

ASBESTOS INJURY RELIEF ACT

Act No. 10155, Mar. 22, 2010

Amended by Act No. 10193, Mar. 31, 2010

Act No. 11141, Dec. 31, 2011

Act No. 12461, Mar. 18, 2014

Act No. 13165, Feb. 3, 2015

Article 1 (Purpose)

The purpose of this Act is to redress damage to health caused by asbestos in a prompt and fair manner by seeking measures to pay benefits to asbestos-inflicted disease sufferers and their bereaved family members.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "asbestos" means a substance prescribed by Ordinance of the Ministry of Environment, among naturally occurring silicate minerals in a fibrous form;
2. The term "asbestos-related disease" means primary malignant mesothelioma, primary lung cancer, asbestosis, and other diseases prescribed by Presidential Decree developed by inhaling asbestos;
3. The term "bereaved family member" means the spouse (including a person in a de facto marital relationship), a child, a parent, a grandchild, a grandparent, or a sibling of the deceased;
4. The term "worker" means a worker under Article 2 of the Labor Standards Act;
5. The term "remuneration" shall be an amount less money and goods prescribed by Presidential Decree from earned income under Article 20 of the Income Tax Act.

Article 3 (Scope of Application)

This Act shall not apply to persons who are eligible for benefits under the Industrial Accident Compensation Insurance Act or any other statute prescribed by Presidential Decree.

Article 4 (Responsibilities of State, etc.)

- (1) The State shall establish and implement a comprehensive policy for prompt relief for asbestos-inflicted disease sufferers.
- (2) Each local government shall fully cooperate in the State's policy for the relief for asbestos-inflicted disease sufferers and shall endeavor to grasp the actual state of asbestos victims within its jurisdiction and to provide care to asbestos victims.

Article 5 (Kinds of Remedial Benefits)

Benefits payable for redressing injuries to health by exposure to asbestos (hereinafter referred to as "remedial benefits") are as follows:

1. Medical benefits;
2. Allowance for medical care and living costs;
3. Funeral expenses;
4. Special consolation for bereaved family members and special funeral expenses;
5. Remedial benefit adjustment.

Article 6 (Application, etc. for Recognition as Asbestos Victim)

(1) A person who intends to receive remedial benefits under subparagraph 1 or 2 of Article 5 shall be recognized by the Korea Environment Corporation under the Korea Environment Corporation Act (hereinafter referred to as the "Corporation") as one who suffers from an asbestos-related disease as a consequence of exposure to asbestos within the Republic of Korea (hereinafter referred to as "recognition as an asbestos victim").

(2) A person who intends to be recognized as an asbestos victim shall file an application with the head of the Si/Gun/Gu (the head of a Gu refers to the head of an autonomous Gu; the same shall apply hereinafter) having jurisdiction over his/her domicile, along with a medical opinion on the asbestos-related disease and other matters prescribed by Ordinance of the Ministry of Environment.

(3) Upon receiving an application under paragraph (2), the head of each Si/Gun/Gu shall promptly request the Corporation to decide whether to recognize the applicant as an asbestos victim. In such cases, the fact that such a request is made shall be notified to the Special Metropolitan City Mayor or the competent Metropolitan City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor").

(4) Upon receiving a request under paragraph (3), the Corporation shall decide whether to recognize the applicant as an asbestos victim and his/her grade of injury in accordance with recognition guidelines prescribed by Presidential Decree within 60 days, subject to deliberation and resolution by the Committee for Determination of Asbestos Injuries: Provided, That the period for decision-making may be extended by not more than 30 days, if it is difficult to decide whether to recognize the applicant as an asbestos victim because any medical problem or other circumstance makes it difficult to determine.

(5) When the Corporation extends the period for deciding whether to recognize an applicant as an asbestos victim pursuant to the proviso to paragraph (4), it shall notify the extension to the competent Mayor/Do Governor, the competent head of Si/Gun/Gu, and the applicant, clearly stating reasons therefor, before the period under the body of paragraph (4) expires.

(6) When the Corporation decides to recognize an applicant as an asbestos victim, it shall issue the applicant an asbestos victim's medical pocketbook, register and provide care to him/her, as prescribed by Ordinance of the Ministry of Environment, and the person who has the asbestos victim's medical pocketbook issued shall not transfer or lend the pocketbook to a third party.

(7) Other necessary matters concerning the procedure for, and the method of, the recognition as an asbestos victim, and contents and the form of the asbestos victim's medical pocketbook shall be prescribed by Ordinance of the Ministry of Environment.

(8) All or some of expenses incurred in taking a medical examination and testing for recognition as an asbestos victim may be subsidized to a person recognized as an asbestos victim or a person prescribed by Presidential Decree.

(9) Conditions and the amount of, and the procedure for the subsidization under paragraph (8) shall be prescribed by Ordinance of the Ministry of Environment.

Article 7 (Effective Period, etc. of Recognition as Asbestos Victim)

(1) The effective period of the recognition as an asbestos victim shall be prescribed by Presidential Decree, taking into consideration each type of asbestos-related disease, the applicable grade of injury, and other factors.

