

SPECIAL ACT ON THE IMPROVEMENT OF AIR QUALITY IN SEOUL METROPOLITAN AREA

Act No. 7401, Dec. 31, 2003
Amended by Act No. 7860, Mar. 3, 2006
Act No. 8251, Jan. 19, 2007
Act No. 8290, Jan. 26, 2007
Act No. 8404, Apr. 27, 2007
Act No. 8852, Feb. 29, 2008
Act No. 8954, Mar. 21, 2008
Act No. 9036, Mar. 28, 2008
Act No. 9449, Feb. 6, 2009
Act No. 9768, jun. 9, 2009
Act No. 9772, jun. 9, 2009
Act No. 9931, Jan. 13, 2010
Act No. 10614, Apr. 28, 2011
Act No. 10893, Jul. 21, 2011
Act No. 11256, Feb. 1, 2012
Act No. 11445, May 23, 2012
Act No. 11690, Mar. 23, 2013
Act No. 11909, Jul. 16, 2013
Act No. 13034, Jan. 20, 2015
Act No. 13410, Jul. 20, 2015

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect residents' health, and create descent living environment in the metropolitan area by implementing comprehensive policies and systematically controlling air pollutants in order to improve the air quality of the metropolitan area.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 2 (Definitions)

The definitions of the terms used in this Act shall be as follows: <Amended by Act No. 11690, Mar. 23, 2013>

1. The term "metropolitan area" means Seoul Special Metropolitan City, Incheon Metropolitan City and Gyeonggi-do region;
2. The term "air control zone" means a region prescribed by Presidential Decree, from among the following regions:
 - (a) A region that is deemed to have serious air pollution within the metropolitan area;
 - (b) A region air pollutants discharged from which are deemed to have serious influence on air pollution of the metropolitan area, within the metropolitan area;
3. The term "emission facilities" means facilities, machinery, apparatuses and other objects which emit pollutants into the air and include air-pollutant emitting facilities under subparagraph 11 of Article 2 of the Clean Air Conservation Act and those determined by the Minister of Environment in the form of Ordinance of the Ministry of Environment through consultation with the Minister of Trade, Industry and Energy;
4. The term "emission volume" means the weight-converted volume of air pollutants discharged from emission sources of air pollutants, such as emission facilities, automobiles, etc.;

5. The term "optimal prevention facilities" means facilities currently being used from among air-pollution preventive facilities under subparagraph 12 of Article 2 of the Clean Air Conservation Act or acknowledged to have excellent reduction efficiency from among air-pollutant reducing technologies applicable considering potential of technical development in the future, as prescribed by Ordinance of Ministry of Environment through consultation with the Minister of Trade, Industry and Energy;

6. The term "low-pollution motor vehicles" means the following automobiles prescribed by Presidential Decree:

(a) Vehicles that emit no air pollutants;

(b) Vehicles that emit less than pollutants the permissible emission levels for manufactured automobiles as prescribed by Article 46 of the Clean Air Conservation Act.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 3 (Relationship with Clean Air Conservation Act)

This Act shall take precedence over the Clean Air Conservation Act and the matters that are not prescribed by this Act shall be governed by the Clean Air Conservation Act.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 4 (Obligations of State and Local Governments)

(1) The State shall formulate and implement comprehensive policies for the improvement of the air quality of the metropolitan area.

(2) Any local government that has an air control zone under its jurisdiction (hereinafter referred to as "local government") shall formulate and implement policies in detail for the improvement of the air quality considering social and environmental characteristics of its jurisdiction.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 5 (Business Operators' Responsibilities)

Any person who conducts business activities (including running vehicles owned by him/her for the relevant business activities; hereinafter the same shall apply) within the air control zone shall actively take necessary measures for preventing air pollution resulting from the aforementioned business activities and actively cooperate in air quality conservation policies implemented by the State or local governments.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 6 (Residents' Obligations)

Residents that live in an air control zone shall endeavor to reduce air pollution in their daily lives, such as driving their vehicles, etc. and actively cooperate in air quality conservation policies implemented by the State or local governments.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 7 (Conducting Basic Surveys, etc.)

(1) Where necessary to implement this Act, the Minister of Environment may conduct a basic survey on the population, housing, industries, vehicles, traffic, use of energy, etc. for air control zones or request the heads of relevant administrative agencies to submit necessary material or to provide support.

(2) Upon receipt of a request prescribed under paragraph (1), the heads of relevant administrative agencies shall comply with such request unless any extenuating circumstances exist.

(3) The Minister of Environment shall conduct necessary surveys on the level of risks, causes of risks, etc. to reduce risks resulting from air pollution in the metropolitan area.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 7-2 (Measurement, etc. of Air Pollution Levels)

(1) The Minister of Environment shall measure air pollution levels, such as fine dust, in the air pollution control areas using motor vehicles carrying measuring equipment in order to check the actual conditions of air pollution in the Seoul Metropolitan area, and disclose the outcomes thereof, as prescribed by Ordinance of the Ministry of Environment.

(2) Where the outcomes of measurement under paragraph (1) exceeds standards prescribed by Presidential Decree, the Minister of Environment may request the heads of related administrative agencies to take necessary measures.

(3) The heads of related administrative agencies who have received a request prescribed under paragraph (2) shall comply with such request unless extenuating circumstances exist.

[This Article Newly Inserted by Act No. 11909, Jul. 16, 2013]

CHAPTER II FORMULATION, ETC. OF MASTER PLANS FOR METROPOLITAN AIR QUALITY CONTROL

Article 8 (Formulation, etc. of Master Plans)

(1) To improve the air quality of the metropolitan region, the Minister of Environment shall formulate a master plan for metropolitan air quality control (hereinafter referred to as "master plan"), aiming to reduce the following air pollutants on a ten-year basis after hearing opinions of the heads of relevant central administrative agencies, the Seoul Special Metropolitan City Mayor, the Incheon Metropolitan City Mayor, the Governor of Gyeonggi-do (hereinafter referred to as "Seoul Special Metropolitan City Mayor and others") and other relevant Do Governors: <Amended by Act No. 13410, Jul. 20, 2015>

1. Nitrogen oxides;
2. Sulfur oxides;
3. Volatile organic compounds;
4. Dust;
5. Fine particles (PM-10);
6. Fine particles (PM-2.5);
7. Ozone (O3).

