

# ENFORCEMENT DECREE OF THE MINING INDUSTRY ACT

Wholly Amended by Presidential Decree No. 20256, Sep. 10, 2007  
Amended by Presidential Decree No. 20678, Feb. 29, 2008  
Presidential Decree No. 21214, Dec. 31, 2008  
Presidential Decree No. 21951, Dec. 31, 2009  
Presidential Decree No. 22151, May 4, 2010  
Presidential Decree No. 22395, Sep. 20, 2010  
Presidential Decree No. 22556, Dec. 28, 2010  
Presidential Decree No. 23488, Jan. 6, 2012  
Presidential Decree No. 24072, Aug. 24, 2012  
Presidential Decree No. 24442, Mar. 23, 2013  
Presidential Decree No. 25840, Dec. 9, 2014  
Presidential Decree No. 26187, Apr. 7, 2015  
Presidential Decree No. 26703, Dec. 10, 2015  
Presidential Decree No. 27313, Jul. 6, 2016  
Presidential Decree No. 27767, Jan. 6, 2017

## Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters mandated by the Mining Industry Act and the matters necessary for the enforcement thereof.

## Article 2 (Scope of Foreigner)

A foreigner under Article 10-2 of the Mining Industry Act shall be one who falls under any one of the following subparagraphs:

1. An individual who has not a nationality of Korea;
2. A juristic person who falls under any one of the following items:
  - (a) A juristic person who has been established by the Act and subordinate statute of a foreign country;
  - (b) A juristic person with at least half of his/her employees or members falling under the foregoing subparagraph 1;
  - (c) A juristic person with at least half of his/her executive members such as an employee who conducts business, a director, etc., falling under the foregoing subparagraph 1;

(d) A juristic person who falls under the foregoing subparagraph 1, or item (a) holding at least half of capital or at least half of right to decision. In such cases, when the capital or the right to decision are calculated, the bearer stocks of a stock company shall be considered as holding by the juristic person who falls under the foregoing subparagraph 1 or item (a).

### **Article 3 (Term of Mining Rights)**

(1) The term of the exploring rights under Article 12 (1) of the Act shall be seven years.

(2) The term of the extracting rights under Article 12 (2) of the Act shall be 20 years. *<Amended by Presidential Decree No. 26187, Apr. 7, 2015>*

### **Article 4 (Permission for Extension of Term of Extracting Rights)**

(1) Where the Minister of Trade, Industry and Energy has received an application for permission to extend the term of extracting rights under Article 12 (3) of the Act, he/she shall not grant such permission to any extracting right holder who falls under any of the following subparagraphs: *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 27767, Jan. 6, 2017>*

1. Where the production record for three years retroactive from the date of application for permission to extend the term of the extracting rights falls short of the production record of minerals specified in attached Table 3, or where he/she fails to report mineral production under Article 83 of the Act: Provided, That the foregoing shall not apply where the record of mining investment for three years retroactive from the date of such application for permission is equal to or greater than that specified in attached Table 2;

2. Where he/she violates an order under Article 15-2 of the Mining Safety Act.

(2) An application for permission to extend the term of extracting rights shall be submitted within the period running from three months to one year before the expiration date of the existing term. *<Amended by Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 26187, Apr. 7, 2015>*

(3) The Minister of Trade, Industry and Energy shall, upon receipt of an application for permission to extend the term of extracting rights, decide whether to grant permission within two months before the expiration date of the term of the extracting rights and notify the applicant in writing without delay. In the case of a notification that the application has been rejected, the Minister shall clearly state the reason for rejection. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013>*

(4) If an applicant receives a notice of permit to extend the term of extracting rights under paragraph (3), he/she shall pay a registration license tax for registration within 60 days from the date of receiving the notice and apply to the Minister of Trade, Industry and Energy to register the extension of the term of the extracting rights. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22395, Sep. 20, 2010; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 26187, Apr. 7, 2015>*

(5) If an applicant does not apply to register an extension under paragraph (4), the permission to extend the term of the extracting rights shall cease to be effective. <Amended by Presidential Decree No. 22556, Dec. 28, 2010>

#### **Article 5 (Establishment of Survey Stations)**

(1) In the case of establishing mining areas under Article 14 (1) of the Act (excluding subparagraph 3 of the same paragraph), the mining areas shall be bounded by straight lines after the establishment of survey stations.

(2) In the case of paragraph (1), the Minister of Trade, Industry and Energy may determine a reasonable period to adjust the location of a survey station if he/she determines that the survey station is out of place.

<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(3) The method of establishing survey stations under paragraph (1) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 6 (Mineral Types Not Requiring Whole Unit Area)**

The types of minerals which do not require the whole unit area under Article 14 (1) 2 of the Act include mineral phosphate, sulfur, gypsum, agalmatolite, talc, andalusite (including sillimanite and cyanite), fluorite, diatomite, feldspar, zeolite, serpentine, rock crystal, nephrite, kaolinite, limestone (including dolomite and wollastonite), silica stone, silica sand, zirconium ore, titanium ore (only falling under existing in a placer), alluvial gold, thorium ore, tantalum ore, niobium ore, boron ore, magnesite, coal, graphite, diamond, petroleum (including natural pitch and inflammable natural gas), alunite, barite, nepheline, mica (including sericite and vermiculite), rare-earth ore (referring to the earth and stone that contain cerium, lanthanum, yttrium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, and scandium).

<Amended by Presidential Decree No. 27313, Jul. 6, 2016>

#### **Article 7 (Size of Mining Areas)**

Pursuant to Article 14 (3) of the Act, the maximum size of a mining area shall be 300 hectares; and the minimum size thereof shall be 30 hectares in the case of coal, graphite (excluding scaly graphite) and petroleum (including natural pitch and inflammable natural gas), and three hectares in the case of other minerals.

#### **Article 8 (Submission of Written Agreement)**

If an agreement is established between the mining right holder of an existing mining area and the mining right holder of an adjacent mining area or the person who has applied for the establishment of mining rights on the adjacent mining area (hereinafter referred to as "mining applicant") under the proviso to Article 14 (4) of the Act, such written agreement shall be submitted to the Minister of Trade, Industry and Energy. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

## **Article 9 (Application for Establishment of Mining Rights)**

(1) If a person intends to obtain the establishment of mining rights under Article 15 (1) of the Act, he/she shall submit to the Minister of Trade, Industry and Energy an application for the establishment of mining rights as prescribed by Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

(2) The term "period set by Presidential Decree" in the proviso to Article 15 (2) of the Act means six months.

(3) A mineral deposit description under Article 15 (2) 2 of the Act (hereinafter referred to as "mineral deposit description") shall be prepared by a person who falls under any of the following subparagraphs: Provided, That a mineral deposit description concerning petroleum may be prepared only by a person referred to in subparagraph 1: *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22395, Sep. 20, 2010; Presidential Decree No. 24442, Mar. 23, 2013>*

1. An administrative body of the State or a local government or an organization approved by the Minister of Trade, Industry and Energy;
2. A certified mining resources technician, or a certified land development geology and ground technician under the National Technical Qualifications Act;
3. A person who has a certificate of mining security engineer or a certificate of applied geology engineer under the National Technical Qualifications Act with work experience of at least two years in research activities related to mineral deposits at any organization referred to in subparagraph 1;
4. A person who has a certificate of mining security industrial engineer under the National Technical Qualifications Act with work experience of at least five years in research activities related to mineral deposits at any organization referred to in subparagraph 1;
5. A person recognized by the Minister of Trade, Industry and Energy as having the capability and professional knowledge necessary to perform research activities related to mineral deposits with work experience of at least ten years in the business of mining administration as a public official in the industrial (shall apply to the field of natural resources) field.