(2) If a person recognized as an asbestos victim (hereinafter referred to as "recognized victim") deems that it is impossible for him/her to recover from his/her asbestos disease before the effective period under paragraph (1) expires, the person may file an application for renewal of the effective period with the Corporation not later than one month before the effective period expires. In such cases, Article 6 (2) and (3) shall apply mutatis mutandis to the procedure for renewal.

(3) Upon receiving an application under paragraph (2), the Corporation may renew the recognition as an asbestos victim, subject to deliberation and resolution by the Committee for Determination of Asbestos Injuries under Article 8.

(4) If the Corporation determines that a recognized person has been recovered from his/her asbestos disease, it may cancel the recognition as an asbestos victim, subject to deliberation and resolution by the Committee for Determination of Asbestos Injuries under Article 8.

(5) The amount of remedial benefits payable to a recognized victim shall be prescribed by Presidential Decree when the effective period for the recognition as an asbestos victim is renewed.

(6) When the Corporation renews or cancels the recognition as an asbestos victim, it shall notify the result to the competent Mayor/Do Governor, the competent head of Si/Gun/Gu, and the recognized victim.

(7) Other necessary matters concerning the renewal and cancellation of recognition as an asbestos victim shall be prescribed by Ordinance of the Ministry of Environment.

Article 8 (Committee for Determination of Asbestos Injuries)

(1) The Corporation shall establish a Committee for Determination of Asbestos Injuries (hereinafter referred to as the "Determination Committee") in order to have the Determination Committee deliberate on the recognition as an asbestos victim under Article 6, the renewal or cancellation of recognition as an asbestos victim under Article 7, and whether to recognize people as special bereaved family members under Article 14.

(2) The Determination Committee shall be comprised of ten members, including one Chairperson. The number of persons under paragraph (3) 3 shall be at least five persons.

(3) Members of the Determination Committee shall be commissioned by the Chairperson of the Corporation from among the following persons:

1. An attorney-at-law who has practiced law for not less than five years;
2. A person who serves, or has served, as an adjunct or higher professor in a school under Article 2 of the Higher Education Act;
3. A specialist who has practiced medicine in a field involving asbestos-related diseases, such as radiology, industrial medicine, pulmonology, preventive medicine, nuclear medicine, pathology, etc. for not less than five years;
4. A person who has engaged in an environment-related business for not less than ten years;
5. A person who has ample knowledge and experience in environmental health and social insurance.

(4) The term of office for each member of the Determination Committee shall be two years but may be renewed consecutively.

(5) Other necessary matters concerning the organization and operation of the Determination Committee shall be prescribed by Ordinance of the Ministry of Environment.

Article 9 (Medical Benefits)

(1) Medical benefits shall be paid to each recognized victim.

(2) Medical benefits payable under paragraph (1) when a recognized victim has received medical treatment for an asbestos-related disease from a medical institution after presenting the asbestos victim's medical pocketbook shall be prescribed by Presidential Decree according to the applicable grade of injury within the maximum amount that the recognized victim shall bear pursuant to Article 44 of the National Health Insurance Act or Article 10 of the Medical Care Assistance Act, out of expenses incurred in the medical treatment. *<Amended by Act No. 11141, Dec. 31, 2011>*

(3) Notwithstanding paragraph (2), medical benefits shall be paid even when a recognized victim has received medical treatment for an asbestos-related disease without presenting the asbestos victim's medical pocketbook in cases recognized by Ordinance of the Ministry of Environment.

(4) An application for payment of medical benefits cannot be made after three years lapse from the time a person becomes eligible for filing the application.

(5) A decision to pay medical benefits shall be effective retrospectively from the date on which an application for recognition as an asbestos victim under Article 6 is filed.

Article 10 (Allowance for Medical Care and Living Costs)

(1) An allowance for medical care and living costs shall be paid to each recognized victim.

(2) The amount of an allowance for medical care and living costs shall be prescribed by Presidential Decree according to the type of each asbestos-related disease and the applicable grade of injury, taking into consideration expenses necessary for medical treatment and care of each asbestos-related disease as well as livelihood in addition to medical benefits.

(3) An allowance for medical care and living costs shall be paid on a monthly basis, and the payments shall begin in the month immediately following the month in which an application for recognition as an

asbestos victim under Article 6 is filed and shall end in the month in which the cause for payments of the allowance for medical care and living costs terminates.

(4) An application for payment of an allowance for medical care and living costs cannot be made after three years lapse from the date on which a person becomes eligible for filing the application.

Article 11 (Funeral Expenses)

(1) Funeral expenses shall be paid to bereaved family members who held the funeral for a recognized victim who died of an asbestos-related disease.

(2) The amount of funeral expenses under paragraph (1) shall be prescribed by Presidential Decree.

(3) An application for payment of funeral expenses cannot be made after three years lapse from the date on which the recognized victim died.

