

CHEMICALS CONTROL ACT

Act No. 12490, Mar. 18, 2014

Amended by Act No. 13035, Jan. 20, 2015

Article 1 (Purpose)

The purpose of this Act is to prevent hazards to people's health and the environment caused by chemicals and protect the lives and property of the people or the environment from chemicals by properly controlling chemicals and promptly responding to accidents that occur due to chemicals.

Article 2 (Definitions)

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

1. The term "chemical" means elements, compounds, and substances obtained by causing artificial reactions therewith, and any substance chemically transformed, extracted, or refined from substances existing in nature;
2. The term "toxic substance" means poisonous chemicals prescribed and announced by the Minister of Environment in accordance with standards prescribed by Presidential Decree;
3. The term "substance requiring permission" means chemicals likely to be harmful, which are announced by the Minister of Environment following consultations with the heads of relevant central administrative agencies and deliberations by the Chemicals Assessment Committee under Article 7 of the Act on Registration, Evaluation, etc. of Chemicals so that such chemicals may be manufactured, imported, or used with permission from the Minister of Environment;
4. The term "restricted substance" means chemicals likely to be seriously harmful where they are used for specific purposes, which are announced by the Minister of Environment, following consultations with the heads of relevant central administrative agencies and deliberations by the Chemicals Assessment Committee under Article 7 of the Act on Registration, Evaluation, etc. of Chemicals to prohibit the manufacture, importation, sale, keeping, storage, transportation, or use of such chemicals for such purposes;
5. The term "prohibited substance" means chemicals deemed seriously harmful where they are used for specific purposes, which is designated and announced by the Minister of Environment, following consultations with the heads of relevant central administrative agencies and deliberations by the Chemicals Assessment Committee under Article 7 of the Act on Registration, Evaluation, etc. of Chemicals to prohibit the manufacture, importation, sale, keeping, storage, transportation or use of such chemicals for all purposes;

6. The term "substance requiring preparation for accidents" means chemicals highly likely to cause chemical accidents due to their high acute toxicity, explosiveness, etc. or likely to cause severe damage where a chemical accident occurs among the chemicals, which is designated and announced by Presidential Decree under Article 39 because he/she deems it necessary to make preparation for chemical accidents;

7. The term "hazardous chemical" means toxic substances, substances requiring permission, restricted substances or prohibited substances, substances requiring preparation for accidents, or other chemicals which are or are likely to be poisonous or harmful;

8. The term "hazardous chemicals business" means the business of dealing in substances except substances requiring permission and prohibited substances among hazardous chemicals;

9. The term "toxicity" means the unique properties of chemicals that have an adverse affect on human health or the environment, such as the toxicity of chemicals;

10. The term "harmfulness" means the level of damage caused by hazardous chemicals to human health or the environment where hazardous chemicals are exposed;

11. The term "handling facility" means a facility or equipment that manufactures, keeps, stores, transports (excluding transportation by air, ship, or train), or uses chemicals;

12. The term "handling" means the manufacture, importation, sale, keeping, storage, transport or use of chemicals;

13. The term "chemical accident" means all situations that occur because a chemical flows out or leaks out to humans or the environment due to the fault of a worker as at the time he/she works, such as replacement of facilities, defects in facilities or deterioration of facilities, a natural disaster, a transport accident, etc.

Article 3 (Scope of Application)

(1) This Act shall not apply to any of the following chemicals:

1. Radioactive substances under subparagraph 5 of Article 2 of the Nuclear Safety Act;
2. Medicines and non-pharmaceutical items under subparagraphs 4 and 7 of Article 2 of the Pharmaceutical Affairs Act;
3. Narcotics under subparagraph 1 of Article 2 of the Act on the Control of Narcotics, etc.;
4. Cosmetics and raw materials used for cosmetics under subparagraph 1 of Article 2 of the Cosmetics Act;
5. Pesticides and technical ingredients under subparagraphs 1 and 3 of Article 2 of the Pesticide Control Act;
6. Fertilizers under subparagraph 1 of Article 2 of the Fertilizer Control Act;
7. Foods, food additives, appliances, containers, and packages under subparagraphs 1, 2, 4, and 5 of Article 2 of the Food Sanitation Act;
8. Livestock feed under subparagraph 1 of Article 2 of the Control of Livestock and Fish Feed Act;

9. Explosives under Article 2 (3) of the Control of Firearms, Knives, Swords, Explosives, etc. Act;
10. Military supplies (excluding conventional items) under Article the Act on the Management of Military Supplies;
11. Functional health foods under subparagraph 1 of Article 3 of the Functional Health Foods Act;
12. Medical devices under Article 2 (1) of the Medical Devices Act;
13. Toxic gases under the High-Pressure Gas Safety Control Act.

