

ENVIRONMENTAL TESTING AND INSPECTION ACT

Act No. 8038, Oct. 4, 2006
Amended by Act No. 8292, Jan. 26, 2007
Act No. 8466, May 17, 2007
Act No. 8486, May 25, 2007
Act No. 8590, Apr. 1, 2009
Act No. 8852, Feb. 29, 2008
Act No. 8957, Mar. 21, 2008
Act No. 9770, jun. 9, 2009
Act No. 10036, Feb. 4, 2010
Act No. 10315, May 25, 2010
Act No. 10615, Apr. 28, 2011
Act No. 11261, Feb. 1, 2012
Act No. 11266, Feb. 1, 2012
Act No. 11690, Mar. 23, 2013
Act No. 11862, jun. 4, 2013
Act No. 11918, Jul. 16, 2013
Act No. 12468, Mar. 18, 2014
Act No. 13176, Feb. 3, 2015

Article 1 (Purpose)

The purposes of this Act are to promote efficiency in environmental management, promote technical development related to testing and inspection, and further contribute to improvement in national health and environmental conservation by rationalizing technical standards, operating systems, etc. related to environmental testing and inspection, and environmental management.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. The term "testing, inspection, etc." means measurement, analysis and assesment of environmental pollution or environmental harmfulness, a testing and inspection of measuring instruments and environmental equipment conducted under Acts and subordinate statutes related to the environment for environmental management and conservation, and the establishment, confirmation, etc. of standards

related thereto: Provided, That ocean environmental cases under Acts under the jurisdiction of the Ministry of Oceans and Fisheries shall be excluded herefrom;

2. The term "measuring instruments" means equipment or instruments for measuring, analyzing or testing pollutants, etc. under the subparagraphs of Article 6 (1).

Article 3 (Formulation of Master Plans for Development of Environmental Testing and Inspection)

(1) The Minister of Environment shall formulate a master plan for the development of environmental testing and inspection (hereinafter referred to as "master plan") every five year after deliberation by the Central Environmental Policy Committee under Article 58 of the Framework Act on Environmental Policy in order to advance standards and operating systems for environmental testing, inspection, etc.

<Amended by Act No. 11266, Feb. 1, 2012>

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

1. A basic direction for operating systems for testing, inspection, etc.;
2. A mid- to long-term investment plan for testing, inspection, etc.;
3. Matters concerning research and development of technologies and human resources related to testing, inspection, etc.;
4. Matters concerning improvements in accuracy and precision of testing, inspection, etc.;
5. Matters concerning international cooperation related to testing, inspection, etc.;
6. Other matters necessary for the development of testing, inspection, etc.

(3) Where the Minister of Environment intends to formulate or modify a master plan, he/she shall consult with the head of the relevant central administrative agency.

Article 4 Deleted. *<by Act No. 10036, Feb. 4, 2010>*

Article 5 (Establishment of Operating Systems for Testing, Inspection, etc.)

(1) The Minister of Environment shall promote each of the following projects for the establishment of operating systems for testing, inspection, etc. and the maintenance and development thereof: *<Amended by Act No. 9590, Apr. 1, 2009>*

1. Projects to improve accuracy and precision of environmental pollution measuring technologies;
2. Projects concerning the maintenance of retroactivity referred to in subparagraph 17 of Article 3 of the Framework Act on National Standards on measuring instruments;
3. Projects to improve reliability of institutions conducting testing, inspection, etc.;
4. Projects to advance operating systems for testing, inspection, etc.

(2) The Minister of Environment may provide necessary support, such as funds, to institutions, organizations or business owners prescribed by Presidential Decree, in order to perform projects referred to in subparagraphs of paragraph (1).

Article 6 (Official Test Standards for Environmental Pollution)

(1) The Minister of Environment shall determine and announce an official test standards for environmental pollution (hereinafter referred to as "official test standards") on the following categories in order to ensure the unity and accuracy of measurement, analysis, assessment, etc. of environmental pollutants, conditions

of environmental pollution, harmfulness, etc. In such cases, where applicable Korean Industrial Standards have been announced under Article 12 of the Industrial Standardization Act, such standards shall apply unless there exists any special reason prescribed by Presidential Decree: <Amended by Act No. 8292, Jan. 26, 2007; Act No. 8466, May 17, 2007; Act No. 8486, May 25, 2007; Act No. 9770, Jun. 9, 2009; Act No. 11266, Feb. 1, 2012; Act No. 11862, Jun 4, 2013; Act No. 11918, Jul. 16, 2013>