(4) Necessary matters regarding the items to be entered in the mineral deposit descriptions, the methods of preparation and the writers thereof, etc. shall be determined and published by the Minister of Trade, Industry and Energy. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

(5) If the Minister of Trade, Industry and Energy confirms the existence of other minerals buried in the same mineral deposit as the minerals for which the establishment of mining rights is applied after conducting a field survey under Article 15 (5) of the Act, he/she may add such other minerals as minerals for the establishment of mining rights. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

## **Article 10 (Non-Acceptance, etc. of Application)**

(1) The Minister of Trade, Industry and Energy shall not accept an application for the establishment of mining rights under Article 15 (1) of the Act, if the application comes under any of the following subparagraphs: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

1. Where the minerals for which the application is made are not among the minerals indicated in subparagraph 1 of Article 3 of the Act;
2. Where the application is not based on any unit area published under Article 13 (3) of the Act;
3. Where the size of a mining area for which the application is made, subject to Article 14 (1) of the Act, exceeds the maximum area, or falls short of the minimum area, as provided for in Article 7;
4. Where the application contravenes Article 15 (3) of the Act;
5. Where the application contravenes Article 16 of the Act;
6. Where the application fee has not been paid.

(2) If a mining applicant fails to submit a mineral deposit description within the period prescribed under the proviso to Article 15 (2) of the Act, the Minister of Trade, Industry and Energy shall dismiss the application for establishment of mining rights. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22395, Sep. 20, 2010; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 27313, Jul. 6, 2016>

#### **Article 11 (Grounds for Not Having to Conduct Field Survey)**

(1) The grounds for not having to conduct field surveys under the proviso to Article 15 (5) of the Act shall be as follows: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 26187, Apr. 7, 2015; Presidential Decree No. 27313, Jul. 6, 2016>

1. Where the existence of the target mineral is confirmed according to a report or document prepared on the basis of research conducted by an administrative body of the State or a local government or an organization recognized by the Minister of Trade, Industry and Energy;
2. Where the existence of the target mineral is confirmed according to a report prepared on the basis of research conducted by a certified technician under the National Technical Qualifications Act;
3. Where the existence of the target mineral is confirmed according to the mineral deposit description: Provided, That the foregoing shall not apply where the area for which an application for the establishment of a mining right is filed (hereinafter referred to as “application area”) overlaps with the mining area of a different mineral type.

(2) The Minister of Trade, Industry and Energy shall determine the types of minerals which do not require field surveys under paragraph (1) 2 or 3. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 26187, Apr. 7, 2015>

**Article 12 Deleted.** <by Presidential Decree No. 27313, Jul. 6, 2016>

#### **Article 13 (Report on Selection of Representative)**

A report on the selection of a representative of the joint mining applicants under the former part of Article 17 (1) of the Act shall be made under the joint signatures of all of the joint mining applicants: Provided,

That the foregoing shall not apply where the representative is indicated on the relevant application for establishment of mining rights.

#### **Article 14 (Report on Change of Representative)**

If the representative of joint mining applicants is changed under the latter part of Article 17 (1) of the Act, the joint mining applicants shall report such fact without delay to the Minister of Trade, Industry and Energy under their joint signatures. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

#### **Article 15 (Notice of Designation of Representative)**

If the Minister of Trade, Industry and Energy designates the representative of joint mining applicants under Article 17 (2) of the Act, he/she shall notify the joint mining applicants thereof. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

#### **Article 16 (Provisions to be Applicable Mutatis Mutandis)**

The provisions of Articles 13 through 15 shall apply mutatis mutandis to joint mining right holders subject to the application of Article 30 (1) of the Act with necessary modifications. In such cases, "joint mining applicants" shall be regarded as "joint mining right holders."

#### **Article 17 (Withdrawal, etc. by Representative of Application for Establishment of Mining Right)**

(1) If the representative of joint mining applicants intends to withdraw an application for establishment of mining rights or to apply for the enlargement or reduction of the application area, he/she shall attach to the application a letter of resolution by the joint mining applicants or any equivalent document and submit such to the Minister of Trade, Industry and Energy. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

(2) Paragraph (1) shall apply mutatis mutandis if the representative of joint mining right holders applies for the enlargement, reduction, division or merger of the mining area.

(3) If the representative applies for the reduction of the application area or for the reduction, division or merger of the mining area under the orders of the Minister of Trade, Industry and Energy, paragraphs (1) and (2) shall not apply. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

#### **Article 18 (Drawing Lots in Case of Competitive Applications)**

(1) If the Minister of Trade, Industry and Energy intends to draw lots under Article 18 (3) of the Act, he/she shall do so in the presence of the mining applicants concerned. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 29, 2010; Presidential Decree No. 24442, Mar. 23, 2013>*

(2) If the Minister of Trade, Industry and Energy determines the drawing date, he/she shall notify the mining applicants concerned thereof no later than 15 days before the drawing day. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

(3) If the mining applicants who received the notice of paragraph (2) do not present themselves on the drawing day, the Minister of Trade, Industry and Energy shall draw with the presence of not less than two

public officials concerned and notify the mining applicants concerned of the result. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 19 (Application for Enlarging, Reducing, Dividing, or Merging Mining Areas)**

(1) If a person intends to apply for the enlargement, reduction, division, or merger of his/her application area or mining area under Article 26 (1) of the Act, he/she shall submit to the Minister of Trade, Industry and Energy an application for such enlargement, reduction, division, or merger as prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) If a person intends to submit an application under paragraph (1), he/she shall clearly indicate the area to be enlarged, reduced, divided, or merged on a mining area map (attached to the application for establishment of mining rights). <Amended by Presidential Decree No. 27313, Jul. 6, 2016>

(3) Article 21 shall apply mutatis mutandis to cases falling under paragraph (1).

#### **Article 20 (Report on Change of Name of Mining Applicant)**

(1) If it is intended to change the name of a mining applicant under Article 27 (1) of the Act, a report thereon shall be filed with the Minister of Trade, Industry and Energy under the joint signatures of the current and previous mining applicants. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) Where the name of a mining applicant is changed by the secession of any of the joint mining applicants due to inheritance or other general succession or death under Article 27 (2) of the Act, a report with documentary evidence thereof shall be submitted to the Minister of Trade, Industry and Energy. The same shall apply where the name (the organizational name in the case of a legal entity) or address of a mining applicant is changed. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(3) In the case of paragraphs (1) and (2), if the mining applicant is the joint mining applicants, the representative of whom is already chosen, the reports of paragraphs (1) and (2) shall be made by the representative: Provided, That a letter of resolution by all of the joint mining applicants or any equivalent document shall be attached to the report under paragraph (1), and if the report under paragraph (2) is made due to the death or secession of the representative, it shall be done under the joint signatures of all of the joint mining applicants.

(4) No report on the change of name under paragraph (1) shall be made before the application under Article 15 (2) of the Act is presented.

