor as prescribed by Ordinance of the Ministry of Environment shall be deemed to have registered a specialized environmental

construction business under paragraph (1) for designing specialized environmental construction in the relevant field: *<Amended by Act No. 10250, Apr. 12, 2010; Act No. 10615, Apr. 28, 2011>*

1. A person who has registered the establishment of an office of professional engineers to design noise and vibration control facilities as a profession under Article 6 of the Professional Engineers Act;
2. A person who has reported an engineering business operator in order to engage in the business of designing noise and vibration control facilities under Article 21 (1) of the Engineering Industry Promotion Act.

(3) If a person who has registered a specialized environmental construction business under paragraph (1) (hereinafter referred to as "specialized environmental constructor") executes a specialized environmental construction work, and if such construction falls under the construction works under subparagraph 4 of Article 2 of the Framework Act on the Construction Industry, he/she may continue such construction notwithstanding Article 9 (1) of the same Act. *<Amended by Act No. 10615, Apr. 28, 2011>*

(4) No person falling under the following shall register or report a specialized environmental construction business under paragraph (1) or (2): *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 10615, Apr. 28, 2011; Act No. 13174, Feb. 3, 2015>*

1. A minor, a person under adult guardianship, or a person under limited guardianship;
2. A person who, after having been declared as bankrupt by the court, remains not reinstated;
3. A person in whose case two years have not passed since the cancellation of his/her registration as a specialized environmental constructor under paragraph (5);
4. A person in whose case two years have not passed since his/her imprisonment with labor, as declared by the court in violation of this Act, the Clean Air Conservation Act, the Water Quality and Aquatic Ecosystem Conservation Act or the Noise and Vibration Control Act, was completely executed (including where it is deemed that the execution has been completed) or exempted;
5. A corporation having an executive falling under any of the provisions of subparagraphs 1 through 4.

(5) If a specialized environmental constructor falls under any of the following subparagraphs, the Mayor/Do Governor may cancel such registration or issue an order to suspend all or part of such business for a prescribed period of not more than six months: Provided, That if it falls under subparagraph 1 or 2, he/she shall cancel such registration: *<Amended by Act No. 10615, Apr. 28, 2011>*

1. Where it falls under paragraph (4): Provided, That where there is an executive falling under paragraph (4) among the executives of a corporation, this shall not apply where such executive is replaced by a newly appointed executive within six months;
2. Where it has registered by fraudulent or other illegal means;
3. Where it has received a disposition of business suspension twice or more within a year;
4. 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. Where it has failed to meet the eligibility requirements for registration under paragraph (1);

6. Where it has allowed another person to run a specialized environmental construction business by using its name or has lent its certificate of registration to another person;
7. Where it has unfaithfully designed or executed specialized environmental construction work by intention or gross negligence;
8. Where it has contracted out all the contracted work;
9. Where it has carried on business during the period of business suspension after having received an order for business suspension.

(6) Registration fees for specialized environmental construction business shall be prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 10615, Apr. 28, 2011>*

Article 16 (Continued Construction, etc. by Pollution Control Facility Business Operator Whose Registration has been Cancelled or Whose Business Suspended)

(1) A person whose registration has been cancelled or whose business has been suspended under Article 15 (5) may design or execute specialized environmental construction work only for a construction contract concluded before such disposition. In such cases, the Mayor/Do Governor may designate a construction supervisor and have him/her manage and supervise the construction, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 10615, Apr. 28, 2011>*

(2) A person who continues to design or execute specialized environmental construction work under paragraph (1) shall be deemed a specialized environmental constructor under this Act until he/she completes such design or construction. *<Amended by Act No. 10615, Apr. 28, 2011>*

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

(1) The Minister of Environment may designate enterprises and workplace which contribute greatly to environmental improvement through remarkable decrease of pollutants, reduction of resources and energy, improvement of eco-friendliness of products, construction of green management systems, etc. as green enterprises, and may re-designate them when the respective designation periods expire. *<Amended by Act No. 9931, Jan. 13, 2010; Act No. 10615, Apr. 28, 2011; Act No. 13747, Jan. 6, 2016>*

(2) The period of designation or re-designation for green enterprises under paragraph (1) shall be three years. *<Amended by Act No. 9931, Jan. 13, 2010; Act No. 10615, Apr. 28, 2011>*

(3) Where a person who has been designated as a green enterprise under paragraph (1) intends to modify matters prescribed by Ordinance of the Ministry of Environment among the designated matters, he/she shall make a report of modification. *<Amended by Act No. 9931, Jan. 13, 2010>*

(4) Necessary matters concerning the standards and procedures for designation and re-designation and the operation of green enterprises shall be prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall consult with the Minister of Trade, Industry and Energy and the Minister of Land, Infrastructure and Transport. *<Amended by Act No. 9931, Jan. 13, 2010; Act No. 11690, Mar. 23, 2013>*

(5) The Minister of Environment shall take any of the following measures for enterprises and workplace designated as green enterprises: *<Amended by Act No. 9770, Jun, 9, 2009; Act No. 9931, Jan. 13, 2010; Act No.*

10615, Apr. 28, 2011; Act No. 11862, Jun. 4, 2013>

1. Report in lieu of permission under Article 23 of the Clean Air Conservation Act and Article 33 of the Water Quality and Aquatic Ecosystem Conservation Act;
2. Exemption from reports or inspections under Article 82 of the Clean Air Conservation Act, Article 68 of the Water Quality and Aquatic Ecosystem Conservation Act, Article 47 of the Noise and Vibration Control Act, Article 39 of the Wastes Control Act, Article 43 of the Act on Registration, Evaluation, etc. of Chemicals, Article 49 of the Chemicals Control Act, Article 41 of the Act on the Management and Use of Livestock Excreta, Article 69 of the Sewerage Act, Article 34 of the Construction Waste Recycling Promotion Act, Article 17 of the Malodor Prevention Act, Article 26-2 of the Soil Environment Conservation Act, Article 29 of the Persistent Organic Pollutants Control Act, as prescribed by Ordinance of the Ministry of Environment;
3. Other preferential treatments prescribed by Presidential Decree.

