

NOISE AND VIBRATION CONTROL ACT

Act No. 9770, Jun. 9, 2009

Amended by Act No. 10252, Apr. 12, 2010

Act No. 10615, Apr. 28, 2011

Act No. 11669, Mar. 22, 2013

Act No. 11690, Mar. 23, 2013

Act No. 11907, Jul. 16, 2013

Act No. 12075, Aug. 13, 2013

Act No. 12248, Jan. 14, 2014

Act No. 12462, Mar. 18, 2014

Article 1 (Purpose)

The purpose of this Act is to enable all citizens to live in a calm and tranquil environment by preventing any damage due to noise and vibration generated in factories, construction work fields, roads, railroads, etc. and by properly controlling such noise and vibration. *<Amended by Act No. 9770, Jun. 9, 2009>*

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 11669, Mar. 22, 2013; Act No. 12075, Aug. 13, 2013>*

1. The term "noise" means strong sounds produced by the use of machinery, tools, facilities, and other material objects, or by activities of people in multi-unit housing (referring to multi-unit housing defined in subparagraph 2 of Article 2 of the Housing Act; hereinafter the same shall apply) or other places determined by Ordinance of the Ministry of Environment;
2. The term "vibration" means any strong swaying movements generated by the use of machinery, tools, facilities, and other material objects;
3. The term "noise and vibration emission facilities" means machinery, tools, facilities, and other material objects of factories, which produce noise and vibration, and which are determined by Ordinance of the Ministry of Environment;
4. The term "noise and vibration preventive facilities" means facilities eliminating or reducing noise and vibration emitted from noise and vibration emission facilities, which are determined by Ordinance of the Ministry of Environment;
5. The term "soundproof facilities" means facilities eliminating or reducing noise produced from material objects, other than noise and vibration emission facilities, which are determined by Ordinance

of the Ministry of Environment;

6. The term "vibration-proof facilities" means facilities eliminating or reducing vibration produced from material objects, other than noise and vibration emission facilities, which are determined by Ordinance of the Ministry of Environment;

7. The term "factory" means a factory defined in subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act: Provided, That this shall exclude airplane service factories in airport facilities determined pursuant to Article 12 (1) of the Urban Planning Act;

8. The term "means of transportation" means trains, automobiles, streetcars, roads, railroads, etc.: Provided, That this shall exclude aircraft and ships;

9. The term "automobile" means automobiles defined in subparagraph 1 of Article 2 of the Motor Vehicle Management Act, and construction machinery defined in subparagraph 1 of Article 2 of the Construction Machinery Management Act, which are determined by Ordinance of the Ministry of Environment;

10. The term "noise-generating construction machinery" means the machinery that generates noise among the machinery used in the construction works, which is determined by Ordinance of the Ministry of Environment;

11. The term "portable sound system" means a small sound playback system that it is easy to carry (including mobile phones that have the music replay function), which is determined by Ordinance of the Ministry of Environment.

Article 2-2 (Responsibilities of State and Local Governments)

The State and local governments shall establish and implement policies for preventing damage due to noise and vibration and controlling noise and vibration, so as to create an environment that enables citizens to live more comfortably and healthily.

Article 2-3 (Formulation, etc. of Comprehensive Plan)

(1) The Minister of Environment shall formulate a comprehensive plan for controlling noise and vibration (hereinafter referred to as "comprehensive plan"), every five years, to prevent damage due to noise and vibration and appropriately control noise and vibration, after hearing opinions of each Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") and consulting with the heads of relevant central administrative agencies.

(2) A comprehensive plan shall contain the following:

1. Objectives and basic directions of the comprehensive plan;
2. Measures to appropriately control noise and vibration;
3. The implementation status of measures to reduce noise and vibration by area and by year;
4. Research and studies on the effects of noise and vibration on citizens' health;
5. Education and publicity programs for implementing the measures to reduce noise and vibration;

6. Fund-raising plans for implementing the comprehensive plan;

7. Other matters necessary to reduce noise and vibration.

(3) The Minister of Environment may modify a comprehensive plan, if deemed necessary, after examining the appropriateness thereof. In such cases, he/she shall hear in advance the opinions of Mayors/Do Governors and consult with the heads of relevant central administrative agencies thereabout.

(4) When the Minister of Environment has formulated or modified a comprehensive plan, he/she shall give notice thereof to the heads of relevant central administrative agencies and Mayors/Do Governors.

(5) The heads of relevant central administrative agencies shall formulate and implement their agency implementation plans by year (hereinafter referred to as "implementation plans") according to the comprehensive plan, and Mayors/Do Governors shall formulate and implement implementation plans for the relevant Special Metropolitan City, Metropolitan Cities, Special Self-Governing City, Dos, or Special Self-Governing Province according to the comprehensive plan and the implementation plans of the relevant central administrative agencies.

(6) The heads of relevant central administrative agencies and Mayors/Do Governors shall submit the next year's implementation plans and last year's implementation results under paragraph (5) to the Minister of Environment, as prescribed by Presidential Decree.

(7) Matters necessary for formulation, etc. of a comprehensive plan and its implementation plans shall be prescribed by Presidential Decree.

Article 3 (Regular Measurement)

(1) In order to grasp the actual situation of noise and vibration throughout the country, the Minister of Environment shall install measuring networks and make regular measurements.

(2) Each Mayor/Do Governor shall install measuring networks and make regular measurements, and report the measured data to the Minister of Environment, as determined by Ordinance of the Ministry of Environment, in order to grasp the actual situation of noise and vibration within districts under his/her jurisdiction. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 11669, Mar. 22, 2013>

(3) If the Minister of Environment or a Mayor/Do Governor intends to install measuring networks under paragraphs (1) and (2), he/she shall consult in advance with the head of the agency concerned.

Article 4 (Decision and Public Notice on Measuring Networks Installation Program)

(1) The Minister of Environment shall decide a measuring networks installation program specifying the location, range, area, etc. of such measuring networks as prescribed in Article 3 (1), and publicly notify it under the conditions as prescribed by the Ordinance of the Ministry of Environment, and make the drawings thereof be seen by any person. This provision shall also apply in cases where he/she modifies it.

(2) The provisions of paragraph (1) shall be applicable mutatis mutandis to the cases where the Mayor/Do governor installs the measuring networks pursuant to Article 3 (2).

(3) The State may render necessary financial and technological support so as to have the measuring networks installation program as decided and publicly announced by the Mayor/Do governor pursuant to paragraph (2) achieved within the target period.

Article 4-2 (Drawing-Up of Noise Maps)

(1) The Minister of Environment or Mayor/Do Governor may draw up a noise map showing the distribution of noise in a certain area and other relevant matters when deemed necessary for appropriate control of the noise produced by a means of transportation, etc. pursuant to Ordinance of the Ministry of Environment.

(2) The Minister of Environment or Mayor/Do Governor may disclose a noise map through its Internet website, etc. once he/she has drawn up it under paragraph (1).

(3) The Minister of Environment may provide a Mayor/Do Governor who draws up a noise map under paragraph (1) with technical or financial support necessary for the preparation and management thereof.

Article 5 (Relation with other Acts)

(1) When the Minister of Environment or a Mayor/Do Governor has decided and publicly notified the measuring networks installation program pursuant to Article 4, the following permission shall be deemed granted: *<Amended by Act No. 8976, Mar. 21, 2008; Act No. 12248, Jan. 14, 2014>*

1. Permission on the execution of river construction works under Article 30 of the River Act and permission on the occupation and use of river under Article 33 of the said Act;

2. Permission on the occupation and use of roads under Article 61 of the Road Act;

3. Permission on the occupation and use of public water surface under Article 5 of the Public Waters Management Act.

(2) Where the measuring networks installation program as prescribed in Article 4 includes matters permitted under subparagraphs of paragraph (1), the Minister of Environment or a Mayor/Do Governor shall consult with the head of the agency concerned before he/she makes the decision and public notice.