#### **Article 21 (Notice of Permission, etc. for Establishment of Mining Rights)**

(1) Where the Minister of Trade, Industry and Energy has permitted the establishment of mining rights, he/she shall immediately notify the mining applicant concerned thereof. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) If a person intends to apply for the registration of establishment of mining rights under Article 28 (1) of the Act, he/she shall submit an application therefor to the Minister of Trade, Industry and Energy along

with a confirmation certificate of receipt of the registration tax and a notice of certification of such receipt. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(3) If there is any document missing in the registration application under paragraph (2), the Minister of Trade, Industry and Energy may fix a specified period of time to supplement the application. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 22 (Non-Acceptance of Application Withdrawal, etc.)**

If a mining applicant presents a document to withdraw an application for establishment of mining rights, a report of a name change of the mining applicant, a secession report of any of the joint mining applicants or an application for enlarging or reducing the application area within 60 days from the date he/she receives a notice of permit under Article 28 (1) of the Act, the Minister of Trade, Industry and Energy shall not accept it. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 27313, Jul. 6, 2016>

#### **Article 23 (Correction of Mining Area Map)**

If the Minister of Trade, Industry and Energy finds that the location, name, mining cadastral number, boundary, direction, distance, survey station or size of a mining area indicated on a mining area map is different from actual fact, he/she shall correct the mining area map and register any correction in respect to the mining rights, and then notify the mining right holder concerned thereof. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 24 (Application, etc. for Verification of Minerals Existing in Same Mineral Deposit)**

(1) If a person intends to obtain a verification of minerals existing in the same mineral deposit under Article 29 of the Act, he/she shall submit to the Minister of Trade, Industry and Energy an application for verification of minerals as prescribed by Ordinance of the Ministry of Trade, Industry and Energy along with a mineral deposit description. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) If the Minister of Trade, Industry and Energy receives an application for verification of minerals existing in the same mineral deposit, he/she shall conduct a field survey as prescribed in the main body of Article 15 (5) of the Act: Provided, That the foregoing shall not apply if the existence of other minerals existing in the same mineral deposit is verified by the mineral deposit description. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 25 (Application for Expansion of Mining Areas Using Existing Mine Shafts)**

(1) If a person intends to apply for the expansion of mining areas by use of existing mine shafts under Article 31 (1) of the Act, he/she shall submit to the Minister of Trade, Industry and Energy an application for the expansion of mining areas using the existing mine shafts (hereinafter referred to as "application for the expansion of mining areas") as prescribed by Ordinance of the Ministry of Trade, Industry and Energy along with a mineral deposit map and its explanatory note, and a written consent from the mining right holders, mining concession holders and mortgagees of the adjacent mining areas or a certified copy of a written ruling under Article 32 (2) of the Act. <Amended by Presidential Decree No. 20678, Feb. 29, 2008;



*Presidential Decree No. 24442, Mar. 23, 2013>*

(2) The mineral deposit map of paragraph (1) shall be prepared by dividing such into a surface map and cross-section map of mineral deposits for which excavation is to be expanded.

#### **Article 26 (Application, etc. for Ruling on Expansion of Mining Areas Using Existing Mine Shafts)**

If a person intends to apply for a ruling on the expansion of mining areas under Article 32 (1) of the Act, he/she shall submit to the Minister of Trade, Industry and Energy an application for a ruling on the expansion of mining areas using existing mine shafts containing the matters in the following subparagraphs, along with a mineral deposit map and a report on the details of consent negotiations with the mining right holders, mining concession holders, and mortgagees of the adjacent mining areas: Provided, That if a negotiation is not possible, a document stating the cause thereof shall be attached:

*<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

1. Personal or organizational name and address of the applicant;
2. Personal or organizational name and addresses of the mining right holders, mining concession holders, and mortgagees of the adjacent mining areas;
3. Registration numbers of the mining rights and the names of mineral types in the adjacent mining areas;
4. The reasons for the need for an expansion of the mining areas.

#### **Article 27 (Procedure for Ruling on Expansion of Mining Areas Using Existing Mine Shafts)**

(1) If the Minister of Trade, Industry and Energy receives an application for a ruling on the expansion of mining areas using existing mine shafts pursuant to Article 26, he/she shall send a copy of the application to the mining right holders, mining concession holders, and mortgagees of the adjacent mining areas to seek their opinions. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

(2) If the mining right holders, mining concession holders, and mortgagees of the adjacent mining areas receive a copy of the application under paragraph (1), they shall state their opinions or submit an equivalent written statement to the Minister of Trade, Industry and Energy, in accordance with Article 32 (2) of the Act, within 20 days from the date of receipt thereof. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

(3) If the mining right holders, mining concession holders, and mortgagees of the adjacent mining areas fail to state their opinions or to submit an equivalent written statement as provided for in paragraph (2), they shall be deemed to have no objection concerning the application.

(4) If the Minister of Trade, Industry and Energy makes a ruling on the expansion of mining areas under Article 32 (2) of the Act, he/she shall send a certified copy of the written ruling to the applicant and the mining right holders, mining concession holders, and mortgagees of the adjacent mining areas. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

#### **Article 28 (Field Survey)**

(1) If a person intends to apply for conducting a field survey concerning the adjacent mining areas under Article 33 (1) of the Act, he/she shall present an application prescribed by Ordinance of the Ministry of Trade, Industry and Energy to the Minister of Trade, Industry and Energy. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy shall, if deemed necessary to conduct a field survey after receiving an application under paragraph (1), notify the applicant of the number and names of surveyors, the date and time of survey, and the account of traveling expenses pursuant to the Travel Expenses of Public Officials Regulations. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(3) An applicant shall pay the travelling expenses within 15 days from the date of receiving the notice under paragraph (2) and attend the site on the survey day. Where the travelling expenses are not paid, the applicant shall be considered to have abandoned his/her application.

(4) If an applicant pays the travelling expenses under paragraph (3), the Minister of Trade, Industry and Energy shall notify without delay the mining right holders of the adjacent mining areas and other interested persons of the name of the applicant and the date and time of survey. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 29 (Mining Area Boundary Survey)**

(1) If a person intends to apply for a survey of the boundaries of his/her own mining area or the adjacent mining areas under Article 33 (2) of the Act, he/she shall submit an application prescribed by Ordinance of the Ministry of Trade, Industry and Energy to the Minister of Trade, Industry and Energy. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy shall, upon receipt of an application under paragraph (1), select one surveyor from among those designated in advance pursuant to Article 33 (3) of the Act and notify the applicant of the name of the surveyor, the date and time of survey, and the attendance site. Where the surveyor surveys the boundaries of the adjacent mining areas, the Minister of Trade, Industry and Energy shall notify the mining right holders of the adjacent mining areas and other interested persons. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 30 (Assessment of Losses)**

(1) Ordinary losses under Article 34 (4) of the Act shall be assessed in accordance with the following classifications:

1. Where there are outputs in mineral production from a mine which a mining right holder or a mining concession holder closes down while it is in operation or under normal production of minerals: An amount calculated by subtracting a residual value of relocatable or convertible facilities from an appraised value of a mine assessed by a person prescribed by Ordinance of the Ministry of Trade, Industry and Energy according to Article 34 (4) 1 of the Act in consideration of future profitabilities of the mine and then adding relocation expenses thereto. In such cases, where there is any real estate, such as land and buildings, acquired to develop the relevant mine in an area other than the appraised area,

ordinary losses shall be calculated by adding to such amount a value assessed by applying mutatis mutandis the standards for compensation prescribed by the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects to the relevant real estate;

2. Where an exploring right holder has begun exploration or the results of exploration has been recognized and where a mine has no outputs in mineral production after an extracting right holder obtained authorization for an extracting plan: An amount calculated by subtracting a residual value of relocatable or convertible facilities from investments injected in developing the relevant mine and an appraised value of the current facilities and then adding relocation expenses thereto;

3. Where an exploring right holder fails to begin exploration after registration or where an extracting right holder fails to obtain authorization for an extracting plan: Expenses incurred in registration.

(2) An appraised value of a mine referred to in paragraph (1) 1 and an appraised value of the current facilities referred to in paragraph (1) 2 shall be the value of an arithmetic mean of appraised values assessed by at least two persons prescribed by Ordinance of the Ministry of Trade, Industry and Energy according to Article 34 (4) 1 of the Act.