(2) Notwithstanding paragraph (1), Articles 4 through 23 (excluding Article 6 (3) 1 through 5, Articles 13, 16, 19, and 20), 26, 39, and 50 (excluding Articles 49 (1) 7 and 8, and 50 (1) 6), 52, 54 through 64 (excluding subparagraphs 8 through 13 of Article 54, subparagraphs 4 and 5 of Article 58, subparagraphs 7 through 9 and 11 of Article 59, subparagraph 4 of Article 61, Article 64 (1) 5 through 9, and (2) 1) shall apply to chemicals falling under paragraph (1) 13.

(3) Except as otherwise expressly provided for in relevant Acts, notwithstanding paragraph (1), this Act shall apply to the control of chemicals and response to chemical accidents under the provisions of paragraph (1) 2 through 13.

Article 4 (Duties of State and Local Governments)

(1) The State and local governments shall have good knowledge of the impact of toxicity and harmfulness of chemicals on people's health and the environment at all times, and formulate and implement measures necessary to prevent any harm to people's health or the environment.

(2) The State and local governments shall devise plans for the measurement of pollution levels, investigation and research, technical development, training of professionals, education and public relations for the control of chemicals, and provide administrative and financial support necessary for the safety control of chemicals.

(3) The State may fully or partially contribute or subsidize for persons who conduct the following projects in order to promote technical development related to the safety control of chemicals, and train professionals for each field:

1. Technology for the measurement and analysis of pollution levels of chemicals;
2. Technology for the safety control of chemical handling facilities;
3. Technology for investigation and analysis of the impact of chemicals;
4. Technology for minimizing damage caused by chemicals, elimination of chemicals, and recovery from damage caused by chemicals.

Article 5 (Duties of Business Operators)

(1) Any person who handles chemicals shall take necessary measures, such as maintaining appropriate facilities and equipment, education of employees, technical development, and exchange of information, to prevent any harm to people's health or the environment caused by chemicals, and participate and cooperate in national policies for the proper management of chemicals.

(2) Any person who handles chemicals shall be held responsible for the safety control of the relevant chemicals.

Article 6 (Basic Plans for Control of Chemicals)

(1) The Minister of Environment shall formulate a basic plan for the control of chemicals (hereinafter referred to as "basic plan") every five years for the efficient control of poisonous or harmful chemicals.

(2) Where the Minister of Environment formulates a basic plan, he/she shall consult with the heads of relevant central administrative agencies in advance and follow deliberations by the Chemicals Control Committee under Article 7: Provided, That the foregoing shall also apply to cases where he/she intends to alter the basic plan.

(3) A basic plan shall contain the following:

1. Goals of a policy for the control of chemicals and strategies to achieve them;
2. Major measures to be pursued and an implementation plan for the control of chemicals;
3. Present status of the control of chemicals and future prospects;
4. Measures to raise funds for expenses incurred in conducting various projects for the control of chemicals;
5. Plans for cooperation with organizations, international organizations, etc. related to the control of chemicals;
6. Training and education in preparation for chemical accidents;
7. Role of each agency and cooperation system concerning response to chemical accidents and subsequent measures;
8. Methods of mobilizing resources, human resources, equipment, etc. necessary to respond to chemical accidents and take subsequent measures;
9. Other matters necessary to control chemicals and respond to chemical accidents.

(4) Where the Minister of Environment formulates a basic plan, he/she shall notify the heads of relevant central administrative agencies and local governments of the details thereof without delay.

(5) The heads of relevant central administrative agencies and local governments shall formulate and implement policies under his/her jurisdiction in accordance with the basic plan.

Article 7 (Chemicals Control Committee)

(1) The Chemicals Control Committee (hereinafter referred to as the "Control Committee") shall be established under the jurisdiction of the Minister of Environment to deliberate on important matters relating to the control of chemicals, such as the formulation of a basic plan.

(2) The Control Committee shall be comprised of not more than 30 members including one chairperson and one vice chairperson.

(3) The chairperson of the Control Committee shall be designated by the Minister of Environment from among public officials belonging to the Senior Civil Service of the Ministry of Environment in charge of affairs concerning the control of chemicals, and the vice chairperson shall be appointed or commissioned by the chairperson from among its members.

(4) The members of the Control Committee shall be appointed or commissioned by the Minister of Environment from among experts who have extensive knowledge and experience in related fields, such as

chemistry, environment, and health, representatives of the industry related to chemicals and public officials in charge of affairs in the relevant fields.

(5) The Control Committee shall hold meetings with a majority of incumbent members present and pass resolutions with the consent of a majority of members present.

(6) Where necessary to professionally study and review matters to be deliberated by the Control Committee, the Control Committee may establish expert committees for each field which are comprised of members of the Control Committee and experts in the relevant fields.

