

ENFORCEMENT DECREE OF THE ASBESTOS INJURY RELIEF ACT

Presidential Decree No. 22500, Nov. 23, 2012
Amended by Presidential Decree No. 23488, Jan. 6, 2012
Presidential Decree No. 24541, May 22, 2013
Presidential Decree No. 25949, Dec. 31, 2014
Presidential Decree No. 26683, Nov. 30, 2015

Article 1 (Purpose)

The purpose of this Enforcement Decree is to provide for matters delegated by the Asbestos Injury Relief Act and matters necessary for the enforcement thereof.

Article 2 (Definitions)

(1) "Diseases prescribed by Presidential Decree" in subparagraph 2 of Article 2 of the Asbestos Injury Relief Act (hereinafter referred to as the "Act") means diffuse pleural thickening. *<Newly Inserted by Presidential Decree No. 24541, May 22, 2013>*

(2) "Money and goods prescribed by Presidential Decree" in subparagraph 5 of Article 2 of the Act means non-taxable wage and salary income provided in subparagraph 3 of Article 12 of the Income Tax Act. *<Amended by Presidential Decree No. 24541, May 22, 2013>*

Article 3 (Scope of Application)

"Statutes prescribed by Presidential Decree" in Article 3 of the Act means the following statutes:

1. The Industrial Accident Compensation Insurance Act;
2. The Public Officials Pension Act;
3. The Military Pension Act;
4. The Seafarers' Act;
5. The Act on Accident Compensation Insurance for Fishing Vessels and Their Crew Members;
6. The Pension for Private School Teachers and Staff Act.

Article 4 (Guidelines for Recognition as Asbestos Victim)

Guidelines for recognition as an asbestos victim referred to in the main sentence of Article 6 (4) of the Act shall be as set out in attached Table 1.

Article 5 (Subsidization of Expenses Incurred in Medical Examinations, Testing, etc.)

"Person prescribed by Presidential Decree" in Article 6 (8) of the Act means any of the following persons:

1. A person who is required by the Korea Environment Corporation established under the Korea Environment Corporation Act (hereinafter referred to as the "Corporation") to undergo a medical examination and test, pursuant to Article 44 (1) of the Act;
2. A person eligible for assistance defined in subparagraph 1 of Article 2 of the National Basic Living Security Act or a beneficiary prescribed in Article 3 (1) of the Medical Care Assistance Act from among the persons who have undergone an investigation of health injuries referred to in Article 44 (2) of the Act;
3. Any other person requiring a medical examination and test to be recognized as an asbestos victim, for whom the Minister of Environment acknowledges the necessity of support for reasons of financial difficulties, etc.

Article 6 (Effective Period, etc. of Recognition as Asbestos Victim)

- (1) The effective period of recognition as an asbestos victim referred to in Article 7 (1) of the Act (hereinafter referred to as "effective period") shall be five years. *<Amended by Presidential Decree No. 25949, Dec. 31, 2014>*
- (2) Where an effective period is renewed under Article 7 (5) of the Act, the amount of remedial benefits payable to a person recognized as an asbestos victim (hereinafter referred to as "recognized victim") shall be the same amount paid before the effective period is renewed.

Article 7 (Payment of Medical Benefits and Allowances for Medical Care and Living Costs)

- (1) In cases of a recognized victim of primary malignant mesothelioma, primary lung cancer, asbestosis, and diffuse pleural thickening, the amount prescribed in attached Table 2 shall be paid as medical benefits for the effective period (where the effective period is renewed, including such renewed period; hereinafter the same shall apply). *<Amended by Presidential Decree No. 24541, May 22, 2013>*
- (2) In cases of a recognized victim of primary malignant mesothelioma, primary lung cancer, asbestosis (Grade 1), and diffuse pleural thickening, allowances for medical care and living costs prescribed in attached Table 2 shall be paid during the effective period, and in cases of a recognized victim of asbestosis (Grade 2 and Grade 3), they shall be paid for 24 months. *<Amended by Presidential Decree No. 24541, May 22, 2013; Presidential Decree No. 25949, Dec. 31, 2014>*

Article 8 (Amount of Funeral Expenses)

