

ENVIRONMENTAL IMPROVEMENT COST LIABILITY ACT

Act No. 4493, Dec. 31, 1991
Amended by Act No. 4714, Jan. 5, 1994
Act No. 5454, Dec. 13, 1997
Act No. 5861, Feb. 8, 1999
Act No. 6097, Dec. 31, 1999
Act No. 6406, Jan. 29, 2001
Act No. 6656, Feb. 4, 2002
Act No. 7386, Jan. 27, 2005
Act No. 7459, Mar. 31, 2005
Act No. 8215, Jan. 3, 2007
Act No. 8466, May 17, 2007
Act No. 9433, Feb. 6, 2009
Act No. 10316, May 25, 2010
Act No. 10893, Jul. 21, 2011
Act No. 11916, Jul. 16, 2013
Act No. 13039, Jan. 20, 2015

Article 1 (Purpose)

The purpose of this Act is to contribute to creating a pleasant environment which serves as the foundation for continuous development of the State, by having those who are responsible for environmental pollution pay necessary expenses for environmental improvement and effectively raising investment resources for environmental improvement.

Articles 2 through 4 Deleted. <by Act No. 10316, May 25, 2010>

Articles 5 through 8 Deleted. <by Act No. 6097, Dec. 31, 1999>

Article 9 (Imposition and Collection of Environmental Improvement Charges)

(1) The Minister of Environment shall impose and collect environmental improvement charges (hereinafter referred to as "improvement charges") from the owners or occupants of buildings or other facilities (hereinafter referred to as "facilities") that directly cause environmental pollution through the discharge of vast amounts of environmental pollutants, and the owners of motor vehicles powered by diesel. <Amended by Act No. 13039, Jan. 20, 2015>

(2) The scope of motor vehicles subject to the improvement charges under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 13039, Jan. 20, 2015>

(3) Notwithstanding paragraph (2), improvement charges on any of the following motor vehicles may be reduced or exempted, as prescribed by Presidential Decree: <Amended by Act No. 11916, Jul. 16, 2013; Act No. 13039, Jan. 20, 2015>

1. Motor vehicles owned by a foreign government or international organization (including motor vehicles owned by the diplomatic mission of a foreign government or an employee of an international organization): Provided, That the same shall not apply where the relevant country imposes any charges of a similar nature to those of the improvement charges on motor vehicles owned by the Government of the Republic of Korea (including motor vehicles owned by the mission of the Government of the Republic of Korea);

2. through 7. Deleted; <by Act No. 13039, Jan. 20, 2015>

8. Motor vehicles for display or those emitting considerably lower quantities of exhaust gases, prescribed by Presidential Decree;

9. One motor vehicle registered by any of the following persons to be used for prosthetic purpose or to make a living:

(a) Recipients under subparagraph 1 of Article 2 of the National Basic Living Security Act;

(b) Persons of meritorious service to the State or disabled persons prescribed by Presidential Decree.

(4) Where the Minister of Environment delegates a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") with the authority to collect improvement charges in areas under his/her jurisdiction under Article 22, he/she may pay any part of the amount collected as collection expenses, as prescribed by Presidential Decree.

(5) The Minister of Environment may permit the installment payment of improvement charges, as prescribed by Presidential Decree.

(6) Notwithstanding paragraphs (1), (3), and (5), where a person makes a lump-sum payment of all the improvement charges on or before the first payment date of the relevant year, the Minister of Environment may reduce ten percent of the improvement charges additionally. <Newly Inserted by Act No. 11916, Jul. 16, 2013>

(7) Articles 23 and 24 of the Framework Act on National Taxes shall apply mutatis mutandis to the succession to the obligation to pay the improvement charges. In such cases, "national taxes" shall be construed as "improvement charges;" "head of tax office" as "Minister of Environment;" and "payment of tax" as "payment," respectively.

(8) Areas subject to improvement charges under paragraph (1), the methods and procedures of imposition and collection, and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 13039, Jan. 20, 2015>

Article 10 (Criteria for Calculations of Improvement Charges)

(1) Deleted. <by Act No. 13039, Jan. 20, 2015>

(2) Improvement charges on motor vehicles under Article 9 (2) shall be calculated in conformity with the following formula:

Basic amount of charges per motor vehicle × pollution-inducing coefficient × coefficient of motor vehicle age × regional coefficient.