(6) Where a person designated as a green enterprise under paragraph (1) engages in the following projects, the Minister of Environment may support him/her with fund or technologies necessary for the projects:

<Newly Inserted by Act No. 10615, Apr. 28, 2011>

1. Joint cooperative projects between green enterprises;
2. Environment-related cooperative projects between the green enterprise and its subcontractors;
3. Projects for development and operation of joint network of environmental information;
4. International cooperative projects of a green enterprise;
5. Other projects prescribed by Ordinance of the Ministry of Environment to support the green enterprises.

Article 16-3 (Cancellation of Designation of Green Enterprise)

If a person who has been designated as a green enterprise falls under any of the following subparagraphs, the Minister of Environment may cancel such designation: Provided, That such designation shall be cancelled where he/she falls under subparagraph 1: <Amended by Act No. 9931, Jan. 13, 2010>

1. Where he/she has obtained such designation by fraudulent or other illegal means;
2. Where he/she has failed to meet the standards for designation under Article 16-2 (4);
3. Where he/she has violated Acts and subordinate statutes related to the environment or performed an act unsuitable for an environment-friendly enterprise, as prescribed by Presidential Decree.

Article 16-4 (Registration of Environment Consulting Companies)

(1) A company under the Commercial Act which carries out the following duties and intends to receive support under Article 16-5 (hereinafter referred to as "environment consulting company") shall register with the Mayor/Do Governor after meeting the requirements for human resources prescribed by Presidential Decree. The same shall also apply to any revision to important matters among registered matters as prescribed by Presidential Decree, such as the trade name or technical professionals: <Amended by Act No. 10615, Apr. 28, 2011>

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

(2) No company which has an executive falling under any of the following subparagraphs shall register as an environment consulting company: <Amended by Act No. 9770, Jun. 9, 2009; Act No. 13174, Feb. 3, 2015>

1. A minor, or a person under adult guardianship;
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 the court in violation of this Act, the Clean Air Conservation Act, the Water Quality and Aquatic Ecosystem Conservation Act, the Noise and Vibration Control Act or the Soil Environment Conservation Act, was completely executed (including where it is deemed that the execution has been completed) or exempted;
4. A person who was an executive of a company at the time of the cancellation of registration of such company in which case two years have not passed since the cancellation of registration under Article 16-6.

Article 16-5 (Support to Environment Consulting Companies)

The Minister of Environment and the Mayor/Do Governor may provide support under the following subparagraphs to the registered environment consulting companies: <Amended by Act No. 10615, Apr. 28, 2011>

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

Article 16-6 (Cancellation of Registration, etc. of Environment Consulting Companies)

(1) When a registered environmental consulting company falls under any of the following subparagraphs, the Mayor/Do Governor may cancel its registration or suspend the provision of support under this Act: Provided, That where it falls under subparagraph 1 or 2, the Minister of Environment shall cancel its

registration: <Amended by Act No. 10615, Apr. 28, 2011>

1. Where it has registered by fraudulent or other illegal means;
2. Where any of its executives falls under any subparagraph of Article 16-4 (2): Provided, That the same shall not apply where such executive is replaced with a newly appointed executive within six months from the date when he/she falls under the grounds for ineligibility;
3. Where it has failed to fulfil the requirements for human resources under Article 16-4 (1);
4. Where it has lent its certificate of registration;
5. Where it has failed to commence business affairs under each subparagraph of Article 16-4 (1) within one year from the date of registration or has failed to attain actual results of business for not less than one year continuously.

(2) When a registered environmental consulting company falls under any of the subparagraphs of paragraph (1), the Minister of Environment may suspend the provision of support under this Act. <Newly Inserted by Act No. 10615, Apr. 28, 2011>

Article 16-7 (Confidentiality)

Current or past executives or employees of an environment consulting company under Article 16-4 (1) and persons who have participated in the business affairs under the subparagraphs of the same paragraph shall neither disclose nor secretly use any secret obtained during the course of performing their duties.

Article 16-8 (Preparation and Disclosure of Environmental Information)

(1) Green enterprises under Article 16-2, public institutions prescribed by Presidential Decree and enterprises having significant environmental effects shall prepare and disclose environmental information referred to in each of the following subparagraphs: Provided, That this shall not apply to the environmental information which falls under trade secret prescribed in subparagraph 2 of Article 2 of the Unfair Competition Prevention and Trade Secret Protection Act:

1. Objectives and major activity plan for such environmental management as protection of environment, saving of resources, reduction of discharge of environmental pollutants, etc. (hereinafter referred to as "environmental management");
2. Matters relating to the development and application of the products and services for environmental management;
3. Matters relating to the outcome from environmental management;
4. Matters relating to the green management under subparagraph 7 of Article 2 of the Framework Act on Low Carbon, Green Growth.

(2) Detailed matters concerning public disclosure of environmental information and the procedure thereof, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 16-9 (Verification of Environmental Information)

(1) To secure the reliability of the environmental information which is disclosed under Article 16-8, the Minister of Environment may verify such environmental information.

(2) Where the verification under paragraph (1) results in the discrepancy between the fact and the information made public, the Minister of Finance may request the correction thereof.

(3) Detailed matters concerning method of verification of environmental information and the procedure thereof, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 16-10 (Prohibition against Unfair Labeling or Advertising, etc.)

(1) Manufacturers, manufacturing sellers, or sellers (hereinafter referred to as “manufacturers, etc.”) shall not engage in any of the following acts that may deceive or mislead consumers with respect to the environmental impact of products:

1. False or exaggerated labeling or advertising;
2. Deceptive labeling or advertising;
3. Unfairly comparative labeling or advertising;
4. Slandorous labeling or advertising.

(2) The Minister of Environment may inspect products in distribution or sale in order to examine whether or not their labels or advertisements placed by manufacturers, etc. violate paragraph (1). *<Newly Inserted by Act No. 13781, Jan. 19, 2016>*

(3) Detailed matters concerning the acts referred to in each subparagraph of paragraph (1) shall be prescribed by Presidential Decree.

Article 16-11 (Verification, etc. of Details of Labels and Advertisements)

(1) Manufacturers, etc. shall be able to verify matters concerning facts included in labels or advertisements they have placed with respect to the environmental impact of products.