1. Air pollutants under subparagraph 1 of Article 2 of the Clean Air Conservation Act and substances causing any climate or ecosystem change under subparagraph 2 of the same Article;
 2. Noises under subparagraph 1 of Article 2 of the Noise and Vibration Control Act and vibrations under subparagraph 2 of the same Article;
 3. Pollutants under subparagraph 3 of Article 2 of the Indoor Air Quality Control in Public-Use Facilities, etc. Act;
 4. Malodor under subparagraph 1 of Article 2 of the Malodor Prevention Act;
 5. Waste water under subparagraph 4 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act and water quality pollutants under subparagraph 7 of the same Article;
 6. Drinking water under subparagraph 1 of Article 3 of the Drinking Water Management Act;
 7. Wastes under subparagraph 1 of Article 2 of the Wastes Control Act;
 8. Toxic chemicals under subparagraph 7 of Article 2 of the Chemicals Control Act;
 9. Soil contaminants under subparagraph 2 of Article 2 of the Soil Environment Conservation Act;
 10. Persistent organic pollutants under subparagraph 1 of Article 2 of the Persistent Organic Pollutants Control Act;
 11. Light pollution by artificial lighting under subparagraph 1 of Article 2 of the Act on the Prevention of Light Pollution due to Artificial Lighting;
 12. Environmentally hazardous factors (toxic chemicals shall be excluded) under subparagraph 1 of Article 2 of the Environmental Health Act.
- (2) Where the Minister of Environment intends to establish or amend official test standards, he/she shall consult with the head of the relevant central administrative agency.
- (3) Matters necessary for procedures for the establishment of or amendment to official test standards shall be prescribed by Presidential Decree.

Article 7 (Consultation on Acts and Subordinate Statutes Related to Official Test Standards)

Where the head of a central administrative agency in charge of the affairs related to official test standards intends to enact or amend any of the following Acts, subordinate statutes, notifications, and so on, he/she shall consult with the Minister of Environment in advance: <Amended by Act No. 8486, May 25, 2007>

1. Standards related to any of the subparagraphs of Article 6 (1);
2. Korean Industrial Standards (limited to matters related to official test standards) under Article 12 of the Industrial Standardization Act.

Article 8 (Application of Official Test Standards)

Where it is intended to record, submit or announce officially the environmental pollution degree or to use it as a ground for administrative disposition, etc., as prescribed by Acts and subordinate statutes related to the environment, the official test standards prescribed by this Act shall apply.

Article 9 (Type Approval and Import Declaration, etc. of Measuring Instruments)

(1) In order to ensure accuracy and unity of measuring instruments, any person who intends to manufacture or import a measuring instrument prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "manufacturer, etc.") shall obtain type approval by the Minister of Environment for structure, standards, function, etc. of the relevant measuring instrument: Provided, That the same shall not apply to a measuring instrument, all products of which are exported, and a measuring instrument certified under Article 15 of the Industrial Standardization Act which is deemed appropriate for the standards referred to in paragraph (6) and publicly announced by the Minister of Environment. *<Amended by Act No. 8486, May 25, 2007; Act No. 11266, Feb. 1, 2012>*

(2) A person who intends to import a measuring instrument in the same type as a measuring instrument whose type approval has been obtained under paragraph (1) shall make a declaration (hereinafter referred to as "import declaration") to the Minister of Environment. *<Amended by Act No. 11266, Feb. 1, 2012>*

(3) When a person who has obtained type approval or made an import declaration under paragraphs (1) and (2) intends to modify an important matter prescribed by Ordinance of the Ministry of Environment on its type, he/she shall obtain approval of modification by the Minister of Environment. *<Amended by Act No. 11266, Feb. 1, 2012>*

(4) A person who has obtained type approval or approval of modification or who has made an import declaration under paragraphs (1) through (3) shall attach an indication of the details approved or declared, to a conspicuous part of a measuring instrument, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 11266, Feb. 1, 2012>*

(5) The term of validity of type approval under paragraph (1) shall be 10 years from the date of obtaining type approval or approval of modification. *<Newly Inserted by Act No. 11266, Feb. 1, 2012>*

(6) Matters necessary for standards, methods, procedures, etc. of type approval, approval of modification, and an import declaration under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 11266, Feb. 1, 2012>*

Article 9-2 (Preliminary Type Approval of New Products)

(1) Where it is impracticable to grant type approval because the standards for type approval under Article 9 (6) (hereinafter referred to as "standards for type approval") have yet to be established, the Minister of Environment may grant preliminary type approval of any of the following measuring instruments:

1. A measuring instrument certified for its performance by an internationally certified testing and inspection institution designated and publicly announced by the Minister of Environment;
2. Other measuring instruments for which the Minister of Environment recognizes the precision and accuracy of testing, inspection, etc. have been improved through introduction of new methods.

(2) Manufacturers, etc. may manufacture or import any measuring instrument of which preliminary type approval has been obtained under paragraph (1) (hereinafter referred to as “products with preliminary type approval”).

(3) Where any manufacturer, etc. distribute and sell products with preliminary type approval, he/she shall inform purchasers of the fact that the relevant products are products with preliminary type approval of which type approval shall be obtained under Article 9 (1), as prescribed by Ordinance of the Ministry of Environment.

(4) Where the standards for type approval of products with preliminary type approval have been established, manufactures, etc. shall apply for type approval thereof under Article 9 (1) within three months after the date of establishment of such standards.

(5) The Minister of Environment shall revoke the preliminary type approval of a measuring instrument in any of the following cases and shall order the relevant manufacturers, etc. to take necessary measures such as collection, destruction, etc. of the relevant measuring instruments:

1. Where preliminary type approval has been obtained by fraud or other improper means;
2. Where no application under paragraph (4) has been made;
3. Where products with preliminary type approval fail to meet the standards for type approval.

(6) Necessary measures including specific standards, methods, procedures, etc. for preliminary type approval under paragraphs (1) through (5) shall be prescribed by Ordinance of the Ministry of Environment.