Article 12 (Special Consolation for Bereaved Family Members and Special Funeral Expenses)

(1) Special consolation for bereaved family members and special funeral expenses shall be paid to bereaved family members of the deceased who fall under any of the following subparagraphs:

1. A person who contracts an asbestos-related disease as a consequence of exposure to asbestos within the Republic of Korea and dies of the asbestos-related disease before this Act enters into force;

2. A person who contracts an asbestos-related disease as a consequence of exposure to asbestos within the Republic of Korea and dies of the asbestos-related disease before this Act enters into force without filing an application for recognition as an asbestos victim;

3. A person who contracts an asbestos-related disease as a consequence of exposure to asbestos within the Republic of Korea and files an application for recognition as an asbestos victim under this Act but dies of the asbestos-related disease before being recognized as an asbestos victim.

(2) The amount of special consolation for bereaved family members under paragraph (1) shall be prescribed by Presidential Decree, taking into consideration expenses incurred in medical treatment of the asbestos-related disease, remedial benefits under Article 7 (5), and the allowance for medical care and living costs under Article 10.

(3) The amount of special funeral expenses under paragraph (1) shall be equal to the amount of funeral expenses under Article 11.

(4) An application for payment of special consolation for bereaved family members of a person under paragraph (1) 1 (hereinafter referred to collectively as "special consolation, etc. for bereaved family members") after five years lapse from the enforcement date of this Act and an application for payment of the special consolation, etc. for bereaved family members of a person under paragraph (1) 2 or 3 after five years lapse from the date on which the person died.

Article 13 (Scope or Order of Priority of Bereaved Family Members Eligible for Payment of Special Consolation, etc. for Bereaved Family Members)

(1) Bereaved family members eligible for payment of special consolation, etc. for bereaved family members shall be those who lived together with the person under any subparagraph of Article 12 (1) as at the time the person died.

(2) Article 18 (2) and (3) shall apply mutatis mutandis to bereaved family members eligible for special consolation, etc. for bereaved family members. In such cases, the term "medical benefits payable" shall be construed as "special consolation, etc. for bereaved family members."

Article 14 (Special Recognition as Bereaved Family Members)

(1) A person who intends to receive special consolation, etc. for bereaved family members shall file for recognition with the Corporation (hereinafter referred to as "special recognition as bereaved family members"), along with documents stating a medical opinion on the asbestos-related disease and other matters prescribed by Ordinance of the Ministry of Environment, and Article 6 (2) through (5) shall apply mutatis mutandis to the procedure. In such cases, the term "recognition as an asbestos victim" shall be construed as "special recognition as bereaved family members."

(2) Other necessary matters concerning the procedure for, and the method of, special recognition as bereaved family members shall be prescribed by Ordinance of the Ministry of Environment.

Article 15 (Remedial Benefit Adjustment)

(1) If a recognized victim dies of an asbestos-related disease and the total sum of medical benefits and the allowance for medical care and living costs paid for the asbestos-related disease is smaller than the amount of special consolation for bereaved family members under Article 12 (2), an amount calculated by subtracting the aforesaid total sum from the amount of special consolation for bereaved family members shall be paid as the remedial benefit adjustment to bereaved family members who lived together with the deceased as at the time the recognized victim died.

(2) Article 18 (2) and (3) shall apply mutatis mutandis to bereaved family members eligible for payment of the remedial benefit adjustment. In such cases, the term "medical benefits payable" shall be construed as "remedial benefit adjustment."

(3) An application for payment of the remedial benefit adjustment under paragraph (1) cannot be made after three years lapse from the date on which a recognized victim dies.

Article 16 (Request for Payment of Remedial Benefits and Decision thereon)

(1) A person who intends to receive remedial benefits under Articles 9 through 12 and 15 shall request the payment of the remedial benefits, as prescribed by Ordinance of the Ministry of Environment. As to the procedure for the payment request, Article 6 (2) and (3) shall apply mutatis mutandis.

(2) Upon receiving a payment request under paragraph (1), the Corporation shall decide whether to pay remedial benefits within 14 days: Provided, That the period may be extended by 14 days with notice of ground for the extension, if it is difficult to decide whether to pay remedial benefits within 14 days.

(3) In deciding whether to pay remedial benefits, the Corporation shall bring matters prescribed by Presidential Decree to the Determination Committee under Article 8 for deliberation.

(4) When the Corporation decides whether to pay remedial benefits, it shall report its decision to the Minister of Environment.

Article 17 (Payment of Remedial Benefits)

(1) Remedial benefits shall be paid through the competent head of Si/Gun/Gu within 30 days from the date on which a decision is made by the Corporation to pay the remedial benefits, but shall be borne by the Asbestos Injury Relief Fund under Article 24 and the competent Mayor/Do Governor and the competent head of Si/Gun/Gu at the ratio prescribed by Presidential Decree.

(2) The procedure for the payment of remedial benefits and other necessary matters shall be prescribed by Presidential Decree.