(2) Where there exists a concern that manufacturers, etc. may violate Article 16-10 (1) in relation to matters concerning the environmental impact of products which are indicated in labels or advertisements, and therefore the verification prescribed in paragraph (1) is deemed necessary, the Minister of Environment may require the relevant manufacturers' etc. to submit related data by specifying details of his/her request.

(3) Manufacturers, etc. who receive a request for the submission of data pursuant to paragraph (2) shall submit the data within 15 days after the receipt of such request to the Minister of Environment: Provided, That the Minister of Environment may extend the period for submission when any justifiable ground exists.

(4) Where manufacturers, etc. in receipt of a request for the submission of data pursuant to paragraph (2) continue placing labeling or advertising without submitting such data within the period for submission referred to in paragraph (3), the Minister of Environment shall order manufacturers, etc. to suspend placing labeling or advertising until they submit the data.

(5) Where other agencies make a request for the data submitted pursuant to paragraph (3) in accordance with other Acts, including the Act on Fair Labeling and Advertising, the Minister of Environment shall comply with such request unless extenuating circumstances exist.

(6) Necessary matters concerning the subject of verification, scope of and requirements for data, data submission method, etc. under paragraphs (1) through (3) shall be prescribed by Presidential Decree.

Article 16-12 (Corrective Measures)

(1) Where manufacturers, etc. engage in unfair labeling or advertising in violation of Article 16-10 (1), the Minister of Environment may issue any of the following measures to the manufacturers, etc.:

1. Termination of the relevant violation;
2. Publication of the fact of receiving a corrective order;
3. Corrective advertisement;
4. Other measures necessary to correct correcting the violations.

(2) Matters necessary for the publication of the fact of receiving a corrective order and the corrective advertisement pursuant to paragraph (1) 2 and 3 shall be prescribed by Presidential Decree.

Article 16-13 (Penalty Surcharges)

(1) With respect to manufacturers, etc. who place labels or advertisements in violation of Article 16-10 (1), the Minister of Environment may impose a penalty surcharge not exceeding the amount equivalent to 2/100 of the turnover determined by Presidential Decree (referring to business profit in the case of manufacturers, etc. prescribed by Presidential Decree; hereinafter the same shall apply): Provided, That with respect to manufactures, etc. prescribed by Presidential Decree, where a violator has no turnover or where it is difficult to compute the turnover, a penalty surcharge may be imposed within the range of up to 500 million won.

(2) Where the Minister of Environment imposes a penalty surcharge under paragraph (1), he/she shall take into account each of the following:

1. The nature and severity of violations;
2. The duration and frequency of violations;
3. The amount of gains accrued from violations.

(3) Where a corporation that is a manufacture, etc. that has violated Article 16-10 (1) merges with another corporation, a penalty surcharge shall be imposed and collected by deeming that the violation committed by such corporation has been committed by the corporation surviving or incorporated after the merger.

(4) Articles 55-4 through 55-7 of the Monopoly Regulation and Fair Trade Act shall apply mutatis mutandis to the extension of deadlines for payment of penalty surcharges, payment in installments, obligation of joint and several payment of penalty surcharges, collection of penalty surcharges, disposition for deferred payment, and additional payment for refund of penalty surcharges under this Act. In such cases, the “Fair Trade Commission” shall be deemed the “Minister of Environment” and an “enterprise” shall be deemed to be “manufacturers, etc.”.

(5) The standards for the imposition of penalty surcharges pursuant to paragraph (1) shall be prescribed by Presidential Decree.

Article 16-14 (Pre-examination of Labels and Advertisements)

(1) Before indicating matters related to the environmental impact of products in labels or advertisements, manufacturers, etc. may submit the contents of such labels or advertisements to the Minister of Environment and ask him/her to review whether such contents violate Article 16-10 (1).

(2) The Minister of Environment shall review the contents of labels or advertisements submitted under paragraph (1) as prescribed by Ordinance of the Ministry of Environment, and notify the results thereof to manufacturers, etc. who have requested the review.

(3) The Minister of Environment may require manufacturers, etc. who request a review under paragraph (1) to pay for the expenses necessary to conduct the review, as prescribed by Ordinance of the Ministry of Environment.

Article 17 (Certification of Eco-Label)

(1) The Minister of Environment may award a certification of eco-label for the products which have improved their environmental impact compared to other products for the same use (including apparatus, materials and services affecting the environment; hereinafter the same shall apply). *<Amended by Act No. 12523, Mar. 24, 2014>*

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

(3) Necessary matters concerning the selection and cancellation of the products subject to certification of eco-label under paragraph (1) shall be prescribed by Presidential Decree, and the standards for certification for each product shall be determined and announced by the Minister of Environment.

Article 18 (Certification, etc. of Environmental Product Declaration)

(1) In order to enhance the eco-friendliness of materials and products, the Minister of Environment may authorize a specialized institution designated by the Minister of Environment in consultation with the Minister of Trade, Industry and Energy (hereinafter referred to as "certification institution") to award a certification of environmental product declaration which quantitatively indicates the environmental impact information of products which are prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 11917, Jul. 16, 2013; Act No. 12523, Mar. 24, 2014>*

(2) The standards for designation of certification institutions shall be as follows:

1. To have an exclusive organization in charge of performing business affairs regarding certification of environmental product declaration:
2. To have not less than two examiners under Article 21 as well as a system for controlling such examiners.

(3) The Minister of Environment may direct and supervise the business affairs of certification institutions to attain the purposes of designation under paragraph (1) within the necessary extent.

(4) A person who intends to be designated as a certification institution shall file for an application for designation of certification institution with the Minister of Environment.

(5) Where he/she has designated an applicant under paragraph (4) as a certification institution, the Minister of Environment shall issue a written designation of certification institution for environmental

declaration of products to the applicant.

(6) Each certification institution shall, where it modifies matters prescribed by Presidential Decree, such as the name or location, make a report of modification within 30 days from the date of such modification.