Article 10 (Revocation, etc. of Type Approval and Import Declaration)

Where any person who has obtained type approval or approval of modification or who has made an import declaration under Article 9 (1) through (3) falls under any of the following cases, the Minister of Environment may revoke the approval or order him/her to suspend manufacture of the measuring instrument concerned or to take other necessary measures: *<Amended by Act No. 11266, Feb. 1, 2012>*

1. Where he/she has obtained type approval or approval of modification or has made an import declaration by fraud or other improper means;
2. Where he/she has failed to attach an indication of the details approved or declared or has attached a false indication, in violation of Article 9 (4);
3. Where a measuring instrument has become inappropriate for the standards for type approval.

Article 11 (Accuracy Inspection of Measuring Instruments)

(1) Any person who uses or intends to use a measuring instrument whose type approval has been obtained or whose import declaration has been made (including a measuring instrument which has been publicly announced under the proviso to Article 9 (1) or whose approval of modification has been obtained under paragraph (3) of the said Article; hereinafter the same shall apply) shall undergo an accuracy inspection of such instrument conducted by the Minister of Environment on whether its structure and function are maintained as the details of type approval: Provided, That the same shall not apply to a measuring instrument which underwent the correction of the national agency exclusively in charge of correction

designated under Article 14 of the Framework Act on National Standards recognized by the Minister of Environment to be appropriate for the standards under paragraph (4) and publicly announced as a product. *<Amended by Act No. 11266, Feb. 1, 2012; Act No. 11918, Jul. 16, 2013>*

(2) Where an instrument not subject to type approval under Article 9 (1) is changed to a measuring instrument subject to type approval, it shall undergo an accuracy inspection under paragraph (1).

(3) When the Minister of Environment recognizes it appropriate as a result of an accuracy inspection conducted, he/she shall issue a certificate of accuracy inspection.

(4) Matters necessary for standards, period, method, procedures, etc. for an accuracy inspection under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Environment.

Article 12 (Examination of Correction Articles)

(1) Any person who supplies or uses standard sheets, standard gases, etc. for correction (hereinafter referred to as "correction articles") used for a measuring instrument shall have an examination of the Minister of Environment on such correction articles: Provided, That where correction articles certified as standard substances under Article 15 of the Framework Act on National Standards are appropriate for the standards for examination under paragraph (3), the same shall not apply.

(2) When the Minister of Environment recognizes it to be appropriate as a result of an examination conducted, he/she shall issue a certificate of examination.

(3) Matters necessary for objects, standards, methods, procedures, etc. of an examination under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 13 (Designation, etc. of Inspection Institutions for Environmental Measuring Instruments)

(1) The Minister of Environment may designate a person and have him/her conduct an accuracy inspection and examination (hereinafter referred to as "inspection institution for environmental measuring instruments") under Articles 11 and 12 as proxy. *<Amended by Act No. 11266, Feb. 1, 2012>*

(2) Any person who intends to be designated under paragraph (1) shall file an application for designation with the Minister of Environment after he/she is equipped with technical capacity, facilities, equipment, etc. The same shall also apply when he/she intends to modify an important matter prescribed by Presidential Decree among the designated matters.

(3) Any of the following persons shall not be designated as an inspection institution for environmental measuring instruments: *<Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009; Act No. 11266, Feb. 1, 2012; Act No. 13176, Feb. 3, 2015>*

1. A person under adult guardianship or under limited guardianship;
2. A person declared bankrupt by a court, who has not been reinstated;
3. A person in whose case two years have not passed since his/her designation as an inspection institution for environmental measuring instruments was revoked under Article 14;
4. A person in whose case two years have not passed since the date when his/her imprisonment with labor as declared by a court, in violation of this Act, the Clean Air Conservation Act, the Water Quality and Aquatic Ecosystem Conservation Act, the Noise and Vibration Control Act, the Soil Environment

Conservation Act, the Drinking Water Management Act, or the Indoor Air Quality Control in Public-Use Facilities, ect. Act was completely executed (including cases where the execution is deemed to have been completed) or exempted, or a person who is under the suspension of the execution of his/her imprisonment with labor as declared by a court, in violation of the above mentioned Acts;

5. A corporation any of whose executives falls under any of subparagraphs 1 through 4.

(4) When the Minister of Environment designates a person who has applied for designation under paragraph (2) as an inspection institution for environmental measuring instruments, he/she shall issue a written designation of inspection institution for environmental measuring instruments. <Amended by Act No. 11266, Feb. 1, 2012>

(5) No inspection institution for environmental measuring instruments shall have any other person conduct an accuracy inspection or examination by making use of his/her name or lend his/her written designation of inspection institution for environmental measuring instruments to any other person. <Amended by Act No. 11266, Feb. 1, 2012>

Article 14 (Revocation, etc. of Designation of Inspection Institutions for Environmental Measuring Instruments)

(1) Where an inspection institution for environmental measuring instruments falls under any of the following cases, the Minister of Environment may revoke the designation or order the institution to suspend all or part of its business within a period not exceeding six months: Provided, That where the institution falls under subparagraph 1, 3, 6, or 8, the Minister of Environment shall revoke such designation: <Amended by Act No. 11266, Feb. 1, 2012>

1. Where the institution has been designated by fraud or other improper means;
2. Where the institution fails to commence business within two years after the designation or has failed to produce performance for at least two years consecutively;
3. Where the institution allows any third party to conduct an accuracy inspection or examination by making use of its name, or lends its written designation of inspection institution for environmental measuring instruments to any third party in violation of Article 13 (5);
4. Where the institution prepares a false report on accuracy inspection or inspection intentionally or by gross negligence;
5. Where the institution fails to meet the requirements for designation prescribed by Presidential Decree under Article 13 (2);
6. Where the institution falls under any of the subparagraphs of Article 13 (3): Provided, That in cases under subparagraph 5, the same shall not apply when such executive has been replaced within six months;
7. Where the institution fails to record or keep the results of an accuracy inspection or examination, in violation of Article 15;
8. Where the institution conducts an accuracy inspection or examination during the suspension of business.