Article 18 (Accrued Medical Benefits and Allowances)

(1) Medical benefits and an allowances for medical care and living costs (hereinafter referred to as "medical benefits and allowance") had not been paid to a person who was entitled to receive such medical benefits and allowance (hereinafter referred to as "beneficiary") as at the time the beneficiary died, shall be paid upon the request of bereaved family members who lived together with the beneficiary at the time of the beneficiary's death.

(2) The order of priority of persons eligible for payment of accrued medical benefits and allowance under paragraph (1) shall be the deceased's spouse (including a person in a de facto marital relationship), children, parents, grandchildren, grandparents, and siblings in the named order.

(3) If two or more bereaved family members eligible for payment of accrued medical benefits and allowance under paragraph (1) are in the same order of priority, the accrued medical benefits and allowances shall be paid to such bereaved family members in equal dividends.

(4) A claim for the payment of accrued medical benefits and allowances under paragraph (1) cannot be filed after three years lapse from the date of death of the beneficiary.

Article 19 (Restrictions on Payment of Accrued Medical Benefits and Allowance)

(1) If it is found that a recognized victim has aggravated his/her disease or interfered with cure intentionally or by gross negligence, the Corporation may decide to discontinue the payment of medical benefits and allowances completely or partially.

(2) When the Corporation decides to discontinue the payment of medical benefits and allowance pursuant to paragraph (1), it shall promptly notify its decision to the competent Mayor/Do Governor, the competent head of Si/Gun/Gu, and the recognized victim concerned.

(3) Necessary matters concerning restrictions on the payment of medical benefits and allowances shall be prescribed by Ordinance of the Ministry of Environment.

Article 20 (Relationships with other Compensation and Remedies)

If a person eligible for payment of remedial benefits under this Act has received money and goods amounting to the remedial benefits under this Act pursuant to the Civil Act or any other statute for an identical ground, the remedial benefits under this Act shall not be paid up to the amount of the money and goods already received and converted by the method prescribed by Presidential Decree.

Article 21 (Collection of Illicit Gains)

(1) If a person who has received remedial benefits falls under any of the following subparagraphs, the Minister of Environment may collect the benefits (referring double the benefits in cases under

subparagraph 1) and shall transfer it to the Asbestos Injury Relief Fund under Article 24:

1. If a person receives remedial benefits by fraud or other illegal means;
2. If any other remedial benefit has been unduly paid.

(2) Necessary matters concerning the method of collecting illicit gains shall be prescribed by Ordinance of the Ministry of Environment.

Article 22 (Protection of Beneficial Rights)

Rights to receive remedial benefits under this Act shall not be transferred, seized, or offered to another person as security.

Article 23 (Exemption from Public Dues)

Neither the State nor a local government shall impose any public due on money or goods paid or given as remedial benefits.

Article 24 (Establishment and Raising of Fund)

(1) The Minister of Environment shall establish the Asbestos Injury Relief Fund (hereinafter referred to as the "Fund") to appropriate funds for expenses incurred in the payment of remedial benefits under this Act.

(2) The Fund shall be raised from the following financial resources:

1. The allotted charge for asbestos injury relief under Article 31;
2. The surcharge under Article 34 and other money to be collected under this Act;
3. The illicit gains collected pursuant to Article 21;
4. Profits from the operation of the Fund;
5. Reserves;
6. Surplus at the time of settlement of accounts of the Fund;
7. Contributions and donations from the Government or any other person;
8. Contributions from other Funds;
9. Borrowings;
10. Other revenue.

(3) The Government shall make contributions to the Fund for the payment of remedial benefits under this Act, as prescribed by Presidential Decree.

Article 25 (Use of Fund)

The Fund shall be used as follows:

1. Payment of remedial benefits under this Act;
2. Repayment of borrowings and interest;
3. Contributions to the Corporation for personnel expenses and operating expenses;
4. Subsidies and contributions to persons to whom business affairs are delegated or entrusted pursuant to Article 51;
5. Expenses incurred in raising, managing and operating the Fund;
6. Programs for the prevention of asbestos injuries;

7. Other expenses prescribed by Presidential Decree as necessary for the enforcement of this Act.

Article 26 (Management and Operation of Fund)

- (1) The Fund shall be managed and operated by the Minister of Environment.
- (2) The Minister of Environment shall manage and operate the Fund as follows:
 1. Depositing and money trust in a financial institution or a post office;
 2. Depositing in a treasury fund;
 3. Purchasing beneficiary certificates of an investment trust or similar;
 4. Purchasing securities issued directly or guaranteed for payment of debts by the State, a local government, or a financial institution;
 5. Other projects prescribed by Presidential Decree for increasing the Fund.
- (3) When Minister of Environment manages and operates the Fund pursuant to paragraph (2), he/she shall ensure that it makes a profit therefrom not lower than the level prescribed by Presidential Decree.
- (4) The Minister of Environment shall apply principles of corporate accounting to the accounting for the Fund.
- (5) The Minister of Environment may entrust the Corporation with part of business affairs related to the management and operation of the Fund.