(7) Other matters necessary for the organization, operation, etc. of the Control Committee and expert committees for each field shall be prescribed by Presidential Decree.

Article 8 (Consultations on Major Policies, etc.)

Where the head of a central administrative agency intends to formulate and implement policies or plans prescribed by Presidential Decree among policies or plans directly related to the control of chemicals, he/she shall consult with the Minister of Environment in advance.

Article 9 (Verification of Chemicals)

(1) Any person who intends to manufacture or import a chemical (where a person outsources the importation of a chemical to other person who imports such chemical on his/her behalf, referring to the person who outsources the importation thereof; hereinafter the same shall apply) shall verify whether the relevant chemical or any ingredient thereof falls under any of the following, as prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "verification of chemicals"), and submit the details thereof to the Minister of Environment:

1. Existing chemicals under subparagraph 3 of Article 2 of the Act on Registration, Evaluation, etc. of Chemicals;
2. New chemicals under subparagraph 4 of Article 2 of the Act on Registration, Evaluation, etc. of Chemicals;
3. Toxic substances;
4. Substances requiring permission;
5. Restricted substances;
6. Prohibited substances;
7. Substances requiring preparation for accidents.

(2) Notwithstanding paragraph (1), the provision of paragraph (1) shall not apply where a chemical meets standards prescribed and announced by the Minister of Environment, such as cases where such chemical is contained in a product that exerts a certain function in a specific solid form, and does not flow out in the process of using the product.

(3) Where any person who intends to manufacture or import a chemical pursuant to paragraph (1) deems it necessary to verify the chemical, he/she may request the Minister of Environment to certify whether the relevant chemical or any ingredient thereof falls under any of the subparagraphs of paragraph (1), along with data prescribed by Ordinance of the Ministry of Environment.

Article 10 (Statistical Surveys on Chemicals and Establishment and Operation of Information System)

(1) The Minister of Environment shall conduct statistical surveys on the current status of the handling related to the handling of chemicals, handling facilities, etc. (hereinafter referred to as "statistical surveys on chemicals") every two years. In such cases, the relevant provisions of Statistics Act shall apply mutatis mutandis to the surveys and collation of statistics.

(2) The Minister of Environment shall conduct written surveys or field surveys, or establish and operate an information system for the efficient establishment and implementation of statistical surveys on chemicals.

(3) Where necessary for statistical surveys on chemicals and the establishment and operation of an information system under paragraph (2), the Minister of Environment may request the heads of relevant central administrative agencies, local governments, public institutions (referring to public institutions under Article 4 of the Act on the Management of Public Institutions), relevant institutions, organizations, etc. to provide necessary data and information. In such cases, any person requested to provide data and information shall comply with such request except in extenuating circumstances.

(4) The Minister of Environment may require persons who handle chemicals to submit data necessary for statistical surveys on chemicals, or require relevant public officials to have access to the relevant place of business, etc. and inspect the current status related to chemicals. In such cases, any public official who has access to the place of business, etc. and conducts inspection of the current status shall carry a certificate indicating his/her authority and produce it to relevant persons.

(5) Matters necessary for chemicals subject to, details, methods of, and procedures for statistical surveys of chemicals shall be prescribed by Ordinance of the Ministry of Environment.

Article 11 (Investigation of Volume of Chemical Discharges)

(1) The Minister of Environment shall conduct an investigation of the current status, etc. of chemical discharges (hereinafter referred to as "survey of the volume of chemical discharges") in the process of handling of the relevant chemicals in the places of business which handle chemicals prescribed by Presidential Decree in order to protect people's health and the environment from chemical discharges and induce the places of business to voluntarily reduce chemical discharges.

(2) Where the Minister of Environment conducts an investigation of the volume of chemical discharges, he/she may require persons who handle chemicals to submit necessary data or require relevant public officials to have access to the relevant places of business and investigate the volume of the relevant chemical discharges.

(3) Where the Minister of Environment intends to conduct an investigation of the volume of chemical discharges, he/she may request the heads of relevant central administrative agencies, local governments, public institutions (referring to public institutions under Article 4 of the Act on the Management of Public Institutions), relevant institutions, and organizations to submit the results of investigations conducted by each agency or institution and necessary data.

(4) Any public official who has access to the place of business and conducts an investigation of the volume of chemical discharges pursuant to paragraph (2) shall carry a certificate indicating his/her

authority and produce it to the relevant persons

(5) Matters necessary for persons subject to, details, methods of and procedures for investigating the volume of chemical discharges shall be prescribed by Ordinance of the Ministry of Environment.