(3) The basic charge per motor vehicle, pollution-inducing coefficient, coefficient of motor vehicle age, regional coefficient under paragraphs (1) and (2) shall be determined by Presidential Decree. <Amended by Act No. 13039, Jan. 20, 2015>

Article 11 (Use of Improvement Charges)

Improvement charges collected under Article 9 shall be used only for the following purposes: <Amended by Act No. 10893, Jul. 21, 2011>

1. Subsidization of expenses for air and water improvement projects carried out according to the mid-term comprehensive plan for environmental conservation under Article 17 of the Framework Act on Environmental Policy;
2. Subsidization of expenses for the air and water improvement projects carried out by entrepreneurs, and subsidization of research and development expenses for low-pollution technology;
3. Natural environment protection projects or other purposes prescribed by Presidential Decree.

Article 12 Deleted. <by Act No. 10316, May 25, 2010>

Articles 13 through 18 Deleted. <by Act No. 8215, Jan. 3, 2007>

Article 19 (Payment of Improvement Charges)

Improvement charges shall be the revenues of the special accounts for environmental improvement under the Framework Act on Environmental Policy. <Amended by Act No. 10893, Jul. 21, 2011>

Article 20 (Compulsory Collection, etc.)

(1) Where a person liable for payment of improvement charges fails to do so by a deadline for payment, the Minister of Environment shall urge him/her to make a payment within a specified period of at least ten days. In such cases, additional dues equivalent to 3/100 shall be imposed on the charges in arrears: Provided, That the same shall not apply to the State and local governments. <Amended by Act No. 11916, Jul. 16, 2013>

(2) Where a person that has been urged to make such payment under paragraph (1) fails to pay the charges within a fixed period, they may be collected in the same manner as delinquent national or local taxes are collected.

(3) Where it is necessary for the imposition and collection of improvement charges, the Minister of Environment may request the head of a relevant central administrative agency or a local government to submit necessary data. In such cases, the head of the relevant central administrative agency or local government, upon receipt of a request, shall submit the requested data unless there is a compelling reason not to do so.

Article 21 Deleted. <by Act No. 8215, Jan. 3, 2007>

Article 22 (Delegation of Authority)

@Part of the authority of the Minister of Environment under this Act may be delegated to the Mayor/Do Governor, as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Imposition, etc. of Environmental Improvement Charges on Motor Vehicles)

Matters concerning imposition, etc. of the environmental improvement charges on motor vehicles powered by diesel as prescribed in Article 9 (2) 2 shall be applicable on the date as determined by Presidential Decree.

Article 3 (Transitional Measures concerning Environmental Pollution Prevention Projects)

Any environmental pollution prevention project which has been or is executed pursuant to the provisions of Article 43 (1) of the previous Environmental Preservation Act at the time this Act enters into force, shall be considered as an environmental pollution prevention project as prescribed by this Act.

Article 4 (Relation with Other Acts)

In case where the provisions of the previous Environmental Preservation Act are cited in other statutes at the time this Act enters into force, if the corresponding provisions are included in this Act, this Act or the corresponding provisions of this Act shall be considered to have been cited in lieu of such previous provisions.

ADDENDA <Act No. 4714, Jan. 5, 1994>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1995.

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5861, Feb. 8, 1999>

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

(2) Omitted.

ADDENDA <Act No. 6097, Dec. 31, 1999>

- (1) (Enforcement Date) This Act shall enter into force seven months after the date of its promulgation.
(2) and (3) Omitted.

ADDENDA <Act No. 6406, Jan. 29, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2001.

Articles 2 and 3 Omitted.

ADDENDA <Act No. 6656, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 7386, Jan. 27, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 8215, Jan. 3, 2007>

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

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. 9433, Feb. 6, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDUM <Act No. 10316, May 25, 2010>

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11916, Jul. 16, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Reduction of Improvement Charges)

Any reduction of improvement charges under the amended provisions of Article 9 (3) and (6) shall apply, beginning with cases where improvement charges are imposed during the first half of 2014.

Article 3 (Transitional Measures concerning Imposition of Additional Dues)

Notwithstanding the amended provision of Article 20 (1), the former provision shall apply to a person on whom improvement charges are imposed before this Act enters into force.

ADDENDA <Act No. 13039, Jan. 20, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Environmental Improvement Charges)

Any environmental improvement charges on facilities imposed or to be imposed under the previous Articles 9 and 10, as at the time this Act enters into force, shall be governed by the previous provisions.

Article 3 Omitted.