Article 6 Deleted. *<by Act No. 9770, Jun. 9, 2009>*

Article 7 (Permissible Factory Noise and Vibration Emission Standards)

(1) Permissible emission standards for noise and vibration emitted from a factory in which noise and vibration emission facilities (hereinafter referred to as "emission facilities") are installed shall be determined by Ordinance of the Ministry of Environment.

(2) In determining Ordinance of the Ministry of Environment as referred to in paragraph (1), the Minister of Environment shall consult with the head of the related central administrative agency.

Article 8 (Reporting, Permission, etc. on Installation of Emission Facilities)

(1) A person who intends to install emission facilities shall report to the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) thereon, as prescribed by Presidential Decree: Provided, That in areas prescribed by Presidential Decree, such as areas adjoining to schools or general hospitals, he/she shall obtain permission from the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

(2) Where a person who has filed a report or obtained permission pursuant to paragraph (1) intends to alter important matters determined by Ordinance of the Ministry of Environment from among the reported or permitted matters, he/she shall file a report on alterations with the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

(3) Notwithstanding paragraph (1), a person who intends to install emission facilities at a factory located in an industrial complex or any such other area determined by Presidential Decree shall be excluded from those subject to reporting or permission. In such cases, a person who is excluded from those subject to reporting or permission shall be deemed an operator in applying Articles 14 through 16, 17 (excluding the revocation of permission), and 47 (1) 1.

Article 9 (Installation of Preventive Facilities)

Where a person who has filed a report or obtained permission on installation or modification of emission facilities (hereinafter referred to as "operator") intends to install or alter the emission facilities, he/she shall install noise and vibration preventive facilities (hereinafter referred to as "preventive facilities") to ensure that the emission of noise and vibration from such factory is maintained at a level not exceeding the permissible emission standards as prescribed in Article 7: Provided, That this shall not apply in the following cases: <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

1. Where the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu deems that noise and vibration are always emitted at a level lower than the permissible emission standards in view of the function and process of such emission facilities, or the conditions of the site of a factory;
2. Where Ordinance of the Ministry of Environment provides that even though noise and vibration are emitted in excess of the permissible emission standards, it might not inflict any damage on a living environment.

Article 10 (Succession, etc. to Rights and Duties)

(1) If an operator transfers emission and preventive facilities, or is dead, or if juristic persons are merged, the transferee, successor or juristic person surviving the merger, or juristic person who is established by the merger shall succeed to the rights and duties of the operator granted under the reporting, permission or report of modification.

(2) A person who has taken over emission and preventive facilities through auction under the Civil Execution Act, realization under the Debtor Rehabilitation and Bankruptcy Act or the sale of seized property under the National Tax Collection Act, the Customs Act or the Local Tax Act, or other procedures corresponding thereto shall take over the rights and duties of the previous operator granted under the reporting, permission or report on changes. <Newly Inserted by Act No. 9770, Jun. 9, 2009>

(3) If emission and preventive facilities are leased, the lessee shall be deemed an operator in applying Articles 14 through 16, 17 (excluding the revocation of permission), 19, and 47 (1) 1.

Article 11 (Design and Work Execution of Preventive Facilities)

An operator shall directly design and execute the work of installing or altering preventive facilities or shall have a separate contractor specialized in environment prescribed in Article 15 of the Environmental Technology and Industry Support Act design and execute the work (limited to designing, in the case of a separate contractor specialized in environment prescribed in Article 15 (2) of the said Act). *<Amended by Act No. 8957, Mar. 21, 2008; Act No. 10615, Apr. 28, 2011>*

Article 12 (Installation, etc. of Joint Preventive Facilities)

(1) Operators of knowledge industry centers or operators in an area where factories are closely located may install joint preventive facilities for jointly preventing noise and vibration emitted therefrom. In such cases, each such operator shall be deemed installed preventive facilities for noise and vibration of the factory by factory. *<Amended by Act No. 10252, Apr. 12, 2010>*

(2) The permissible emission standards for joint preventive facilities may be determined differently from those as prescribed in Article 7, and such permissible emission standards and matters necessary for installation and operation of the joint preventive facilities shall be determined by Ordinance of the Ministry of Environment.

Article 13 Deleted. *<by Act No. 9770, Jun. 9, 2009>*

Article 14 (Duty to Observe Permissible Emission Standards)

When an operator operates emission facilities after finishing installation or change of the emission or preventive facilities, he/she shall ensure that the noise and vibration emitted from the factory is maintained to a level lower than the permissible emission standards as provided for in Article 7 or 12 (2) within a period determined by Ordinance of the Ministry of Environment. In such cases, Articles 15 and 16, subparagraph (6) of Article 17, and Article 60 (2) 2 shall not apply during the period determined by Ordinance of the Ministry of Environment.

Article 15 (Order of Improvement)

Where the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu deems that the level of noise and vibration emitted from a factory under operation exceeds the permissible emission standards, he/she may order the operator to take measures necessary to lower the level of noise and vibration below the permissible emission standards (hereinafter referred to as "order of improvement") setting a period, as determined by Ordinance of the Ministry of Environment. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

Article 16 (Order, etc. for Suspension of Operation)

(1) Where a person to whom an order of improvement is issued fails to carry out it or where the emission level continues exceeding the permissible emission standards despite that he/she has carried out the order of improvement within the specified period, the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may order him/her to wholly or partially suspend the operation of the relevant emission facilities. In such cases, he/she may order a factory which exceeds the permissible emission standards by time zones determined by Ordinance of the Ministry of

Environment to suspend the operation by the time zones. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

(2) If it is deemed that any danger and injury to the health and any damage to a living environment due to noise and vibration are imminent, the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may immediately order any restriction on the operation hours, suspension of operation, or other necessary measures with respect to the emission facilities, as determined by Ordinance of the Ministry of Environment. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

Article 17 (Revocation, etc. of Permission)

If an operator falls under any of the following cases, the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may revoke (referring to the order of closure of the emission facilities in cases of the facilities subject to reporting) the permission on the installation of the emission facilities or order the suspension of the operation thereof for a specified period of no longer than six months: Provided, That the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu shall revoke the permission on the installation of the emission facilities or order the closure thereof, if the operator falls under subparagraph 1: <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

1. Where he/she has obtained permission or filed a report or a report on modification by false or other unlawful means;
2. Deleted; <by Act No. 9770, Jun. 9, 2009>
3. Where he/she has failed to make a report on modification pursuant to Article 8 (2);
4. Where he/she has operated emission facilities without installing preventive facilities pursuant to Article 9;
5. Deleted; <by Act No. 9770, Jun. 9, 2009>
6. Where he/she has failed to process the level of noise and vibration emitted from the factory at a level lower than the permissible emission standards, in violation of Article 14;
7. Where he/she has violated an order, etc. for suspension of operation pursuant to Article 16;
8. Where he/she has failed to appoint an environment engineer pursuant to Article 19.

Article 18 (Measures of Closure, etc. to Unlawful Facilities)

The Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall order a person who installs or operates emission facilities without filing a report or obtaining permission as referred to in Article 8 to suspend the use of the relevant emission facilities: Provided, That if it is deemed there exists no possibility that the level of noise and vibration emitted from a factory will be lowered below the permissible emission standards although the relevant emission facilities are improved or the preventive facilities are installed and improved, or where the relevant emission facilities are installed in a place prohibited pursuant to other Acts, he/she shall order him/her to close the relevant emission facilities. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

Article 19 (Environment Engineers)

(1) An operator shall appoint an environment engineer for normal operation and management of emission and preventive facilities: Provided, That this shall not apply where a person in charge of the duties of an environment engineer is appointed under other Acts. <Amended by Act No. 9770, Jun. 9, 2009>

(2) An environment engineer (including a person appointed under the proviso to paragraph (1) ; hereinafter the same shall apply) shall direct and control those who are engaged in the emission and preventive facilities, in order to prevent them from violating this Act or any order issued under this Act, and manage the emission and preventive facilities so that they may be normally operated and the level of noise and vibration thereof may conform to the permissible emission standards. <Amended by Act No. 9770, Jun. 9, 2009>

(3) An operator shall control matters to be observed by the environment engineers, such as making him/her thoroughly carry out matters to be managed by him/her.