#### **Article 31 (Major National Construction Project Sites, etc.)**

Major national construction project sites and adjoining areas under Article 34 (7) of the Act shall be areas in which railroads (including subway lines), industrial complexes, national expressways and dams built by the State and local governments are located, and their adjoining areas, which are designated and published by the head of the agency concerned. *<Amended by Presidential Decree No. 22556, Dec. 28, 2010>*

#### **Article 32 (Record of Mining Investment)**

The record of mining investment under Article 35 (2) 3 of the Act and the proviso of subparagraph 6 of the same paragraph shall be as shown in attached Table 2. *<Amended by Presidential Decree No. 22556, Dec. 28, 2010>*

#### **Article 33 (Record of Mineral Production)**

The record of mineral production under Article 35 (2) 3 of the Act and the proviso of subparagraph 6 of the same paragraph shall be as shown in attached Table 3. *<Amended by Presidential Decree No. 22556, Dec. 28, 2010>*

#### **Article 34 (Change of Registration Application by Inheritance, etc.)**

A person who falls under any of the following subparagraphs shall submit to the Minister of Trade, Industry and Energy an application for a change of registration prescribed by Ordinance of the Ministry of Trade, Industry and Energy along with documentary evidence thereof, within 60 days from the date the cause occurs: *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 27313, Jul. 6, 2016>*

1. A person who holds extracting rights or a mortgage thereto by inheritance or other general succession;

2. A mining right holder whose name, title or address has been changed.

### **Article 35 (Application to Register Seccession of Joint Mining Right Holder)**

If a joint mining right holder secedes due to his/her death, the representative of the joint mining right holders, or in the absence of such representative the other joint mining right holders, shall submit to the Minister of Trade, Industry and Energy an application for the registration thereof prescribed by Ordinance of the Ministry of Trade, Industry and Energy along with documentary evidence thereof. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

**Article 36 Deleted.** <by Presidential Decree No. 22556, Dec. 28, 2010>

### **Article 37 (Submission of Exploring Records)**

(1) A person who wishes to obtain recognition of exploring records under Article 41 (1) of the Act before the period to submit exploring records ends, and a person who has obtained extension of period to submit exploring records under Article 41 (2) of the Act before three months when the period of extension ends, shall submit to the Minister of Trade, Industry and Energy the written application for obtaining recognition of exploring records which is prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Presidential Decree No. 24442, Mar. 23, 2013>

(2) In the former part of Article 41 (2) of the Act, "unavoidable cause prescribed by Presidential Decree" means the following: <Amended by Presidential Decree No. 26187, Apr. 7, 2015>

1. Where the period has been postponed while an exploring right holder is implementing the conditions attached under Article 25 of the Act: Provided, That where the period has been postponed due to a ground attributable to the exploring right holder shall be excluded;
2. Where a lawsuit regarding the relevant exploring right is pending in court;
3. Where exploration is unfeasible to be started or has been delayed due to a natural disaster or force majeure.

(3) A person who wishes to obtain the extension of period to submit exploring records pursuant to the former part of Article 41 (2) of the Act shall immediately submit to the Minister of Trade, Industry and Energy the written application of extension of period to submit exploring records which is prescribed by Ordinance of the Ministry of Trade, Industry and Energy, if unavoidable causes under the foregoing paragraph (2) are terminated or he/she fails to obtain recognition of exploring records. <Amended by Presidential Decree No. 24442, Mar. 23, 2013>

### **Article 38 (Authorization etc. of Extracting Plan)**

(1) A person who wishes to obtain authorization of extracting plan, or authorization of modification thereof under Article 42 (1) of the Act shall submit to the Minister of Trade, Industry and Energy the written application for authorization of exploring plan, or the written application for authorization of modification thereof which is prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Presidential Decree No. 24442, Mar. 23, 2013>

(2) Where the Minister of Trade, Industry and Energy receives the written application for authorization of exploring plan, or the written application for authorization of modification thereof regarding coal, or coal and graphite deposit, he/she shall decide whether to authorize such application in accordance with Article

3 of the Coal Industry Act in consideration of the long term plan of the coal industry that is established by the Minister of Trade, Industry and Energy. <Amended by Presidential Decree No. 24442, Mar. 23, 2013>

(3) "Unavoidable cause prescribed by Presidential Decree" under Article 42 (3) of the Act means the following: <Amended by Presidential Decree No. 26187, Apr. 7, 2015>

1. Where the period has been postponed while an exploring right holder is implementing the conditions attached under Article 25 of the Act: Provided, That where the period has been postponed due to a ground attributable to the extracting right holder shall be excluded;
2. Where a lawsuit regarding the relevant extracting right is pending in court;
3. Where extraction is unfeasible to be started due to a natural disaster.

(4) A person who wishes to extend the period for application to obtain authorization of the extraction plan shall immediately submit to the Minister of Trade, Industry and Energy the written application of extension of period to apply authorization of the extraction plan which is prescribed by Ordinance of the Ministry of Trade, Industry and Energy, if unavoidable causes under the foregoing paragraph (3) are terminated or he/she fails to obtain authorization of extracting plan. <Amended by Presidential Decree No. 24442, Mar. 23, 2013>

(5) If the Minister of Trade, Industry and Energy wishes to order a modification of the extracting plan under Article 42 (5) of the Act, he/she shall determine the period of at least 30 days and order such modification. <Amended by Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 39 (Application, etc. for Suspension of Extraction)**

(1) A person who wishes to suspend the extraction under Article 42-2 (2) of the Act shall submit to the Minister of Trade, Industry and Energy the written application to obtain authorization of suspension which contains the period and ground of suspension. <Amended by Presidential Decree No. 24442, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy may authorize the suspension of extraction under Article 42-2 (2) of the Act in any of the following cases: <Amended by Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 26187, Apr. 7, 2015>

1. Where the investment records of mining business for three years retroactive from the date the application has been filed for authorization of suspension of extraction are more than those of mining business under attached Table 2;
2. Where the production records of minerals for three years retroactive from the date the application has been filed for authorization of suspension of extraction are more than those of minerals under attached Table 3;
3. A lawsuit regarding the relevant extracting right is pending in court;
4. Where he/she fails to continue the extraction due to a natural disaster or force majeure.

(3) The period of suspension of extraction under Article 42-2 (2) of the Act shall not exceed six years. <Amended by Presidential Decree No. 26187, Apr. 7, 2015>

#### **Article 40 (Guidance and Inspection)**

(1) In any of the following cases, the Minister of Trade, Industry and Energy may perform guidance and inspection with regard to extracting activities by an extracting right holder as prescribed by Article 45 of the Act: <Amended by Presidential Decree No. 27313, Jul. 6, 2016>

1. Where there is a radical change in mineral outputs;
2. Where a civil complaint related to mining is filed;
3. Where the Minister of Trade, Industry and Energy deems that guidance and inspection are necessary to check whether extraction activities are performed in compliance with an extracting plan.

(2) A public official who performs the guidance and inspection under the foregoing paragraph (1) shall hold an identification which represents an authority thereof and show it to the person concerned.

#### **Article 41 (Terms of Mining Concessions and Authorization for Extension Thereof)**

(1) If a extracting right holder and a person intending to hold a mining concession fix a term of the mining concession by agreement under the proviso to Article 49 (1) of the Act, the term shall be a period of time sufficient enough to extract and acquire the minerals concerned within the scope prescribed by the Minister of Trade, Industry and Energy. The same shall apply where the term of the mining concession is extended. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013>

(2) If a extracting right holder or a mining concession holder intends to obtain authorization for an extension of the term of the mining concession under Article 49 (2) of the Act, he/she shall submit an application, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, to the Minister of Trade, Industry and Energy three to one year before the expiration of its term. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 26187, Apr. 7, 2015>

(3) If the Minister of Trade, Industry and Energy receives an application for authorization for an extension of the term of a mining concession concerning coal or coal and graphite, he/she shall determine whether to grant such authorization by considering the long-term plan for the coal industry which is separately established by the Minister of Trade, Industry and Energy under Article 3 of the Coal Industry Act. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(4) If the Minister of Trade, Industry and Energy receives an application for authorization for an extension of the term of a mining concession under paragraphs (2) and (3), he/she shall not grant such authorization if the mining concession holder has not fully carried out the duties under Article 5 of the Mining Safety Act. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 27767, Jan. 6, 2017>

#### **Article 42 (Specified Mineral Deposits)**

(1) Specified mineral deposits under the proviso to Article 50 (1) of the Act shall refer to the mineral deposits in mining areas where the level of water for drainage is constantly floating, or the mineral deposits which are deemed economical and rational to develop independently due to their separation or dislocation from the main working mine.