(2) Detailed standards of administrative disposition under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 15 (Keeping Record of Vicarious Execution of Inspection)

An inspection institution for environmental measuring instruments shall record and keep the results of an accuracy inspection or examination for a given period, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 11266, Feb. 1, 2012>*

Article 16 (Registration of Measuring Agency Business)

(1) A person who intends to conduct measuring business as proxy (hereinafter referred to as "measuring agency business") regarding air pollutants, indoor air pollutants in public-use facilities, etc., malodor, water pollutants, noises and vibrations, or light pollution by artificial lighting shall register with a Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") after he/she is equipped with technical capacity, facilities and equipment prescribed by Presidential Decree. This shall also apply where he/she intends to modify an important matter prescribed by Presidential Decree among the registered matters. *<Amended by Act No. 10315, May 25, 2010; Act No. 11261, Feb. 1, 2012>*

(2) Article 13 (3) shall apply mutatis mutandis to grounds for disqualification of a person who intends to conduct measuring agency business. In such cases, the "Clean Air Conservation Act, the Water Quality and Aquatic Ecosystem Conservation Act, the Noise and Vibration Control Act, the Soil Environment Conservation Act, the Management of Drinking Water Act, or the Indoor Air Quality Control in Public-Uses Facilities, etc. Act" in subparagraph 4 of the said paragraph shall be deemed the "Clean Air Conservation Act, the Water Quality and Ecosystem Conservation Act, the Noise and Vibration Control Act, the Malodor Prevention Act, or the Indoor Air Quality Control in Public-Uses Facilities, etc. Act". *<Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009>*

(3) Each Mayor/Do Governor shall issue a certificate of registration of measuring agency business to each person who has registered measuring agency business (hereinafter referred to as "measuring agent").

(4) No measuring agent shall have any third party conduct measuring agency business by making use of his/her name, nor lend his/her certificate of registration of measuring agency business to any other party.

(5) A measuring agent may receive expenses incurred in relation to measuring agency business from a person who entrusts measurement.

Article 17 (Revocation, etc. of Registration of Measuring Agency Business)

(1) Where a measuring agent falls under any of the following cases, a Mayor/Do Governor may revoke the registration or order the agent to suspend all or part of his/her business within a period not exceeding six months: Provided, That where the agent falls under subparagraph 1, 4, 6, or 8, a Mayor/Do Governor shall revoke such registration: *<Amended by Act No. 8957, Mar. 21, 2008; Act No. 10615, Apr. 28, 2011>*

1. Where he/she has registered by fraud or other improper means;
2. Where he/she fails to commence business within two years after the registration or has failed to produce business results for at least two years consecutively;

3. Where he/she yields the false result of measurement intentionally or by gross negligence;
4. Where he/she allows any third party to conduct measuring agency business by making use of his/her name, or lends his/her certificate of registration of measuring agency business to any third party, in violation of Article 16 (4);
5. Where he/she fails to meet the standards for registration prescribed by Presidential Decree under Article 16 (1);
6. Where he/she falls under grounds for disqualification under Article 16 (2): Provided, That where any of the executives of a corporation falls under grounds for disqualification, the same shall not apply when such executive is replaced within six months;
7. Where he/she violates matters to be observed under Article 18;
8. Where he/she conducts measuring agency business during the suspension of business;
9. Deleted. <by Act No. 11266, Feb. 1, 2012>

(2) Detailed standards of administrative disposition under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 18 (Matters to be Observed by Measuring Agents)

(1) A measuring agent shall record the results of measurement and analysis as prescribed by Ordinance of the Ministry of Environment and keep them for three years after the date when the last record is made. <Amended by Act No. 11918, Jul. 16, 2013>

(2) Every measuring agent shall observe the matters to be observed prescribed by Ordinance of the Ministry of Environment, such as performance of measurement and analysis in accordance with the official test standards, etc.

Article 18-2 (Accuracy Management of Testing and Inspection Institutions)

(1) The Minister of Environment may verify capabilities necessary for testing, inspection, etc. and materials detailing execution of testing, inspection, etc. (hereinafter referred to as “accuracy management”) for a person prescribed by Presidential Decree from among those who conduct testing, inspection, etc. in the field referred to in each subparagraph of Article 6 (1) (hereinafter referred to as “testing and inspection institution”).

(2) The judgement standards for accuracy management shall be as follows:

1. Skills in analyzing standard samples;
2. Field assessment of testing and inspection institutions.

(3) A testing and inspection institution judged to be non-compliant as a result of accuracy management shall not conduct testing, inspection, etc. from the date when it is notified of such judgement.

(4) Where a testing and inspection institution under paragraph (3) intends to resume the relevant testing, inspection, etc., it shall apply for accuracy management and be judged to be compliant, as prescribed by Ordinance of the Ministry of Environment, after improving and supplementing the relevant matters.