(2) A master plan shall include the following matters:

1. Matters for objectives and basic directions for the purpose of improving the air quality;
2. Matters for the current status of and outlook on emission volume of air pollutants by emission source;
3. Current status of and outlook on air pollution levels;
4. Total permissible emission volume of air pollutants by emission source in air control zones;
5. Mitigation plans for emission volume of air pollutants by emission source in air control zones;
6. Total permissible emission volume of air pollutants (hereinafter referred to as "regional total permissible volume of emissions") by Seoul Special Metropolitan City, Incheon Metropolitan City and Gyeonggi-do (hereinafter referred to as "Cities/Do");
7. Matters for the dissemination of low-pollution motor vehicles;
8. Allocation standards for total permissible volume of emission of pollutants subject to total volume control (referring to nitrogen oxides, sulfur oxides and dust; hereinafter the same shall apply) at places of business within air control zones;
9. Support to places of business to which the total permissible emission volume of pollutants subject to the total volume control is allocated;
10. Support to local governments or business operators for air quality improvement projects of the metropolitan area;
11. Matters for the scale of financial resources necessary for the implementation of master plans and plans for raising financial resources;
12. Other matters prescribed by Presidential Decree, as deemed necessary for the improvement of the air quality of the metropolitan area.

(3) Where deemed necessary for modifying a master plan when five years have elapsed since the master plan is formulated or the heads of relevant central administrative agencies request for modifications, the Minister of Environment may do so by reviewing whether such modification is feasible.

(4) Where the Minister of Environment intends to formulate or modify a master plan, he/she shall verify the formulation or modification through deliberations by the Metropolitan Atmospheric Environment Management Committee under Article 11 after consulting with the heads of relevant central administrative agencies and the Seoul Special Metropolitan City Mayor and others and publish major details in the Official Gazette.

(5) The Minister of Environment shall consider the air pollution level of the metropolitan area, developing trends of environment technologies, the need to newly install or expand factories, emission loads of air pollutants by emission source, etc. when formulating a master plan.

(6) The Minister of Environment may form and operate a support unit for metropolitan atmospheric environment research as prescribed by Ordinance of Ministry of Environment in consultation with the heads of relevant central administrative agencies for research, study, etc. necessary to formulate a master plan and an implementation plan. <Amended by Act No. 13410, Jul. 20, 2015>

(7) The Minister of Environment shall prepare performance reports of the master plan as prescribed by Presidential Decree by consolidating performance records of implementation plans reported under Article 9 (3) and submit them to the National Assembly.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 9 (Formulation, etc. of Implementation Plans)

(1) The Seoul Special Metropolitan City Mayor and others shall formulate detailed plans (hereinafter referred to as "implementation plan") to implement a master plan in the relevant jurisdiction and obtain approval from the Minister of Environment and the same shall apply where modifications are made to any of such plans.

(2) Where the Minister of Environment is requested to approve an implementation plan under paragraph (1), he/she shall grant approval through deliberations by the Metropolitan Atmospheric Environment Management Committee prescribed under Article 11 and the Seoul Special Metropolitan City Mayor and others shall publish major details of the implementation plan approved by the Minister of Environment in the Official Gazette of relevant Cities/Do.

(3) The Seoul Special Metropolitan City Mayor and others shall report performance records of implementation plans to the Minister of Environment every year.

(4) Necessary matters for the formulation and implementation of implementation plans, reporting on performance records thereof, etc. shall be determined by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 10 (Formulation and Implementation of Environment-Friendly Development Plans)

Where the heads of central administrative agencies or the Seoul Special Metropolitan City Mayor and others formulate any of the following plans, he/she shall formulate them in an environment-friendly manner to minimize air pollution generated in the metropolitan area due to the implementation of such plans:

<Amended by Act No. 9772, Jun. 9, 2009; Act No. 9931, Jan. 13, 2010>

1. Metropolitan planning under Article 11 of the National Land Planning and Utilization Act;
2. Energy master plans under Article 41 of the Framework Act on Low Carbon, Green Growth;
3. National infra-transport network planning under Article 4 of the National Transport System Efficiency Act;

4. Master plans for transportation in metropolitan areas and implementation plans for metropolitan transport in metropolitan areas under Articles 3 and 3-2 of the Special Act on the Management of Intercity Transport in Metropolitan Areas;

5. Other plans prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 11 (Metropolitan Air Quality Management Committee)

(1) The Government shall establish the Metropolitan Air Quality Management Committee (hereinafter referred to as the "Committee") to deliberate and coordinate the following matters with the aim of improving the air quality of the metropolitan area:

1. Master plans and implementation plans;
2. Matters for control of total volume of pollutants in any of business;
3. Other matter prescribed by Presidential Decree as necessary for the improvement of the air quality of the metropolitan region.

(2) The Committee shall be chaired by the Minister of the Environment and the Vice Ministers of relevant central administrative agencies prescribed by Presidential Decree, the Deputy Mayors of Seoul Special Metropolitan City and Incheon Metropolitan City and the Deputy Governor of Gyeonggi-do shall be the members of the Committee.

(3) The Chairperson shall represent the Committee and take overall control over the affairs of the Committee.

(4) A secretariat may be established under the Ministry of Environment as prescribed by Presidential Decree to handle the affairs of the Committee.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 12 (Working Committees for Metropolitan Air Quality Management)

(1) Working committees for metropolitan air quality management (hereinafter referred to as "working committee") which consist of public officials of relevant central administrative agencies and Cities/Do and persons having much knowledge on and experience in the air quality shall be established under the Committee.

(2) The working committee shall handle the following matters:

1. Coordination and review of agenda to be deliberated by the Committee;
2. Matters delegated by the Committee, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 13 (Formation, Operation, etc. of Committee)

Necessary matters for formation, operation, etc. of the Committee and working committees shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

CHAPTER III TOTAL VOLUME CONTROL OF POLLUTANTS AT PLACE OF BUSINESS

Article 14 (Permission for Installation of Place of Business)

(1) Any person who intends to install a place of business emitting the pollutants subject to total volume control exceeding the emission volume prescribed by Presidential Decree in an air control zone or alter his/her place of business to that equivalent thereto, shall obtain permission to install place of business from the Minister of Environment as determined by Ordinance of the Ministry of Environment; the same shall also apply where changes are made to permitted matters.