(2) Necessary matters concerning the standards and investigation methods for specified mineral deposits under paragraph (1) shall be determined by the Minister of Trade, Industry and Energy. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 43 (Minimum of Mining Concession Area)**

Where the mining concession is established pursuant to the proviso (excluding the case of Article 31 (1) of the Act) of Article 51 (2) of the Act, the minimum of one mining concession area shall be 50 hectares. In such cases, if a mining concession is established by distinguishing a vertical descent from the boundary of the earth's surface, the mining concession area shall be established so as not to hinder the safety or comprehensive development of the mine concerned.

#### **Article 44 (Application for Establishment of Mining Concessions)**

If a person intends to obtain authorization for establishment of a mining concession under Article 52 (1) of the Act, he/she shall submit to the Minister of Trade, Industry and Energy an application (including an application made in the form of a electronic document) for authorization of establishment of a mining concession as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, accompanied by the following documents (including electronic documents): Provided, That the documents of subparagraphs 2 and 3 shall be required only for the specified mineral deposits referred to in Article 42. In such cases, the Minister of Trade, Industry and Energy shall verify a certified copy of the corporate register of the applicant (limited to a legal entity) through joint use of administrative information under Article 36 (1) of the Electronic Government Act: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 21951, Dec. 31, 2009; Presidential Decree No. 22151, May 4, 2010; Presidential Decree No. 24442, Mar. 23, 2013>

1. A contract for establishing the mining concession;
2. A plan for development;
3. A surface map and a cross-section map of mineral deposits in the area covered by the mining concession;
4. A copy of the applicant's resident registration certificate or other identification card, issued by a public institution, usable for the verification of his/her identity and address;
5. Deleted; <by Presidential Decree No. 26187, Apr. 7, 2015>
6. A document to prove financing capacity as determined by the Minister of Trade, Industry and Energy.

#### **Article 45 (Notification of Authorization, etc. for Establishment of Mining Concessions)**

@Article 21 shall apply mutatis mutandis where the Minister of Trade, Industry and Energy authorizes the establishment of mining concessions. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

#### **Article 46 (Rate, etc. of Mining Concession Royalties)**

The rate, time and methods of payment of mining concession royalties under Article 51 (3) of the Act shall be determined on the basis of a contract between the extracting right holder and mining concession holder

concerned: Provided, That the rate of mining concession royalties for limestone (including dolomite and wollastonite) shall not exceed five percent of the total amount of mining products from the mining concession area concerned. <Amended by Presidential Decree No. 22556, Dec. 28, 2010>

#### **Article 47 (Application for Extinguishment of Mining Concessions)**

(1) If an extracting right holder intends to apply for extinguishment of a mining concession under Article 56 (1) of the Act, he/she shall submit to the Minister of Trade, Industry and Energy an application for extinguishment of a mining concession as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, along with the documents in the following subparagraphs: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013>

1. A contract for the establishment of the mining concession;
2. A peremptory notice to demand performance of duties.

(2) The Minister of Trade, Industry and Energy shall, upon receipt of an application for the extinguishment of a mining concession under paragraph (1), confer with the relevant mining concession holder. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

**Article 48 Deleted.** <by Presidential Decree No. 22556, Dec. 28, 2010>

#### **Article 49 (Provisions to be Applied Mutatis Mutandis)**

@Articles 13 through 16, 20 (2), 25 through 30, 34, 35, 38, 39, and 40 shall apply mutatis mutandis to mining concessions and mining concession holders. In such cases, "mining rights" or "extracting rights" and "mining right holders" shall be regarded as "mining concessions" and "mining concession holders", respectively. <Amended by Presidential Decree No. 22556, Dec. 28, 2010>

#### **Article 50 (Application for Access, etc. to Land)**

(1) If a person intends to enter another's land for mining surveys or field investigations under Article 67 (1) of the Act, he/she shall submit to the Minister of Trade, Industry and Energy an application containing the land category, the lot number, and the range and purpose of the mining surveys or field investigations. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(2) If it is necessary to remove obstructions for the purpose of conducting mining surveys or field investigations, an application shall be presented stating the types, names, and locations of the obstructions, the name of the owner or the occupant, and the estimated cost.

(3) If the Minister of Trade, Industry and Energy receives an application under paragraph (1) or (2), he/she may notify the owner or occupant of the land or obstructions of the fact, and request the submission of a written opinion within a fixed appropriate period of time. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(4) If a written opinion under paragraph (3) is not submitted, the Minister of Trade, Industry and Energy may grant permission based on the application only. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>



#### **Article 51 (Notice of Access, etc. to Land)**

Where a person makes notification under Article 67 (3) of the Act after obtaining permission under paragraph (1) of the same Article, he/she shall do so along with a document proving that the permission has been granted.

#### **Article 52 (Carrying and Presenting Certificate)**

If a person intends to enter another's land or to remove obstructions under Article 67 (1) of the Act, he/she shall carry a document to prove that the permission of the Minister of Trade, Industry and Energy has been granted and present such to the owner and occupant of the land or the owner of the obstructions. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

#### **Article 53 (Application for Approval of Land Use)**

If a person intends to obtain approval for use or expropriation of land under Article 72 of the Act, he/she shall submit to the Minister of Trade, Industry and Energy an application (including an application made in an electronic document) for approval of operations as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, along with the documents (including electronic documents) in the following subparagraphs. In such cases, the Minister of Trade, Industry and Energy shall confirm a certified copy of the land register (a certified copy of the land cadastre for any unregistered land) through joint use of administrative information under Article 36 (1) of the Electronic Government Act: *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 21951, Dec. 31, 2009; Presidential Decree No. 22151, May 4, 2010; Presidential Decree No. 24442, Mar. 23, 2013>*

1. A certified copy of the mining ledger;
2. A plan for the development of the mine;
3. A map of the mining area indicating the area to be developed;
4. An investigation record, a drawing and a written opinion of a manager concerning the land, if any, stipulated in Article 19 (2) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects, within the area where the mine is scheduled to be developed;
5. A written opinion of an administrative agency with authority concerning the enforcement of Acts and subordinate statutes, if the use of land is restricted by such Acts and subordinate statutes within the area where the mine is scheduled to be developed;
6. A document stating the details of the consultation with the owner of the land or the persons concerned.

#### **Article 54 (Hearing, etc. of Opinion)**

If the Minister of Trade, Industry and Energy receives an application under Article 53, he/she shall notify the fact to the land owner and the rights holders concerning the land of such fact and request that they submit a written opinion within an appropriate period of time. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

#### **Article 55 (Publication of Operation Approval)**

If the Minister of Trade, Industry and Energy approves the use or expropriation of land under Article 72 (1) of the Act, he/she shall notify without delay the applicant, the land owner, and other interested persons, and publish the matters of the following subparagraphs in the Official Gazette: *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

1. Personal or organizational name and address of the person to use or expropriate the land;
2. Type and purpose of the operation;
3. Detailed items of the land to be used or expropriated.

#### **Article 56 (Report of Acquisition of Rights, etc.)**

When a mining right holder or a mining concession holder files a report under Article 72 (3) of the Act, he/she shall submit a document wherein the land category, lot number, area of land, personal or organizational name and address of the owner, purpose, time and period of use, and details of compensation are specified.