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

Article 19 (Cancellation of Designation, etc. of Certification Institutions)

If a certification 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 for a prescribed period not exceeding one year: Provided, That the designation shall be cancelled where it falls under subparagraph 1 or 8: *<Amended by Act No. 10615, Apr. 28, 2011>*

1. Where it has obtained such designation by fraudulent or other unjust means;
2. Where it has failed to perform business affairs regarding certification for not less than one year consecutively from the date of designation, without justifiable grounds;
3. Where it has failed to meet the standards for designation under Article 18 (2);
4. Where it has failed to make a report of modification under Article 18 (6);
5. Where it has performed business affairs regarding certification in violation of the standards and procedures for certification under Article 20 (3);
6. Where it has failed to cancel certification notwithstanding the occurrence of any ground for the cancellation of certification of environmental product declaration, in violation of Article 23 (2);
7. Where it has failed to investigate the production process of materials and products or to collect materials and products necessary for tests and analysis in violation of Article 28 (2);
8. Where it has performed business affairs regarding certification during the period of business suspension after having been ordered suspension of its business.

Article 20 (Application for Certification, etc. of Environmental Product Declaration)

(1) Matters necessary for the selection and cancellation of materials and products subject to certification of environmental product declaration under Article 18 (1) shall be prescribed by Presidential Decree, and guidelines for indicating environmental product declaration shall be governed by the Minister of Environment.

(2) A person who intends to obtain certification of environmental product declaration shall file for an application for certification of environmental product declaration to a certification institution.

(3) Where a certification institution has received an application for certification under paragraph (2), it shall examine whether the relevant environmental product declaration has been prepared in compliance with the guidelines for indicating environmental product declaration under paragraph (1) according to the procedures prescribed by Ordinance of the Ministry of Environment, and shall award certification if it is prepared in compliance with such guidelines.

(4) Where a certification institution has awarded certification of environmental product declaration under paragraph (3), it shall report it to the Minister of Environment, as prescribed by Ordinance of the Ministry

of Environment.

Article 21 (Certification Examiners)

(1) A person who conducts examinations for certification of environmental product declaration (hereinafter referred to as "examiner") or a person who intends to be an examiner shall receive education provided by the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(2) The eligibility requirements, etc. for an examiner shall be prescribed by Presidential Decree.

Article 21-2 (Operational Rules)

(1) Certification institutions, institutions or organizations entrusted with certifications of eco-label and the affairs in relation thereto under Article 31 (2) (hereinafter referred to as "institutions entrusted with certifications"), and institutions or organizations entrusted with education of examiners shall establish the rules necessary for the certification or education affairs and obtain the approval of the Minister of Environment for such rules. The same shall also apply to any revision thereto.

(2) Matters to be included in the rules necessary for the affairs regarding certification or education under paragraph (1) shall be prescribed by Presidential Decree.

Article 22 (Use of Eco-Label, etc.)

(1) A person who has obtained certification of eco-label or environmental product declaration under Article 17 (1) or 20 (3) (hereinafter referred to as "eco-label, etc.") may place such eco-label, etc. on packages, containers, etc. of materials and products as prescribed by Ordinance of the Ministry of Environment, or advertise such eco-label, etc.

(2) No one, other than those who have obtained certification of eco-label etc. under Article 17 (1) or 20 (3) shall place an eco-label, etc. or other similar mark on packages, containers, etc. of materials and products or advertise certification of eco-label, etc.

Article 23 (Cancellation of Certification of Eco-Label, etc.)

(1) Where a person who has obtained certification of eco-label under Article 17 (1) falls under any of the following subparagraphs, the Minister of Environment may order the person to make corrections or cancel such certification: Provided, That where he/she falls under subparagraph 1, the Minister of Environment shall cancel such certification: <Amended by Act No. 10615, Apr. 28, 2011>

1. Where he/she has obtained such certification by fraudulent or other illegal means;
2. Where he/she distributes products not meeting the standards for certification under Article 17 (3), with an eco-label attached thereon;
3. Where he/she fails to distribute products which have obtained certification of eco-label for a period prescribed by Ordinance of the Ministry of Environment continuously in the absence of force majeure or other inevitable grounds;
4. Where it is prescribed by Presidential Decree as having other grounds unsuitable for certification of eco-label.

(2) Where a person who has obtained certification of environmental product declaration under Article 20 (3) falls under any of the following subparagraphs, a certification institution may cancel such certification:

Provided, That where he/she falls under subparagraph 1, it shall cancel such certification:

1. Where he/she has obtained certification by fraudulent or other illegal means;
 2. Where he/she distributes materials or products which differ from the content of certification under Article 20 (3) with an environmental product declaration attached thereon;
 3. Where he/she fails to distribute materials and products which have obtained certification of product declaration for a period prescribed by Ordinance of the Ministry of Environment in the absence of force majeure or other inevitable grounds;
 4. Where it is prescribed by Presidential Decree as having other grounds unsuitable for certification of environmental product declaration.
- (3) Where a certification institution cancels certification of environmental product declaration under paragraph (2), it shall report such fact to the Minister of Environment.
- (4) Where certification of eco-label under paragraph (1) or environmental product declaration under paragraph (2) is cancelled, the Minister of Environment shall publicly announce such cancellation, as prescribed by Presidential Decree.
- (5) If the certification of eco-label, etc. of a product is cancelled under paragraph (1) or (2), re-application for eco-label, etc. shall not be allowed within one year. <Newly Inserted by Act No. 10615, Apr. 28, 2011>

Article 24 (Removal of Eco-Label, etc.)

Where materials and products the certification 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 certification to remove the eco-label, etc. therefrom.

Article 24-2 (Mutual Recognition of Eco-Labels between States)

- (1) The Government may conclude an agreement with a foreign government with respect to the mutual recognition of eco-labels, etc.
- (2) If an agreement has been concluded with a foreign government under paragraph (1), the Minister of Environment shall announce the contents of such agreement.

Article 25 (Fees, etc.)

- (1) The Minister of Environment, certification institutions and institutions entrusted with certifications may collect application fees for application from the persons who have applied for certification of eco-label, etc. under Article 17 (2) or 20 (2), and royalties from persons who use eco-label, etc. under Article 22. In such cases, application fees and royalties collected by certification institutions or institutions entrusted with certifications shall be the revenue of such certification institutions or institutions entrusted with certifications.
- (2) Certification institutions or institutions entrusted with certifications which collect application fees and royalties under paragraph (1) may use such revenue only for operating expenses and publicity expenses regarding certification of eco-label, etc. and other purposes prescribed by Presidential Decree.
- (3) Necessary matters concerning the standards for collection, etc. of application fees and royalties under paragraph (1) shall be prescribed by Presidential Decree.