(2) Notwithstanding the latter part of paragraph (1), any person who has obtained permission alters insignificant matters prescribed by Ordinance of the Ministry of Environment, he/she shall report an alteration, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13410, Jul. 20, 2015>

(3) Where the Minister of Environment grants permission or permission for alteration under paragraph (1), he/she shall attach conditions that optimal prevention facilities shall be installed. <Amended by Act No. 13410, Jul. 20, 2015>

(4) Any person who has established or is establishing a place of business under paragraph (1) after obtaining permission for the establishment thereof or permission for the alteration thereof, or filing a report on the establishment thereof or the alteration thereof under Article 23 of the Clean Air Conservation Act in the relevant air quality control region at the time the air quality control region is designated shall be deemed to have obtained permission for the establishment of the place of business under the main sentence of paragraph (1). In such cases, the person who has already established or is establishing the place of business shall report matters prescribed by Ordinance of the Ministry of Environment to the Minister of Environment within the period prescribed by Ordinance of the Ministry of Environment from the date the air quality control region is designated. <Amended by Act No. 13410, Jul. 20, 2015>

(5) Any person who has obtained permission for the establishment or alteration of a place of business under paragraph (1) or has reported an alteration under paragraph (2) shall be deemed to have obtained permission for the installation or alteration of emissions producing facilities of the place of business, or have filed a report on the installation or alteration thereof under Article 23 of the Clean Air Conservation Act (including cases where a legal fiction is applied pursuant to Article 24 of the aforesaid Act). <Amended by Act No. 13410, Jul. 20, 2015>

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 15 (Restrictions on Permission)

Where the Minister of Environment receives an application for permission to install or alter the place of business under Article 14 (1), he/she shall not grant permission if the installation or alteration of the said place of business exceeds the regional total permissible volume of emissions: Provided, That the Minister of Environment may grant permission to the place of business of which the Minister of Trade, Industry and Energy requests for permission for installation or alteration to the Minister of Environment and the unavoidable need of which is acknowledged as a result of deliberations by the Committee. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 16 (Allocation, etc. of Total Permissible Volume of Emission)

(1) The Minister of Environment shall allocate the total permissible volume of emissions of pollutants subject to the total volume control by classifying it annually on a five-year basis in accordance with the allocation standards for the total permissible volume of emission under Article 8 (2) 8 to persons who have obtained permission to establish or alter the place of business under Article 14 (1) and the person deemed to have obtained permission to establish the place of business pursuant to paragraph (4) of the same Article (hereinafter referred to as "business operator"). <Amended by Act No. 13410, Jul. 20, 2015>

(2) The Minister of Environment shall consider each of the following when allocating the total permissible volume of emissions to a business operator under paragraph (1):

1. Mitigation plans for emission volume under Article 8 (2) 5;
2. Regional total permissible volume of emission;
3. Emission volume of pollutants subject to the total volume control and volume of energy consumption in the relevant place of business for the past five years;

4. Level of optimal prevention facilities and extent of pollutants subject to total volume control that can be additionally mitigated in the future;

5. The relevant business operator's annual mitigation plans for pollutants subject to the total volume control;

6. Consulting results by the support unit for metropolitan air quality research under Article 8 (6);

7. Other matters determined by Ordinance of the Ministry of Environment.

(3) A business operator to whom the total permissible volume of emission is allocated under paragraph (1) (hereinafter referred to as "business operator under total volume control") shall not emit pollutants subject to the total volume control exceeding the total permissible volume of emission for the corresponding year.

(4) Any business operator under total volume control shall calculate the emission volume, and record and keep calculation results by installing and operating equipment capable of measuring the emission volumes of the pollutants subject to the total volume control as prescribed by Presidential Decree: Provided, That where it is difficult to install and operate such measuring equipment due to characteristics of emission facilities, the emission volume shall be calculated, as prescribed by Ordinance of the Ministry of Environment.

(5) A business operator under the total volume control shall submit the calculation result of the emission volume under paragraph (4) to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(6) The Minister of Environment may request for necessary material to project operators when allocating the total permissible volume of emission under paragraph (1).

(7) Necessary matters for allocation timing, procedures, methods, etc. of the total permissible volume of emission shall be determined by the Minister of Environment in the form of Ordinance of the Ministry of Environment through the consultation with the Minister of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(8) The Minister of Environment may operate a computer network capable of electronically processing measurement results by connecting to measuring equipment installed by a business operator under the total volume control to measure the emission volume in accordance with paragraph (4) and lend technical support to a business operator under the total volume control to install and operate measuring equipment normally. [This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 16-2 (Raising Objections)

(1) Any business operator under the total volume control who has an objection with respect to the total permissible volume of emission allocated under Article 16 (1) or the calculation result of the emission volume submitted under paragraph (5) of the same Article may raise an objection, in writing, to the Minister of Environment within 30 days from the date the total permissible volume of emission is allocated or the results of calculation of the emission volume is submitted.

(2) The Minister of Environment shall make a decision on the objection raised within seven days from the date such objection is filed and inform the applicant of the result in writing without delay: Provided, That if it is impossible to make a decision within seven days due to inevitable reasons, the Minister of Environment may extend the period within the extent not exceeding seven days and inform the applicant of the grounds for extension in writing.

(3) Necessary matters for procedures of raising objections, notification of decision, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 9036, Mar. 28, 2008]

Article 17 (Special Cases on Emission Dues, etc.)

(1) For a business operator under the total volume control, the Minister of Environment may reduce or exempt the emission dues under Article 35 of the Clean Air Conservation Act or may not apply the sulfur content level of fuels under Article 41 of the same Act, as prescribed by Presidential Decree.

(2) With regard to emission facilities in the place of business established and operated by a business operator under the total volume control, the Minister of Environment may determine the permission level of emission for pollutants subject to the total volume control to which the total permissible volume of emission is allocated, different from the permission emission level under Article 16 (1) of the Clean Air Conservation Act.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 18 (Transfer of Total Permissible Volume of Emission)

(1) A business operator under the total volume control may transfer all or some of the total permissible volume of emission allocated by year to other business operators under the total volume control through sale and purchase, etc. where all the following conditions are met: <Amended by Act No. 11909, Jul. 16, 2013>

1. To transfer for each pollutant subject to total volume control;

2. To transfer between the total permissible volume of emission by year of the same year.

(2) Any person who intends to transfer all or some of the total permissible volume of emissions to another business operator under the total volume control under paragraph (1) shall be confirmed by the Minister of Environment by submitting evidentiary documents on transfer, such as a transfer contract, etc. signed by both parties. <Amended by Act No. 11909, Jul. 16, 2013>

(3) It shall be deemed that the total permissible volume of emission for any person who has transferred the total permissible volume of emission under paragraph (1) is reduced by the volume he/she has transferred in the pertinent year, and any person who obtains such transferred shall be deemed to have the increased total permissible volume of emission increased by the volume transferred in the pertinent year.