- (1) Funeral expenses referred to in Article 11 of the Act shall be the amount equivalent to 897/1000 of the standard median income (referring to the standard median income of two-person households; hereafter the same shall apply in this Article) under subparagraph 11 of Article 2 of the National Basic Living Security Act. *<Amended by Presidential Decree No. 26683, Nov. 30, 2015>*
- (2) The standard median income under paragraph (1) shall be the standard median income for the relevant year in which an application for payment of funeral expenses is filed. *<Amended by Presidential Decree No. 26683, Nov. 30, 2015>*

Article 9 (Amount and Method of Payment of Special Consolation for Bereaved Family Members)

(1) The amount of special consolation for bereaved family members payable under Article 12 of the Act shall be as follows: <Amended by Presidential Decree No. 24541, May 22, 2013>

1. Primary malignant mesothelioma and primary lung cancer: An amount equivalent to 1,500/100 of the funeral expenses prescribed in Article 8;
2. Asbestosis (Grade I) and diffuse pleural thickening: An amount equivalent to 750/100 of the funeral expenses prescribed in Article 8;
3. Asbestosis (Grade II): An amount equivalent to 500/100 of the funeral expenses prescribed in Article 8;
4. Asbestosis (Grade III): An amount equivalent to 250/100 of the funeral expenses prescribed in Article 8.

(2) Special consolation for bereaved family members and special funeral expenses referred to in Article 12 of the Act shall be paid in installments once each year for a three-year period, taking into account the conditions, etc. of the Asbestos Injury Relief Fund established under Article 24 of the Act (hereinafter referred to as the "Fund").

Article 10 (Guidelines for Special Recognition of Bereaved Family Members)

Guidelines for recognition of a bereaved family member referred to in Article 14 (1) of the Act shall be as set out in attached Table 3.

Article 11 (Procedures, etc. for Payment of Remedial Benefits)

(1) A person who intends to request the payment of remedial benefits under Article 16 (1) of the Act shall file a request for the payment thereof with the head of the City/Gun or Gu (referring to an autonomous Gu; hereinafter the same shall apply) having jurisdiction over his/her domicile. In such cases, if the head of a Si/Gun/Gu in receipt of the request for special consolation for bereaved family members and special funeral expenses prescribed in Article 12 of the Act (hereafter referred to as "head of the Si, etc. where the request is filed" in this Article) and the head of a Si/Gun/Gu having jurisdiction over the domicile of the person who died of an asbestos-related disease as at the time of his/her death (hereafter referred to as "head of the Si, etc. where the victim died" in this Article) are different, the head of the Si, etc. where the request is filed shall transfer, without delay the documents requesting for the payment to the head of the Si, etc. where the victim died.

(2) When the Corporation determines to pay remedial benefits under Article 16 (2) of the Act, it shall give a notice on such fact, without delay, to the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, the Governor of a Special Self-Governing Province (where the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, the Governor of a Special Self-Governing Province to whose jurisdiction the head of the Si, etc. where the request has been filed is located and the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, the Governor of the Special Self-Governing Province to whose jurisdiction the head of the Si, etc. where the victim died are different, referring to the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, the Governor of the Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor) to whose

jurisdiction the head of the Si, etc. where the victim died is located) and the head of the relevant Si/Gun/Gu (where the head of the Si, etc. where the request has been filed and the head of the Si, etc. where the victim died are different, referring to the head of the Si, etc. where the victim died; hereinafter the same shall apply).

(3) When it is determined to pay remedial benefits, the Minister of Environment shall pay, without delay, the amount determined to be borne by him/her under Article 13 from the Fund to the head of the relevant Si/Gun/Gu.

(4) Upon receipt of a notice given under paragraph (2), a Mayor/Do Governor shall pay, without delay, the amount to be borne by him/her under Article 13 to the head of the relevant Si/Gun/Gu.

(5) Upon receipt of the amount to be borne by the Minister of Environment and the relevant Mayor/Do Governor under paragraph (3) and (4), the head of the relevant Si/Gun/Gu shall pay remedial benefits without delay to the person who has filed a request for payment of remedial benefits.

Article 12 (Determination on Whether to Pay Remedial Benefits)

Where the Corporation determines whether to pay remedial benefits under Article 16 (3) of the Act, matters subject to deliberation by the Determination Committee established under Article 8 of the Act (hereinafter referred to as the "Determination Committee") are as follows:

1. Matters as to whether a recognized victim died of the relevant asbestos-related disease, in connection with the payment of funeral expenses under Article 11 of the Act and the amount of remedial benefit adjustment under Article 15 of the Act;
2. Matters concerning determination on whether to completely or partially discontinue the payment of medical benefits, allowances, etc. under Article 19 (1) of the Act;
3. Other matters that the Chairperson of the Corporation refers to the deliberation by the Determination Committee, as they are deemed to require experts' judgment.

