

OIL PIPELINE SAFETY CONTROL ACT

Act No. 5832, Feb. 8, 1999
Amended by Act No. 6656, Feb. 4, 2002
Act No. 6841, Dec. 30, 2002
Act No. 7240, Oct. 22, 2004
Act No. 7476, Mar. 31, 2005
Act No. 7678, Mar. 31, 2005
Act No. 8352, Apr. 11, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9019, Mar. 28, 2008
Act No. 9313, Dec. 31, 2008
Act No. 9763, jun. 9, 2009
Act No. 10272, Apr. 15, 2010
Act No. 10331, May 31, 2010
Act No. 11690, Mar. 23, 2013
Act No. 12248, Jan. 14, 2014
Act No. 13362, jun. 22, 2015

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Article 1 (Purpose)

The purpose of this Act is to prevent harm from oil pipelines and to secure public safety by prescribing the safety management of oil pipelines.

Article 2 (Definitions)

The definitions of terms used in this Act are as follows:

1. The term "petroleum" means petroleum under subparagraph 1 of Article 2 of the Petroleum and Petroleum Substitute Fuel Business Act excluding natural gas (including liquefied natural gas) and petroleum gas (excluding liquefied petroleum);
2. The term "oil pipelines" means pipelines and structures to transport petroleum, excluding facilities prescribed by Presidential Decree;
3. The term "pipeline installers" means persons installing and operating oil pipelines after obtaining authorization of construction plans as prescribed in Article 3;
4. The term "pipeline manager" means persons operating pipelines after being entrusted with the management thereof by pipeline installers.

Article 3 (Authorization, etc. for Construction Plans)

(1) Those who intend to commence construction works prescribed by Ordinance of the Ministry of Trade, Industry and Energy which involve the installation of pipelines shall obtain authorization from the Minister of Trade, Industry and Energy for such construction plans: Provided, That where they have performed insignificant construction works, post-disaster restoration work, or other urgent construction works, which are prescribed by Ordinance of the Ministry of Trade, Industry and Energy, they shall report such works to the Minister of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(2) When the construction plans under the main body of paragraph (1) comply with the technical standards prescribed by Ordinance of the Ministry of Trade, Industry and Energy (hereafter referred to as "technical standards"), the Minister of Trade, Industry and Energy shall authorize such construction plans. <Amended by Act No. 11690, Mar. 23, 2013>

(3) When pipeline installers intend to modify construction plans authorized pursuant to the main body of paragraph (1), they shall obtain authorization from the Minister of Trade, Industry and Energy: Provided, That where they intend to modify insignificant matters prescribed by Ordinance of the Ministry of Trade, Industry and Energy, they shall report such matters to the Minister of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Paragraph (2) shall apply mutatis mutandis to the authorization for modification under the main body of paragraph (3).

Article 4 (Legal Fiction of Permission, etc.)

(1) When the Minister of Trade, Industry and Energy authorizes construction plans or the modification thereof under the main body of paragraph (1) or (3) of Article 3, permission, etc. regarding matters that have been consulted, with the heads of related administrative agencies pursuant to paragraph (2), on permission, authorization, license, or designation (hereafter referred to as "permission, etc.") in the following, shall be deemed to have been obtained: <Amended by Act No. 9313, Dec. 31, 2008; Act No. 9763, Jun. 9, 2009; Act No. 10272, Apr. 15, 2010; Act No. 10331, May 31, 2010; Act No. 11690, Mar. 23, 2013; Act No. 12248, Jan. 14, 2014>

1. Permission to occupy and use road under Article 61 (1) of the Road Act;
2. Permission to convert farmland under Article 34 (1) of the Farmland Act;
3. Permission to open private roads under Article 4 of the Private Road Act;
4. Permission to engage in activities in the park areas under Article 23 (1) of the Natural Parks Act;
5. Permission to occupy and use public waters under Article 8 of the Public Waters Management and Reclamation Act and a license to reclaim public waters under Article 28 (1) of the same Act;
6. Deleted; <by Act No. 10272, Apr. 15, 2010>
7. Permission to occupy and use urban parks and permission to engage in activities in the urban natural parks district under Article 24 (1) and the proviso to Article 27 (1) of the Act on Urban Parks, Greenbelts, Etc.;

8. Permission to occupy and use utility-pipe conduits under Article 44 (4) of the National Land Planning and Utilization Act and permission to use them, permission to engage in development activities under Article 56 (1) of the same Act, permission to engage in activities within the urbanization coordination districts under Article 81 (2) of the same Act, designation of implementers under Article 86 (5) of the same Act, and authorization for implementation plans under Article 88 (2) of the same Act;