(4) A business operator under the total volume control may add all or some of the total permissible volume of emission not used in the relevant year among the total permissible volume of emission allocated by year to the total permissible volume of emission of the following year after obtaining approval from the Minister of Environment within the limits prescribed by Presidential Decree. <Amended by Act No. 11909, Jul. 16, 2013>

(5) Necessary matters for transferable volume of the total permissible volume emission, scope of areas, transfer procedures, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 19 (Adjustment of Total Permissible Volume of Emissions)

(1) Where the Minister of Trade, Industry and Energy requests the Minister of Environment to adjust the total permissible volume of emission for a business operator under the total volume control with grounds of energy and power supply, the Minister of Environment may adjust the total permissible volume of emission for the pertinent year following the deliberations by the Committee. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where a business operator under the total volume control emits the pollutants subject to the total volume control exceeding the annual total permissible volume of emission, the Minister of Environment may reduce the total permissible volume of emission for the following year within the extent of two times the volume of emissions in excess, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 20 (Penalties for Emissions in Excess of Total Volume)

(1) The Minister of Environment may impose and collect penalties for emissions in excess of total volume (hereinafter referred to as "penalties") from a business operator under the total volume control who discharges in excess of the total permissible volume of emission allocated under Article 16 (1). <Amended by Act No. 13410, Jul. 20, 2015>

(2) Where the emission charges under Article 35 of the Clean Air Conservation Act have previously been imposed in imposing a penalty, the amount equivalent thereto shall be reduced. <Amended by Act No. 13410, Jul. 20, 2015>

(3) Deleted. <by Act No. 13410, Jul. 20, 2015>

(4) Where any person who shall pay a penalty pursuant to paragraph (1) fails to pay such penalty by the deadline for payment, an additional charge shall be collected. <Amended by Act No. 13410, Jul. 20, 2015>

(5) Article 21 of the National Tax Collection Act shall apply mutatis mutandis to additional charges under paragraph (4). In such cases, "national tax" shall be construed as "penalty". <Amended by Act No. 13410, Jul. 20, 2015>

(6) Penalties and additional charges under paragraph (4) shall be appropriated as the revenue of special accounts for environmental improvement prescribed by the Framework Act on Environmental Policy. <Amended by Act No. 10893, Jul. 21, 2011; Act No. 13410, Jul. 20, 2015>

(7) Where the Minister of Environment delegates the authority regarding the collection of penalties and additional charges under the jurisdiction of local governments to the Mayor of Seoul Metropolitan City and the head of each local government pursuant to Article 39, he/she may pay some of penalties and additional charges collected as expenses incurred in collecting such penalties and additional charges, as prescribed by Presidential Decree. <Amended by Act No. 13410, Jul. 20, 2015>

(8) Where any person who shall pay a penalty and an additional charge fails to pay such penalty and additional charge by the deadline for payment, the Minister of Environment or the Mayor of the Seoul Metropolitan City, etc. under paragraph (7) shall collect such penalty and additional charge by referring to examples of the disposition of unpaid national taxes or pursuant to the Act on the Collection, etc. of Local Non-Tax Revenue. <Amended by Act No. 13410, Jul. 20, 2015>

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 20-2 (Criteria and Methods for Calculating Penalties)

(1) A penalty shall be calculated by multiplying emissions in excess of total permissible volume of emissions by an amount imposed on each one kilogram of pollutants, imposition figures by region, penalty calculation index by year, imposition figures by a rate in excess of total permissible volume of emissions and imposition figures by the number of violations.

(2) An amount imposed on each one kilogram of pollutants, imposition figures by region, imposition figures by a rate in excess of total permissible volume of emissions and imposition figures by the number of violations under paragraph (1) shall be prescribed by Presidential Decree.

(3) A penalty calculation index by year under paragraph (1) shall be calculated every year by multiplying the penalty calculation index in the preceding year by the price fluctuation index prescribed and announced by the Minister of Environment in consideration of the inflation rate, etc. in the preceding year.

[This Article Newly Inserted by Act No. 13410, Jul. 20, 2015]

Article 21 (Revocation, etc. of Permission)

(1) The Minister of Environment may revoke permission for the establishment of a place of business under Article 14 (1) or permission for alteration if a business operator falls under any of the following: <Amended by Act No. 13410, Jul. 20, 2015>

1. Where a business operator obtains permission, or permission for alteration by fraud or other wrongful means;

2. Where a business operator violates the conditions prescribed under Article 14 (3).

(2) The Minister of Environment may require persons under the following subparagraphs to close the relevant place of business: <Amended by Act No. 13410, Jul. 20, 2015>

1. Any person who has obtained permission or permission for alteration under Article 14 (1) by deception or other fraudulent means;

2. Any person who establishes and operates the place of business without obtaining permission for the establishment of the place of business or permission for the alteration thereof under Article 14 (1);

3. Any person who continuously operates the place of business of which permission or permission for alteration under Article 14 (1) was revoked;

4. Any person who has reported an alteration under Article 14 (2) by deception or other fraudulent means.

(3) Where permission for installation of a place of business or permission for alteration is revoked under paragraph (1), permission for installation of emission facilities or permission for alteration under Article 23 of the Clean Air Conservation Act shall be deemed revoked or an order for closure of emission facilities under Article 36 of the same Act shall be deemed issued.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 22 (Special Cases for Companies Entering into Voluntary Agreements)

(1) Where a business operator under the total volume control establishes a plan to reduce the emission of pollutants subject to the total volume control below the relevant total permissible volume of emission and enters into an agreement (hereinafter referred to as "voluntary agreement") with the Minister of Environment, the Minister of Environment may provide the following benefits to him/her: <Amended by Act No. 13410, Jul. 20, 2015>

1. Support of financial resources necessary to carry out a voluntary agreement;

2. Reduction of the amount equivalent to the volume reduced above the total permissible volume of the emission allocated in the previous year when imposing penalties.

(2) The Minister of Environment shall determine matters necessary for conclusion of voluntary agreements, reporting and checking the results, etc. of performance by Ordinance of the Ministry of Environment through the consultation with the Minister of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

CHAPTER IV CONTROL, ETC. OF CAR EXHAUST

Article 23 (Supply of Low-Pollution Motor Vehicles)

(1) The Minister of Environment shall determine the standard regarding low-pollution motor vehicles that shall be annually supplied by any person who sells (including sales through commission, etc.) more vehicles than the quantity prescribed by Presidential Decree in an air control zone by manufacturing or importing vehicles (hereinafter referred to as "car dealer") in an air control zone (hereinafter referred to as "annual supply standards for low-pollution motor vehicles" through consultation with the heads of central administrative agencies for and announce them.

(2) The Minister of Environment shall consider the development status of low-pollution motor vehicles, vehicle sales in an air control zone, etc. when determining the annual supply standards for low-pollution motor vehicles under paragraph (1).