Article 13 (Ratio, etc. of Bearing Remedial Benefits)

(1) "Ratio prescribed by Presidential Decree" in Article 17 (1) of the Act means the ratio classified as follows:

1. The Fund: 90 percent of the amount of remedial benefits;
2. A Mayor/Do Governor and the head of a Si/Gun/Gu: 10 percent of the amount of remedial benefits.

(2) The ratio of the amount of remedial benefits to be borne by a Mayor/Go Governor and the head of a Si/Gun/Gu under paragraph (1) 2 shall be determined by the competent Mayor/Do Governor through consultation with the head of the competent Si/Gun/Gu.

Article 14 (Guidelines for Adjustment to Reflect other Compensation Remedies)

(1) "Amount of the money and goods already received and converted by the method prescribed by Presidential Decree" in Article 20 of the Act means the amount of the received money and goods converted to the current value: Provided, That if the received money and goods are medical care, it refers to the amount of expenses incurred in relation to such medical care, which is converted to the current value.

(2) In calculating the current value under paragraph (1), the consumer price index publicly announced by the Commissioner of the Statistics Korea each year under the Statistics Act shall be reflected.

Article 15 (Contributions to Fund by the Government)

The amount of contribution to be made by the Government under Article 24 (3) of the Act shall be determined through consultation between the Minister of Environment and the Minister of Strategy and Finance.

Article 16 (Use of Fund)

"Expenses prescribed by Presidential Decree" in subparagraph 7 of Article 25 of the Act means the following expenses:

1. Expenses for taking a medical examination, testing, etc. under Article 6 (8) of the Act;
2. Expenses for surveys and research, and surveys on asbestos-related health impacts under Article 47 (1) and (2) of the Act;
3. Expenses for conducting health examinations under Article 48 (3) of the Act;
4. Expenses the Minister of Environment deems necessary for the smooth relief of asbestos injuries, such as remuneration of survey and research personnel under Article 36.

Article 17 (Operation of Fund)

(1) "Projects prescribed by Presidential Decree" in Article 26 (2) 5 of the Act means the following projects:

1. Loans for welfare projects for recognized victims and the bereaved family members specially recognized under Article 14 of the Act;
2. Purchase of securities defined in Article 4 of the Financial Investment Services and Capital Markets Act;
3. Acquisition and disposal of real estate property to increase the Fund.

(2) "Level prescribed by Presidential Decree" in Article 26 (3) of the Act means the earning rate prescribed by the Minister of Environment taking into consideration the interest rates of one-year term deposits of the banks defined in subparagraph 2 of Article 2 of the Banking Act, that operate their business nationwide. In such cases, the Minister of Environment may determine the interest rate of a loan for welfare projects prescribed in paragraph (1) 1 differently from the earning rate of other projects through consultation with the Minister of Strategy and Finance.

Article 18 (Operation Plans for Fund)

An operation plan for the Fund referred to in Article 27 of the Act shall include the following matters:

1. Matters concerning the revenues and expenditures of the Fund;
2. Matters concerning the business plan, plan for encumbrances and funding plan for the relevant year;
3. Matters concerning the appropriation of funds carried over from the previous year;
4. Other matters necessary for the operation of the Fund.

Article 19 (Opening Fund Accounts)

To ensure clear management of the revenues and expenditures of the Fund, the Minister of Environment shall open accounts for the Fund at the Bank of Korea established under the Bank of Korea Act.

Article 20 (Fund Accounting Organ, etc.)

(1) The Minister of Environment shall appoint fund revenue collection officials, fund treasurers, fund disbursement officials and fund accounting officials from among the affiliated public officials in order to deal with the affairs related to the revenue and expenditure of the Fund.

(2) Fund revenue collection officials and fund treasurers shall be in charge of the contracts accompanied by the management and operation of the Fund, affairs related to the encumbrances of the revenues and expenditures, and the collection of, and making decisions on, the revenue of the Fund, while fund disbursement officials and fund accounting officials shall be in charge of the affairs related to the revenues and expenditures accompanied by the management and operation of the Fund.