#### **Article 57 (Report of Mining Office, etc.)**

(1) When a extracting right holder or a mining concession holder obtains authorization of extracting plan under Article 42 of the Act (including where such applies mutatis mutandis under Article 61 of the Act), he/she shall establish without delay a mining office in the mining area or in the vicinity thereof, and report the location and title of the mining office to the Minister of Trade, Industry and Energy. The same shall apply where any change is made in the location and title of the mining office. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013>*

(2) The title of a mining office under paragraph (1) shall be deemed the title of the mine.

(3) If the Minister of Trade, Industry and Energy deems the location or title of a mining office inappropriate, he/she may order it changed within a certain fixed period of time. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

#### **Article 58 (Authorization, etc. by Unit of Mine Determined by Minister of Trade, Industry and Energy)**

An authorization, report, application, recognition or order under Articles 32, 33, 36 through 40, 57, and 59 through 62 shall be based on a unitary mine as determined by the Minister of Trade, Industry and Energy. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013>*

#### **Article 59 (Mineral Production Report)**

A extracting right holder or a mining concession holder shall submit a monthly mineral production report to the Minister of Trade, Industry and Energy by the twentieth day of the following month, pursuant to Article 83 of the Act. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013>*

#### **Article 60 (Drawing up and Keeping of Survey Maps of Pits, etc.)**

(1) An extracting right holder or a mining concession holder shall draw up and keep survey maps of pits and mining records for each quarter under Article 84 of the Act. In such cases, the mining records may be substituted by a mineral production report under Article 59. *<Amended by Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 27313, Jul. 6, 2016>*

(2) An extracting right holder or a mining concession holder shall submit to the Minister of Trade, Industry and Energy under Article 84 of the Act duplicates of the survey maps of pits and mining records prepared in December of each year by January 20 of the following year: Provided, That if the mining records are substituted by a mining production report under the latter part of paragraph (1), a duplicate of the mining records need not be submitted. *<Amended by Presidential Decree No. 27313, Jul. 6, 2016>*

#### **Article 61 (Mining Development Plan)**

(1) The Minister of Trade, Industry and Energy shall establish the mining development plan under Article 85 of the Act every five years. *<Amended by Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013>*

(2) The following matters shall be included in a mining development plan under the foregoing paragraph (1): *<Amended by Presidential Decree No. 22556, Dec. 28, 2010>*

1. The basic direction in the supply of industrial raw mineral;
2. Matters concerning plans for the development, and production, demand and supply, of minerals by type;
3. Matters concerning the sale and purchase, brokerage, and other distribution structures of extracting rights and mining concessions;
4. Matters concerning exploring operations;
5. Matters concerning mining facilities;
6. Matters concerning the sale and purchase, brokerage, export and import, reserve, and other distribution structures and processing improvements for mineral products;
7. Matters concerning measures for mine security;
8. Matters concerning appointment and securement of strategic minerals;
9. Matters concerning training of mining technical manpower and improvement of the mining system;
10. Other necessary matters.

(3) The annual enforcement plan under Article 85 of the Act shall include the following matters according to the ground plan under paragraph (1): *<Amended by Presidential Decree No. 22556, Dec. 28, 2010>*

1. Matters concerning the production, demand and supply of minerals by type;
2. Matters concerning exploring operations;
3. Matters concerning support for mining development;
4. Other necessary matters.

#### **Article 62 (Support for Mining Industry Development)**

(1) Businesses for operational support under Article 86 (1) 1 shall be as follows: *<Amended by Presidential Decree No. 22556, Dec. 28, 2010>*

1. Exploring business: A formal examination of mineral resources, and a drilling and digging business;
2. Developing business: The development for mining modernization of extracting facilities, etc. to promote a mine, the investigation of investment for resources development to reestimate and develop a promising mine, and the operational investment for mining facilities necessary for exploring and developing mineral resources;
3. Processing business: The operational support to improve processing technology of mining product, and the investment of facilities for processing of mining product;
4. Distribution business: The distribution for mineral products and primary manufactured goods, and the quality standardization and the establishment of distribution system of mineral products;
5. Reserved business: The business related to purchase, storage and release of mineral products to cope with critical situation caused by the imbalance between supply and demand of mineral product.

(2) Deleted. <Amended by Presidential Decree No. 22556, Dec. 28, 2010>

(3) The operations for preventing mining damages and restoring mines under Article 86 (1) 3 of the Act shall be as follows:

1. Operations to prevent waste stones from being swept away;
2. Operations to purify waste water;
3. Operations to prevent flying dust;
4. Operations to prevent ground subsidence;
5. Operations to prevent damage by springing water;
6. Operations to remove waste facilities;
7. Operations to restore damaged land to its original state (including reforestation).

(4) The operations related to surveying national geological features or mineral resources and the technological development relevant to mineral resources under Article 86 (1) 4 of the Act shall be as follows: <Amended by Presidential Decree No. 22556, Dec. 28, 2010>

1. Operations to survey national geological features;
2. Operations to survey mineral resources;
3. Operations to develop technology relevant to mineral resources;
4. Operations to draw up mining statistics;
5. Operations to analyze and survey the demand and supply of mineral products.

(5) The Minister of Trade, Industry and Energy may support welfare operations for workers at mines and resources-related technology development projects, within budgetary limits, to promote the development of the mining industry. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(6) Necessary matters concerning subsidies and loans under Article 86 of the Act shall be determined by the Minister of Trade, Industry and Energy. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

### **Article 63 (Composition of Committee)**

(1) The Mining Coordination Committee (hereinafter referred to as the "Committee") under Article 92 of the Act shall be comprised of one chairperson and not more than ten members.

(2) The chairperson shall be appointed by the Minister of Trade, Industry and Energy from among the public officials in general or special service who belong to the Senior Civil Service and take charge of related business in the Ministry of Trade, Industry and Energy, and the members shall be commissioned by the Minister of Trade, Industry and Energy from among both public officials of Grade III or higher of related ministries and agencies and persons with ample academic knowledge and experience in mining.

*<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

### **Article 63-2 (Dismissal of Committee Member)**

In any of the following cases, the Minister of Trade, Industry and Energy may dismiss the relevant member of the Committee under Article 63 (2):

1. Where he/she becomes incapable of performing his/her duties due to mental disability;
2. Where it is found that he/she has committed any unlawful act in connection with his/her duties;
3. Where it is deemed that he/she is unsuitable to serve as a member for neglect of duties, injury of dignity, or any other reason;
4. Where he/she declares himself/herself that it is impracticable for him/her to perform duties.

### **Article 64 (Duties of Chairperson)**

(1) The chairperson shall supervise the affairs of the Committee and represent the Committee.

(2) If the chairperson is unable to perform his/her duties for unavoidable reasons, a member of the Committee who is designated by the chairperson in advance shall act for the chairperson.

### **Article 65 (Meetings of Committee)**

(1) The chairperson shall call meetings of the Committee and serve as president.

(2) If the chairperson intends to call a meeting, he/she shall notify each of the members in writing of the date and time, location and agenda of the meeting at least five days before the opening of the meeting: Provided, That this shall not apply in cases of emergency.

(3) Decisions in meetings shall be taken with attendance of a majority of all members including the chairperson and by the concurrent vote of a majority of the members present.

(4) The secretary may attend and speak at meetings.

(5) The secretary shall prepare the minutes and letters of resolution, and the chairperson and the members present shall affix their signatures and seals thereto.

### **Article 66 (Secretary and Clerks)**

(1) The Committee shall have one secretary and several clerks.

(2) The secretary and clerks shall be appointed by the Minister of Trade, Industry and Energy from among the staff affiliated with the Ministry of Trade, Industry and Energy. *<Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>*

(3) The secretary shall manage the general affairs of the Committee under order of the chairperson, and the clerks shall assist the secretary.