(5) Where it is deemed necessary after the results of the accuracy management come out, the Minister of Environment may order a testing and inspection institution to take other necessary measures, such as

improvement and complementation of the relevant equipment and instruments, and implementation of training.

(6) A testing and inspection institution shall secure at least one person who has a license for each relevant field under paragraph (1) of Article 19. <Newly Inserted by Act No. 11918, Jul. 16, 2013><<Enforcement Date: Jul. 17, 2020>>

(7) Detailed matters necessary for collection and requests of samples necessary for testing, inspection, etc., maintenance and management of records of testing, inspection, etc. shall be prescribed and publicly announced by the Minister of Environment.

Article 18-3 (Effects, etc. of Results of Testing and Inspection)

(1) Where results of testing and inspection public institutions are intended to be used as a ground for litigation and administrative disposition, or a report relevant to business conducted by the State, local governments and public institutions under Article 4 of the Act on the Management of Public Institutions (hereinafter referred to as “public institutions”), the results shall be prepared by a person judged to be compliant with accuracy management under Article 18-2.

(2) No one shall provide results of testing and inspection to a report relevant to business under paragraph (1) unless he/she is deemed compliant with accuracy management.

(3) Types and scopes, etc. of a report under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

(4) Testing and inspection institutions shall put a signature of a person prescribed by Ordinance of the Ministry of Environment on the testing and inspection report and related records, and keep and manage necessary data to verify credibility of the testing and inspection results for three years.

Article 18-4 (Support, ect. for Accuracy Management)

(1) The Minister of Environment may request a Mayor/Do Governor to provide support where it is necessary for performance of field evaluation on accuracy management conducted for the testing and inspection institutions under Article 18-2 (1).

(2) Any Mayor/Do Governor requested to provide support under paragraph (1) shall comply with such request, except in extenuating circumstances: Provided, That the reason shall be submitted to the Minister of Environment where he/she is unable to provide support.

(3) The Minister of Environment may subsidize costs and support necessary education, etc. where a Mayor/Do Governor supports the field evaluation on accuracy management under paragraphs (1) and (2).

Article 19 (Environmental Measurers and Analysts)

(1) The Minister of Environment shall issue a certificate of qualification for an environmental measurer and analyst to a person who has passed a qualification examination conducted by an examination institution under Article 21 in order to improve the expertise in environmental measurement and analysis.

(2) None of the following persons shall not be an environmental measurer and analyst: <Amended by Act No. 9770, Jun. 9, 2009; Act No. 11266, Feb. 1, 2012; Act No. 13176, Feb. 3, 2015>

1. A person under adult guardianship or under limited guardianship;
2. A person declared bankrupt by a court, who has not been reinstated;
3. A person in whose case two years have not passed since his/her imprisonment with labor, as declared by a court, in violation of this Act, the Clean Air Conservation Act, the Water Quality and Aquatic Ecosystem Conservation Act, the Noise and Vibration Control Act, the Indoor Air Quality Control in Public-Uses Facilities, etc. Act, or the Malodor Prevention Act, was completely executed (including cases where the execution is deemed to have been completed) or exempted;
4. A person who is under the suspended execution of sentence, as declared by a court, for his/her violation of the Acts referred to in subparagraph 3;
5. A person in whose case three years have not passed since his/her qualification for an environmental measurer and analyst was revoked.

(3) Matters necessary for qualification for applying for a qualification examination of an environmental measurer and analyst, the subjects for examination and partial exemption, issuance of a certificate of qualification, etc. shall be prescribed by Presidential Decree.

(4) No environmental measurer and analyst shall lend his/her certificate of qualification for an environmental measurer and analyst to any third party.

Article 20 (Revocation of Qualification for Environmental Measurer and Analyst)

(1) Where any person who has acquired a qualification for an environmental measurer and analyst falls under any of the following cases, the Minister of Environment may revoke his/her qualification or impose disposition of the suspension of his/her qualification within three years: Provided, That where he/she falls under subparagraph 1 or 3, the Minister of Environment shall revoke his/her qualification:

1. Where he/she has acquired his/her qualification for an environmental measurer and analyst by fraud or other improper means;
2. Where he/she has conducted the measurement and analysis of environmental pollution level which should be recorded, submitted or publicly announced under the provisions of Acts prescribed in the subparagraphs of Article 6 (1) by fraud or manipulated a measurement record book;
3. Where he/she falls under any of Article 19 (2) 1 through 4;
4. Where he/she has lent his/her certificate of qualification for an environmental measurer and analyst to any third party in violation of Article 19 (4).

(2) Detailed standards of administrative disposition under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 21 (Educational and Examining Institutions of Environmental Measurers and Analysts)

(1) The Minister of Environment may designate an educational and examining institution of environmental measurers and analysts in order to train environmental measurers and analysts.

(2) Matters necessary for the designation of educational and examining institution, the curricula of environmental measurers and analysts, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 22 (Revocation of Designation of Educational and Examining Institutions)

Where any educational institution or examining institution of environmental measurers and analysts designated under Article 21 (1) falls under any of the following cases, the Minister of Environment shall revoke its designation:

1. Where it has been designated by fraud or other improper means;
2. Where it has failed to conduct educational or examining affairs in proper order, such as manipulation of a certificate for achievement of education or the results of examination.