(4) An operator shall not interfere with the activities of the environment engineers to normally operate and manage the emission and preventive facilities, and shall, when receiving from him/her any request necessary for performing his/her duties, comply therewith unless there exists any justifiable cause.

(5) Matters necessary for the scope of a place of business to which an environment engineer is to be assigned pursuant to paragraph (1), the qualification criteria for and the time of appointment (including any appointment by replacement) of an environment engineer shall be determined by Ordinance of the Ministry of Environment.

Article 20 (Reporting on Execution of Order, and Verification)

(1) When an operator has carried out an order for a measure, improvement, suspension of operation, or suspension of use pursuant to Article 15, 16, 17, or the main sentence of Article 18, he/she shall immediately report the result thereof to the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu, as determined by Ordinance of the Ministry of Environment. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

(2) Upon receipt of a report under paragraph (1), the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu shall immediately verify the state of the execution of the order or the state of the completion of the improvement. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

Article 21 (Control of Living Noise and Vibration)

(1) The Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall control noise and vibration emitted from a workplace, construction field, etc. (excluding noise and vibration emitted in an industrial complex or other areas determined by Ordinance of the Ministry of Environment; hereinafter referred to as "living noise and vibration") to maintain a tranquil living environment of residents. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

(2) The objects of and standards for the control of living noise and vibration referred to in paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 21-2 (Inter-Floor Noise Standards, etc.)

(1) The Minister of Environment and the Minister of Land, Infrastructure and Transport shall jointly determine inter-floor noise standards to minimize damage to occupants and users from inter-floor noise generated in multi-unit housing (including noise between neighboring households; hereinafter the same shall apply) and settle disputes over damage.

(2) If necessary to prevent damage from inter-floor noise and settle disputes over damage under paragraph (1), the Minister of Environment may assign a specialized institution to conduct the measurement of inter-floor noise and the investigations into, consultation about, and mediation of cases of noise damage, as prescribed by Presidential Decree.

(3) The scope and standards of inter-floor noise under paragraph (1) shall be determined by Joint Ordinance of the Ministry of Environment and the Ministry of Land, Infrastructure and Transport.

Article 22 (Prior Reporting, etc. on Specific Construction Works)

(1) A person who intends to execute a specific construction work determined by Ordinance of the Ministry of Environment which emits living noise and vibration shall report it to the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

(2) When a person who has filed a report pursuant to paragraph (1) intends to alter important matters determined by Ordinance of the Ministry of Environment from among the already reported matters, he/she shall file a report on alterations with the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

(3) A person who intends to perform a specific construction work pursuant to paragraph (1) shall observe the following provisions: *<Amended by Act No. 9770, Jun. 9, 2009>*

1. He/she shall commence the construction work after installing soundproof facilities satisfying the standards determined by Ordinance of the Ministry of Environment: Provided, That this shall not apply where it is difficult to install the soundproof facilities due to the characteristics of the construction site, as determined by Ordinance of the Ministry of Environment;

2. He/she shall establish and execute reduction measures to reduce noise and vibration produced by the construction work.

(4) Cases where it is necessary to establish reduction measures pursuant to paragraph (3) 2, and matters concerning reduction measures shall be determined by Ordinance of the Ministry of Environment. *<Amended by Act No. 9770, Jun. 9, 2009>*

(5) Deleted. *<by Act No. 9770, Jun. 9, 2009>*

Article 22-2 (Recommendation on Installation of Noise-Measuring Devices)

The Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may recommend a person executing construction works to install noise-measuring devices

when deemed necessary for the appropriate control of noise produced from a construction site. *<Amended by Act No. 12075, Aug. 13, 2013>*

Article 23 (Order for Measures on Persons who Exceeds Control Standards of Living Noise or Vibration)

(1) Where living noise and vibration exceed the control standards as referred to in Article 21 (2), the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may issue an order to the person who emits the noise and vibration to take necessary measures, such as the adjustment of working hours, dispersion or suspension of acts generating noise and vibration, installation of soundproof and vibration-proof facilities, and use of construction machinery generating less noise which is determined by Ordinance of the Ministry of Environment, etc. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

(2) Where an operator has executed the order for measures under paragraph (1), he/she shall promptly report the result thereof to the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu, as determined by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

(3) Upon receipt of a report set forth in paragraph (2), the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu shall promptly verify the status of execution or completion of improvement under the relevant order. *<Newly Inserted by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

(4) Where a person to whom an order to take measures as referred to in paragraph (1) is issued fails to carry it out or exceeds control standards as referred to in Article 21 (2) despite that he/she has carried out the measures, the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may order the prohibition of use of those objects of the control concerned, suspension or closure of the relevant construction works. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

Article 24 (Control of Mobile Noise)

(1) The Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may designate an area requiring the control of noise emitting from machinery and instruments which cause mobile noise (hereinafter referred to as "mobile noise sources") as an mobile noise control area and prohibit the use of the mobile noise sources or restrict the time of use, etc. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

(2) Matters necessary for kinds, control methods, and control of mobile noise sources referred to in paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

(3) Once designating the mobile noise control areas referred to in paragraph (1), the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu shall publicly announce them and take necessary measures, such as insulation of a signpost. The same shall also apply where he/she modifies them. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

Article 25 (Prevention of Noise and Vibration due to Use of Explosives)

If it is deemed necessary for preventing any damage caused by noise and vibration produced from the use of explosives, the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may request the commissioner of a district police agency to take any measures necessary for regulating the use of explosives by those who use them, under the Control of Firearms, Knives, Swords, Explosives, etc. Act. In such cases, the commissioner of the district police agency shall comply therewith, except in any extenuating circumstances. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

Article 26 (Control Standards for Traffic Noise and Vibration)

Control standards for noise and vibration produced from any means of transportation (hereinafter referred to as "control standards for traffic noise and vibration") shall be determined by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall consult in advance with the heads of the central administrative agencies concerned about necessary matters, such as the control standards for traffic noise and vibration and the enforcement period. <Amended by Act No. 9770, Jun. 9, 2009>

Article 27 (Designation of Control Areas of Traffic Noise and Vibration)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun (excluding the head of a Gun within a Metropolitan City; hereafter the same shall apply in this Article) may designate any area as a traffic noise and vibration control area (hereinafter referred to as "traffic noise and vibration control area") where noise and vibration produced from any means of transportation in the area exceed or are likely to exceed the control standards for traffic noise and vibration. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

(2) The Minister of Environment may request the Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun to designate an area where he/she deems it necessary to control the traffic noise and vibration as a traffic noise and vibration control area. In such cases, the Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun shall comply therewith, except in any extenuating circumstances. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

(3) The scope of traffic noise and vibration control areas shall be determined by Ordinance of the Ministry of Environment. <Amended by Act No. 9770, Jun. 9, 2009>

(4) When the Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun has designated a traffic noise and vibration control area, he/she shall publicly announce such fact and take necessary measures, such as installation a signpost. This shall also apply where he/she modifies it. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

(5) The Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun may cancel the designation of a traffic noise and vibration control area if noise and vibration from any means of transportation do not exceed or are not likely to exceed the control standards for traffic noise and vibration. <Newly Inserted by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