Article 26 (Support for Development, etc. of Standards for Certification of Eco-Label)

Where a certification institution or an institution entrusted with certifications promotes the following projects, the Government may contribute necessary funds or provide other necessary support: *<Amended by Act No. 10615, Apr. 28, 2011>*

1. Development of the standards for certification under Article 17 or 18;
2. Development of techniques for the analysis of eco-friendliness in the production stage, distribution stage, consumption stage and disuse stage, etc. of materials and products;
3. Establishment and operation of information networks for the promotion of production and use of eco-friendly materials and products;
4. Diffusion of the development and spread of product designs and production techniques by taking the environment into consideration;
5. Education for proper use of eco-label, etc. and management of certified products;
6. Enhancement of professionalism in the affairs related to certification of eco-label, etc.

Article 27 (Fostering of Environmental Technology Professionals)

(1) In order to foster human resources necessary for the advancement of environmental technologies, the Government shall formulate plans for the fostering of environment technology professionals every five years and shall take measures for strengthening education of, and securing and managing, environment technology professionals.

(2) Technical professionals engaging in specialized environmental construction business shall receive specialized education on the environment. *<Amended by Act No. 10615, Apr. 28, 2011>*

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

(4) A person who provides education under paragraph (2) may collect education expenses from persons who employ persons subject to education or persons subject to education (limited to cases where specialized environmental constructors are persons subject to education), as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 10615, Apr. 28, 2011>*

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

Article 27-2

Article 28 (Follow-Up Management)

(1) The head of a related central administrative agency may require any of the following persons to report on the present status of the conduct of related business and assign related public officials to investigate necessary matters or make inquiries to interested persons to confirm the use of the government-contributed funds, etc.: *<Amended by Act No. 10615, Apr. 28, 2011; Act No. 11917, Jul. 16, 2013>*

1. Research institutions, etc. conducting development projects under Article 5;
2. Persons who are provided with financial support, subsidy, or loans under Articles 6 (3), 7 (6), 10 (2) or 13-3 (2).

(2) The Minister of Environment may, in cases prescribed by Ordinance of the Ministry of Environment, allow any of the following persons to submit necessary data or have related public officials gain access to an office, place of business or other necessary places to inspect related documents, facilities, equipment, etc., and may authorize a certification institution or an institution entrusted with certifications to investigate the manufacturing process of materials and products or to collect materials and products necessary for tests and analysis for a person falling under subparagraph 2: *<Amended by Act No. 10615, Apr. 28, 2011; Act No. 11917, Jul. 16, 2013>*

1. Green environment support centers under Article 10;
2. Persons who place an eco-label, etc. or advertise the certification of eco-label, etc. pursuant to Article 22 (1).

(3) In cases prescribed by Ordinance of the Ministry of Environment, the Mayor/Do Governor may require a specialized environmental constructors to submit necessary data or have related public officials gain access to offices, places of business or other necessary places to inspect related documents, facilities, equipment, etc. *<Newly Inserted by Act No. 11917, Jul. 16, 2013>*

(4) Public officials and related personnel of certification institutions or institutions entrusted with certifications who make investigations or inquiries or who access, inspect, investigate or collect pursuant to paragraphs (1) through (3) shall carry a certificate indicating their authority and produce it to interested persons. *<Amended by Act No. 11917, Jul. 16, 2013>*

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.

Article 30 (Hearings)

(1) 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: *<Amended by Act No. 11917, Jul. 16, 2013; Act No. 12523, Mar. 24, 2014; Act No. 13781, Jan. 19, 2016>*

1. Cancellation of a new technology certification or technology verification under Article 7-4;
2. Cancellation of the designation of a superior environmental industrial enterprise under Article 7-5 (5);
3. Cancellation of the designation of a green environment support center under Article 10-2 (6);
4. Cancellation of the registration, or the suspension of the business, of a specialized environmental construction business under Article 15 (5);
5. Cancellation of the designation of a green enterprise under Article 16-3;
6. Cancellation of the designation of an environment consulting company under Article 16-6;
- 6-2. Corrective order under Article 16-12;
- 6-3. Imposition of a penalty surcharge under Article 16-13;
7. Cancellation of the designation, or the suspension of the business, of a certification institution under Article 19;

8. Cancellation of certification of eco-label, etc. under Article 23 (1).
- (2) If a certification institution intends to cancel a certification of environmental product declaration, it shall give the recipient of certification an opportunity to submit his/her opinion.
- (3) Articles 22 (4) through (6), and 27 of the Administrative Procedures Act shall apply mutatis mutandis to the submission of the opinion under paragraph (2). In such cases, "administrative agency" and "administrative agency concerned" shall be deemed "certification institution" respectively.

Article 31 (Delegation and Entrustment of Authority)

- (1) Part of the authority held by 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 relevant institutions, etc. with the following business affairs, as prescribed by Presidential Decree: <Amended by Act No. 9433, Feb. 6, 2009; Act No. 10615, Apr. 28, 2011; Act No. 11917, Jul. 16, 2013; Act No. 12523, Mar. 24, 2014; Act No. 13781, Jan. 19, 2016>