Article 23 (Prohibition of Use of Name)

No person without acquiring qualification for an environmental measurer and analyst shall use the name of environmental measurer and analyst.

Article 24 (Education, etc. of Technical Human Resources for Testing and Inspection)

- (1) The Minister of Environment shall take measures for the conduct of education, securing and management of technical human resources, etc. in order to improve the expertise of technical human resources who conduct testings, inspections, etc.
- (2) Technical human resources in charge of measuring agency business shall receive technical education conducted by the Minister of Environment.
- (3) A measuring agent shall have technical human resources under paragraph (2) receive the technical education concerned.
- (4) Matters necessary for institutions which conduct education referred to in paragraph (2) and details of education, etc. shall be prescribed by Ordinance of the Ministry of Environment.

Article 25 (Support, etc. of Technical Development)

- (1) The Minister of Environment shall take necessary measures for research and development and the dissemination of technologies related to testing, inspection, etc.
- (2) The Minister of Environment may subsidize all or some of necessary funds to a person prescribed by Presidential Decree who performs research in and development of technologies related to testing, inspection, etc. and disseminate them.

Article 26 (International Cooperation)

The Minister of Environment shall exchange information and technologies related to testing, inspection, etc. in cooperation with international organizations and related countries in connection with testing, inspection, etc., and mutually cooperate through the exchange of human resources, joint investigation, research and development, etc.

Article 27 (Mutual Recognition of Type Approval between Nations)

- (1) With respect to a measuring instrument on which a foreign government's approval equivalent or similar to type approval under Article 9 has been obtained, the Government may recognize that type approval of such measuring instrument under Article 9 has been obtained on conditions of mutual recognition. <Amended by Act No. 11266, Feb. 1, 2012>

(2) The Government may conclude an agreement with a foreign government for the execution of mutual recognition of type approval of measuring instruments.

(3) Where the Government has concluded an agreement with a foreign government under paragraph (2), the Minister of Environment shall announce its details without delay.

Article 28 (Ex Post Facto Management)

(1) The Minister of Environment may have a person who performs a project for the establishment of operating system of testing, inspection, etc. under Article 5 report the present status of the performance of the relevant affairs and may have the relevant public official investigate necessary matters and question the relevant persons.

(2) The Minister of Environment or a Mayor/Do Governor may have any of the following persons submit necessary materials or may have the relevant public official gain access to offices, places of business, and other necessary places to inspect related documents, facilities, equipment, etc., as prescribed by Ordinance of the Ministry of Environment: *<Amended by Act No. 11266, Feb. 1, 2012; Act No. 11918, Jul. 16, 2013>*

1. A person who manufactures or imports measuring instruments under Article 9;
2. A person who supplies or uses correction articles under Article 12;
3. An inspection institution for environmental measuring instruments;
4. A measuring agent;
5. A testing and inspection institution deemed compliant with accuracy management.

(3) With respect to a person referred to in paragraph (2) 1, the Minister of Environment may have the relevant public official collect measuring instruments manufactured or imported in order to inspect or ascertain whether measuring instruments are in conformity with the details of type approval. In such cases, when he/she has inspected or ascertained whether they are in conformity with the details of type approval, he/she shall return them without delay.

(4) The relevant public official who conducts investigations, asks questions, gains access, conducts inspections, or collects measuring instruments under paragraphs (1) and (3) shall carry a certificate indicating his/her authority and produce it to the relevant persons.

(5) With respect to the inspection under paragraph (2) and the status of execution of testing, inspection, etc., the Minister of Environment may establish and implement plans for guidance and checking, as prescribed by Ordinance of the Ministry of Environment, in order to ensure a faithful operation of testing, inspection, etc. *<Newly Inserted by Act No. 11266, Feb. 1, 2012>*

Article 29 (Hearings)

Where the Minister of Environment or a Mayor/Do Governor intends to make any of the following dispositions, he/she shall hold a hearing as prescribed by the Administrative Procedures Act: *<Amended by Act No. 11266, Feb. 1, 2012>*

1. Revocation of preliminary type approval under Article 9-2 (5);
2. Revocation of type approval under Article 10;

3. Revocation of designation of inspection institution for environmental measuring instruments under Article 14;
4. Revocation of registration of measuring agency business under Article 17;
5. Revocation of qualification for an environmental measurer and analyst under Article 20.

Article 30 (Fees)

(1) Any of the following persons shall pay fees: *<Amended by Act No. 11266, Feb. 1, 2012>*

1. Any person who intends to obtain type approval or approval of modification or to make an import declaration under Article 9 (1) through (3);
2. Any person who intends to obtain preliminary type approval under Article 9-2 (1);
3. Any person who intends to undergo an accuracy inspection under Article 11 (1) or (2);
4. Any person who intends to undergo an examination of correction articles under Article 12 (1);
5. Any person who intends to register measuring agency business or register the modification thereof under Article 16 (1);
6. Any person who intends to apply for a qualification examination of an environmental measurer and analyst under Article 19 (1);
7. Any person who intends to receive education at an educational institution designated under Article 21 (1);
8. Any person who intends to receive technical education under Article 24 (2) or a measuring agent who intends to have a person receive technical education under Article 24 (3).