Article 28 (Regulation of Operation of Automobiles)

The Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may request the commissioner of a district police agency to take necessary measures under the Road Traffic Act, such as speed limit and bypassing, for persons operating automobiles (hereinafter referred to as "automobile operators") passing a traffic noise and vibration control area. In such cases, the commissioner of the district police agency shall promptly comply therewith, except in any extenuating circumstances. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

Article 29 (Installation, etc. of Soundproof and Vibration-Proof Facilities)

(1) If the Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun (excluding the head of a Gun within a Metropolitan City) deems that noise and vibration produced from driveways, expressways, and railroads in a traffic noise and vibration control area exceed the control standards for traffic noise and vibration and infringe on a calm and tranquil living environment of residents, he/she may install by himself/herself soundproof and vibration-proof facilities, or request the heads of agencies managing the facilities to take necessary measures, such as installation of soundproof and vibration-proof facilities. In such cases, the heads of the agencies managing the facilities shall comply therewith, except in any extenuating circumstances. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

(2) Paragraph (1) shall apply mutatis mutandis to noise and vibration produced from roads adjoining schools, multi-unit houses, or other facilities determined by Ordinance of the Ministry of Environment, from among roads (excluding driveways and expressways) defined in subparagraph 1 of Article 2 of the Road Act. <Amended by Act No. 8976, Mar. 21, 2008; Act No. 12248, Jan. 14, 2014>

Article 30 (Permissible Standards of Noises Produced by Manufactured Cars)

Any person who desires to manufacture (including import; hereinafter the same shall apply) motor vehicles (hereinafter referred to as the "motor vehicle manufacturer") shall manufacture motor vehicles in a manner that the noises emitted from manufactured motor vehicles (hereinafter referred to as "manufactured cars") conform to the permissible manufactured car noise standards as determined by the Presidential Decree.

Article 31 (Authentication of Manufactured Cars)

(1) Where an automobile manufacturer intends to manufacture automobiles, he/she shall obtain authentication in advance from the Minister of Environment that the noise of the manufactured cars conform to the permissible noise standards for manufactured cars as referred to in Article 30: Provided, That the Minister of Environment may exempt or omit the authentication of automobiles to be used for

public purposes such as for military or fire-fighting use or for research and exhibition purposes, etc. or the authentication of automobiles which are brought into from a foreign country and prescribed by Presidential Decree.

(2) If an automobile manufacturer intends to alter important matters determined by Ordinance of the Ministry of Environment from among the authenticated details of automobiles certified pursuant to paragraph (1), he/she shall obtain authentication for alterations. *<Amended by Act No. 9770, Jun. 9, 2009>*

(3) Matters necessary for applications for, methods of test and procedure for, methods of, exemptions and omissions of, the authentication as referred to in paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Environment. *<Amended by Act No. 9770, Jun. 9, 2009>*

Article 31-2 (Designation of Agencies for Authentication Tests)

(1) Where deemed necessary to efficiently carry out the tests required for certification pursuant to Article 31 (hereinafter referred to as "certification test"), the Minister of Environment may designate a specialized institution to carry out the works related to the authentication test.

(2) A specialized institution referred to in paragraph (1) (hereinafter referred to as "agency for authentication tests") and a person engaged in the works thereof shall not commit any of the following acts;

1. Having any other person perform the authentication tests under his/her name;
2. Performing the authentication tests by false or other unlawful means;
3. Other acts in violation of matters to be observed pursuant to the provisions of Ordinance of the Ministry of Environment concerning the authentication tests.

(3) Matters necessary for standards and procedure for designating an agency for the authentication tests shall be determined by Ordinance of the Ministry of Environment.

Article 31-3 (Revocation of Designation of Agencies for Authentication Tests)

If an agency for authentication tests falls under any of the following subparagraphs, the Minister of Environment may revoke the designation thereof or issue an order to suspend whole or part of operation for a period up to six months: Provided, That the designation shall be revoked, if it falls under subparagraph 1:

1. Where it has been designated by false or other unlawful means;
2. Where it has performed an authentication test, in violation of the method and procedure of the authentication test referred to in Article 31 (3) ;
3. Where it has committed a prohibited act falling under any of subparagraphs of Article 31-2 (2) ;
4. Where it has failed to meet the standards for designation referred to in Article 31-2 (3).

Article 31-4 (Dispositions of Penalty Surcharges)

(1) Where the Minister of Environment orders an agency for authentication tests to suspend its operation pursuant to any of subparagraphs 2 through 4 of Article 31-3, he/she may impose and collect a penalty surcharge not exceeding fifty million won in lieu of the suspension of operation if deemed that the suspension of operation is feared to cause serious inconveniences to service users, etc. or to significantly

undermine the public interest.

(2) The amount of penalty surcharges based on the type, degree, etc. of offense subject to the imposition of penalty surcharges under paragraph (1), and other necessary matters, shall be prescribed by Presidential Decree.

(3) If a person liable to pay a penalty surcharge under paragraph (1) fails to pay it by the deadline for payment, the Minister of Environment shall collect it in the same manner as disposition on default of national taxes.

(4) Penalty surcharges collected under paragraph (1) shall be credited to the special account for environmental improvement under Article 45 of the Framework Act on Environmental Policy.

Article 32 (Transfer, Takeover, etc. of Authentication)

(1) The provisions of Article 10 (1) shall apply mutatis mutandis in cases where the motor vehicle manufacturer who has obtained the authentication or authentication of modification as referred to in Article 31 (1) or (2) transfers the business or dies, or where the juristic persons concerned merge.

(2) Any person who succeeds to the rights and duties pursuant to paragraph (1) shall report it to the Minister of Environment under the conditions as prescribed by the Ordinance of the Ministry of Environment.

Article 33 (Inspection, etc. on Noises of Manufactured Cars)

(1) In order to confirm whether or not the noises of motor vehicles manufactured with the authentication as prescribed in Article 31 are conformed to the permissible manufactured car noise standards as prescribed in Article 30, the Minister of Environment shall conduct an inspection under the conditions as prescribed by the Presidential Decree.

(2) When a motor vehicle manufacturer conducts an inspection according to inspection method and procedure determined by the Minister of Environment equipped with manpower and equipment prescribed by the Ordinance of the Ministry of Environment, the inspection as referred to in paragraph (1) may be omitted under the conditions as prescribed by the Presidential Decree.

(3) If it is required especially for conducting the inspection as referred to in paragraph (1), the Minister of Environment may conduct the inspection using the equipment of the motor vehicle manufacturer or at a place specially designated, under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(4) Expenses needed for the inspection as referred to in paragraph (1) shall be borne by the motor vehicle manufacturer concerned.

Article 34 (Revocation of Authentication)

(1) The Minister of Environment shall revoke the authentication in the following cases:

1. Where the authentication is granted in a deceitful or other unlawful way;
2. Where a manufactured car has so serious defects that it is impossible to meet the permissible manufactured car noise standards even though such defects are improved.

(2) The Minister of Environment shall order the manufactured motor vehicles, where those vehicles do not conform to the permissible manufactured car noise standards as a result of the inspection as referred to in Article 33 (1), to be improved or the sale thereof to be suspended. In this case, where an order of suspension of sale is violated, the authentication of the manufactured motor vehicles concerned shall be revoked.

Article 35 (Permissible Running Car Noise Standards)

Any owner of a motor vehicle shall operate or have another person operate it in such a manner that the noises emitted from the motor vehicle are conformed to the permissible running car noise standards as determined by the Presidential Decree and shall not remove a muffler or a silencer from it or additionally attach a horn to it.