Article 27 (Fund Operation Plans)

The Minister of Environment shall establish an operation plan for the Fund each fiscal year.

Article 28 (Appropriation of Surplus and Disposition of Loss)

- (1) Any surplus accrued as at the time of settlement of accounts of the Fund shall be set aside as a reserve.
- (2) A reserve may be used for a loss inflicted as at the time of settlement of accounts of the Fund.

Article 29 (Borrowings)

- (1) If necessary for the payment of expenses for the Fund, a loan may be borrowed on the account of the Fund.
- (2) If the Fund does not have enough cash to pay, a loan may be borrowed temporarily on the account of the Fund.
- (3) A temporary loan under paragraph (2) shall be repaid during the same fiscal year.

Article 30 (Disbursement, etc. of Fund)

Matters concerning the procedure for disbursement in managing and operating the Fund shall be prescribed by Presidential Decree.

Article 31 (Allotted Charges for Asbestos Injury Relief)

- (1) The Minister of Environment shall collect allotted charges for asbestos injury relief charges (hereinafter referred to "allotted charges") from the following persons and transfer allotted charges to the Fund, as prescribed by Presidential Decree, in order to secure financial resources for the payment of remedial benefits under this Act:
 1. Owners of all businesses or places of business with an insurance relation formed with the Industrial Accident Compensation Insurance under the Industrial Accident Compensation Insurance Act

(hereinafter referred to as "business owners");

2. Other persons prescribed by Presidential Decree.

(2) Notwithstanding paragraph (1) 1, the following business owners shall be exempted from the obligation to pay the allotted charges:

1. A business owner who has less than 20 regular employees (excluding construction businesses);

2. A construction project not subject to application of Article 8 (1) of the Act on the Collection of Insurance Premiums, etc. for Employment Insurance and Industrial Accident Compensation Insurance (hereinafter referred to as the "Act on the Collection of Insurance Premiums").

(3) The method of calculating the number of regular employees under paragraph (2) 1 shall be prescribed by Presidential Decree.

Article 32 (Calculation, etc. of Allotted Charges)

(1) The amount of the allotted charges under Article 31 (1) shall be calculated in cases under subparagraph 1 of the aforesaid paragraph by multiplying the total sum of remuneration, which serves as the basis for calculating insurance premiums under Article 13 (5) and (6) of the Act on the Collection of Insurance Premiums, (referring to the total sum of average monthly remuneration of all employees in cases of a business owner subject to application of Article 16-2 (1) of the Act on the Collection of Insurance Premiums) by the rate of the allotted charges for asbestos injury relief (hereinafter referred to as "allotted charge rate").

(2) The allotted charge rate shall be publicly notified by the Minister of Environment, taking the following matters into account:

1. The amount contributed by the Government under Article 24 (3);

2. The amount of remedial benefits expected to be paid;

3. The total sum of allotted charges accumulated as at the end of the previous year;

4. Other expenses incurred in the prevention and relief of injuries caused by exposure to asbestos.

(3) Article 8 of the Act on the Collection of Insurance Premiums regarding general application to contracted projects shall apply to mutatis mutandis to the collection of allotted charges. In such cases, the term "Corporation" in the proviso to Article 9 (1) of the aforesaid Act shall be construed as the "Minister of Environment."

Article 33 (Specially Allotted Charge Rate for Asbestos Injury Relief)

(1) Notwithstanding the allotted charge rate under Article 32 (2), the specially allotted charge rate for asbestos injury relief (hereinafter referred to as "specially allotted charge rate") shall apply to a business owner who has establish and operates a place of business in which the accumulated sum of asbestos permitted to be manufactured or used pursuant to Article 38 (1) of the Occupational Safety and Health Act amounts to not less than 10,000 tons.

(2) The total sum of the allotted charges imposed on a place of business by the specially allotted charge rate shall not exceed the amount prescribed by Presidential Decree.

(3) The method of determining the specially allotted charge rate and other necessary matters shall be prescribed by Presidential Decree.

Article 34 (Application Mutatis Mutandis)

As to the payment and collection of allotted charges and other charges under this Act, Articles 16-2 through 16-11, 17 through 19, 19-2, 20, 22-2, 22-3, 23, 23-2, 24, 25, 26-2, 27, 27-2, 27-3, 28, 28-2 through 28-7, 29, 29-2, 29-3, 30, 32 through 37, 39, 41 through 43, and 50 of the Act on the Collection of Insurance Premiums shall apply mutatis mutandis. In such cases, the term "insurance premium under Article 13 (1)" or "insurance premium" shall be construed as "allotted charges," the term "Corporation" or "National Health Insurance Corporation" as "Minister of Environment (referring to the Korea Workers' Compensation and Welfare Service or the National Health Insurance Corporation in cases where his/her authority is entrusted pursuant to Article 51 of this Act), the term "employment insurance premium rate or industrial accident compensation insurance premium rate" or "insurance premium rate" as "allotted charge rate," the term "monthly insurance premium" as "monthly allotted charges," the term "policy holder" as "business owner," the term "estimated insurance premium" as "estimated allotted charges," the term "insurance year" as "fiscal year," the term "insurance relationship" as "relationship of the allotted charges for asbestos injury relief," the term "fixed insurance premium" as "fixed allotted charges," the term "administrative affairs for insurance" as "administrative affairs for the allotted charge for asbestos injury relief," and the term "the employment Insurance Committee under Article 7 of the Employment Insurance Act or the Committee for the Deliberation on Industrial Accident Compensation Insurance and Preventive Measures under Article 7 of the Industrial Accident Compensation Insurance Act as "Minister of Environment."