1. Business affairs concerning the restriction on participation and the recovery of project costs under Article 5-2: the Korea Environmental Industry and Technology Institute under Article 5-3;
- 1-2. Business affairs concerning new technology certifications and technology verifications under Article 7, and the receipt of the results of the application of new technologies or validated technologies and the follow-up evaluation under Article 7-2 (4) and (5): the Korea Environmental Industry and Technology Institute under Article 5-3;
- 1-3. Business affairs concerning designation of superior environmental industrial enterprises under Article 7-5: The Korea Environmental Industry and Technology Institute under Article 5-3;
- 1-4. Business affairs concerning the computerization and management of environmental technologies and information under Article 9 (2) and (3): the Korea Environmental Industry and Technology Institute under Article 5-3;
- 1-5. Business affairs concerning the investigation of actual conditions under Article 9-2 (1): designated statistics collection agencies under Article 15 of the Statistics Act;
2. Business affairs concerning support of environmental technologies (including subsidization-related business) under Article 12: The Korea Environmental Corporation under the Korea Environmental Corporation Act;
3. Business affairs concerning technology inspections (including subsidization-related business) under Article 13: The Korea Environment Corporation under the Korea Environment Corporation Act;
4. Business affairs concerning verification of environmental information under Article 16-9: The Korea Environmental Industry and Technology Institute under Article 5-3;
- 4-2. Business affairs concerning an examination under Article 16-10 (2): Korea Environmental Industry and Technology Institute under Article 5-3;
- 4-3. Business affairs concerning the request for submission of verification data under Article 16-11 (2): Korea Environmental Industry and Technology Institute under Article 5-3;

4-4. Business affairs concerning the pre-examination of labels and advertisements under Article 16-14: Korea Environmental Industry and Technology Institute under Article 5-3;

5. Business affairs concerning the certification or cancellation of the certification of eco-label under Articles 17 and 23 (1), or business affairs concerning certification or cancellation of the certification of environmental product declaration under Articles 18 and 23 (2): Environment-related institutions or organizations, or institutions or organizations designated by the heads of related central administrative agencies and prescribed by Presidential Decree;

6. Business affairs concerning education under Article 21: Environment-related institutions or organizations, or institutions or organizations designated by the heads of the related central administrative agencies, prescribed by Presidential Decree.

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

Any executive or employee of an institution or organization falling under any of the following subparagraphs shall be deemed a public official when applying the penalty provisions under Articles 129 through 132 of the Criminal Act with regard to the delegated authority: *<Amended by Act No. 9433, Feb. 6, 2009; Act No. 10615, Apr. 28, 2011>*

1. The evaluation board under Article 10-2 (2);
2. The association under Article 11;
3. The institutions or organizations entrusted with the authority of the Minister of Environment under Article 31 (2);
4. through 5. Deleted. *<by Act No. 10615, Apr. 28, 2011>*

Article 33 (Reward)

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

1. A person who has developed or commercialized superior products in the field of environmental technologies;
2. A person who has manufactured eco-friendly products in the introduction of product design techniques respecting the environment, commercialization and manufacturing stage, distribution stage, consumption stage and disuse stage, etc.;
3. A person who has contributed to the enhancement of efficiency and economical efficiency in the installation and operation of environmental facilities.

Article 34 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: *<Amended by Act No. 11917, Jul. 16, 2013; Act No. 12523, Mar. 24, 2014; Act No. 13781, Jan. 19, 2016>*

1. A person who places any indication of a new technology certification or technology verification, or similar mark, or who advertises thereon without obtaining a new technology certification or technology verification, in violation of Article 7-2 (2);

2. A person who discloses or secretly uses any secret obtained during the course of performing his/her duties, in violation of Article 16-7;
3. A person who places unfair labeling or advertising, in violation of Article 16-10 (1) 1 and 2;
4. A person who continues placing labeling or advertising on the environmental impact of products, failing to comply with the suspension order under Article 16-11 (4);
- 4-2. A person who fails to comply with an order under Article 16-12 (1) (limited to cases where Article 16-10 (1) 3 and 4 were violated);
5. A person who places an eco-label, etc. or other similar mark, or advertises certification of eco-label, etc. without having obtained certification of eco-label, etc., in violation of Article 22;
6. A person who has violated an order for removal of eco-label, etc. under Article 24.

Article 35 (Penalty Provisions)

A person who carries on specialized environmental construction business without registration or registration of modification, in violation of Article 15 (1) and (2), or a person who carries on specialized environmental construction business during the period of business suspension shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won. <Amended by Act No. 10615, Apr. 28, 2011; Act No. 12523, Mar. 24, 2014>

Article 36 (Joint Penalty Provisions)

(1) If the representative of a corporation, or, an agent, employee or any other employed person of a corporation commits an offense cited in Article 34 or 35 with respect to the business affairs of the corporation, not only shall such offender be punished accordingly, but the corporation shall also be punished by the fine under the same Article: Provided, That this shall not apply when the corporation has not neglected to exercise reasonable attention and supervision for the affairs concerned to prevent such offense.

(2) If an agent, employee or any other employed person of an individual commits an offense cited in Article 34 or 35 with respect to the business affairs of the individual, not only shall such offender be punished accordingly, but the individual shall be punished by the fine under the same Article: Provided, That this shall not apply when the individual has not neglected to exercise reasonable attention and supervision for the affairs concerned to prevent such offense.

Article 37 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 12523, Mar. 24, 2014>

1. A person who fails to disclose environmental information, in violation of Article 16-8 (1);
2. A person who fails to correct the environmental information despite the request for correction thereof under Article 16-9 (2);
3. A person who fails to submit verification data on the environmental impact of products within the period for submission under Article 16-11 (3).

(2) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 11917, Jul. 16, 2013>

1. A person who fails to receive education, in violation of Article 27 (2) or a person who has failed to have his/her personnel receive education in violation of paragraph (3) of the same Article;
2. A person who refuses, interferes with, or evades presentation of data, access, inspections or investigations, or collection under Article 28 (2);
3. A person who refuses, interferes with, or evades the presentation of data, access, or inspections under Article 28 (3).

(3) Administrative fines under paragraphs (1) and (2) 2 shall be imposed and collected by the Minister of Environment or the Mayor/Do Governor as prescribed by Presidential Decree, and administrative fines under paragraph (2) 1 and 3 shall be imposed and collected by the Mayor/Do Governor as prescribed by Presidential Decree. <Amended by Act No. 11917, Jul. 16, 2013>

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 Concerning Environmental Technology Development Projects)

Any environmental technology development project implemented under the former provisions at the time this Act enters into force shall be deemed an environmental technology development project implemented under the amended provisions of Article 5.

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

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

Article 4 (Transitional Measures Concerning Inspection Agents)

An inspection agent who has been designated as a person to whom the business affairs related with the precision inspections of environmental measurement equipment or official approvals for calibration supplies or calibration tests are delegated under the former provisions at the time this Act enters into force shall be deemed to be an inspection agent who has been designated under the amended provisions of Article 15.