(2) Matters necessary for an amount of fees, the method of payment thereof, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 31 (Delegation of Authority)

The Minister of Environment may delegate part of his/her authority under this Act to the President of the National Institute of Environmental Research, the head of a regional environmental agency, or a Mayor/Do Governor, as prescribed by Presidential Decree.

Article 32 (Legal Fiction as Public Officials in Application of Penalty Provisions)

Executives and employees belonging to an inspection institution for environmental measuring instruments shall be deemed public officials in the application of Articles 129 through 132 of the Criminal Act with regard to its agency business. *<Amended by Act No. 11266, Feb. 1, 2012>*

Article 33 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won: *<Amended by Act No. 11266, Feb. 1, 2012; Act No. 11918, Jul. 16, 2013; Act No. 12468, Mar. 18, 2014>*

1. Any person who manufactures or imports measuring instruments without having obtained type approval or approval of modification, in violation of Article 9 (1) or (3);
2. Any person who obtains type approval or approval of modification or makes an import declaration under Article 9 (1) through (3) by fraud or other improper means;

- 2-2. Any person who fails to comply with an order of collection, destruction, etc. for the products, the preliminary type approval of which has been revoked under Article 9-2 (5);
3. Any person who has conducted measurement by proxy without having registered measuring agency business or the modification thereof, in violation of Article 16 (1);
4. Any person who registers measuring agency business under Article 16 (1) by fraud or other improper means;
5. Any person who allows any other person to conduct measuring agency business by making use of his/her name or lends a certificate of registration of measuring agency business to any third party, in violation of Article 16 (4);
6. Any person who conducts measuring business by proxy during the suspension of business under Article 17 (1) 8;
7. Any person who fails to record and keep the results of measurement and analysis or records them falsely, in violation of Article 18 (1);
- 7-2. Any person who conducts testing, inspection, etc., in violation of Article 18-2 (3);
- 7-3. Any person who provides the results of testing and inspection to a report relevant to business conducted by the State, local government or public institutions, though he/she is not deemed compliant with accuracy management, in violation of Article 18-3 (2);
8. Any person who acquires his/her qualification for an environmental measurer and analyst under Article 19 (1) by fraud or other improper means;
9. Any person who lends a certificate of qualification for an environmental measurer and analyst to any third party, in violation of Article 19 (4);
10. Deleted. <by Act No. 10315, May 25, 2010>

Article 34 (Joint Penalty Provisions)

Where a representative of a corporation, or an agent, employee or other servant of the corporation or an individual, commits an offence under Article 33 in connection with the business of the corporation or individual, not only shall such violator be punished, but also the corporation or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where the corporation or individual has not neglected to pay due attention and supervision concerning the relevant business in order to prevent such violation.

Article 35 (Administrative Fines)

- (1) A person who uses the name "environmental measurer and analyst" in violation of Article 23 shall be punished by an administrative fine not exceeding three million won.
- (2) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 11266, Feb. 1, 2012>
 1. A person who imports measuring instruments without making an import declaration, in violation of Article 9 (2);

2. A person who fails to make an indication of type approval, approval of modification, or an import declaration, or makes a false indication, in violation of Article 9 (4);
 - 2-2. A person who fails to inform purchasers of products with preliminary type approval that type approval shall be obtained for such products, in violation of Article 9-2 (3);
 3. A person who uses measuring instruments without undergoing accuracy inspection, in violation of Article 11 (1) or (2);
 4. A person who supplies or uses correction articles that have not undergone examination, in violation of Article 12 (1);
 - 4-2. A person who fails to carry out an order to take measures under Article 18-2 (5);
 5. A person who fails to receive education or have another person receive education, in violation of Article 24 (2) or (3);
 6. A person who fails to submit data or submits false data, in violation of Article 28 (2);
 7. A person who refuses, interferes with, or evades access, inspection, or collection, in violation of Article 28 (2) or (3).
- (3) Administrative Fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment or a Mayor/Do Governor, as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the provisions of Articles 19 through 23 shall enter into force two years after the date of its promulgation.

Article 2 (Transitional Measures concerning Official Test Standards of Air Pollution)

An official test method of air pollution announced under Article 7 of the previous Clean Air Conservation Act, an official test method of noise and vibration announced under Article 7 of the previous Noise and Vibration Control Act, an official test method of indoor air quality announced under Article 4 of the previous Indoor Air Quality Control in Publicly Used Facilities, etc. Act, an official test method of malodor announced under Article 5 of the previous Malodor Prevention Act, an official test method of water pollution announced under Article 8 of the previous Water Quality Conservation Act, an official test method of drinking water quality announced under Article 5-2 of the previous Management of Drinking Water Act, an official test method of wastes announced under Article 11 of the previous Wastes Control Act, an official test method of toxic chemicals announced under Article 45 (1) of the previous Chemicals Control Act, or an official test method of soil pollution announced under Article 10 of the previous Soil Environment Conservation Act as at the time this Act enters into force shall be deemed the official test standards of environmental pollution announced under Article 6 (1) respectively.

Article 3 (Transitional Measures concerning Type Approval of Environmental Measuring Instruments)

An environmental measuring instrument, type approval or approval of modification of which has been obtained under Article 14 (1) of the previous Development of and Support for Environmental Technology Act at the time this Act enters into force shall be deemed that type approval or approval of modification under Article 9 has been obtained.