Article 35 (Filing of Petition for Examination)

(1) A person dissatisfied with a decision or recognition with regard to matters under any of the following subparagraphs (hereinafter referred to as "decision, etc.") may file a petition for examination with the Corporation:

1. Matters concerning the recognition as an asbestos victim under Article 6;
2. Matters concerning the special recognition as bereaved family members under Article 14;
3. Matters concerning the determination on payment of remedial benefits under Article 16;
4. Matters concerning charges under Article 21.

(2) An petition for examination under paragraph (1) shall be filed within 90 days from the day on which the petitioner becomes aware that a decision, etc. has been made: Provided, That a period during which it is impossible to file a petition for examination due to a natural disaster, a war, an upheaval, or any other extenuating circumstance shall not be included in the period prescribed for filing a petition for examination.

(3) Necessary matters concerning the procedure for, and the method of, filing a petition for examination, and the decision thereon, and the notification of a decision shall be prescribed by Presidential Decree.

Article 36 (Committee for Examination on Asbestos Injury Relief)

(1) The Corporation shall establish the Committee for the Examination on Asbestos Injury Relief comprised of related experts (hereinafter referred to as the "Examination Committee") in order to have the Examination Committee to deliberate on petitions for examination under Article 35.

(2) The Examination Committee shall be comprised of not less than nine, but not more than 15 members, including one Chairperson.

(3) The term of office for each member of the Examination Committee shall be two years but may be renewed consecutively.

(4) As to exclusion of, challenge against, and evasion of a member of the Examination Committee, Article 40 shall apply mutatis mutandis.

(5) Other necessary matters concerning the organization and operation of the Examination Committee shall be prescribed by Presidential Decree.

Article 37 (Deliberation and Determination on Petitions for Examination)

(1) The Corporation shall decide on a petition for examination within 30 days from the filing date of the petition for examination under Article 35, subject to deliberation by the Examination Committee: Provided, That the period may be extended only once, by not more than 30 days, if it is impossible to make a decision within the period due to an unavoidable cause or event.

(2) The Corporation may, ex officio or upon receiving an application from a petitioner, take any of the following actions, if necessary for the deliberation on a petition for examination:

1. To summon the petitioner or an interested party to appear at a designated place to inquire of him/her or hear his/her opinion;
2. To require the petitioner or an interested party to submit a document or other article that may serve as evidence;
3. To request a third party having expertise or experience to appraise and diagnose.

Article 38 (Filing of Petition for Reexamination)

(1) Any person dissatisfied with a decision made pursuant to Article 37 (1) may file a petition for reexamination with the Committee for the Reexamination on Asbestos Injury Relief under Article 39.

(2) A petition for reexamination under paragraph (1) shall be filed within 90 days from the date on which the petitioner becomes aware that a decision under Article 37 (1) has been made: Provided, That a period during which it is impossible to file a petition for reexamination due to a natural disaster, a war, an upheaval, or any other extenuating circumstances shall not be included in the period prescribed for filing a petition for reexamination.

Article 39 (Committee for Reexamination on Asbestos Injury Relief)

(1) The Ministry of Environment shall establish the Committee for the Reexamination on Asbestos Injury Relief (hereinafter referred to as the "Reexamination Committee") in order to have the Reexamination Committee to deliberate on and adjudicate petitions for reexamination under Article 38.

(2) The Reexamination Committee shall be comprised of not less than nine, but not more than 15 members, including one Chairperson.

(3) The Chairperson of the Reexamination Committee shall be designated by the Minister of Environment, while members of the Reexamination Committee shall be appointed or commissioned by the Minister of Environment from among the following persons:

1. A Grade III or higher ranking public official or a public official who serves or has served in general service as a member of the Senior Executive Service;
2. An attorney-at-law who has practiced law for not less than ten years;
3. A specialist who has practiced medicine in a field involving asbestos-related diseases, such as radiology, industrial medicine, pulmonology, preventive medicine, nuclear medicine, pathology, etc. for not less than ten years;
4. A damage appraiser or a person who has practiced his/her profession in a field of involving insurance for not less than ten years;
5. A person who serves, or has served, as an adjunct or higher professor in a school under Article 2 of the Higher Education Act;
6. Other person prescribed by Ordinance of the Ministry of Environment as one qualified equivalent to those under subparagraphs 1 through 5.