(3) Where the Chairperson of the Corporation is entrusted with the affairs concerning the management and operation of the Fund under Article 26 (5) of the Act, he/she may appoint directors in charge of the revenue of the Fund and directors in charge of the encumbrances of the Fund from among the standing directors, and staff members in charge of the expenditure of the Fund, and staff members in charge of accounting of the Funds from among the employees under his/her control, and where such appointments are made, he/she shall report thereon to the Minister of Environment. In such cases, the directors in charge of the revenue of the Fund shall perform the duties of fund revenue collection officials, the directors in charge of encumbrances of the Fund shall perform the duties of fund treasurer, and staff members in charge of the expenditure of the Fund and staff members in charge of accounting of the Fund shall perform the duties of the fund disbursement officials and fund accounting officials, respectively.

(4) The Minister of Environment shall give notice of the details of the appointments to fund revenue collection officials, fund treasurer, fund disbursement officials, fund accounting officials, directors in charge of the revenue of the Fund, directors in charge of the encumbrances of the Fund, staff members in charge of the expenditure of the Fund and staff members in charge of accounting of the Fund appointed under paragraph (1) and (3) to the Board of Audit and the Governor of the Bank of Korea, respectively.

Article 21 (Allocation of Limit of Encumbrance Amount of Fund)

(1) The Minister of Environment shall allocate a monthly limit on the amount of encumbrance of the Fund to the fund treasurer.

(2) Upon allocating a limit on the amount of encumbrance under paragraph (1), the Minister of Environment shall notify the fund disbursement officials the details thereof.

(3) The fund treasurer shall not incur an encumbrance in excess of the limit allocated under paragraph (1).

Article 22 (Procedures for Expending Fund)

(1) When a fund treasurer incurs an encumbrance, he/she shall send the documents related to the encumbrance to the fund disbursement official.

(2) In disbursing funds for encumbrances, the fund disbursement official shall issue checks, the payer of which is the Bank of Korea established under the Bank of Korea Act, or any bank or postal agency defined

in subparagraph 2 of Article 2 of the Banking Act.

(3) Any encumbrance incurred by a fund treasurer unable to be paid in the relevant fiscal year due to any extenuating circumstance may be carried forward to the following year for payment.

Article 23 (Prohibition from Dealing with Cash)

Neither a fund disbursement official nor an accounting official may keep or handle the Fund's cash: Provided, That this shall not apply to the payment of any agency operation expenses referred to in Article 24 of the Management of the National Funds Act.

Article 24 (Reporting on Settlement of Accounts of Fund)

The Minister of Environment shall prepare the following documents related to the settlement of accounts of the Fund in each financial year and submit them to the Minister of Strategy and Finance by no later than the last day of February of the following fiscal year:

1. The state of settlement of accounts of the Fund;
2. A balance sheet, a statement of profit and loss, and other financial statements;
3. A comparison table of the plan and actual operational performance of the Fund;
4. A statement of revenues and expenditures;
5. Other documents necessary for clarifying the contents of the settlement of accounts.

Article 25 (Collection, etc. of Allotted Charges for Asbestos Injury Relief)

Charges allotted for asbestos injury relief under Article 31 of the Act (hereinafter referred to as "allotted charges") shall be collected in integration with the insurance premiums and other charges related to the industrial accident compensation insurance premiums under Article 31 of the Act on the Collection of Insurance Premiums, etc. for Employment Insurance and Industrial Accident Compensation Insurance.

Article 26 (Method, etc. of Calculating Number of Regular Employees)

(1) The number of regular employees referred to in Article 31 (2) 1 of the Act shall be computed on the basis of the number of regular employees in the year before the preceding year of the relevant insurance year under the Act on the Collection of Insurance Premiums, etc. for Employment Insurance and Industrial Accident Compensation Insurance: Provided, That where it is impossible to compute the number of regular employees based on that of the year before the preceding year of the relevant insurance year, the number of employees employed as at the date of establishment of insurance relationship under Article 7 of the Act on the Collection of Insurance Premiums, etc. for Employment Insurance and Industrial Accident Compensation Insurance shall be the basis of computation.

(2) For the purpose of computing the number of regular employees pursuant to Article 31 (3) of the Act, the aggregate of employees employed as at the last day of each month of the year before the preceding year of the relevant insurance year shall be divided by the number of months operated in the year before the preceding year.