(3) Car dealers shall prepare a supply plan for low-pollution motor vehicles every year in accordance with the annual supply standards for low-pollution motor vehicles and have them approved by the Minister of Environment.

(4) Car dealers shall supply low-pollution motor vehicles according to the supply plan for low-pollution motor vehicles approved under paragraph (3) and submit performance thereof to the Minister of Environment.

(5) Necessary matters for preparation methods of a supply plan, approval procedures and submission of supply performance under paragraphs (3) and (4) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 24 (Purchase, etc. of Low-Pollution Motor Vehicles)

(1) Where the following agencies located in an air control zone have more vehicles than Presidential Decree prescribes and purchase new vehicles, they shall purchase more low-pollution motor vehicles than the rate prescribed by the Ministry of Environment:

1. Administrative agencies;
2. Public agencies prescribed by Presidential Decree.

(2) Where a person other than an administrative agency or public agency under paragraph (1) (hereinafter referred to as "administrative agencies, etc.") has more vehicles than the amount prescribed by Ordinance of the Ministry of Environment and purchases new vehicles, the Minister of Environment may recommend him/her to preferentially purchase low-pollution motor vehicles. <Amended by Act No. 10614, Apr. 28, 2011>

(3) The State and local governments may lend financial support required for purchasing low-pollution motor vehicles to any person who purchases low-pollution motor vehicles.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 24-2 (Purchase Plans of Low-Pollution Motor Vehicles)

(1) Where the heads of administrative agencies, etc. intend to purchase vehicles, they shall submit purchase plans of low-pollution motor vehicles (hereinafter referred to as "purchase plans") of the relevant fiscal year to the Minister of Environment by not later than the commencement date of the new fiscal year.

(2) Upon receipt of purchase plans submitted by the heads of administrative agencies, etc., the Minister of Environment shall without delay give public notice thereof.

[This Article Newly Inserted by Act No. 10614, Apr. 28, 2011]

Article 24-3 (Purchase Records of Low-Pollution Motor Vehicles)

(1) The heads of administrative agencies, etc. shall submit their records of purchasing low-pollution motor vehicles in accordance with the terms of purchase plans to the Minister of Environment within two months after the end of each fiscal year.

(2) Where the heads of administrative agencies, etc. submit their purchase records under paragraph (1), the Minister of Environment shall announce them without delay.

[This Article Newly Inserted by Act No. 10614, Apr. 28, 2011]

Article 24-4 (Request for Cooperation to Facilitate Purchase of Low-Pollution Motor Vehicles)

The Minister of Environment may request the heads of administrative agencies, etc. to take necessary measures, such as the inclusion of purchase records of low-pollution motor vehicles in service evaluation items, where deemed necessary for facilitating the purchase of low-pollution motor vehicles. In such cases, the heads of administrative agencies, etc., upon receipt of such request, shall comply therewith unless extenuating circumstances exist.

[This Article Newly Inserted by Act No. 10614, Apr. 28, 2011]

Article 24-5 (Provision, etc. of Information Related to Low-Pollution Motor Vehicles)

The Minister of Environment may provide information related to the launches of low-pollution models to administrative agencies, etc. or engage in public relations in order to promote the purchase of low-pollution motor vehicles.

[This Article Newly Inserted by Act No. 10614, Apr. 28, 2011]

Article 25 (Control of Specific Diesel Vehicles)

(1) Where the Minister of Environment deems it necessary to achieve the objectives to improve the air quality under Article 8 (2) 1, he/she may determine the permissible emission levels more stringent than the permissible emission levels for vehicles in operation under Article 57 of the Clean Air Conservation Act for the vehicles, the exhaust gases guarantee period of which has expired under Article 46 of the same Act (hereinafter referred to as "specific diesel automobiles"), among the diesel vehicles registered in an air control zone (excluding diesel vehicles engine displacement, etc. of which fall under the standards determined by Ordinance of the Ministry of Environment). In such cases, the Minister of Environment shall consult with the heads of related central administrative agencies.

(2) The owner of a specific diesel vehicle shall undergo an inspection under Article 43-2 of the Motor Vehicle Management Act to examine whether exhaust gas discharged from the vehicle is in conformity with the permissible emission levels for specific diesel automobiles under paragraph (1). <Amended by Act No. 9449, Feb. 6, 2009>

(3) Deleted. <by Act No. 9449, Feb. 6, 2009>

(4) The owner of a specific diesel vehicle shall install an exhaust gas reduction device to the vehicle or retrofit or replace the engine with a low-pollution engine, as prescribed by Ordinance of the Ministry of Environment, so that exhaust gas discharged from the relevant vehicle is maintained in conformity with the permissible emission levels for specific diesel vehicles under paragraph (1): Provided, That upon receipt of an order to install an exhaust gas reduction device to the vehicle or retrofit or replace the engine with a low-pollution engine as prescribed by Municipal Ordinance of Cities/Dos under Article 58 (1) of the Clean Air Conservation Act, the owner of a specific diesel vehicle shall implement such order irrespective of the conformity with the permissible emission levels. <Amended by Act No. 9768, Jun. 9, 2009>

(5) A specific diesel vehicle installed with an exhaust gas reduction device or the engine of which is retrofitted or replaced with a low-pollution engine under paragraph (4) may be exempted from inspections under paragraph (2) as prescribed by Ordinance of the Ministry of Environment for the period prescribed by Ordinance of the Ministry of Environment for an exhaust gas reduction device or a low-pollution engine under Article 26 (hereinafter referred to as "warranty period"): Provided, That where it is able to be verified that performance of an exhaust gas reduction device is maintained by means of measuring equipment installed to an exhaust gas reduction device or the diagnosis and management system of exhaust gas reduction devices prescribed by Article 54 of the Clean Air Conservation Act, the specific diesel vehicle may be exempt from inspection under paragraph (2). <Amended by Act No. 11256, Feb. 1, 2012; Act No. 13034, Jan. 20, 2015>

(6) Where any of the following persons installs an exhaust gas reduction device under paragraph (4) or retrofits or replaces the engine with a low-pollution engine, the Minister of Environment or the Seoul Special Metropolitan City Mayor, etc. may bear all costs incurred therein:

1. An owner of a specific diesel automobile;
2. An owner of an automobile which drives around an air control zone for a period longer than the period prescribed Presidential Decree, among diesel vehicles for the business use registered to local governments having jurisdiction over regions other than an air control zone.

(7) Necessary matters for inspection methods, procedures, etc. under paragraph (2) shall be determined by Ordinance of the Ministry of Environment.