Article 12 (Disclosure of Results of Surveys of Chemicals and Information)

(1) Where the Minister of Environment completes statistical surveys of chemicals and investigations of the volume of chemical discharges, he/she shall immediately disclose the results of such surveys and investigations for each place of business: Provided, That the foregoing shall not apply where the results of a survey or investigation fall under any of the following:

1. Where the disclosure of the results of the survey or investigation is deemed to cause serious problems to national security, public order maintenance or public welfare;
2. Where the results of the survey or investigation are deemed to cause confusion in the use thereof due to the low reliability thereof;
3. Where it is deemed necessary not to disclose some of the results of the survey or investigation because it is related to trade secrets of businesses.

(2) Where any person who handles chemicals violates any provision of this Act or fails to comply with an order given by the Minister of Environment, the Minister of Environment may disclose personally identifiable information about the person who handles the relevant chemicals, information about the volume of chemicals handled and handling facilities, the fact of violation of Acts and subordinate statutes, etc. (hereinafter referred to as "information about the handling of chemicals") among the results of surveys and investigations under Articles 10 and 11: Provided, That the foregoing shall not apply where grounds exist prescribed by Presidential Decree, such as cases where an administrative appeal or administrative lawsuit is pending in relation to the violation.

(3) The Deliberative Committee on Disclosure of Information on Chemicals shall be established in the Control Committee in order to deliberate on whether to disclose information on the handling of chemicals under paragraphs (1) and (2).

(4) The Minister of Environment shall give persons subject to disclosure of information on the handling of chemicals following deliberations by the Deliberative Committee on Disclosure of Information on Chemicals opportunities to make explanations by giving notice to them in writing. In such cases, persons subject to disclosure may request the Minister of Environment to protect data under the main sentence of Article 52 (1).

(5) Disclosure under paragraphs (1) and (2) shall be made by posting content on the Official Gazette or the Internet homepage.

(6) Matters necessary for criteria relating to disclosure of the results of surveys and information, procedures for disclosure, the organization and operation of the Deliberative Committee on Disclosure of Information on Chemicals under the provisions of paragraphs (1) through (4) shall be prescribed by Ordinance of the Ministry of Environment.

Article 13 (Criteria for Handling Hazardous Chemicals)

Where any person handles hazardous chemicals, he/she shall meet the following criteria for handling hazardous chemicals:

1. He/she shall appropriately maintain and manage a hazardous chemical handling facility so that it can exert its intrinsic functions;
2. He/she shall devise preventive measures so that no accident may occur in the process of handling hazardous chemicals, and have emergency services equipment and medicines so that emergency measures can be taken when a chemical accident occurs;
3. Where he/she keeps or stores a hazardous chemical, he/she shall not keep or store it with other hazardous chemicals;
4. Where he/she loads a motor vehicle with hazardous chemicals or unloads hazardous chemicals from a motor vehicle, or moves hazardous chemicals to other hazardous chemical handling facility, he/she shall ensure that a hazardous chemical supervisor under Article 32 participates in such actions;
5. Any person who transports hazardous chemicals shall be a hazardous chemical supervisor under Article 32 or a person who has received safety education on hazardous chemicals under Article 33 (1);
6. Other matters prescribed by Ordinance of the Ministry of Environment because they are deemed necessary for the safety control of hazardous chemicals, which are corresponding to the provisions under subparagraphs 1 through 5.

Article 14 (Handlers' Wearing of Personal Protective Equipment)

(1) Where any person who handles hazardous chemicals falls under any of the following, he/she shall wear personal protective equipment suitable for handling hazardous chemicals:

1. Where he/she handles hazardous chemicals in gaseous form;
2. Where vapor is likely to be produced from hazardous chemicals in liquid form;
3. Where dust, particles, etc. are likely to remain in or be scattered from hazardous chemicals in solid form;
4. Other cases prescribed by Ordinance of the Ministry of Environment.

(2) Specific types of and standards for personal protective equipment under paragraph (1) shall be announced by the Minister of Environment according to the characteristics of the relevant hazardous chemicals.

Article 15 (Restrictions, etc. on Quantity of Hazardous Chemicals Displayed or Stored)

(1) Where a person who handles hazardous chemicals intends to display or store hazardous chemicals in excess of a certain quantity prescribed by Ordinance of the Ministry of Environment, he/she shall prepare a plan for display or storage and obtain confirmation from the Minister of Environment in advance.

(2) Notwithstanding the provisions of paragraph (1), where a person who handles hazardous chemicals fails to have a hazardous chemical keeping or storage facility, he/she shall not display or store hazardous chemicals.

(3) Where a person who transports hazardous chemicals intends to transport hazardous chemicals in excess of a certain quantity prescribed by Ordinance of the Ministry of Environment at a time, he/she shall prepare a transport plan including the transporter of the relevant hazardous chemical, timing for transporting, the course of transport, the route, etc. in advance and submit the plan to the Minister of Environment.