**Article 67 (Allowances, etc.)**

(1) Allowances and travel expenses may be paid to the members present at meetings of the Committee within budgetary limits. Provided That where he/she attends the meeting in connection with his/her competent duty, this shall not apply. <Amended by Presidential Decree No. 22556, Dec. 28, 2010>

(2) Unless otherwise prescribed by this Decree, matters necessary for the operation of the Committee shall be determined by the chairperson subject to resolution by the Committee.

**Article 68 (Delivery of Orders, etc. concerning Mining Operations)**

If the address of a person who is to receive an order or a notice concerning mining operations is not certain, the entire contents of the order or notice shall be published in the Official Gazette or a daily newspaper. In such cases, it shall be deemed that the order or notice has been delivered to the person concerned, if two weeks (20 days for islands) have passed from the date of publication in the Official Gazette or daily newspaper.

**Article 69 (Request for Appearance)**

(1) The Minister of Trade, Industry and Energy may, upon receipt of an application for recognition of a record of exploring results under Article 37 (1) or an application for authorization of a extracting plan or for authorization of a modification thereto under Article 38 (1), request the applicant or other interested persons to appear if deemed necessary. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013>

(2) In requesting an applicant or other interested persons to appear under paragraph (1), the Minister of Trade, Industry and Energy shall determine in advance the date and time and place of appearance and notify such persons. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

(3) If an applicant or other interested person fails to appear twice or more after receiving a request for appearance under paragraphs (1) and (2), the Minister of Trade, Industry and Energy may dismiss the application in question. <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 24442, Mar. 23, 2013>

**Article 70 (Non-Acceptance of Reports, etc.)**

The Minister of Trade, Industry and Energy shall not accept a report or application that falls under any of the following subparagraphs: Provided, That subparagraph 6 shall be excepted if the matter of address change is confirmed by accompanying documents even though a seal put on an application for the address change is different from that affixed to any other application, etc. already submitted: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013; Presidential Decree No. 27313, Jul. 6, 2016>

1. A report of an exploring plan submitted after the period specified in Article 40 of the Act;

- 1-2. An application for permission to extend the term of an extracting right which is submitted after the period specified in Article 4 (2) passes;
2. An application which is not accompanied by a letter of resolution of the joint mining applicants or a document equivalent thereto under Article 17 (1);
3. A report on the withdrawal of a representative, etc., which is not sealed under the joint signatures of all of the joint mining applicants under Article 20 (3);
- 3-2. A report on the change of the name of a mining applicant submitted in violation of Article 20 (4);
4. An application for expansion of mining areas which is not accompanied by a written consent or a certified copy of a written ruling under Article 25 (1);
5. An application for recognizing records of exploring results or extending the period of submission of extracting records which is submitted after the period under Article 37 passes;
6. A report or an application which contains a different seal, personal or organizational name, address, mining cadastral number, or name of mineral type from any other report or application that is already submitted;
7. A report or an application filed with no fees paid.

#### **Article 71 (Delegation of Authority)**

(1) Pursuant to Article 96 of the Act, the authority of the Minister of Trade, Industry and Energy which falls under any of the following subparagraphs shall be delegated to the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors or Special Self-Governing Province Governor: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24442, Mar. 23, 2013>

1. The authorization of extracting plan, the authorization of modification, the extension of application period for authorization of extracting plan, and the order of modification of extracting plan under Article 42 (1), (3), (5) (including where such applies mutatis mutandis under Article 61 of the Act) of the Act;
2. The authorization of suspension for extracting and the receipt of application for resumption of extracting under Article 42-2 (including where such applies mutatis mutandis under Article 61 of the Act) of the Act;
3. The guidance, checkup, and corrective order under Article 45 (including where such applies mutatis mutandis under Article 61 of the Act) of the Act;
4. Authorization for extension of the term of mining concessions under Article 49 (2) of the Act;
5. Authorization for establishment of mining concessions under Article 52 of the Act;
6. Acceptance of applications for extinguishment of mining concessions, and disposition of extinguishment of mining concessions, under Article 56 of the Act;
7. Revocation of mining concessions and hearings under Article 57 of the Act and subparagraph 3 of Article 99 of the Act;

8. Deleted; <Amended by Act No. 22556, Dec. 28, 20110>

9. Permission for access to another's land or for removal of obstructions, and hearing of opinions, under Article 67 (1) and (2) of the Act;

10. Recognition of expropriation or use of land, hearing of opinions, and acceptance of reports under Article 72 of the Act;

11. Acceptance of reports on mining offices or of reports on change of mining offices, and orders to change the locations, etc. of mining offices, under Article 57 (1) and (3);

12. Receipt of mineral production reports under Article 83 of the Act;

13. Requests for attendance in connection with the authorization of extracting plan or the authorization to modify extracting plan under Article 69;

14. Confirmation of drawing up and keeping of underground surveyed map and mining records, and receipt of copies thereof, under Article 84 of the Act;

15. Imposition and collection of administrative fines under Article 104 of the Act.

(2) Pursuant to Article 96 of the Act, the authority of the Minister of Trade, Industry and Energy which falls under any of the following subparagraphs shall be delegated to the Director of the Mining Registration Office: <Amended by Presidential Decree No. 20678, Feb. 29, 2008; Presidential Decree No. 22556, Dec. 28, 2010; Presidential Decree No. 24072, Aug. 24, 2012; Presidential Decree No. 24442, Mar. 23, 2013>

1. Permission for extension of the term of extracting rights under Article 12 (3) of the Act;

2. Establishment of exceptional mining areas to unitary areas and of survey stations under Article 14 (1), (2) and (4) of the Act;

3. Receipt of written agreements under Article 8;

4. Permission for establishment of mining rights, receipt of applications, etc. for establishment of mining rights, orders to correct or supplement applications and other documents, field surveys, and orders for appearance of mining applicants, etc. under Article 15 of the Act;

5. Non-acceptance and dismissal of applications for establishment of mining rights under Article 10;

6. Acceptance of reports on representatives or of reports of a change in representatives, and designation of representatives, under Article 17 of the Act (including where such applies mutatis mutandis under Article 30 of the Act);

7. Receipt of withdrawal, etc. of applications for establishment of mining rights under Article 17;

8. Determination of an order of priority under Article 18 of the Act;

9. Dismissal of applications under Article 19 of the Act;

10. Limitations on overlapping mining areas under Article 20 of the Act;

11. Nonpermission in case of the overlapping of identical minerals under Article 21 of the Act;

12. Nonpermission in case of the overlapping of non-identical minerals under Article 22 of the Act;

13. Nonpermission on the grounds of public interest, etc. under Article 24 of the Act;

14. Acceptance, etc. of applications for enlarging, reducing, dividing or merging application areas or mining areas under Article 26 of the Act;



15. Acceptance of reports on the change of name of mining applicants under Article 27 of the Act;
16. Acceptance of applications for registration of establishment of mining rights under Article 28 (1) of the Act;
17. Notification of permission for establishment of mining rights and supplemental instructions for registration applications, etc. under Article 21;
18. Non-acceptance of documents, etc. to withdraw applications for establishment of mining rights under Article 22;
19. Correction, registration of correction, and notification of mining area maps under Article 23;
20. Verification of minerals existing in the same mining deposit under Article 29 of the Act;
21. Field surveys and mining area boundary surveys under Article 33 of the Act;
22. Revocation of mining rights or reduction of mining areas, and encumbrance of all or part of the compensation amount, under Article 34 (1), (2) and (5) of the Act, and hearings on the disposition of revocation of mining rights or reduction of mining areas under subparagraph 1 of Article 99 of the Act;
23. Revocation of mining rights and hearings under Article 35 of the Act and subparagraph 2 of Article 99 of the Act;
24. Acceptance of applications for registration under Articles 34 and 35;
25. Notification of revocation of extracting rights and designation of a time period under Article 36 of the Act (including where such applies *mutatis mutandis* under Article 37 of the Act);
26. Registration in the mining ledger or the mining concession ledger under Articles 38 and 58 of the Act;
27. Acceptance of reports on an exploring plan or of reports on the change of an exploring plan under Article 40 of the Act;
- 27-2. Permission for exploration through digging shafts under Article 40-2 of the Act;
28. Extension of period to submit exploring records and permission of application of extracting rights under Article 41 (2) and (3) of the Act;
29. Requests for attendance in connection with application of recognition of exploring records under Article 69 of the Act.