Article 27 (Total Sum of Allotted Charges to be Imposed on Place of Business Subject to Specially Allotted Charge Rate for Asbestos Injury Relief)

"Amount prescribed by Presidential Decree" in Article 33 (2) of the Act means an amount equivalent to 5.5 percent of the allotted charges calculated pursuant to Article 32 of the Act.

Article 28 (Method, etc. of Determining Specially Allotted Charge Rate for Asbestos Injury Relief)

(1) The amount of allotted charges which shall be imposed to a place of business subject to the specially allotted charge rate for asbestos injury relief prescribed in Article 33 of the Act (hereinafter referred to as "specially allotted charges") shall be determined each year within the limit calculated under Article 27 in proportion to the accumulated quantity of asbestos permitted to be manufactured or used at each place of business and notified to each relevant business owner by the Minister of Environment.

(2) The amount corresponding to the allotted charges which are calculated by applying the rate of the allotted charges for asbestos injury relief prescribed in Article 32 (1) of the Act (hereinafter referred to as "ordinarily allotted charges") out of specially allotted charges shall be imposed and collected pursuant to the Act on the Collection of Insurance Premiums, etc. for Employment Insurance and Industrial Accident Compensation Insurance, and the amount remaining after deducting the ordinarily allotted charges from the specially allotted charges shall be notified by the Minister of Environment to the relevant business owner for his/her payment, specifying the amount to be paid, account, deadline for payment, etc.

(3) The Minister of Environment may, upon request of a business owner, allow the payment of specially allotted charges in installments, if deemed necessary.

Article 29 (Filing Petitions for Examination)

A person who intends to file a petition for examination under Article 35 of the Act shall submit the petition to the Corporation, as prescribed by Ordinance of the Minister of Environment.

Article 30 (Composition of Examination Committee)

(1) Members of the Committee for the Examination on Asbestos Injury Relief established under Article 36 of the Act (hereinafter referred to as the "Examination Committee") shall be commissioned by the Chairperson of the Corporation from among the following persons. In such cases, the number of persons falling under subparagraph 3 shall exceed the half of the total number of members:

1. An attorney-at-law who has practiced law for at least seven years;
2. A person who serves, or has served, as an assistant or higher professor in a school provided in Article 2 of the Higher Education Act;
3. A specialist who has practiced medicine in a field involving asbestos-related diseases, such as radiology, industrial medicine, pulmonology, preventive medicine, nuclear medicine, pathology, etc. for at least seven years;
4. A person who has engaged in an environment-related business for at least 15 years;
5. A person who has abundant knowledge about and experience in environmental health and social insurance.

(2) The Chairperson of the Examination Committee (hereinafter referred to as the "Chairperson of the Examination Committee") shall be appointed by the Chairperson of the Corporation from among the members of the Examination Committee.

Article 31 (Operation of Examination Committee)

(1) The Chairperson of the Examination Committee shall convoke and preside over meetings of the Examination Committee: Provided, That if the Chairperson of the Examination Committee is unable to perform his/her duties due to any extenuating circumstance, the person designated by him/her in advance shall act on his/her behalf.

(2) Where the Chairperson of the Examination Committee intends to convoke a meeting of the Examination Committee, he/she shall give written notice to the members of the Examination Committee of the date and time, location and agenda of the meeting in writing five days before holding the meeting: Provided, That when a meeting needs to be held with urgency, such written notice may be given verbally or by telephone or by other means on the day before the date of the meeting.

(3) A meeting of the Examination Committee shall be duly open with a majority of all incumbent members present, and a resolution shall be passed with the affirmative vote of a majority of the members present. In such cases, at least two persons falling under Article 30 (1) 3 shall be present at such meeting.

(4) Allowances and travel expenses may be paid to members of the Examination Committee who attend a meeting of the Examination Committee within budgetary limits: Provided, That this shall not apply where a public official member attends such meeting in direction connection with his/her duties.

(5) Except as otherwise expressly provided in paragraphs (1) through (3), matters necessary for the operation of the Examination Committee and other matters shall be determined by the Chairperson of the Examination Committee following a resolution thereon by the Examination Committee.

Article 32 (Determination, etc. on Petitions for Examination)

(1) A determination on a petition for examination under Article 37 (1) of the Act shall be made in writing.