Article 5 (Transitional Measures Concerning Pollution Control Facility Business Operators)

A person who has registered a pollution control facility 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 this Act enters into force shall be deemed a person who has registered a pollution control facility business under the amended provisions of Article 18.

Article 6 (Transitional Measures Concerning Dispositions Including Cancellation of Registration)

Any disposition implemented against a pollution control facility, such as cancellation of registration, business operator 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 this Act enters into force shall be deemed a disposition implemented under the amended provisions of Article 18 (5).

Article 7 (Transitional Measures Concerning Education of Environmental Technology Professionals)

Any person who has received education 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 this Act enters into force shall be deemed to have received specialized environmental education referred to in the amended provisions of Article 31 (2).

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

(1) The former provisions of the Clean Air Conservation Act, the Noise and Vibration Control Act, or the Water Quality Conservation Act shall apply with regard to the application of the penal provisions to any offense committed before this Act enters into force in connection with pollution control facility business.

(2) The former provisions of the Clean Air Conservation Act, the Noise and Vibration Control Act, or the Water Quality Conservation Act shall apply with regard to the application of fines for negligence to any offense committed before this Act enters into force in connection with specialized environmental education provided under the amended provisions of Article 31 (2).

Article 9 Omitted.

Article 10 (Relation to Other Acts and Subordinate Statutes)

(1) If the provisions concerning pollution control facility 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 deemed to be cited respectively.

(2) If the provisions of the Development of and Support for Environmental Technology Act are cited in other Acts and subordinate statutes at the time this Act enters into force, and if there are corresponding provisions in this Act, the corresponding provisions of this Act shall be deemed to be 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 Concerning Green Enterprises)

Businesses designated as green enterprises under the former provisions of Article 10-3 of the Clean Air Conservation Act, Article 10-2 of the Water Quality Aquatic Ecosystem Conservation Act, and Article 20 of the Noise and Vibration Control Act at the time this Act enters into force, shall be deemed to have been designated as green enterprises under the amended provisions of 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 Concerning the Korea Institute of Environmental Science and Technology)

(1) The Korea Institute of Environmental Science and Technology, an incorporated foundation at the time this Act enters into force, may file for an application with the Minister of Environment for relevant

approvals subject to a resolution of its board of directors so that the Korea Institute of Environmental Science and Technology may succeed to all its rights and obligations.

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

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

Article 3 (Transitional Measures Concerning Registration of Measurement Agency Business Operators and Pollution Control Facility Business Operators)

Measurement agency business operators and pollution control facility business operators who have registered with the Minister of Environment under the former provisions at the time this Act enters into force shall be deemed 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 <Act No. 7428, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7459, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7820, Dec. 30, 2005>

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

(2) (Transitional Measures Concerning Application Period of Plan for Training Environment Technical Professionals) The first application period of the plan for training environment technical professionals, which

is formulated pursuant to the amended provisions of Article 31 (1) after this Act enters into force, shall be the period from January 1, 2008 to December 31, 2012.

ADDENDA <Act No. 8038, Oct. 4, 2006>

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 <Act No. 8216, Jan. 3, 2007>

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 <Act No. 8369, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8371, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8404, Apr. 27, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDA <Act No. 8466, May 17, 2007>

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)

If 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 this Act enters into force, and 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.

ADDENDA <Act No. 9335, Jan. 7, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Article 4 shall enter into force on the date of its promulgation.

Article 2 (Preparation for Establishment)

- (1) The Minister of Environment shall establish the Establishment Committee to carry out administrative affairs concerning the establishment of the Korea Institute of Environmental Industry and Technology within 30 days from the date of promulgation of this Act.
- (2) The Establishment Committee shall be comprised of not more than ten members appointed or commissioned by the Minister of Environment, and the chairperson shall be elected by mutual vote from among its members.
- (3) The Establishment Committee shall prepare the Articles of association of the Korea Institute of Environmental Industry and Technology and obtain authorization thereof from the Minister of Environment.
- (4) The president of the Korea Institute of Environmental Science and Technology appointed pursuant to the former provisions at the time this Act enters into force shall be deemed to be appointed as the president of the Korea Institute of Environmental Industry and Technology under this Act from the enforcement date of this Act, and other executives to be appointed for the first time shall be appointed pursuant to Article 26 of the Act on the Management of Public Institutions. In such cases, the Establishment Committee shall be deemed the Executives Recommendation Committee.
- (5) The chairperson of the Establishment Committee shall, if the executives are appointed pursuant to paragraph (4), register the establishment of the Korea Institute of Environmental Industry and Technology without delay on the enforcement date of this Act.
- (6) When the Establishment Committee has completed registration pursuant to paragraph (5), it shall transfer its administrative affairs to the president of the Korea Institute of Environmental Industry and Technology without delay, and the Establishment Committee or its members shall be deemed to be

dissolved, dismissed or decommissioned at the time the transfer of its administrative affairs is completed.

(7) The Establishment Committee may be subsidized expenses to be incurred in preparation for the establishment of the Korea Institute of Environmental Industry and Technology out of the budgets of the Korea Institute of Environmental Science and Technology and the Korea Eco-Products Institute under Article 13 of the Promotion of Purchase of Environment-Friendly Products Act.

Article 3 (Transitional Measures Concerning Korea Institute of Environmental Science and Technology and Korea Eco-Products Institute)

(1) Notwithstanding the provisions concerning dissolution and liquidation of a corporation of the Civil Act, when the registration of establishment of the Korea Institute of Environmental Industry and Technology has been completed pursuant to Article 2 (5) of the Addenda, the Korea Institute of Environmental Science and Technology established pursuant to the previous provisions of Article 5-2 at the time this Act enters into force and the Korea Eco-Products Institute established pursuant to Article 13 of the Promotion of Purchase of Environment-Friendly Products Act shall be deemed to have been dissolved.

(2) All property, rights and duties of the Korea Institute of Environmental Science and Technology established pursuant to the previous provisions of Article 5-2 at the time this Act enters into force and the Korea Eco-Products Institute established pursuant to Article 13 of the Promotion of Purchase of Environment-Friendly Products Act shall be comprehensively assumed and succeeded by the Korea Institute of Environmental Industry and Technology simultaneously with its establishment.