Article 4 (Transitional Measures concerning Accuracy Inspection of Environmental Measuring Instruments)

An environmental measuring instrument which has undergone an accuracy inspection under Article 14 (2) of the previous Development of and Support for Environmental Technology Act at the time this Act enters into force shall be deemed to have undergone an accuracy inspection under Article 11.

Article 5 (Transitional Measures concerning Examination of Correction Articles)

A person who has had an examination of correction articles under Article 14 (4) of the previous Development of and Support for Environmental Technology Act at the time this Act enters into force shall be deemed to have had an examination under Article 12.

Article 6 (Transitional Measures concerning Designation of Inspection Agents)

A person who has been designated as an inspection agent under Article 15 (2) of the previous Development of and Support for Environmental Technology Act at the time this Act enters into force shall be deemed to have been designated as an inspection agent under Article 13.

Article 7 (Transitional Measures concerning Registration of Measuring Agency Business)

A person who has registered measuring agency business under Article 17 (1) of the previous Development of and Support for Environmental Technology Act at the time this Act enters into force shall be deemed to have registered measuring agency business under Article 16.

Article 8 (Transitional Measures concerning Administrative Disposition)

The previous Development of and Support for Environmental Technology Act shall apply to administrative disposition on an inspection agent or a measuring agent resulting from an offense before this Act enters into force.

Article 9 (Transitional Measures concerning Penal Provisions and Fines for Negligence)

The previous Development of and Support for Environmental Technology Act shall apply to penal provisions and fines for negligence on acts before this Act enters into force.

Article 10 Omitted.

Article 11 (Relationship with other Acts and Subordinate Statutes)

(1) Where the provisions of Article 4 of the Indoor Air Quality Control in Publicly Used Facilities, etc. Act, Article 5-2 of the Management of Drinking Water Act, Article 7 of the Clean Air Conservation Act, Article 7 of the Noise and Vibration Control Act, Article 8 of the Water Quality Conservation Act, Article 5 of the Malodor Prevention Act, Article 10 of the Soil Environment Conservation Act, and Article 11 of the Wastes Control Act are cited by other Acts and subordinate statutes at the time this Act enters into force, the relevant provisions of this Act shall be deemed to have been cited, respectively.

(2) Where the Development of and Support for Environmental Technology Act or the provisions thereof are cited by other Acts and subordinate statutes at the time this Act enters into force, if any provisions of this Act correspond thereto, this Act or the relevant provisions of this Act shall be deemed to have been cited.

ADDENDA <Act No. 8292, Jan. 26, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 8486, May 25, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 9590, Apr. 1, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2009. (Proviso Omitted.)

Article 2 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 10036, Feb. 4, 2010>

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

ADDENDA <Act No. 10315, May 25, 2010>

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

(2) (Transitional Measures) The former provisions shall apply in the application of penal provisions to acts committed before this Act enters into force.

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

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 11261, Feb. 1, 2012>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 11266, Feb. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provision of Article 3 (1) shall enter into force on July 22, 2012, and the amended provisions of Article 18-2 (3), subparagraph 7-2 of Article 33, and Article 35 (2) 4-2 shall enter into force one year after the date of its promulgation.

Articles 2 (Applicability to Accuracy Management)

The amended provision of Article 18-2 (3) shall apply from the first accuracy management conducted following its enforcement.

Articles 3 (Transitional Measures concerning Term of Validity of Type Approval)

Despite the amended provision of Article 9 (5), the term of validity of type approval of measuring instruments whose type approval or approval of modification has been already obtained at the time this Act enters into force shall be determined in accordance with each of the following classifications, commencing from the enforcement date of this Act:

1. Measuring instruments for which at least 10 years have elapsed from the date of obtaining type approval or approval of modification at the time this Act enters into force: 3 years;
2. Measuring instruments for which at least 8 years but less than 10 years have elapsed from the date of obtaining type approval or approval of modification at the time this Act enters into force: 5 years;
3. Measuring instruments for which at least 6 years but less than 8 years have elapsed from the date of obtaining type approval or approval of modification at the time this Act enters into force: 7 years;
4. Measuring instruments for which at least 4 years but less than 6 years have elapsed from the date of obtaining type approval or approval of modification at the time this Act enters into force: 9 years;
5. Measuring instruments for which less than 4 years have elapsed from the date of obtaining type approval or approval of modification at the time this Act enters into force: 10 years.

Articles 4 (Transitional Measures concerning Designation of Inspection Agents)

A person who has been designated by the Minister of Environment as an inspection agent before this Act enters into force shall be construed as an inspection institution for environmental measuring instruments designated by the Minister of Environment under the amended provision of Article 13.

Articles 5 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. 11862, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015. (Proviso Omitted.)

Articles 2 through 12 Omitted.

ADDENDUM <Act No. 11918, Jul. 16, 2013>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 18-2 (6) shall enter into force seven years after the date of its promulgation.

ADDENDUM <Act No. 12468, Mar. 18, 2014>

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

ADDENDA <Act No. 13176, Feb. 3, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Grounds for Disqualification of Incompetent Persons, Etc.)

An incompetent person under adult guardianship or under limited guardianship referred to in the amended provisions of Article 13 (3) 1 and 19 (2) 1 shall be deemed to include a person for whom the adjudication of incompetence or quasi-incompetence remains in effect under Article 2 of the Addenda to the Civil Act (Act No. 10429).