9. Permission to engage in activities in the grassland under Article 21-2 of the Grassland Act;

10. Permission to occupy and use public sewerage under Article 24 of the Sewerage Act;

11. Permission to convert mountainous districts and report such conversion under Articles 14 and 15 of the Mountainous Districts Management Act, permission for or report of the temporary use of mountainous districts under Article 15-2 of the same Act, permission to cut, etc. standing trees and report thereof under Article 36 (1) and (4) of the Creation and Management of Forest Resources Act, and permission to engage in activities and report of those activities in the forest protection district (excluding forest hereditary resource protection districts) under Article 9 (1) and (2) 1 and 2 of the Forest Protection Act;

12. Permission to engage in activities in anti-erosion areas under Article 14 (1) of the Erosion Control Work Act;

13. Permission to occupy and use rivers under Article 33 (1) of the River Act;

14. Permission to use public land and to make profits therefrom under Article 20 (1) of the Public Property and Commodity Management Act;

15. Permission to implement harbor works under Article 9 (2) of the Harbor Act.

(2) When the Minister of Trade, Industry and Energy authorizes construction plans or the modification thereof under the main body of paragraph (1) or (3) of Article 3, he/she shall consult with the heads of related administrative agencies if such construction plans involve matters falling under any subparagraph of paragraph (1). *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) When pipeline installers obtain authorization for construction plans or authorization for the modification thereof under the main body of paragraph (1) or (3) of Article 3, they shall pay fees, charges for occupation and use, usage fees, etc. concerning permission, etc. under Acts referred to in subparagraphs of paragraph (1).

Article 5 (Completion Inspections, etc.)

(1) When pipeline installers finish the construction of relevant pipelines, they shall undergo a completion inspection conducted by the Minister of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The standards for completion inspections under paragraph (1) shall be as follows:

1. Whether the relevant construction complies with the construction plans authorized under the main body of Article 3 (1) (including authorized modification of construction plans where the authorization for modification under the main body of Article 3 (3) has been obtained);

2. Whether construction has been completed in accordance with the technical standards.
- (3) When part of the pipelines has been completed in accordance with authorized construction plans, pipeline installers may use them after having them undergo an inspection conducted by the Minister of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) Paragraph (2) shall apply mutatis mutandis to the standards for inspections under paragraph (3).
- (5) No pipeline installer shall use any pipeline unless it has received a passing completion inspection under paragraph (1) or use inspection under paragraph (3).

Article 6 (Safety Management Regulations)

- (1) In order to ensure the safety of pipelines, pipeline installers or pipeline managers (hereinafter referred to as "pipeline installers, etc.") shall establish safety management regulations involving matters prescribed by Ordinance of the Ministry of Trade, Industry and Energy, such as emergency management measures in the case of an oil leak, safety management systems, etc., and shall obtain authorization from the Minister of Trade, Industry and Energy before the operation of oil pipelines. The same shall apply to the modification thereof. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Pipeline installers, etc. and their employees shall abide by safety management regulations under paragraph (1).
- (3) The Minister of Trade, Industry and Energy shall confirm whether pipeline installers, etc. and employees thereof abide by safety management regulations under paragraph (1). *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 7 (Safety Managers)

- (1) Pipeline installers, etc. shall appoint safety managers for the safe management of pipelines.
- (2) When a safety manager has been dismissed or has retired from office, the pipeline installers, etc., who appointed such safety manager pursuant to paragraph (1), shall appoint a new safety manager within the period prescribed by Ordinance of the Ministry of Trade, Industry and Energy from the date on which the safety manager has been dismissed or has retired from office. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) The pipeline installers, etc., who have appointed safety managers, shall report the appointment to the Minister of Trade, Industry and Energy within the period prescribed by Ordinance of the Ministry of Trade, Industry and Energy from the date on which they have appointed such safety managers. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) In any of the following cases, the pipeline installers, etc. shall designate a proxy and have him/her vicariously perform the duties of safety manager temporarily:
1. Where a safety manager is temporarily unable to perform his/her duties due to travel, disease, or other reasons;
 2. Where a successor is not appointed after a safety manager has been dismissed or has retired from office.
- (5) The qualifications for, and extent of duties of, safety managers shall be prescribed by Presidential Decree.

Article 8 (Safety Inspections)

(1) Pipeline installers, etc. shall have pipelines undergo a safety inspection by the Minister of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The subjects, standards, methods and period of safety inspection under paragraph (1) and other matters necessary for inspection shall be prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

Article 9 (Access, etc. to other Persons' Land)

(1) Pipeline installers, etc. may gain access to other persons' land, use other persons' land, or change or remove other persons' plants or other obstacles if necessary for the field study concerning pipeline construction, land surveying, and execution of construction works.

(2) The Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to the access to land, the use of land, and the change and removal of plants and other obstacles under paragraph (1) and the compensation therefor.