(3) The names of the Korea Institute of Environmental Science and Technology and the Korea Eco-friendly Products Institute established pursuant to Article 13 of the Promotion of Purchase of Environment-Friendly Products Act indicated in the registry of the property, rights and duties comprehensively assumed and succeeded pursuant to paragraph (2), and other official documents and ledgers shall be deemed to be the names of the Korea Institute of Environmental Industry and Technology simultaneously with its establishment.

(4) Any act conducted by the Korea Institute of Environmental Science and Technology established pursuant to the previous provisions of Article 5-2 at the time this Act enters into force and the Korea Eco-Products Institute established pursuant to Article 13 of the Promotion of Purchase of Environment-Friendly Products Act shall be deemed to be an act of the Korea Institute of Environmental Industry and Technology, and any act toward the Korea Institute of Environmental Science and Technology and the Korea Eco-Products Institute shall be deemed to be an act toward the Korea Institute of Environmental Industry and Technology.

Article 4 (Transitional Measures Concerning Employed Staff Following Unification of Organizations and Transfer of Functions)

Any staff member of the former Korea Institute of Environmental Science and Technology and the Korea Eco-Products Institute shall be deemed to have been appointed as a staff member of the Korea

Institute of Environmental Industry and Technology.

Article 5 (Transitional Measures Concerning Designation as Public Institutions)

Designation of the Korea Institute of Environmental Science and Technology as a public agency pursuant to the Act on the Management of Public Institutions by the Minister of Strategy and Finance at the time this Act enters into force shall be deemed to be designation of the Korea Institute of Environmental Industry and Technology under this Act.

Article 6 Omitted.

ADDENDA <Act No. 9433, Feb. 6, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2010.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 9685, May 21, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <Act No. 9770, Jun. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force enter into force on July 1, 2010. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9931, Jan. 13, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force from the date on which three months lapse after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDA <Act No. 10250, Apr. 12, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 10550, Apr. 5, 2011>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Act No. 10615, Apr. 28, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force from the date on which six months lapse after the promulgation of this Act.

Article 2 (Transitional Measures concerning Comprehensive Plan for Development of Environmental Technologies)

A comprehensive plan for development of environmental technologies which is formulated before this Act enters into force under the former provisions shall be deemed a plan for the development of environmental technologies and promotion of environmental industry under the amended provisions of Article 3 (1).

Article 3 (Transitional Measures concerning Effective Term of Technology Verification)

Notwithstanding the amended provisions of Article 7-3 (1), the effective term of technology verification which has been granted before the enforcement of this Act shall be deemed to be one year if not less than two years lapse after the receipt of the technology verification, two years if not less than one year but less than two years lapse, or three years if not less than one year lapses, each calculated retroactively from the date on which this Act enters into force.

Article 4 (Transitional Measures concerning Environmental Technology Development Centers)

(1) Environmental technology development centers which have been designated under the former provisions at the time when this Act enters into force shall be deemed to be designated as green environment support centers under the amended provisions of Article 10 (1) on the date on which this Act enters into force.

(2) Where an environmental technology development center which is deemed to be designated as a green environment support center under paragraph (1) had received a regular evaluation under the former provisions of Article 10 (3) before this Act enters into force, such center shall be deemed to have received a regular evaluation under the amended provisions of Article 10-2 (1) 1.

Article 5 (Transitional Measures concerning Registration of Pollution Control Facility Business)

A person who has registered a pollution control facility business under the former provisions at the time when this Act enters into force shall be deemed to have registered a specialized environment construction business under the amended provisions of Article 15.

Article 6 (Transitional Measures concerning Re-designation of Green Enterprises)

Effective term of re-designation of a green enterprise which has been re-designated under the former provisions at the time when this Act enters into force shall be governed by the former provisions of Article 16-2 (2).

Article 7 (Transitional Measures concerning Environment Consulting Companies)

An environment consulting company which has been registered with the Minister of Environment under the former provisions at the time when this Act enters into force shall be deemed an environment consulting company registered with the Mayor/Do Governor under the amended provisions of Article 16-4.

Article 8 Omitted.

Article 9 (Relationship with other Acts and Statues)

In cases where other Acts and subordinate statues cite the previous Development of and Support for Environmental Technology Act or the provisions thereof as at the time when this Act enters into force, it shall be deemed to have cited this Act or the relevant provisions of thereof in lieu of the invalidated Development of and Support for Environmental Technology Act or the provisions thereof, if there are provisions corresponding thereto in this Act.

ADDENDA <Act No. 10893, Jul. 21, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11266, Feb. 1, 2012>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

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. 11713, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11862, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 11917, Jul. 16, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Change of Effective Term of New Technology Certifications and Technology Verifications)

The effective term of new technology certifications and technology verifications pursuant to the amended provisions of Article 7-3 (1) shall apply, starting with a certificate of new technology or a certificate of technology verification first issued after this Act enters into force.

Article 3 (Transitional Measures concerning Simultaneous Application for New Technology Certifications and Technology Verifications)

With respect to a technology which requires both new technology certification and technology verification under the amended provisions of Article 7 (3), a person who has received a new technology certification only for such technology at the time this Act enters into force shall apply for the technology verification of the same technology within six months from the enforcement date of this Act.

Article 4 Omitted.

ADDENDUM <Act No. 12523, Mar. 24, 2014>

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

ADDENDA <Act No. 13174, Feb. 3, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Grounds for Disqualification Including Incompetent Persons, etc.)

It shall be deemed that those who are under adult guardianship or those who are under limited guardianship referred to in the amended provisions of Articles 15 (4) 1 and 16-4 (2) 1 include a person for whom the adjudication of incompetence or quasi-incompetence remains effective under Article 2 of the Addenda of the Civil Act amended by Act No. 10429.

ADDENDA <Act No. 13534, Dec. 1, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 13601, Dec. 1, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 13747, Jan. 6, 2016>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 13781, Jan. 19, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That Article 2 of the Addenda shall enter into force on December 2, 2016.

Article 2 Omitted.