Article 36 (Occasional Checkup of Running Cars)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may conduct a checkup on a running car on a road or in a parking zone, etc. to verify the following matters: Provided, That the same shall not apply to emergency motor vehicles defined in subparagraph 22 of Article 2 of the Road Traffic Act and other automobiles determined by Ordinance of the Ministry of Environment: <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

1. Whether the noise of the running car conforms to the permissible noise standards for running cars as prescribed in Article 35;
2. Whether the muffler or silencer is removed;
3. Whether a horn is additionally attached.

(2) An automobile operator shall cooperate in a checkup referred to in paragraph (1) and shall not perform acts of refusing to comply therewith or interfering with it.

(3) Matters necessary for methods, etc. of a checkup referred to in paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 37 (Regular Checkup of Running Cars)

(1) Where the owner of an automobile undergoes a regular checkup referred to in Article 43 (1) 2 of the Motor Vehicle Management Act and Article 13 (1) 2 of the Construction Machinery Management Act or a regular inspection of a two-wheeled vehicle referred to in Article 62 (2) of the Clean Air Conservation Act, he/she shall also undergo an inspection about all the following matters: <Amended by Act No. 11907, Jul. 16, 2013>

1. Whether noise emitted from the automobile conforms to the permissible noise standards for running cars;
2. Whether the muffler or silencer is removed;
3. Whether a horn is additionally attached.

(2) Matters necessary for the methods of and items subject to the inspection referred to in paragraph (1) and the facilities, equipment, etc. of the inspection institution shall be determined by Ordinance of the

Ministry of Environment.

(3) In determining Ordinance of the Ministry of Environment pursuant to paragraph (2), the Minister of Environment shall consult with the Minister of Land, Infrastructure and Transport: Provided, That the same shall not apply in determining matters relating to the regular inspection of two-wheeled vehicles referred to in Article 62 (2) of the Clean Air Conservation Act. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11907, Jul. 16, 2013>

(4) The Minister of Environment may request the Minister of Land, Infrastructure and Transport to provide materials regarding the results of the inspection referred to in paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 38 (Orders to Improve Running Cars)

(1) Where, as the result of a checkup for a running car referred to in Article 36, such car falls under any of the following cases, the competent Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Special Self-Governing Province Governor, head of a Si/Gun/Gu may order an improvement to the owner of the automobile, as determined by Ordinance of the Ministry of Environment: <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

1. Where the noise of the running car exceeds the permissible noise standards for running cars;
2. Where the muffler or silencer is removed;
3. Where a horn is additionally attached.

(2) In issuing an order of improvement pursuant to paragraph (1), the suspension of the use of the relevant automobile may be concurrently ordered for a period necessary for such improvement within the scope of not exceeding ten days.

(3) A person who receives an order of improvement referred to in paragraph (1) shall obtain verification on the results of improvement from persons who have registered with the Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu pursuant to Article 41, as determined by Ordinance of the Ministry of Environment, and then report thereon to the competent Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu, etc. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

Article 39 (Control of Aircraft Noise)

(1) If the Minister of Environment deems that the noise of an aircraft exceeds the limits of aircraft noise prescribed by Presidential Decree, and it seriously damages a living environment around the airport, he/she may request the head of an agency concerned to install a soundproof facility, or to take any measure necessary for preventing aircraft noise.

(2) Airports for which any necessary measure may be requested pursuant to paragraph (1) shall be prescribed by Presidential Decree.

(3) If there exist other Acts governing the control of aircraft noise, the measure as referred to in paragraph (1) shall be taken, as prescribed by such other Acts. <Amended by Act No. 9770, Jun. 9, 2009>

Article 40 (Performance, Standards for Installation, etc. of Soundproof Facilities)

(1) A person who installs any soundproof facilities, such as soundproof walls, soundproof forests, soundproof banks, etc., to prevent noise shall draw up the design and execute the work to produce sufficient sound insulation effects.

(2) Standards for performance and installation of soundproof facilities and matters necessary for follow-up management, such as performance evaluation (hereinafter referred to as "standards for installation, etc") as referred to in paragraph (1) may be determined and publicly notified by the Minister of Environment: Provided, That where other Acts provide for different standards for installation, etc. of soundproof facilities, such standards for installation, etc. shall prevail. <Amended by Act No. 9770, Jun. 9, 2009>

Article 41 (Registration of Verification Inspection Agents)

(1) A person who intends to carry out the service of verifying the results of improvement of a running car pursuant to Article 38 (3) shall register with the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu by being equipped with technical capability, equipment, etc. determined by Ordinance of the Ministry of Environment. This shall also apply where he/she intends to alter important matters determined by Ordinance of the Ministry of Environment among the already registered matters. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

(2) Matters to be observed by a person who has registered pursuant to paragraph (1) (hereinafter referred to as "verification inspection agent"), inspection fees, and other necessary matters shall be determined by Ordinance of the Ministry of Environment.

Article 42 (Disqualifications)

None of the following persons may be registered as a verification inspection agent: <Amended by Act No. 8466, May 17, 2007; Act No. 12075, Aug. 13, 2013>

1. An adult ward or a limited ward;
2. A person who, after having been declared as bankrupt by court, remains not reinstated;
3. A person for whom two years have not passed since the cancellation of the registration of verification inspection agent under Article 43;
4. A person who was sentenced to imprisonment for violating this Act, the Clean Air Conservation Act, or the Water Quality and Aquatic Ecosystem Conservation Act and for whom two years have not passed since the execution of the sentence was completed or the execution thereof was finally fixed not to be carried out;
5. A juristic person, one of whose executives falls under any of subparagraphs 1 through 4.

Article 43 (Revocation, etc. of Registration)

If a verification inspection agent falls under any of the following cases, the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may revoke the registration thereof, or order him/her to suspend his/her business for a fixed period of up to six months: Provided, That where he/she falls under subparagraph 1 or 2, his/her registration shall be revoked: <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

1. Where he/she falls under any subparagraph of Article 42: Provided, That this shall not apply where a juristic person has an executive falling under subparagraph 5 of Article 42 among its executives, but replaces such executive within six months;
2. Where he/she files registration by false or other unlawful means;
3. Where he/she lends his/her certificate of registration to another person;
4. Where he/she is subjected to a disposition of business suspension at least twice a year;
5. Where he/she carries out incompletely the business of verification inspections intentionally or by gross negligence;
6. Where he/she fails to commence his/her business within two years after registration or has no actual results of business for at least two consecutive years;
7. Where he/she fails to meet standards for registration referred to in Article 41 (1);
8. Where he/she fails to observe the matters referred to in Article 41 (2).

Article 44 (Inspection, etc. of Noise Level)

(1) A person who intends to manufacture or import noise-generating construction machinery (hereinafter referred to as "manufacturer, etc. of noise-generating construction machinery") shall undergo a noise level inspection executed by the Minister of Environment before the sale or use of the noise-generating construction machinery concerned: Provided, That the Minister of Environment may exempt the noise-generating construction machinery, etc. prescribed by Presidential Decree among the construction machinery for which authentication of environment mark is granted under Article 17 of the Environmental Technology and Industry Support Act from the noise level inspection. <Amended by Act No. 9770, Jun. 9, 2009; Act No. 10615, Apr. 28, 2011>

(2) The standards for control of noise produced by noise-generating construction machinery (hereinafter referred to as "noise control standards for noise-generating construction machinery") shall be determined by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall consult in advance with the heads of relevant central administrative agencies. <Newly Inserted by Act No. 12075, Aug. 13, 2013>

(3) If, as a result of a noise level inspection under paragraph (1), the manufacturer, etc. of noise-generating construction machinery fails to meet the noise control standards for noise-generating construction machinery, the Minister of Environment may order the manufacturer, etc. to have a noise-reducing device attached or otherwise take necessary measures determined by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 12075, Aug. 13, 2013>