(4) None of the following persons may be qualified for a member of the Reexamination Committee:

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1. A person under adult guardianship, a person under limited guardianship, or a person who has been declared bankrupt and has not been reinstated;
2. A person in whose case three years have not passed since imprisonment without prison labor or any heavier punishment sentenced to him/her was completely executed or finally and conclusively discharged;
3. An insane or mentally retarded person.

(5) The term of office for each member of the Reexamination Committee shall be two years but may be renewed consecutively.

(6) No member of the Reexamination Committee may be dismissed from his/her office against his/her will, unless he/she falls under any of the following subparagraphs:

1. If a sentence of imprisonment without labor or any heavier punishment is imposed upon him/her;
2. If he/she is unable to perform his/her duties due to mental or physical weakness for a long time.

(7) Necessary matters concerning the operation of the Reexamination Committee and other relevant matters shall be prescribed by Presidential Decree.

Article 40 (Exclusion of, Challenge against, and Evasion of Members of Reexamination Committee)

(1) A member of the Reexamination Committee shall be excluded from deliberation and adjudication of a case, if he/she falls under any of the following subparagraphs:

1. If a member of the Reexamination Committee, his/her spouse, or his/her ex-spouse is a party to the case or a joint right-holder or an obligor in the case;
2. If a member of the Reexamination Committee is or was a relative under Article 777 of a party to the case;
3. If a member of the Reexamination Committee testified as a witness or an expert witness in the case;
4. If a member of the Reexamination Committee is or was involved in the case as the representative of a party;
5. If a member of the Reexamination Committee was involved in a decision, etc. at issue in the case.

(2) A party may file an application for challenge against a member of the Reexamination Committee if he/she has a ground to believe that it is difficult to expect the member's impartiality in examination and adjudication.

(3) A member of the Reexamination Committee may voluntarily evade his involvement in examination and adjudication of the case, if a ground under paragraph (1) or (2) is applicable to him/her.

Article 41 (Deliberation and Adjudication on Petition for Reexamination)

As to the deliberation and adjudication of petitions for reexamination, Article 37 shall apply mutatis mutandis. In such cases, the "Corporation" shall be construed as "Reexamination Committee, the term "filing date of a petition for examination under Article 35" as "filing date of a petition for reexamination under Article 38, the term "petition for examination, subject to deliberation by the Examination Committee" as "petition for reexamination," and the term "decision" as "adjudication."

Article 42 (Relationships with other Acts)

(1) A petition for examination or a petition for reexamination filed pursuant to Article 35 or 38 shall be deemed a claim filed pursuant to Article 168 of the Civil Act for the purpose of interruption of prescription.

(2) An adjudication on a petition for reexamination under Article 38 shall be deemed an adjudication on an administrative appeal for the purpose of applying Article 18 of the Administrative Litigation Act.

(3) Except as provided for in this Act, petitions for examination and petitions for reexamination under Articles 35 and 38 shall be governed by the Administrative Appeals Act.

Article 43 (Reporting, etc.)

(1) If the Corporation considers it necessary with respect to the payment of remedial benefits, it may request a medical care institution to submit a report on medical treatment for a person to whom remedial benefits have been granted or documents or goods related to the medical treatment or assign its employees to inquire of interested persons or to inspect relevant documents or goods.

(2) In the case of paragraph (1), an employee of the Corporation shall carry with him/her an identification card indicating his/her authority and produce it to interested persons.

(3) A person who is or was entitled to benefit shall file a report with the Corporation on matters prescribed by Presidential Decree as related to a change in the entitlement.

(4) When a beneficiary is dead, a person obligated to file a death report under Article 85 of the Act on the Registration, etc. of Family Relationship shall report the death to the Corporation within one month.

Article 44 (Demand of Medical Examination, etc.)

(1) If necessary for making a decision under this Act, the Corporation may demand a person who was, or intends to be, recognized as an asbestos victim or who has received, or intends to receive, remedial benefits to receive medical examination and tests in any of the following medical institutions, as prescribed by Presidential Decree: <Amended by Act No. 11141, Dec. 31, 2011>

1. A medical institution established and operated by the Korea Workers' Compensation and Welfare Service under Article 10 of the Industrial Accident Compensation Insurance Act;
2. A specialized medical care institution under Article 42 (2) of the National Health Insurance Act;
3. An asbestos-related environmental health center designated pursuant to Article 26 of the Environmental Health Act;
4. Other medical institution prescribed by Presidential Decree.

(2) If a resident in an area prescribed by Presidential Decree, such as the neighborhood of an asbestos mine intends to be recognized as an asbestos victim, he/she may request the Minister of Environment to conduct an investigation of injuries caused by asbestos to health.

(3) The qualification of a person eligible for making a request under paragraph (2), and procedure therefor and other relevant matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 45 (Temporary Suspension of Remedial Benefits)

(1) The Corporation may temporarily suspend grant of remedial benefits, if a person who intends to receive remedial benefits falls under any of the following subparagraphs:

1. If the person fails to report under Article 43 (3) or (4);
2. If the person fails to comply with a demand to receive medical examination under Article 44 (1);
3. If any other event prescribed by Presidential Decree occurs.