(4) Detailed matters necessary for methods of preparing a plan, notification of confirmation, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 16 (Labeling, etc. of Hazardous Chemicals)

(1) Any person who handles a hazardous chemical shall affix a label to the hazardous chemical including the following on the container or package of the relevant hazardous chemical: The foregoing shall also apply where he/she intends to sell a manufactured or imported hazardous chemical by dividing it in small quantities:

1. Name: Information on the name of the hazardous chemical or the name of a product;
2. Pictogram: A picture that depicts the details of toxicity;
3. Signal word: A word or phrase depicting danger or warning according to the degree of toxicity;
4. Word or phrase of toxicity or danger: A word or phrase informing toxicity;
5. Word or phrase of preventive measures: A word or phrase depicting measures to be taken to prevent or minimize toxicity due to inappropriate storage or handling;
6. Supplier information: Information on the name, telephone number, domicile, etc. of a manufacturer or supplier (in cases of a corporation, referring to its name);
7. Globally Harmonized System of Classification and Labeling of Chemicals created by the United Nations: Chemical substance classification numbers designated by the United Nations for the international protection of transport of hazardous chemicals and products.

(2) Any person who handles a hazardous chemical shall affix a label to the hazardous chemical under paragraph (1) in a facility and a site where he/she handles the hazardous chemical, a place where he/she keeps, stores, or displays the hazardous chemical, and motor vehicles transporting the hazardous chemical.

(3) Where the Minister of Environment deems it necessary for the safety control of chemicals other than hazardous chemicals, he/she may recommend a person who handles such chemicals to affix an appropriate label to each chemical.

(4) Matters necessary for chemicals subject to labeling of hazardous chemicals, methods of labeling, etc. shall be prescribed by Ordinance of the Ministry of Environment.

Article 17 (Suspension, etc. of Manufacture, Importation, etc. of Hazardous Chemicals)

(1) Where the Minister of Environment deems that serious harm occurs or is likely to occur to human health or the environment due to a hazardous chemical, he/she may order the suspension of the manufacture, importation, sale, keeping, storage, transportation, or use of the hazardous chemical.

(2) Where the Minister of Environment orders the suspension of the manufacture, importation, etc. of a hazardous chemical pursuant to paragraph (1), he/she shall hear opinions of interested parties.

(3) Where a business operator suspends the manufacture, importation, etc. pursuant to paragraphs (1) and (2), the Minister of Environment shall notify the heads of relevant administrative agencies of the suspension thereof and announce the suspension thereof to the public.

(4) Where a business operator has an objection to a suspension order under paragraph (1), he/she may request the Minister of Environment to fully or partially cancel the relevant suspension, as prescribed by Presidential Decree.

(5) Where the Minister of Environment deems that a hazardous chemical whose manufacture, importation, etc. was suspended pursuant to paragraph (1) is unlikely to cause harm to human health or the environment, he/she shall immediately fully or partially cancel the relevant suspension.

Article 18 (Prohibition against Handling of Prohibited Substances)

(1) No person shall handle prohibited substances: Provided, That the foregoing shall not apply where a person who intends to manufacture, import, or sell a reagent for use in experiments, research or testing falling under prohibited substances for such purposes obtains permission from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(2) Where a person who has obtained permission to handle prohibited substances pursuant to the proviso to paragraph (1) intends to change matters prescribed by Ordinance of the Ministry of Environment among permitted matters, he/she shall obtain permission to make any changes or make a report of any changes made, as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment grants permission pursuant to the proviso to paragraph (1), he/she may attach conditions necessary for the appropriate control of the relevant prohibited substances thereto, such as submission of a plan for preventive measures against chemical accidents.

Article 19 (Permission to Manufacture, Import, or Use Substances Requiring Permission, etc.)

(1) Any person who intends to manufacture, import or use a substance requiring permission shall obtain permission from the Minister of Environment in advance by submitting the following data: Provided, That the foregoing shall not apply to a grace period for permission under Article 25 of the Act on Registration, Evaluation, etc. of Chemicals:

1. Name, location, and representative of a person who intends to manufacture, import or use the substance requiring permission;
2. Information to identify the substance, such as the name, molecular formula and structural formula of the substance;
3. Purposes of the substance;
4. Harmfulness of the substance;
5. Analysis of an alternative of the substance requiring permission and the practicability thereof;
6. Plan for replacement of the substance requiring permission.

(2) Paragraph (1) shall not apply to any of the following chemicals:

1. Imported chemicals contained in machinery;

2. Chemicals imported with machinery or equipment for starting and testing;
3. Chemicals which are contained in a product that exerts specific functions in a specific solid form, which do not flow out in the process of using the product;
4. Chemicals manufactured or imported for survey or research purposes, or other chemicals prescribed by Presidential Decree.