(4) The manufacturer, etc. of noise-generating construction machinery ordered to take the measures under paragraph (3) shall execute the order and promptly report the results of execution to the Minister of Environment. <Newly Inserted by Act No. 12075, Aug. 13, 2013>

(5) Upon receipt of a report under paragraph (4), the Minister of Environment shall immediately verify the state of execution of the order or the state of completion of the improvement through the re-inspection, etc. of the noise level. <Newly Inserted by Act No. 12075, Aug. 13, 2013>

(6) If the manufacturer, etc. of noise-generating construction machinery ordered to take measures under paragraph (3) fails to take the measures or to meet the noise control standards for noise-generating construction machinery even though he/she has taken the measures, the Minister of Environment may order him/her to prohibit the manufacture, import, sale, or use of the noise-generating construction machinery. *<Newly Inserted by Act No. 12075, Aug. 13, 2013>*

(7) The manufacturer, etc. of noise-generating construction machinery who has undergone a noise level inspection pursuant to paragraphs (1) and (5) shall place a mark indicating the degree of noise generated by the noise-generating construction machinery concerned (hereinafter referred to as "mark of noise level") on an easily recognizable place. *<Amended by Act No. 12075, Aug. 13, 2013>*

(8) A person who intends to undergo a noise level inspection pursuant to paragraphs (1) and (5) shall pay an inspection fee. *<Amended by Act No. 12075, Aug. 13, 2013>*

(9) Necessary matters regarding the methods of noise level inspection, methods of reporting the results of execution, mark of noise level, and inspection fees under paragraphs (1), (4), (7), and (8) shall be determined by Ordinance of the Ministry of Environment. *<Amended by Act No. 12075, Aug. 13, 2013>*

Article 44-2 (Marking, etc. of Low Noise for Home Appliances)

(1) The Minister of Environment may enforce a low-noise marking system that allows a mark of low noise to be affixed on home appliances so as to provide information on low-noise home appliances for consumers and encourage the production and dissemination of low-noise home appliances, as prescribed by Ordinance of the Ministry of Environment.

(2) Any manufacturer or importer of home appliances who intends to affix a mark of low noise under paragraph (1) shall undergo a noise level inspection executed by the Minister of Environment and may affix such mark on the home appliances if they satisfy the low-noise standards.

(3) Any person who intends to undergo a noise level inspection pursuant to paragraph (2) shall pay an inspection fee.

(4) Necessary matters regarding the methods of noise level inspection, low-noise standards, and inspection fees under paragraphs (2) and (3) shall be determined by Ordinance of the Ministry of Environment.

Article 45 (Designation of Noise Level Inspection Institution, Revocation thereof, etc.)

(1) The Minister of Environment may designate an institution equipped with facilities, technical capability, etc. necessary for the noise level inspection under Articles 44 (1), 44-2 (2), and 45-3 (3) as a noise level inspection institution, and assign such institution to execute the noise level inspection as proxy. *<Amended by Act No. 11669, Mar. 22, 2013>*

(2) Matters necessary for the standards for designation, such as the facilities, technical capability, etc. of a noise level inspection institution, shall be prescribed by the Presidential Decree.

(3) Where a noise level inspection institution has executed a noise level inspection, it shall notify the Minister of Environment of the result thereof.

(4) The noise level inspection institution shall observe the matters prescribed by Ordinance of the Ministry of Environment, such as the methods of inspection and the management of facilities and examination

equipment.

(5) Where a noise level inspection institution falls under any one of the following cases, the Minister of Environment may revoke the designation thereof, or issue an order to wholly or partially suspend noise level inspection affairs for a specified period of up to six months: Provided, That where it falls under subparagraph 1, he/she shall revoke the designation thereof:

1. Where it receives the designation by false or other unlawful means;
2. Where it becomes insufficient to the standards for designation pursuant to paragraph (2);
3. Where it fails to observe matters provided for in paragraph (4);
4. Where it performs incompletely noise level inspection affairs intentionally or by gross negligence.

Article 45-2 (Recommendation of Noise Standards for Railroad Vehicles)

The Minister of Environment may, when deemed necessary for prevention of damage to the residents in the periphery of railroads, determine the noise standards for railroad vehicles and recommend a manufacturer or an importer of railroad vehicles to manufacture or import the railroad vehicles meeting the standards.

Article 45-3 (Maximum Permissible Sound Levels for Portable Sound Systems)

(1) The Minister of Environment shall determine the maximum permissible sound levels for portable sound systems by Ordinance of the Ministry of Environment, so as to prevent the users of portable sound systems from suffering noise-induced hearing loss or other damage caused by noise.

(2) Any person who intends to manufacture or import portable sound systems shall ensure that such systems meet the levels under paragraph (1).

(3) Any person who manufactures or imports portable sound systems shall undergo a noise level inspection executed by the Minister of Environment before the sale thereof.

(4) Any person who intends to undergo a noise level inspection pursuant to paragraph (3) shall pay an inspection fee.

(5) Necessary matters regarding the methods of noise level inspection and inspection fees under paragraphs (3) and (4) shall be determined by Ordinance of the Ministry of Environment.

Article 46 (Training of Environment Engineers, etc.)

(1) A person who has to appoint an environment engineer under Article 19 shall have an environment engineer undergo training executed by the Minister of Environment or a Mayor/Do Governor, as determined by Ordinance of the Ministry of Environment. <Amended by Act No. 9770, Jun. 9, 2009>

(2) The Minister of Environment or a Mayor/Do Governor may collect expenses incurred for the training of environment engineers as referred to in paragraph (1) from the persons who employ those subject to the training, as determined by Ordinance of the Ministry of Environment.

Article 47 (Reporting, Inspections, etc.)

(1) Where Ordinance of the Ministry of Environment determines, the Minister of Environment, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may order the following persons to file a report or to submit materials, and assign a public official concerned to

enter the relevant facilities, place of business, etc. to verify whether the permissible emission standards and the standards for control referred to in Article 21 (2) are observed by conducting a noise and vibration inspection or to inspect related documents, facilities, equipment, etc.: <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>

1. An operator;
 2. A person subject to the control of living noise and vibration;
 3. A person who uses explosives pursuant to Article 25;
 4. An automobile manufacturer;
 5. A verification inspection agent;
 6. A manufacturer, etc. of noise-generating construction machinery;
 7. A noise level inspection institution under Article 45 (1);
 8. A person who is entrusted with the affairs of the Minister of Environment pursuant to Article 54 (2).
- (2) The Minister of Environment, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu may assign an inspection institution determined by Ordinance of the Ministry of Environment to vicariously execute a noise and vibration inspection referred to in paragraph (1). <Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>
- (3) A public official who makes such entrance and inspection pursuant to paragraph (1) shall carry a certificate indicating his/her authority and produce it to related persons.

Article 48 (Cooperation of Related Agency)

If it is deemed necessary for attaining the purpose of this Act, the Minister of Environment may request the head of an agency concerned to take the following measures. In this case, the head of the agency concerned shall comply with it, unless there is any special reason:

1. Alteration of urban redevelopment projects;
2. Alteration of housing complex formation;
3. Restriction on permission for the construction of apartment houses in the periphery of roads, railroads and airports;
4. Other matters as determined by the Presidential Decree.

Article 49 (Criteria for Administrative Disposition)

The criteria for administrative disposition against acts violating this Act or any order issued under this Act shall be determined by the Ordinance of the Ministry of Environment.

Article 50 (Succession of Effect of Administrative Disposition)

Where there is any succession of business pursuant to Article 10 (including the cases where it applies mutatis mutandis pursuant to Article 32), the effect of administrative disposition to the former operator shall be succeeded to the new operator until the last day of the disposition period, and where the procedures of administrative disposition are in progress, the procedures may continue to the new operator: Provided, That when the new operator (excluding the case of succession by inheritance) proves that he/she did not know the fact of the disposition or violation at the time when he/she succeeded to the business, this

shall not apply.