(8) Any owner of a specific diesel vehicle installed with an exhaust gas reduction device, or the engine of which is retrofitted or replaced with a low-pollution engine under paragraph (4) shall comply with the terms and conditions of Ordinance of the Ministry of Environment in order to maintain the performance of an exhaust gas reduction device, etc. so that the reducing device or engine is maintained to be reduction-efficient under Article 26 (1).

(9) The Seoul Special Metropolitan City Mayor, etc. may issue a corrective order to any owner of a specific diesel vehicle installed with an exhaust gas reduction device or the engine of which is retrofitted or replaced with a low-pollution engine to maintain the performance of an exhaust gas reduction device or a low-pollution engine if he/she fails to comply with the details prescribed in paragraph (8).

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 26 (Certification, etc. of Exhaust Gas Reduction Device)

(1) Any person who intends to manufacture, supply, or sell an exhaust gas reduction device or a low-pollution engine under Article 25 (4) (including parts used to retrofit an engine to reduce emissions) shall be certified by the Minister of Environment attesting that the relevant device and engine can be maintained to be reduction-efficient, as prescribed by Ordinance of the Ministry of Environment for the duration of the warranty period. The same shall also apply to any changes to certified details.

(2) Necessary matters for application for certification, testing of certification, certification standards, methods thereof, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment may revoke certification in any of the following cases: Provided, That where falling under subparagraph 1, certification thereof shall be revoked:

1. Where certification is obtained by fraud or other wrongful means;
2. Where the reduction efficiency under paragraph (1) fails to be maintained, although an exhaust gas reduction device or a low-pollution engine was found to have any defect and has been improved;
3. Where the findings of an inspection under Article 26-2 indicate that the certification standards are not maintained.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 26-2 (Occasional Examinations of Exhaust Gas Reduction Device)

(1) The Minister of Environment may conduct an occasional examination to ensure whether an exhaust gas reduction device or low-pollution engine certified under Article 26 (1) can maintain certification standards before it is attached to a vehicle or retrofitted with a low-pollution engine.

(2) Necessary matters for inspections, such as items subject to examinations, methods, procedures, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 26-3 (Defect-Checking Examinations of Exhaust Gas Reduction Device)

(1) The Minister of Environment may conduct an examination (hereinafter referred to as "defect-checking examination") to ensure whether an exhaust gas reduction device attached to an automobile or a vehicle, the engine of which is retrofitted with a low-pollution engine maintains the reduction efficiency under Article 26 (1) for the duration of the warranty period.

(2) Necessary matters for selection criteria of devices and engines subject to defect-checking examinations, examination methods, procedures, standards, decision methods, examination charges, etc. shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 26-4 (Management of Exhaust Gas Reduction Device, etc)

(1) The Minister of Environment may stipulate the compulsory period of operation of the relevant vehicle to an owner of the vehicle costs of which are subsidized under Article 24 (3) or 25 (6) (including any person to whom ownership is transferred; hereinafter referred to as "owner" in this Article) within the period determined by Ordinance of the Ministry of Environment. <Amended by Act No. 11664, Mar. 22, 2013>

(2) Where any owner of the vehicle fails to keep with the compulsory period of operation under paragraph (1), the Minister of Environment or the Seoul Special Metropolitan Mayor, etc. may collect some of the costs subsidized under Article 24 (3) or 25 (6), as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11664, Mar. 22, 2013>

(3) Where an owner intends to revoke the registration of a vehicle for scraping, exporting a vehicle, or other purposes, he/she shall return the following devices and parts, etc., as prescribed by Ordinance of the Ministry of Environment, to the Seoul Special Metropolitan City Mayor, etc. or a person determined by the Seoul Special Metropolitan City Mayor, etc.: Provided, That the same shall not apply where the owner revokes the registration of a vehicle for exporting an electric vehicle under subparagraph 3 of Article 2 of the Act on Promotion of Development and Distribution of Environment-Friendly Motor Vehicles: <Amended by Act No. 9768, Jun. 9, 2009; Act No. 11664, Mar. 22, 2013>

1. An exhaust gas reduction device affixed or replaced;
2. A low-pollution engine retrofitted or replaced;
3. A battery or other devices or parts of a vehicle, determined by Ordinance of the Ministry of Environment, costs of which are subsidized under Article 24 (3) or 25 (6) (excluding natural gas vehicles costs of which are subsidized under Article 24 (3)).

(4) The Minister of Environment or the Seoul Special Metropolitan Mayor, etc. shall reuse or recycle the exhaust gas reduction device, etc. returned under paragraph (3). <Newly Inserted by Act No. 11664, Mar. 22, 2013>

(5) Where the exhaust gas reduction device, etc. returned under paragraph (3) falls under the ground determined by Ordinance of the Ministry of Environment that it is impossible to reuse or recycle the device, etc., the Minister of Environment or the Seoul Special Metropolitan Mayor, etc. may sell the device, etc. and appropriate it as the revenue of special accounts for environmental improvement prescribed by the Framework Act on Environmental Policy, and may appropriate it as the costs determined by Ordinance of the Ministry of Environment including costs necessary for the support and the development and research projects of low-pollution motor vehicles under Article 24 (3) or 25 (6). <Newly Inserted by Act No. 11664, Mar. 22, 2013>

(6) Any person who intends to manufacture, supply or sell an exhaust gas reduction device or a low-pollution engine shall inspect performance of an exhaust gas reduction device attached to an automobile or the automobile, the engine of which is retrofitted with a low-pollution engine and shall submit the findings thereof to the Minister of Environment and the Seoul Special Metropolitan Mayor, etc.: Provided, That the findings of the inspection need not be submitted if it is verifiable that performance of an exhaust gas reduction device is maintained through the integrated computer system for motor vehicle emissions.

<Amended by Act No. 11664, Mar. 22, 2013; Act No. 13034, Jan. 20, 2015>

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 27 (Support, etc. for Early Scrapping of Rundown Vehicles)

(1) The Seoul Special Metropolitan City Mayor, etc. may recommend an owner of the vehicle determined by Ordinance of the Ministry of Environment, from among the following vehicles, to scrap the vehicle earlier than scheduled:

1. A specific diesel vehicle that cannot maintain the permissible emission levels for specific diesel vehicles under Article 25 (1);
2. Vehicles, other than specific diesel vehicles, which cannot maintain the permissible emission levels for vehicles in operation under Article 57 of the Clean Air Conservation Act;
3. Vehicles that require excessive maintenance costs in maintaining the standards referred to in subparagraphs 1 and 2.