(3) Any person who intends to obtain permission pursuant to paragraph (1) shall apply for permission, as prescribed by Ordinance of the Ministry of Environment: Provided, That any person who intends to manufacture, import, or use the same substance requiring permission may apply for permission in common, only when the purposes of the substance requiring permission are same.

(4) The Minister of Environment shall review data submitted pursuant to paragraph (1) within a period prescribed by Ordinance of the Ministry of Environment from the date he/she receives an application for permission pursuant to paragraph (3), determine whether to grant permission in cases where data meets the following requirements, and notify an applicant of his/her determination:

1. Where hazards to human health and the environment may be appropriately controlled;
2. Where socioeconomic benefits obtained from the use of a substance requiring permission exceed hazards to human health and the environment;
3. Where no appropriate substance or technology that replaces a substance requiring permission exists.

(5) Where the Minister of Environment notifies permission pursuant to paragraph (4), he/she shall impose conditions, such as the permission number, purposes of a substance requiring permission, and the limited period for manufacturing, importing, or using the substance requiring permission.

(6) Any person who was granted a limited period for manufacturing, importing, or using a substance requiring permission under paragraph (5) shall obtain renewed permission within such period, as prescribed by Ordinance of the Ministry of Environment. In such cases, paragraphs (4) and (5) shall apply mutatis mutandis to determination on whether to grant permission, notification, etc.

(7) Where a person who has obtained permission falls under any of the following, the Minister of Environment may revoke his/her permission: Provided, That where the person falls under subparagraph 1, he/she shall revoke his/her permission:

1. Where the person has obtained permission under paragraph (1) deceptively or fraudulently;
2. Where the person who has obtained permission fails to observe conditions under paragraph (5).

(8) Matters necessary for the details of data under paragraph (1), determination on whether to grant permission and notification under paragraph (4) shall be prescribed by Ordinance of the Ministry of Environment.

Article 20 (Permission to Import Restricted Substances and Declaration for Import of Toxic Substances)

(1) Any person who intends to import a restricted substance shall obtain permission from the Minister of Environment, only when the purposes of the relevant restricted substance are clear and appropriate control is possible, as prescribed by Ordinance of the Ministry of Environment.

(2) Any person who intends to import a toxic substance shall report the kind and purposes of the toxic substance to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(3) Notwithstanding the provisions of paragraphs (1) and (2), the foregoing paragraphs shall not apply to cases prescribed by Presidential Decree, such as cases where a person intends to import a reagent for use in experiments, research or testing for such purposes.

(4) Where a person makes any changes in matters for which he/she has obtained permission pursuant to paragraph (1) or which he/she has reported pursuant to paragraph (2), he/she shall obtain permission to make any changes or report any changes made, as prescribed by Ordinance of the Ministry of Environment.

Article 21 (Approval for Export of Restricted Substances or Prohibited Substances, etc.)

(1) Any person who intends to export a restricted substance (limited to purposes for which handling is restricted) or prohibited substance, he/she shall prepare data concerning information which should be included in a notification of export under paragraph (2) 4 and obtain approval from the Minister of Environment every year, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply where any important matters prescribed by Ordinance of the Ministry of Environment are altered.

(2) The Minister of Environment shall announce the following matters in consultation with the Minister of Trade, Industry and Energy:

1. Names of chemicals, the importation of which is prohibited or restricted by parties to the agreement pursuant to Article 5 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter in this paragraph referred to as the "Rotterdam Convention") and the details of prohibition or restrictions;
2. Matters to be observed by those who export chemicals pursuant to Article 13 of the Rotterdam Convention;
3. Chemicals provided for in Annex III to the Rotterdam Convention;
4. Information that should be included in a notification of export provided for in Annex V to the Rotterdam Convention.

(3) Any person who intends to export chemicals under paragraph (2) 1 and 3 shall observe matters that should be observed under paragraph (2) 2.

Article 22 (Prohibition against Inhalation, etc. of Hallucinogenic Substances)

(1) No person shall ingest or inhale substances prescribed by Presidential Decree (hereinafter referred to as "hallucinogenic substances"), which are chemicals that cause stimulant effects, hallucinations or narcotism, or possess hallucinogenic substances for the purpose of ingestion or inhalation.

(2) No person shall sell or provide hallucinogenic substances to those who intend to ingest or inhale hallucinogenic substances even though he/she is aware of the fact.

Article 23 (Preparation and Submission of Evaluation of Impact on Outside of Place of Business Where Chemical Accident Occurs)

(1) Any person who intends to install and operate a hazardous chemical handling facility shall prepare in advance an evaluation of the effect of a chemical accident caused by hazardous substances on the outside of the place of business (hereinafter referred to as "evaluation of the impact on the outside of the place of business") which evaluates the impact of the occurrence of a chemical accident on people, the environment, etc. in the area around the place of business and submit it to the Minister of Environment.