Article 10 (Preservation of Pipelines)

(1) When a pipeline installer acknowledges that another person's plants and other obstacles are likely to hinder the preservation of pipelines or such concerns exist, the pipeline installer may change or remove such plants or other obstacles.

(2) Article 9 (2) shall apply mutatis mutandis to the change and removal of plants and other obstacles under paragraph (1).

Article 11 (Delegation and Entrustment of Authority)

(1) Part of the authority of the Minister of Trade, Industry and Energy vested under this Act may be delegated to the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, or the Governor of Special Self-Governing Province, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The following duties vested in the Minister of Trade, Industry and Energy by this Act may be entrusted to the Korea Gas Safety Corporation (hereafter referred to as "Corporation") established under Article 28 of the High-Pressure Gas Safety Control Act: <Amended by Act No. 11690, Mar. 23, 2013>

1. Completion inspections under Article 5 (1);
2. Use inspections under Article 5 (3);
3. Confirmation as to whether safety management regulations are abided by as prescribed in Article 6 (3);
4. Receipt of reports of appointment of safety manager under Article 7 (3);
5. Safety inspections under Article 8 (1).

Article 12 (Legal Fiction as Public Official in Application of Penalty Provisions)

The executive officers and employees of the Corporation engaged in the duties entrusted by the Minister of Trade, Industry and Energy pursuant to Article 11 (2) shall be deemed public officials in applying penalty provisions under Articles 129 through 132 of the Criminal Act. <Amended by Act No. 11690, Mar. 23,

Article 13 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor for not more than ten years but not less than three years or by a fine not exceeding 150 million won, or such imprisonment with labor and fine may be imposed concurrently:

1. A person who obstructs the swift transportation of oil by damaging or eliminating pipelines or by impairing pipeline functions;
2. A person who installs facilities on the pipelines to steal oil.

(2) Any person who commits a crime referred to in paragraph (1) 1 due to professional negligence or gross negligence shall be punished by imprisonment without labor for not more than five years or by a fine not exceeding 20 million won.

(3) Any person who obstructs the swift transportation of oil by maneuvering oil pipelines without the consent of pipeline installers, etc. shall be punished by imprisonment with labor for not more than ten years but not less than three years or by a fine not exceeding 150 million won, or such imprisonment with labor and fine may be imposed concurrently.

(4) Any person who causes the death of or inflicts injury upon another person in violation of paragraph (1) or (3) shall be punished by imprisonment with labor for a limited term of not less than five years.

(5) Any person who causes the death of or inflicts injury upon another person by committing a crime referred to in paragraph (2) shall be punished by imprisonment without labor for not more than ten years or by a fine not exceeding 100 million won.

(6) A person who attempts to commit a crime referred to in paragraphs (1) and (3) shall be punished.

Article 13-2 (Penalty Provisions)

(1) Any person who steals oil from oil pipelines using facilities prescribed in Article 13 (1) 2 shall be punished by imprisonment with labor for at least two years but not more than ten years or by a fine not exceeding 100 million won.

(2) Any person who attempts to commit a crime referred to in paragraph (1) shall be punished.

Article 14 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won:

1. A person who installs pipelines without obtaining authorization or authorization for modification under the main body of paragraph (1) or (3) of Article 3;
2. A person who uses pipelines, in violation of Article 5 (5);
3. A person who operates pipelines without obtaining authorization under safety management regulations under Article 6 (1);
4. A person who violates any responsibility for abiding by safety management regulations under Article 6 (2);

5. A person who fails to appoint a safety manager, in violation of Article 7 (1) or (2).

Article 15 (Penalty Provisions)

Any person who refuses, obstructs, or evades a safety inspection under Article 8 (1) shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won.

Article 16 (Joint Penalty Provisions)

(1) If the representative, an agent, or an employee of, or any other person employed by, a corporation commits an offense under Articles 13 through 15 in connection with the business affairs of the corporation, not only shall the offender be punished, but also the corporation shall be punished by a fine under the relevant provisions: Provided, That the same shall not apply where such corporation has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such offense.

(2) If an agent or employee of, or any other person employed by, an individual commits an offense under Articles 13 through 15 in connection with the business affairs of the individual, not only the offender shall be punished, but also the individual shall be punished by a fine under the relevant provisions: Provided, That the same shall not apply where such individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such offense.

Article 17 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding three million won:

1. A person who fails to make a report under the proviso to Article 3 (1) or makes a false report;
2. A person who fails to make a report under the proviso to Article 3 (3) or makes a false report;
3. A person who refuses, obstructs, or evades confirmation under Article 6 (3);
4. A person who fails to make a report under the proviso to Article 7 (3) or makes a false report.