(2) A written determination referred to in paragraph (1) shall specify the following matters:

1. Matters for which the petition for examination has been filed;
2. The name and address of the person who has filed the petition for examination;
3. The text of a formal adjudication;
4. The purport of the petition for examination;
5. Grounds;
6. Year, month and date of the determination.

(3) Upon making a determination on a petition for examination, the Corporation shall send a certified copy of the written determination referred to in paragraph (1) to the person who has filed the petition for examination.

Article 33 (Payment of Appraisal Fees, Diagnostic Fees, etc.)

The actual cost of appraisal fees, diagnostic fees, travel expenses, etc. may be paid within budgetary limits to an interested person who has appeared at a designated place under Article 37 (2) 1 of the Act and a person who has made an appraisal or diagnosis under Article 37 (2) 3 of the Act.

Article 34 (Procedures for, and Method, etc. of Filing Petitions for Reexamination)

A person who intends to file a petition for reexamination under Article 38 of the Act shall submit the petition to the Minister of Environment, as prescribed by Ordinance of the Minister of Environment.

Article 35 (Operation of Reexamination Committee)

@Article 31 shall apply mutatis mutandis to the operation of the Committee for the Reexamination on Asbestos Injury Relief (hereinafter referred to as the "Reexamination Committee") established under Article 39 of the Act. In such cases, "the Examination Committee" shall be construed as "the Reexamination Committee", "the Chairperson of the Examination Committee" as "the Chairperson of the Reexamination Committee", and "persons falling under Article 30 (1) 3" as "persons falling under Article 39 (3) 3 of the Act", respectively.

Article 36 (Placement of Survey and Research Personnel)

(1) The Minister of Environment may appoint up to three survey and research personnel for the determination of asbestos-related diseases, conducting affairs related to reexamination by the Reexamination Committee concerning the recognition of special bereaved family members, and for the specialized survey and research necessary for the operation of asbestos injury relief system.

(2) Necessary Matters concerning remuneration of the survey and research personnel under paragraph (1) and other matters shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 25949, Dec. 31, 2014>

Article 37 (Method, etc. of Adjudication on Petitions for Reexamination)

(1) Adjudication on a petition for reexamination under Article 41 of the Act shall be made in writing.

(2) A written adjudication referred to in paragraph (1) shall specify the following matters:

1. Matters for which the petition for reexamination has been filed;
2. The name and address of the person who has filed the petition for reexamination;
3. The text of a formal adjudication;
4. The purport of the petition for reexamination;
5. Grounds;
6. Year, month and date of the adjudication.

(3) Upon making adjudication on a petition for reexamination, the Minister of Environment shall send a certified copy of the written adjudication referred to in paragraph (1) to the Corporation and the person who has filed the petition for reexamination.

(4) The actual cost of appraisal fees, diagnostic fees, travel expenses, etc. may be paid within budgetary limits to an interested person who has appeared at a designated place under Article 37 of the Act which applies mutatis mutandis under Article 41 of the Act and a person who has made an appraisal or diagnosis under Article 37 of the Act.

Article 38 (Reporting, etc. on Changes in Entitlement to Benefits)

(1) Matters a person who is or was entitled to benefits is obligated to report relating to a change in entitlement under Article 43 (3) of the Act are as follows:

1. Where a person entitled to remedial benefits has received money or goods equivalent to the remedial benefits granted under the Civil Act or any other Acts and subordinate statutes on account of the identical ground of the entitlement to remedial benefits under the Act; the details thereof;
 2. Where the causes of cessation of, or change in, the entitlement to remedial benefits, such as the cure for asbestos-related disease or the improvement of asbestosis, has occurred; the details thereof.
- (2) Matters necessary for the procedure for and method of reporting under paragraph (1) and other matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 39 (Cases, etc. for which Medical Examination May be Demanded)

- (1) Cases in which the Corporation may demand a person to undergo a medical examination, test, etc. at a medical institution under Article 44 (1) of the Act are as follows:
1. Where necessary for determining whether to recognize him/her as an asbestos victim under Article 6 (4) of the Act;
 2. Where necessary for determining whether to pay him/her remedial benefits under Article 16 (3) of the Act;
 3. Other cases regarding which the Chairperson of the Corporation has consulted with the Minister of Environment in advance, as such consultation was deemed necessary to make a determination, etc. under the Act.
- (2) A demand referred to in Article 44 (1) of the Act shall be made in writing, fixing a deadline of up to 30 days.