(2) The Minister of Environment shall review an evaluation of the impact on the outside of the place of business submitted pursuant to paragraph (1) concerning the following matters and notify a person who submitted it of the degree of hazard to a hazardous chemical handling facility and whether the facility is adequate:

1. Whether the installation and operation of the hazardous chemical handling facility have an impact on human health or the neighboring environment;

2. Where hazardous chemicals flow out or leak into the area around the place of business due to the occurrence of a chemical accident, the degree of impact on human health or the neighboring environment;

3. Whether the location, etc. of a hazardous chemical handling facility is contrary to other Acts.

(3) Where supplements or adjustments are required as a result of the review of an evaluation of the impact on the outside of the place of business pursuant to paragraph (2), the Minister of Environment may request a person who has submitted an evaluation of the impact on the outside of the place of business to provide supplements or make adjustments. In such cases, a person requested to provide supplements or make adjustments shall comply with such request, except in special circumstances.

(4) Any person may require a specialized institution prescribed by Ordinance of the Ministry of Environment to prepare an evaluation of the impact on the outside of the place of business.

(5) Matters necessary for the details of an evaluation of the impact on the outside of the place of business to be prepared, methods of preparing and submitting such evaluation, etc. shall be prescribed by Ordinance of the Ministry of Environment.

Article 24 (Criteria, etc. for Disposition, Installation and Management of Handling Facilities)

(1) A hazardous chemical handling facility shall be installed and operated in accordance with criteria, etc. for disposition, installation and management prescribed by Ordinance of the Ministry of Environment.

(2) Any person who completes installation of a hazardous chemical handling facility shall undergo inspection by an inspection agency prescribed by Ordinance of the Ministry of Environment and submit the results thereof to the Minister of Environment.

(3) Any person who installs and operates hazardous chemical handling facilities shall have each handling facility undergo regular inspections or occasional inspections by an inspection agency under paragraph (2) in each period prescribed by Ordinance of the Ministry of Environment and submit the results thereof to the Minister of Environment: Provided, That any person who conducts safety diagnosis and submits a safety diagnosis report pursuant to paragraph (4) shall be exempted from a regular inspection for a period prescribed by Ordinance of the Ministry of Environment.

(4) Where a person who has completed the installation of a hazardous chemical handling facility or who installs and operates a hazardous chemical handling facility falls under any of the following, he/she shall undergo safety diagnosis by an inspection agency under paragraph (2) and submit a safety diagnosis report for the verification of the safety conditions of the hazardous chemical handling facility to the Minister of Environment:

1. Where harm to safety is deemed to be likely to occur due to subsidence, cracks, corrosion, etc. of the structure or equipment of the hazardous chemical handling facility following inspection under paragraph (2) or (3);

2. Where the period prescribed by Ordinance of the Ministry of Environment for each facility has expired after hazardous chemical handling facilities were installed.

(5) No hazardous chemical handling facility judged inappropriate as a result of inspection under paragraphs (2) and (3) or safety diagnosis under paragraph (4) shall be used: Provided, That the foregoing shall not apply where such facility is used for inspection or safety diagnosis.

(6) Matters necessary for procedures and standards for inspection and standards for management of inspection agencies under paragraphs (2) and (3), and detailed methods, etc. of safety diagnosis under paragraph (4) shall be prescribed by Ordinance of the Ministry of Environment.

Article 25 (Orders to Improve Handling Facilities)

(1) Where a hazardous chemical handling facility falls under any of the following, the Minister of Environment may order a person who installs and operates the relevant facility to improve the facility within a fixed period, as prescribed by Ordinance of the Ministry of Environment:

1. Where standards for the disposition, installation and management of the hazardous chemicals fail to meet any of the standards under Article 24 (1);

2. Where the facility that handles hazardous chemicals is judged inappropriate as a result of an inspection under Article 24 (2) and (3) or safety diagnosis under paragraph (4) of the aforesaid Article.

(2) Where a person who is ordered to improve a hazardous chemical handling facility under paragraph (1) fails to make improvements within the period, or the Minister of Environment deems that it is impossible for him/her to make improvements, he/she may order the person to stop the operation of the relevant facility.

Article 26 (Self-Inspection of Handling Facilities, etc.)

(1) Any person who installs and operates a hazardous chemical handling facility (including a person who has stopped the operation of the facility or is subject to suspension of business) shall conduct regular inspections of the relevant hazardous chemical handling facility, equipment, etc. at least weekly, and record and keep the results thereof for five years, as prescribed by Ordinance of the Ministry of Environment.