(2) The Seoul Special Metropolitan City Mayor, etc. may subsidize costs to be incurred, as prescribed by Ordinance of the Ministry of Environment, to the owner of a vehicle who scraps the vehicle, following the recommendation under paragraph (1).

(3) The Seoul Special Metropolitan City Mayor, etc. may designate a person who conducts on behalf of him/her the procedures necessary for subsidizing costs when he/she subsidizes costs under paragraph (2): Provided, That where as designated by the Seoul Special Metropolitan City Mayor, etc., the person who conducts on behalf of the Seoul Special Metropolitan City Mayor, etc. the procedures necessary for subsidizing costs shall have car scrapping of the person subsidized with costs under paragraph (2), as prescribed by Ordinance of the Ministry of Environment, be preferentially allocated to a car-scrapping operator who achieves a high recycle rate of a scrap car under Article 25 (1) of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles. <Amended by Act No. 9768, Jun. 9, 2009> [This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 28 (Affixing Labeling of Low-Pollution Motor Vehicles, etc.)

(1) The Seoul Special Metropolitan City Mayor, etc. may have a labeling be affixed to a low-pollution motor vehicle or a vehicle installed with an exhaust gas reduction device or the engine of which is retrofitted or replaced with a low-pollution engine under Article 25 to be recognizable from outside the vehicle.

(2) The Minister of Environment or the Seoul Special Metropolitan City Mayor, etc. shall formulate supporting policies necessary for vehicles to which the labeling under paragraph (1) is affixed.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 28-2 (Restrictions on Operation of Vehicles Unattached with Exhaust Gas Reduction Device)

For the regions that are deemed to need the improvement of the air quality, the Seoul Special Metropolitan City Mayor, etc. may restrict operations of vehicles, the exhaust gases guarantee period under Article 46 of the Clean Air Conservation Act of which has lapsed and unattached with an exhaust gas reduction device or the engine of which is not retrofitted or replaced with a low-pollution engine, among specific diesel vehicles registered to an air control zone while unattached with an exhaust gas reduction device or the engine of which is not retrofitted or replaced with a low-pollution engine, and diesel vehicles for business use falling under Article 25 (6) 2. In such cases, the scope of vehicles subject to restrictions on operation, regions and imposition of administrative fines due to failure to comply with restrictions on operations shall be determined by ordinance of Cities/Do. <Amended by Act No. 9768, Jun. 9, 2009>

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 29 (Release of Information on Vehicles and Their Fuels)

The Minister of Environment shall announce each of the following with regard to vehicles and their fuels sold in the metropolitan area, as prescribed by Presidential Decree:

1. Air pollutant emission class of each vehicle;
2. Quality class of fuels, based on the components of the vehicle fuel and its effect, etc. on air pollution.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

CHAPTER V Deleted.

Article 30 Deleted. <by Act No. 11445, May 23, 2012>

Article 31 Deleted. <by Act No. 10614, Apr. 28, 2011>

CHAPTER VI SECURING, MANAGEMENT, ETC. OF FINANCIAL RESOURCES

Article 32 (Establishment of Special Account for Improvement of Air Quality in Metropolitan Area)

Special accounts for improvement of the air quality (hereinafter referred to as "special accounts") may be established under Cities/Dos to secure project costs to be incurred in implementing the air quality improvement projects, etc. of the metropolitan area.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 33 (Revenue and Expenditure of Special Accounts)

(1) The revenue of special accounts is as listed in the following:

1. Subsidies from the State;
2. Money transferred from general accounts and other special accounts;
3. Borrowings;
4. Earnings accruing from operating funds from subparagraphs 1 through 3.

(2) The expenditure of special accounts is as listed in the following: <Amended by Act No. 13410, Jul. 20, 2015>

1. Support for installation and operation of preventive facilities under Article 26 of the Clean Air Conservation Act;
2. Subsidization of expenses incurred in installing optimal prevention facilities under Article 14 (3);
3. Subsidization of expenses incurred in supplying low-pollution motor vehicles under Article 23;
4. Subsidization of expenses incurred in fitting an exhaust gas reduction device and retrofit into low-pollution engines under Article 25 (4);
5. Subsidization of expenses incurred in early scrapping of rundown cars under Article 27 (2);
6. Support for facilities costs incurred for regular inspections under Article 62 of the Clean Air Conservation Act and close inspections under Article 63 of the same Act;
7. Support for projects under subparagraph 10 of Article 6 of the Korea Transportation Safety Authority Act;
8. Support for other projects determined by Ordinance of the Ministry of Environment to improve the air quality.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 34 (Financial Support, etc. to Mitigate Air Pollution)

(1) The State may lend financial and technical supports necessary to perform the following projects to local governments, business operators, etc. who perform the said projects to reduce air pollution in an air control zone: <Amended by Act No. 13410, Jul. 20, 2015>

1. Promotion of implementation plans;
2. Installation and operation of preventive facilities under Article 26 of the Clean Air Conservation Act;
3. Installation of optimal prevention facilities under Article 14 (3);
4. Supply of low-pollution motor vehicles under Article 23;
5. Supply of an exhaust gas reduction device and low-pollution engines under Article 25 (4);
6. Early scrapping of rundown vehicles under Article 27 (2);
7. Air quality improvement projects by local governments;
8. Development and research of air pollution mitigating technologies;
9. Support for facility costs incurred in regular inspections under Article 62 of the Clean Air Conservation Act and close inspections under Article 63 of the same Act;
10. A project under subparagraph 10 of Article 6 of the Korea Transportation Safety Authority Act;
11. Other projects deemed necessary by the Minister of Environment to improve the air quality.

(2) The State may suspend or curtail financial support under paragraph (1) 1 or take other necessary measures prescribed by Presidential Decree where the Seoul Special Metropolitan City Mayor, etc. fail to formulate or implement implementation plans.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 35 (Education, etc. on Conservation of Air Quality)

The State and local governments shall steadily provide education and publicity about the improvement of the air quality so that residents in the metropolitan area thoroughly understand air pollution, voluntarily participate in the improvement of the air quality and place the improvement of the air quality into practice in their daily lives.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 36 (Reporting, Inspection, etc.)

(1) Where prescribed by Ordinance of the Ministry of Environment, the Minister of Environment may order any of the following persons to file a necessary report or submit necessary materials, or may require relevant public officials to collect air pollutants or inspect relevant documents, facilities, equipment, automobiles, etc. by accessing the relevant facilities or a place of business to ensure whether the obligations prescribed by this Act are complied with: <Amended by Act No. 11445, May 23, 2012>

1. Business operators;
2. Any person who supplies low-pollution motor vehicles under Article 23;
3. Any person who manufactures, supplies or sells an exhaust gas reduction device or low-pollution engines under Article 26;
4. Any person entrusted with duties of the Minister of Environment under Article 39 (2).