Article 40 (Medical Institutions for Medical Examination, Tests, etc.)

"Medical institution prescribed by Presidential Decree" in Article 44 (1) 4 of the Act means any of the following:

1. The Seoul National University Hospital Act under the Establishment of Seoul National University Hospital Act;
2. National university-affiliated hospitals under the Act on the Establishment of National University-Affiliated Hospitals;
3. Superior general hospitals under Article 3-4 of the Medical Service Act;
4. Regional cancer centers of Cities/Dos, designated under Article 19 (1) of the Cancer Control Act;
5. The National Cancer Center under Article 27 of the Cancer Control Act.

Article 41 (Areas Subject to Investigation of Health Injuries)

"Area prescribed by Presidential Decree" in Article 44 (2) of the Act means any of the following areas:

1. A neighborhood area of an asbestos mine;
2. An area in which an asbestos mine has been operated;
3. An area in which a large quantity of asbestos or asbestos-containing products have been manufactured or used;
4. Any other area prescribed by Ordinance of the Ministry of Environment wherein health injuries are likely to be caused by asbestos.

Article 42 (Temporary Suspension of Remedial Benefits)

"Event prescribed by Presidential Decree" in Article 45 (1) 3 of the Act means where a recognized victim is deemed to have deteriorated, or impeded the cure of, the relevant disease intentionally or by gross negligence.

Article 43 (Kinds, etc. of Remedial Benefits Subject to Temporary Suspension)

(1) Where the Corporation intends to temporarily suspend grant of remedial benefits under Article 45 (1) of the Act, it shall demand in writing, the relevant person who intends to obtain remedial benefits to fulfill his/her duties provided in subparagraphs of Article 45 (1) of the Act, fixing a period of up to 30 days.

(2) Where a person who intends to obtain remedial benefits fails to fulfill his/her duties within the period fixed under paragraph (1), the grant of remedial benefits may be suspended temporarily.

(3) The kinds of remedial benefits subject to temporary suspension under Article 45 (2) of the Act mean all remedial benefits where making a determination as to whether to grant remedial benefits is impracticable or the payment of remedial benefits is hindered on account of failure to fulfill the duties referred to in paragraph (1) by a person who intends to obtain remedial benefit.

(4) The period of temporary suspension of remedial benefits shall commence on the date following the lapse of the deadline for fulfilling the duties as demanded under paragraph (1) and ends on the day before such duties are fulfilled.

Article 44 (Persons Subject to Surveys on Health Impacts)

(1) "Persons prescribed by Presidential Decree" in Article 47 (2) of the Act means persons with respect to whom it is deemed necessary to conduct the surveys, etc. on asbestos-related health impacts.

(2) The Minister of Environment may conduct surveys on health impacts after determining persons subject to surveys by the Eup/Myeon/Dong unit or in the order of the period of residence in consultation with the head of the local government having jurisdiction over the relevant region, taking into account the budgetary status, period of surveys, etc.

Article 45 (Entrustment of Business Affairs)

(1) Business affairs to be entrusted by the Minister of Environment under Article 26 (5) of the Act are as follows:

1. Payment of remedial benefits under Article 25 (1) of the Act;
2. Programs for preventing asbestos injuries under Article 25 (6) of the Act;
3. Matters related to the management and operation of the Fund under Article 26 (2) 1 through 5 of the Act.

(2) The Minister of Environment shall entrust business affairs related to the imposition and collection of the charges allotted under Article 51 of the Act to the Korea Workers' Compensation and Welfare Service established under the Industrial Accident Compensation Insurance Act and the National Health Insurance Corporation incorporated under the National Health Insurance Act.

(3) Business affairs related to the imposition and collection of charges allotted under paragraph (2) shall be divided between the Korea Workers' Compensation and the National Health Insurance Corporation in

accordance with the Act on the Collection of Insurance Premiums, etc. for Employment Insurance and Industrial Accident Compensation Insurance.

(4) For assigning the affairs related to the collection of allotted charges and other charges, the President of the Korea Workers' Compensation and Welfare Service and the President of the National Health Insurance Corporation may appoint officers to collect allotment charges from among the standing directors of each relevant Corporation and collection officers in partial charge of collecting allotment charges from among the employees of each relevant Corporation.