Article 51 (Hearings)

If the Minister of Environment, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or head of a Si/Gun/Gu intends to take any of the following dispositions, he/she shall hold a hearing: *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

1. Revocation of permission to install emission facilities or orders to close the emission facilities as prescribed in Article 17;
2. Orders to close the construction works in question as prescribed in Article 23 (4);
- 2-2. Revocation of designation of an agency for authentication tests or suspension of the whole or part of operation as prescribed in Article 31-3;
3. Revocation of the authentication as prescribed in Article 34;
4. Revocation of the registration or suspension of the whole or part of business as prescribed in Article 43;
- 4-2. Orders to prohibit the manufacture, import, sale, or use as prescribed in Article 44 (6);
5. Revocation of designation as a noise level inspection institution or suspension of the whole or part of business under Article 45 (5).

Article 52 (Submission of Annual Report)

- (1) The Mayor/Do governor shall submit each year to the Minister of Environment a report on the phases of carrying out major noises and vibrations control policies.
- (2) Matters necessary for the preparation and submission of the report as referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment.

Article 53 (Fees)

- (1) Any person who intends to file a report on the installation of emission facilities or to obtain permission therefor under Article 8 (1) shall pay fees, as prescribed by ordinance of the relevant Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu. *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*
- (2) Any person who intends to apply for authentication on a manufactured car or alteration or omission of the authentication under Article 31 shall pay fees determined by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 9770, Jun. 9, 2009>*

Article 54 (Delegation or Entrustment of Authority)

- (1) The authority of the Minister of Environment, which is vested under this Act may be delegated partially to the Mayor/Do governor, the president of the National Institute of Environmental Research or the head of a local environmental agency under the conditions as prescribed by the Presidential Decree.
- (2) The Minister of Environment may entrust any related specialized institution with part of his/her affairs as prescribed by this Act under the conditions as prescribed by the Presidential Decree.

Article 55 (Fictitious Public Official in Application of Penal Provisions)

Persons who are engaged in the business of noise level inspection of the noise level inspection institution pursuant to Article 45 (1) shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act.

Article 56 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding thirty million won: *<Amended by Act No. 12462, Mar. 18, 2014>*

1. A person who violates the order of closure as referred to in Article 17;
2. A person who manufactures motor vehicles in unconformity with the permissible manufactured car noise standards in contravention of Article 30;
3. A person who manufactures motor vehicles without obtaining authentication as prescribed in Article 31 (1);
4. A person who fails to undergo a noise level inspection pursuant to Article 44 (1) or has undergone a noise level inspection fraudulently.

Article 57 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than one year, or by a fine not exceeding ten million won: *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 12075, Aug. 13, 2013>*

1. A person who installs emission facilities, or operates business using such emission facilities, without obtaining permission under Article 8 (1) ;
2. A person who obtains permission under Article 8 (1) by false or other unlawful means;
3. A person who violates an order to suspend operation under Article 16 or 17;
4. A person who violates an order of prohibition of use, suspension of construction works, or closure under Article 23 (4);
5. A person who manufactures automobiles without obtaining the authentication of modification under Article 31 (2);
- 5-2. A person who performs a prohibited act under Article 31-2 (2) 1 or 2;
- 5-3. A person who violates an order to prohibit the manufacture, import, sale, or use under Article 44 (6);
6. A person who fails to place a mark of noise level under Article 44 (7) or places a mark of noise level fraudulently.

Article 58 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than six months, or by a fine not exceeding five million won: *<Amended by Act No. 9770, Jun. 9, 2009>*

1. A person who installs emission facilities or operates a business using the emission facilities without filing a report pursuant to Article 8 (1) or by filing a report by false or unlawful means;
2. and 3. Deleted; *<by Act No. 9770, Jun. 9, 2009>*
4. A person who violates an order to adjust working hours, etc. pursuant to Article 23 (1);

5. A person who fails to comply with a checkup or performs an act of interfering with the checkup, in violation of Article 36 (2);
6. A person who violates the order of improvement or suspension of use pursuant to Article 38 (1).

Article 59 (Joint Penal Provisions)

Where a representative of a juristic person, or an agent, employee or any other servant of a juristic person or individual commits an offense under Articles 56 through 58 in connection with the business of the juristic person or individual, in addition to the punishment of such offender, the juristic person or individual shall be punished by a fine under each relevant provisions: Provided, That where such juristic person or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense, this shall not apply.

Article 60 (Fines for Negligence)

(1) Any of the following persons shall be punished by a fine for negligence not exceeding three million won: <Newly Inserted by Act No. 9770, Jun. 9, 2009; Act No. 11669, Mar. 22, 2013>

1. A person who fails to appoint an environment engineer, in violation of Article 19 (1);
2. A person who interferes with the works of an environment engineer or rejects an environment engineer's request without justifiable grounds, in violation of Article 19 (4);
3. A person who affixes a mark of low noise on any home appliance that fails to meet the standards under Article 44-2 (2);
4. A person who manufactures or imports and sells any portable sound system that fails to meet the levels under Article 45-3 (2).

(2) Any of the following persons shall be punished by a fine for negligence not exceeding two million won: <Amended by Act No. 9770, Jun. 9, 2009>

1. A person who fails to file a report of alteration under Article 8 (2) or files a report of alteration by false or other unlawful means;
2. A person who fails to process noise and vibration produced by a factory at a level below the permissible emission standards, in violation of Article 14;
- 2-2. A person who generates noise and vibration exceeding the control standards for living noise and vibration under Article 21 (2);
- 2-3. A person who fails to files a report or a report of alteration under Article 22 (1) and (2), or files a report or a report of alteration by false or other unlawful means;
- 2-4. A person who fails to install soundproof facilities under Article 22 (3) 1 or installs soundproof facilities which do not meet the standards;
3. A person who fails to establish and execute reduction measures under Article 22 (3) 2;
4. Moved to subparagraph 2-2;
5. A person who violates any measures to prohibit or restrict the use of mobile noise sources under Article 24 (1);

6. An owner of an automobile who violates Article 35;
 7. A person who fails to file a report under Article 38 (3);
 8. A person who fails to have an environment engineer, etc. undergo training, in violation of Article 46;
 9. A person who fails to file a report or files a false report, or who fails to submit materials or submits false materials, in violation of Article 47 (1);
 10. A person who rejects, interferes with, or evades the entry or inspection of the public officials concerned under Article 47.
- (3) Fines for negligence referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 9770, Jun. 9, 2009>
- (4) and (5) Deleted. <by Act No. 9770, Jun. 9, 2009>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 15 (20) of the Addenda shall take effect on July 4, 2007; and the amended provisions of Article 44, subparagraph 4 of Article 56 and subparagraph 6 of Article 57, on January 1, 2008.

Article 2 (Transitional Measures concerning Enforcement Date)

The previous provisions of Article 49-2, subparagraph 6 of Article 57 and subparagraph 7 of Article 58 shall apply until the amended provisions of Article 44, subparagraph 4 of Article 56 and subparagraph 6 of Article 57, each of which corresponds to the said previous provisions, take effect in accordance with the proviso of Article 1 of the Addenda.

Article 3 (Period of Validity)

The amended provisions of Article 6 shall have effect until October 4, 2007.

Article 4 (Transitional Measures concerning Emission and Preventive Facilities)

(1) Any person who has obtained the permission on the installation or alteration of emission facilities under Article 15 (1) or (2) of the previous Environment Preservation Act, as of February 2, 1999 when the Noise and Vibration Control Act, Act No. 4259, enters into force, shall be considered to have obtained permission or made a report pursuant to the amended provisions of Article 8 (1) or (2).