(2) The kinds of remedial benefits subject to temporary suspension under paragraph (1) and the period of, and the procedure for, such temporary suspension shall be prescribed by Presidential Decree.

Article 46 (Confidentiality)

Any person who serves, or has served, in any of the following positions shall not divulge confidential information he/she becomes aware of in the course of carrying out his/her duties:

1. An executive or employee of the Corporation;
2. A member of the Determination Committee;
3. A member of the Examination Committee or the Reexamination Committee.

Article 47 (Survey and Subsidization)

(1) The Minister of Environment may conduct surveys and research as may be necessary for efficiently carrying out business affairs under this Act.

(2) The Minister of Environment or the head of each local government may conduct surveys on asbestos-related impacts on health of persons prescribed by Presidential Decree, among persons who resided or

resides in any of the following areas and who are likely or suspected to sustain an injury caused by asbestos on their health:

1. An area in which an asbestos mine has been operated;
2. An area in which asbestos or products containing asbestos have been manufactured or used in a large quantity;
3. Any other area prescribed by Ordinance of the Ministry of Environment.

(3) If the Minister of Environment considers it necessary for efficiently carrying out surveys under paragraph (2), he/she may designate a medical institution under any subparagraph of Article 44 (1) as an asbestos injury reporting center and may subsidize expenses incurred in conducting surveys on impacts on health.

(4) The method of, and the procedure for, the designation of an asbestos injury reporting center, conditions of subsidization, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 48 (Asbestos Health Care Pocketbook)

(1) The Minister of Environment may issue asbestos health care pocketbooks to persons prescribed by Ordinance of the Ministry of Environment as those who are highly likely to contract an asbestos-related disease.

(2) Any person who receives an asbestos health care pocketbook issued pursuant to paragraph (1) shall not transfer or lend it to any third party.

(3) The Minister of Environment may conduct periodic health examinations on persons who hold an asbestos health care pocketbook under paragraph (1), as prescribed by Ordinance of the Ministry of Environment.

(4) The contents, form, and use of the asbestos health care pocketbook under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 49 (Request for Cooperation to Related Institutions, etc.)

If necessary for carrying out business affairs under this Act, the Minister of Environment or the Corporation may request the head of a related administrative agency, a related institution or organization, or an expert in the area at issue to submit relevant data or an opinion, attend a meeting, or give cooperation in any other manner, and the person or institution, in receipt of such request shall comply therewith earnestly.

Article 50 (Calculation of Period)

As to the calculation of a period prescribed in this Act or an order issued pursuant to this Act, provisions of the Civil Act regarding periods shall apply mutatis mutandis, except as otherwise provided for in this Act.

Article 51 (Delegation and Entrustment of Authority)

The Minister of Environment may delegate part of his/her authority under this Act to the head of each affiliated agency, each Mayor/Do Governor, or the head of each Si/Gun/Gu and may entrust business

affairs related to the imposition and collection of allotted charges under Article 31 to the Korea Workers' Compensation and Welfare Service under the Industrial Accident Compensation Insurance Act or the National Health Insurance Corporation under the National Health Insurance Act, as prescribed by Presidential Decree.

Article 52 (Legal Fiction as Public Officials in Application of Penalty Provisions)

Executives and employees of the Corporation and members of the Determination Committee, the Examination Committee, and the Reexamination Committee shall be deemed public officials for purposes of applying Articles 129 through 132 of the Criminal Act.

Article 53 (Penalty Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 200 million won:

1. A person who divulges confidential information in violation of Article 46;
2. A person who receives remedial benefits by fraud or other improper means.

Article 54 (Administrative Fines)

(1) A person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding five million won:

1. A person who transfers or lends a pocketbook to any other person, in violation of Article 6 (6) or 48 (2);
2. A person who fails to report under Article 43 (1), who reports falsely, or who fails to comply with an order to submit documents or goods;
3. A person who fails to report under Article 43 (3) or (4).

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Environment, as prescribed by Presidential Decree.

ADDENDA <Act No. 10155, Mar. 22, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Article 2 Omitted.

ADDENDA <Act No. 10193, Mar. 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the Article 4 (1) and (3) of the Addenda shall enter into force on January 1, 2011, and paragraph (2) of the same Article shall enter into force on September 23, 2010.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 11141, Dec. 31, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force on September 1, 2012. (Proviso Omitted.)

Articles 2 through 22 Omitted.

ADDENDUM <Act No. 12461, Mar. 18, 2014>

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

ADDENDA <Act No. 13165, Feb. 3, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measure concerning Grounds for Disqualification of Incompetent Persons, etc.)

Those persons for whom a declaration of incompetence or quasi-incompetence continues to be effective in accordance with Article 2 of the Addenda of Act No.10429, the Partial Amendment to the Civil Act, shall be deemed to be included among persons under adult guardian ship or persons under limited guardianship under the amended provisions of Article 39 (4) 1.