Article 45-2 (Management of Sensitive Information and Personally Identifiable Information)

The Minister of Environment (including persons entrusted with the business affairs of the Minister of Environment under Article 45), a Mayor/Do Governor or the head of a Si/Gun/Gu (including persons entrusted with the relevant authority, if such authority is entrusted), the Corporation, or an asbestos injury reporting center under Article 47 (3) of the Act may manage the data which contains information on a person's health provided in Article 23 of the Personal Information Protection Act, information constituting criminal records provided in subparagraph 2 of Article 18 of the Enforcement Decree of the same Act, and the resident registration number under subparagraph 1 of Article 19 of the same Decree, if inevitable to perform the following business affairs: *<Amended by Presidential Decree No. 24541, May 22, 2013>*

1. Affairs related to the recognition, etc. of an asbestos victim under Article 6 of the Act;
2. Affairs related to the renewal, etc. of the effective period of recognition of an asbestos victim under Article 7 of the Act;
3. Affairs related to the special recognition of bereaved family members under Article 14 of the Act;
4. Affairs related to the payment of remedial benefits under Article 16 of the Act;
5. Affairs related to accrued medical benefits, etc. under Article 18 of the Act;
6. Affairs related to filing petitions for examination under Article 35 of the Act;
7. Affairs related to filing petitions for reexamination under Article 38 of the Act;
8. Affairs related to the confirmation of disqualification for members of the Reexamination Committee under Article 39 of the Act;
9. Affairs related to the investigation of health injuries and surveys on health impacts under Articles 44 (2) and 47 (1) and (2) of the Act;
10. Affairs related to the designation of, and support for, an asbestos injury reporting center under Article 47 (3) of the Act;
11. Affairs related to the issuance of an asbestos health care pocketbook under Article 48 of the Act.

Article 46 (Standards for Imposition of Administrative Fines)

(1) Standards for the imposition of administrative fines referred to in Article 54 (1) of the Act shall be as set out in attached Table 4.

(2) The Minister of Environment may increase or reduce the amount of an administrative fine to the extent of one half the amount set out in attached Table 4, taking into account the level and frequency of violations and motives, consequences, etc. of the relevant violations: Provided, That in cases of an

increase, the amount of an administrative fine shall not exceed the upper limit thereof prescribed in Articles 54 (1) of the Act.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2011.

Article 2 (Transitional Measures concerning Citation of other Acts and Subordinate Statutes)

"Article 19 (1) of the Cancer Control Act" in subparagraph 4 of Article 40 shall be construed as "Article 6-2 (1) of the Cancer Control Act", and "Article 27 of the Cancer Control Act" in subparagraph 5 of the same Article shall be construed as "the National Cancer Center Act", respectively, until May 31, 2011.

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

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Presidential Decree No. 24541, May 22, 2013>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2014.

Article 2 (Applicability to Judgement on Type of Asbestosis)

The amended provisions of subparagraph 3 (b) 1 of attached Table 1 shall apply to cases of judging the type of asbestosis on or after the date this Decree shall enter into force.

Article 3 (Applicability to Medical Benefits and Allowances for Medical Care and Living Costs)

The amended provisions of attached Table 2 shall apply to medical benefits and allowances for medical care and living costs paid on or after the date this Decree shall enter into force.

ADDENDA <Presidential Decree No. 25949, Dec. 31, 2014>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Effective Period of Recognition as Asbestos Victim)

The amended provisions of Article 6 (1) shall also apply to a person who was recognized as an asbestos victim either for asbestosis or diffuse pleural thickening before this Decree enters into force and for whom the recognition as an asbestos victim has not been cancelled in accordance with Article 7 (4) of the Act at the time when this Decree enters into force. In such cases, the reckoning date of the effective period under the amended provisions of Article 6 (1) shall be the date when the person was last recognized as an asbestos victim.

Article 3 (Special Cases concerning Payment of Allowances for Medical Care and Living Costs)

In case of paying allowances for medical care and living costs under the amended provisions of Article 7 (2) during the effective period to persons recognized to suffer asbestosis (Grade 1) or diffuse pleural thickening before this Decree enters into force, such allowances shall be paid for the remaining effective period which is calculated by excluding the period from the date when the relevant person was last recognized as an asbestos victim to the date when this Decree enters into force.

ADDENDA <Presidential Decree No. 26683, Nov. 30, 2015>

Article 1 (Enforcement Date)

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

Article 2 Omitted.