(2) The preventive facilities or joint preventive facilities installed under the main sentence of Article 15-2 (1) or Article 15-3 (1) of the previous Environment Preservation Act, as of February 2, 1999 when the Noise and Vibration Control Act, Act No. 4259, enters into force, shall be considered to have been installed under the main sentence of Article 9 or Article 12, and the non-installation of preventive facilities under the proviso of Article 15-2 (1) of the previous Environment Preservation Act as of the said date shall be considered as the non-installation under the proviso of Article 9.

(3) Any person who has made a report on the commencement of use of emission and preventive facilities, or obtained a judgment of conformity, under Article 16 of the previous Environment

Preservation Act, as of February 2, 1999 when the Noise and Vibration Control Act, Act No. 4259, enters into force, shall be considered to have made a report on the commencement of operation under Article 13.

Article 5 (Transitional Measures following Alteration of Names of Emission Facilities Manager and Environment Manager)

An emission facilities manager pursuant to the previous provisions as of June 9, 1993 when the amended Noise and Vibration Control Act, Act No. 4537, enters into force, and an environment manager pursuant to the previous provisions as of August 10, 2004 when the amended Noise and Vibration Control Act, Act No. 7168, enters into force, shall be considered as environment engineers under this Act.

Article 6 (Transitional Measures concerning Designation of Inspection Agent)

Any person who is designated as an inspection agent carrying out services confirming running cars, or who is designated as such by change, pursuant to the previous provisions as of June 28, 1994 when the amended Noise and Vibration Control Act, Act No. 4654, enters into force, shall be considered as one who is designated as an inspection agent carrying out such services, or who is designated as such by change, by the head of Si/ Gun/ Gu under the amended provisions of Article 41.

Article 7 (Transitional Measures concerning Emission Facilities)

Any emission facilities on which a report has been made or the permission has been obtained pursuant to Article 53 of the Act on Special Measures for the Deregulation of Corporate Activities prior to September 8, 1997 when the amended Noise and Vibration Control Act, Act No. 5303, enters into force, shall be deemed those on which a report has been made or the permission has been obtained pursuant to the amended provisions of Article 8.

Article 8 (Transitional Measures concerning Report of Specific Construction Works)

Any person who has made a report on specific construction works pursuant to the previous provisions as of September 8, 1997 when the amended Noise and Vibration Control Act, Act No. 5303, enters into force, shall be deemed to have made a report on specific construction works as referred to in the amended provisions of Article 22.

Article 9 (Transitional Measures concerning Inspection Agent)

Any inspection agent designated under the previous provisions as of August 9, 1999 when the amended Noise and Vibration Control Act, Act No. 5862, enters into force, shall be deemed the inspection agent registered under the amended provisions of Article 41.

Article 10 (Applicable Cases of Installation of Soundproof Facilities for Specific Construction Work)

The amended provisions of Article 22 (3) regarding the installation of soundproof facilities for a specific construction work shall apply beginning with the specific construction work that is reported for the first time pursuant to the amended provisions of paragraph (1) of the same Article on or after January 1, 2006 when the amended Noise and Vibration Control Act, Act No. 7293, enters into force.

Article 11 (Transitional Measures concerning Inspection Agent)

The inspection agent registered with the Mayor/Do governor pursuant to the previous provisions as of January 1, 2006 when the amended Noise and Vibration Control Act, Act No. 7293, enters into force shall be deemed the confirmation inspection agent registered with the head of Si/Gun/Gu pursuant to the amended provisions of Article 41.

Article 12 (Applicable Cases of Noise Level Inspection of Noise Generating Construction Machinery)

The amended provisions of Article 44 regarding the noise level inspection of noise generating construction machinery shall apply beginning with the noise generating construction machinery that is manufactured or imported for the first time on or after January 1, 2008.

Article 13 (General Transitional Measures concerning Disposition, etc.)

Any acts done by or against administrative agencies under the previous provisions at the time when this Act enters into force, shall be considered as any acts done by or against administrative agencies under the corresponding provisions of this Act.

Article 14 (Transitional Measures concerning Penal Provisions or Fines for Negligence)

The application of the penal provisions or fines for negligence to any act committed before the enforcement of this Act shall be pursuant to the previous provisions.

Article 15 Omitted.

Article 16 (Relation with Other Acts and Subordinate Statutes)

In cases where other Acts and subordinate statutes cite the previous Noise and Vibration Control Act or the provisions thereof at the time this Act enters into force, if this Act includes the provisions corresponding to them, this Act or the corresponding provisions of this Act shall be considered to be cited in lieu of the previous provisions.

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

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 8957, Mar. 21, 2008>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 8976, Mar. 21, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 (Transitional Measures concerning Traffic Noise Regulation Area)

An area designated and publicly announced as a traffic noise and vibration regulation area as at the time this Act enters into force shall be deemed an area designated and publicly announced as a traffic noise and vibration control area pursuant to the amended provisions of Article 27 (1).

Article 3 (Transitional Measures concerning Designation of Agency for Authentication Test of Manufactured Cars)

An agency designated as an institution for authentication test of manufactured cars as at the time the amended provisions of Article 31-2 under the proviso to Article 1 of the Addenda enter into force shall be deemed an agency designated for authentication test of manufactured cars in accordance with the amended provisions of Article 31-2.

Article 4 (Transitional Measures concerning Fees for Report, etc. of Installation of Emission Facilities)

As to a fee for a report, etc. of installation of emission facilities, etc. referred to in the amended provisions of Article 53, the previous instances shall apply until a relevant municipal ordinance is established where the relevant municipal ordinance is not established until the date on which the amended provisions of Article 53 under the proviso to Article 1 of the Addenda enter into force.

Article 5 (Transitional Measures concerning Penal Provisions and Fines for Negligence)

The application of penal provisions or fines for negligence to offenses committed before the amended provisions of subparagraphs 2 and 3 of Article 58, and Article 60 (1) and (2) 1 under the proviso to Article 1 of the Addenda enter into force shall be governed by the former provisions.

Article 6 Omitted.

Article 7 (Relationship with other Acts and Subordinate Statutes)

Where other Acts and subordinate statutes cite the previous Noise and Vibration Regulation Act or the provisions thereof as at the time this Act enters into force, if the provisions corresponding thereto exist in this Act, it shall be deemed cited this Act or such corresponding provisions thereof in lieu of the previous provisions.

ADDENDA <Act No. 10252, Apr. 12, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDUM <Act No. 11669, Mar. 22, 2013>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of subparagraph 11 of Article 2 and of Articles 45 (1) (limited to the portion related to Article 45-3), 45-3, and 60 (1) 4 shall enter into force on January 1, 2014; and the amended provisions of Articles 45 (1) (limited to the portion related to Article 44-2), 44-2, and 60 (1) 3, on January 1, 2015.

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

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 11907, Jul. 16, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on February 6, 2014. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDA <Act No. 12075, Aug. 13, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 21-2 shall enter into force nine months after the date of its promulgation.

Article 2 (Applicability concerning Imposition of Penalty Surcharges)

The amended provisions of Article 31-4 shall apply to offenses under any of subparagraphs 2 through 4 of Article 31-3 that are committed on and after the date this Act enters into force.

Article 3 (Transitional Measures concerning Incompetents, etc.)

Adult wards and limited wards under the amended provisions of subparagraph 1 of Article 42 shall be deemed to include those who have been adjudicated incompetent or quasi-incompetent and are still in the state of such incompetency or quasi-incompetency under Article 2 of the Addenda to the partially amended Civil Act (Act No. 10429).

ADDENDA <Act No. 12248, Jan. 14, 2014>

Article 1 (Enforcement Date)

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

Articles 2 through 25 Omitted.

ADDENDUM <Act No. 12462, Mar. 18, 2014>

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