(3) Deleted. <by Presidential Decree No. 22556, Dec. 28, 2010>

#### **Article 71-2 (Management of Unique Identifying Information)**

The Minister of Trade, Industry and Energy (including any person who is entrusted with the business of the Minister of Trade, Industry and Energy pursuant to Article 71 (1) or (2)) may manage materials including resident registration numbers pursuant to subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act where it is inevitable for him/her to conduct the following affairs: <Amended by Presidential Decree No. 24072, Aug. 24, 2012; Presidential Decree No. 24442, Mar. 23, 2013>

1. Affairs concerning permission for extension of the term of extracting rights under Article 12 (3) of the Act;

2. Affairs concerning permission for the application of the establishment of mining rights under Article 15 of the Act;
3. Affairs concerning reports on the designation of a representative of joint mining applicants or reports on the change thereof under Article 17 of the Act;
4. Affairs concerning permission for applications for enlargement, reduction, division or merger (excluding merging into the application area for the establishment of exploring rights or mining area) of an area for which an application is filed for the establishment of mining rights or a mining area under Article 26 of the Act;
5. Affairs concerning reports on the change of the name of a mining applicant under Article 27 of the Act;
6. Affairs concerning additional registration of minerals existing in the same mineral deposit under Article 29 of the Act;
7. Affairs concerning application for expansion of mining areas using existing mining shafts under Article 31 of the Act;
8. Affairs concerning rulings on expansion of mining areas using existing mining shafts under Article 32 of the Act;
9. Affairs concerning field surveys and mining area boundary surveys under Article 33 of the Act;
10. Affairs concerning reports on exploring plans or reports on the change of exploring plans under Article 40 of the Act;
- 10-2. Affairs concerning permission for exploration through digging shafts under Article 40-2 of the Act;
11. Affairs concerning the submission of exploring records and the extension of the period for submission under Article 41 of the Act;
12. Affairs concerning authorization for an extracting plan or authorization for modification of an extracting plan under Article 42 of the Act;
13. Affairs concerning authorization for suspension of an extraction plan and reports on the resume of extraction under Article 42-2 of the Act;
14. Affairs concerning authorization for extension of the term of mining concessions under Article 49 of the Act;
15. Affairs concerning authorization for the establishment of mining concessions under Article 52 of the Act;
16. Affairs concerning the extinguishment of mining concessions under Article 56 of the Act;
17. Affairs concerning the approval of the use and expropriation of another person's land prescribed in Article 72 of the Act;
18. Affairs concerning the submission of mineral production reports under Article 83 of the Act;
19. Affairs concerning reports on the change of the name (the organizational name in the case of a legal entity) or address of a mining applicant under the latter part of Article 20 (2);

20. Affairs concerning reports on the location and title of a mining office or reports on the change thereof under Article 57.

#### **Article 71-3 (Re-Examination of Regulation)**

The Minister of Trade, Industry and Energy shall examine the appropriateness of the following matters every two years counting from each base date specified in the following (referring to the period that ends on the day before the base date of every second year) and shall take necessary measures, such as making improvements: <Amended by Presidential Decree No. 27313, Jul. 6, 2016>

1. Deadline of submission of the mineral deposit description and criteria for formulating the mineral deposit description under Article 9 (2) and (3): January 1, 2015;
2. Documents to be submitted for a ruling on the expansion of mining areas under Article 26: January 1, 2015;
3. Procedure for a ruling on the expansion of mining areas using existing mine shafts under Article 27: January 1, 2015;
4. Change of registration application by inheritance, etc. under Article 34: January 1, 2015.

#### **Article 72 (Standard for Administrative Fines)**

The standard of administrative fines under Article 104 (4) of the Act shall be attached Table 4.

#### **ADDENDA**

##### **Article 1 (Enforcement Date)**

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

##### **Article 2 Omitted.**

##### **Article 3 (Relationship with other Acts and Subordinate Statutes)**

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

#### **ADDENDA <Presidential Decree No. 20678, Feb. 29, 2008>**

##### **Article 1 (Enforcement Date)**

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

##### **Articles 2 through 7 Omitted.**

#### **ADDENDA <Presidential Decree No. 21214, Dec. 31, 2008>**

##### **Article 1 (Enforcement Date)**

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

##### **Articles 2 through 5 Omitted.**

ADDENDUM <Presidential Decree No. 21951, Dec. 31, 2009>

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

ADDENDA <Presidential Decree No. 22151, May 4, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on May 5, 2010.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 22395, Sep. 20, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on Jan. 1, 2010.

**Articles 2 through 9 Omitted.**

ADDENDA <Presidential Decree No. 22556, Dec. 28, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on Jan. 28, 2011.

**Articles 2 (Application for Rate of Mining Concession)**

The amended provisions of Article 46 shall apply from the beginning with the contract of mining concessions on and after the date when this Decree enters into force.

**Articles 3 Omitted.**

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. 24072, Aug. 24, 2012>

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

ADDENDA <Presidential Decree No. 24442, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 12 Omitted.**

ADDENDA <Presidential Decree No. 25840, Dec. 9, 2014>

### **Article 1 (Enforcement Date)**

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

### **Articles 2 through 16 Omitted.**

ADDENDA <Presidential Decree No. 26187, Apr. 7, 2015>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Transitional Measures concerning the Period of Existence of the Mineral Extracting Right in Placer)**

The period of existence of the mineral extracting right in a placer registered before this Decree enters into force (excluding achieving the permission for extension of the period after this Decree enters into force) shall be governed by the former provisions, notwithstanding the amended provision of the proviso to Article 3 (2).

### **Article 3 (Transitional Measures concerning Payment of Registration License Fee and Application for Registration for Extension of Period of Existence)**

The application deadline of the payment of a registration license fee and registration for extension where the permission for the extension of the period of existence of the extracting right has been notified before this Decree enters into force, shall be governed by the former provisions, notwithstanding the amended provisions of Article 4 (4).

### **Article 4 (Transitional Measures concerning Suspension Period of Mineral Extraction in Placer)**

The suspension period of mineral extraction in a placer registered before this Decree enters into force (excluding obtaining of the permission for extension of the period after this Decree enters into force), shall be governed by the former provisions, notwithstanding the amended provisions of the proviso to Article 39 (3).

ADDENDUM <Presidential Decree No. 26703, Dec. 10, 2015>

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

ADDENDA <Presidential Decree No. 27313, Jul. 6, 2016>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on July 7, 2016: Provided, That the amended provisions of Article 70 and attached Table 2 shall enter into force on the date of its promulgation.

### **Article 2 (Transitional Measures concerning Non-Acceptance of Document to Withdraw Application for Establishment of Mining Right, etc.)**

Notwithstanding the amended provisions of Article 22, where a notice of permission for the establishment of a mining right is served before this Decree enters into force, the previous provisions shall apply to a document to withdraw an application for the establishment of a mining right, a report on

the change of the name of a mining applicant, a report on the secession of a joint mining applicant, or non-acceptance of an application for the enlargement or reduction of the relevant application area.

ADDENDA <Presidential Decree No. 27767, Jan. 6, 2017>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on Jan. 7, 2017.

**Articles 2 through 5 Omitted.**