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Those who are dissatisfied with the disposition of an administrative fine under paragraph (2) may raise an objection to the Minister of Trade, Industry and Energy within 30 days from the date on which such disposition was notified. <Amended by Act No. 11690, Mar. 23, 2013>

(4) If a person who has received disposition of an administrative fine under paragraph (2) raises an objection pursuant to paragraph (3), the Minister of Trade, Industry and Energy shall notify the competent court of such fact without delay, which, in turn, shall proceed to a trial on the administrative fine pursuant to the Non-Contentious Case Procedure Act. <Amended by Act No. 11690, Mar. 23, 2013>

(5) If no objection is raised and an administrative fine is not paid within the period under paragraph (3), it shall be collected in the same manner as delinquent national taxes are collected.

Article 1 (Enforcement Date)

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

Article 2 (Special Cases concerning Oil Pipelines to which Previous Oil Pipeline Business Act was not Applicable)

(1) No technical standards under Article 3 (2) shall apply to any oil pipeline installed (including parts laid underground among pipelines being installed) before this Act enters into force, to which the previous Oil Pipeline Business Act did not apply.

(2) Pipeline installers, etc. of pipelines under paragraph (1) shall submit facility management plans concerning the current status of the installation of pipelines, and the maintenance and repair thereof to the Minister of Commerce, Industry and Energy within three months from the date on which this Act enters into force.

(3) The Minister of Commerce, Industry and Energy may order the modification of facility management plans under paragraph (2) where he/she deems it necessary for the safety management of oil pipelines.

(4) Where pipeline installers, etc. have submitted facility management plans pursuant to paragraph (2), authorization under the main body of Article 3 (1) and completion inspection under Article 5 (1) shall be deemed to have been obtained.

(5) The pipeline installers, etc. under paragraph (1) shall determine safety management regulations under Article 6 (1) and obtain authorization from the Minister of Commerce, Industry and Energy within three months from the date on which this Act enters into force.

(6) Any of the following persons shall be subject to an administrative fine not exceeding three million won:

1. A pipeline installer, etc. who fails to submit facility management plans under Article 2;
2. A person who fails to implement any order to modify a facility management plan under Article 3.

(7) Article 17 (2) through (5) shall apply mutatis mutandis to the imposition and collection of administrative fines under paragraph (6).

Article 3 (Transitional Measures concerning Authorization, etc. for Construction Plans)

Those who have obtained authorization for construction plans, reported construction plans, obtained authorization for modification, or reported modification pursuant to Article 13 (1) or (5) of the previous Oil Pipeline Business Act shall be deemed to have obtained authorization for construction plans or have reported construction plans pursuant to Article 3.

Article 4 (Transitional Measures concerning Completion Inspections, etc.)

Those who have undergone a completion inspection under Article 14 (1) or an inspection under Article 14 (4) of the previous Oil Pipeline Business Act at the time this Act enters into force shall be deemed to have undergone a completion inspection or use inspection under Article 5.

Article 5 (Transitional Measures concerning Safety Management Regulations)

The safety management regulations authorized pursuant to Article 23 (1) of the previous Oil Pipeline Business Act at the time this Act enters into force shall be deemed safety management regulations

authorized pursuant to Article 6 (1).

Article 6 (Transitional Measures concerning Safety Managers)

The safety managers reported pursuant to Article 24 (3) of the previous Oil Pipeline Business Act at the time this Act enters into force shall be deemed to have been reported pursuant to Article 7 (3).

Article 7 (Transitional Measures concerning Safety Inspections)

A person who has undergone safety inspections pursuant to Article 25 of the previous Oil Pipeline Business Act at the time this Act enters into force shall be deemed to have undergone safety inspections pursuant to Article 8.

Article 8 (Transitional Measures concerning Penalty Provisions)

The application of penalty provisions to activities committed before this Act enters into force shall be governed by the previous Oil Pipeline Business Act.

Article 9 Omitted.

Article 10 (Relationship to other Statutes)

A citation of the previous Oil Pipeline Business Act and the provisions thereof in other statutes at the time this Act enters into force shall, if the corresponding provisions exists in this Act, be deemed a citation of this Act or corresponding provisions thereof, in lieu of the previous provisions.

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. 6841, Dec. 30, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 7240, Oct. 22, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7476, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 7678, Aug. 4, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 8352, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 16 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. 9019, Mar. 28, 2008>

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

(2) (Transitional Measures concerning Safety Management Regulations) The safety management regulations authorized pursuant to the previous provisions at the time this Act enters into force shall be deemed safety management regulations under the amended provisions of Article 6.

ADDENDA <Act No. 9313, Dec. 31, 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. 9763, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <Act No. 10272, Apr. 15, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDA <Act No. 10331, May 31, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 13 Omitted.

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. 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. 13362, Jun. 22, 2015>

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