(2) Any public officials who have access or conduct inspections under paragraph (1) shall carry a certificate indicating their authorities and produce it to the related persons.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 37 (Hearings)

The Minister of Environment shall hold a hearing where he/she intends to impose any of the following dispositions:

1. Revocation of permission under Article 21 (1);
2. Order for closure under Article 21 (2);
3. Cancellation of certification under Article 26 (3).

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 38 (Fees)

Any person who intends to obtain permission or permission for alteration under Article 14 and to obtain certification or certification for changes under Article 26 shall pay fees, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 39 (Delegation and Entrustment of Authority)

(1) The authority of the Minister of Environment under this Act may be partially delegated to the Seoul Special Metropolitan City Mayor or the heads of local environmental government agencies, as prescribed by Presidential Decree.

(2) The duties of the Minister of Environment under this Act may be partially entrusted to the relevant specialized institutions, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

CHAPTER VIII PENAL PROVISIONS

Article 40 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not exceeding seven years or by a fine not exceeding 200 million won:

1. Any person who installs or alters a place of business without obtaining permission or permission for alteration under Article 14 (1);
2. Any person who violates an order for closure of a place of business under Article 21 (2).

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 41 (Penal Provisions)

Any person who manufactures, supplies or sells an exhaust gas reduction device or low-pollution engine without obtaining certification or certification for changes under Article 26 shall be punished by imprisonment for not exceeding five years or by a fine not exceeding 100 million won.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 42 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not exceeding three years or by a fine not exceeding 50 million won:

1. Any person who fails to attach the equipment under Article 16 (4) or fails to submit the calculation result of emission under paragraph (5) of the same Article;
2. Any person who handles equipment under Article 16 (4) or prepares and submits any false calculation result.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 43 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not exceeding than one year or by a fine not exceeding 10 million won: <Amended by Act No. 13410, Jul. 20, 2015>

1. Any person who fails to file a report under the latter part of Article 14 (4);
2. Deleted. <by Act No. 11445, May 23, 2012>

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 44 (Penal Provisions)

Any of the following persons shall be punished by a fine not exceeding five million won:

1. Any person who fails to obtain approval for a plan for supply of low-pollution motor vehicles, in violation of Article 23 (3);
2. Deleted; <by Act No. 11909, Jul. 16, 2013>
3. Any person who produces or attaches the sign under Article 28 (1) by false.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 45 (Joint Penal Provisions)

- (1) Where a representative, agent, employee or any other person employed by corporation commits any violation falling under Articles 40 through 44 in connection with affairs of the corporation, not only shall such offender be punished accordingly, but the corporation also shall be punished by a fine under the relevant Articles: Provided, That the same shall not apply where the corporation has paid due attention to or diligently supervised the relevant affairs in order to prevent such violation.
- (2) Where an agent, employee or other worker of an individual commits any violation under Articles 40 through 44 in connection with business of the individual, not only shall such a violator be punished, but also the individual shall be punished by a fine under the relevant provisions: Provided, That the same shall not apply where the individual has not been negligent in giving due attention to and supervision over the relevant duties to prevent such violation.

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

Article 46 (Administrative Fines)

- (1) Any of the following persons shall be punished by an administrative fine not exceeding five million won:

1. Any person who fails to submit a supply plan, in violation of Article 23 (4);
2. Deleted; <by Act No. 9449, Feb. 6, 2009>
3. Any person who manufactures, supplies and sells mistakenly, a defective emission reducing device or low-pollution engine differently from details certified under Article 26 (1);
4. Any person who fails to submit inspection results of performance under Article 26-4 (4).

(2) An administrative fine not exceeding three million won shall be imposed on any person who fails to perform his/her duty to install an exhaust gas reduction device to a motor vehicle or retrofit or replace an engine with a low-pollution engine under Article 25 (4). <Newly Inserted by Act No. 11909, Jul. 16, 2013>

(3) Any person who fails to make a report or submit material under Article 36 (1), who falsely makes a report or submits material, and who evades, interferes with or refuses access, collection or inspections by the relevant public officials shall be punished by an administrative fine not exceeding two million won.

<Amended by Act No. 11909, Jul. 16, 2013>

(4) Any person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 13410, Jul. 20, 2015>

1. A person who fails to report an alteration under Article 14 (2);
2. A person who violates an order to take corrective action under Article 25 (9) issued by the Mayor of Seoul Metropolitan City, etc.

(5) Administrative fines under paragraphs (1) through (4) shall be imposed and collected by the Minister of Environment or the Seoul Special Metropolitan City Mayor, etc. (hereinafter referred to as "imposing authority"), as prescribed by Presidential Decree. <Amended by Act No. 11909, Jul. 16, 2013>

(6) and (7) Deleted. <by Act No. 11909, Jul. 16, 2013>

[This Article Wholly Amended by Act No. 9036, Mar. 28, 2008]

ADDENDA

(1) (Enforcement Date) This Act shall enter into force on January 1, 2005: Provided, That the provisions of Articles 14 through 22 and paragraph (2) of the Addenda shall enter into force on July 1, 2007.

(2) Omitted.

ADDENDA <Act No. 7860, Mar. 3, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 8251, Jan. 19, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 8290, Jan. 26, 2007>

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDA <Act No. 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.

ADDENDUM <Act No. 8954, Mar. 21, 2008>

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

ADDENDA <Act No. 9036, Mar. 28, 2008>

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

(2) (Transitional Measures concerning Administrative Fines) The application of administrative fines to acts committed before this Act enters into force shall be governed by the former provisions.

ADDENDA <Act No. 9449, Feb. 6, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 9768, Jun. 9, 2009>

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

ADDENDA <Act No. 9772, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 10614, Apr. 28, 2011>

This Act shall enter into force on 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. 11256, Feb. 1, 2012>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11445, May 23, 2012>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 11664, Mar. 22, 2013>

This Act shall enter into force on May 24, 2013.

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. 11909, Jul. 16, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Penal Provisions)

Where penal provisions are applied to an act performed before this Act enters into force, notwithstanding the amended provision of subparagraph 2 of Article 44, the former provision shall apply to such act.

ADDENDA <Act No. 13034, Jan. 20, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 13410, Jul. 20, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Dues for Release in Excess of Total Volume)

Emission charges for emissions in excess of total volume imposed pursuant to the former provisions of Article 20 before this Act enters into force shall be construed as penalties for emissions in excess of total volume imposed pursuant to the amended provisions of Article 20.

Article 3 Omitted.