(2) Details of an inspection under paragraph (1) shall be as follows:

1. Whether a hazardous chemical flows out or leaks out due to corrosion, etc. of relevant equipment, such as transport pipelines, joints, and valves;

2. Whether a hazardous chemical in solid form is stored in sealed containers;
3. Whether a hazardous chemical in liquid or gaseous form is stored completely sealed;
4. Whether any hazardous chemical storage container is damaged, corroded or cracked;
5. Whether hazardous chemical transportation equipment, such as a tank lorry or trailer, is corroded, damaged or deteriorated;
6. Whether the safety of the hazardous chemical handling facility, equipment, etc. prescribed by Ordinance of the Ministry of Environment is maintained.

Article 27 (Classification of Hazardous Chemical Business)

Hazardous chemical business shall be classified as follows:

1. Hazardous chemical manufacturing business: Business of manufacturing substances excluding substances requiring permission and prohibited substances among hazardous chemicals;
2. Hazardous chemical sales business: Business of selling substances excluding substances requiring permission and prohibited substances among hazardous chemicals;
3. Hazardous chemical keeping or storage business: Business of keeping or storing substances excluding substances requiring permission and prohibited substances among hazardous chemicals in a certain facility for the purposes of manufacturing, use, sale, and transport;
4. Hazardous chemical transport business: Business of transporting (excluding transport by air, ship, or train) substances excluding substances requiring permission and prohibited substances among hazardous chemicals;
5. Hazardous chemical using business: Business of manufacturing products using substances excluding substances requiring permission and prohibited substances among hazardous chemicals, or using such substances in the course of engaging in work, such as washing or painting.

Article 28 (Permission to Conduct Hazardous Chemical Business)

(1) Any person who intends to conduct hazardous chemical business shall submit the following documents in advance, as prescribed by Ordinance of the Ministry of Environment:

1. An evaluation of the impact of the installation and operation of a hazardous chemical handling facility on the outside of the place of business of which he/she is notified of the appropriateness pursuant to Article 23 (2);
2. An inspection report which judged a hazardous chemical handling facility appropriate pursuant to Article 24 (5);
3. Where he/she handles substances requiring preparation for accidents, a hazard control program of which he/she is notified of the appropriateness pursuant to Article 41 (3).

(2) Any person who has submitted documents under paragraph (1) shall obtain permission from the Minister of Environment for each type of business after having each hazardous chemical handling facility, equipment and technical human resources meeting standards prescribed by Ordinance of the Ministry of Environment.

(3) Any person who has submitted documents pursuant to paragraph (1) shall obtain permission from the Minister of Environment within a period prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment may attach conditions necessary for the appropriate management of the handling of the relevant hazardous chemicals.

(4) Where any person who intends to conduct hazardous chemical business files an application for permission after having submitted documents under paragraph (1) and meeting requirements for handling facilities, equipment, technical human resources, etc. under paragraph (2), the Minister of Environment shall immediately grant permission: Provided, That the foregoing shall not apply where any changes are made in important matters prescribed by Ordinance of the Ministry of Environment.

(5) Where any person who has obtained permission to conduct hazardous chemical business under paragraph (4) intends to make any changes in important matters prescribed by Ordinance of the Ministry of Environment among permitted matters, he/she shall obtain permission to make any changes, and where he/she intends to make any changes in other matters, he/she shall report any changes to be made. In such cases, procedures for permission to make any changes or reporting any changes to be made shall be prescribed by Ordinance of the Ministry of Environment.

(6) Where the Minister of Environment grants permission under paragraph (3) or permission to make any changes or receives a report of any changes to be made under paragraph (5), he/she shall advise the head of the fire station having jurisdiction over the location of a hazardous chemical handling facility of such matters, as prescribed by Ordinance of the Ministry of Environment.

(7) The Minister of Environment shall provide the present status of the installation of hazardous chemical handling facilities to agencies that respond to chemical accidents, such as the Fire Administration and local governments, as prescribed by Ordinance of the Ministry of Environment.

Article 29 (Exemption from Permission to Conduct Hazardous Chemical Business)

Notwithstanding the provisions of Article 28, Article 28 shall not apply to any of the following persons:

1. A person who conducts the business of selling, keeping, storing, transporting or using hazardous chemicals contained in machinery or equipment;
2. A person who conducts the business of selling, keeping, storing, transporting or using reagents for use in experiments, research or testing which fall under hazardous chemicals for such purposes;
3. A person who unloads or transports hazardous chemicals in a certain area, such as within the port or railroad yard;
4. A person prescribed by Ordinance of the Ministry of Environment because the Minister of Environment deems that he/she need not obtain permission to conduct hazardous chemical business as he/she corresponds to the provisions under subparagraphs 1 through 3.

Article 30 (Grounds for Disqualification of Hazardous Chemical Business Operators)

None of the following persons shall conduct hazardous chemical business:

Provided, That in cases of a person who falls under subparagraph 4, he/she

shall not conduct hazardous chemical business limited to relevant hazardous chemical business cancelled:

1. An adult or incompetent placed under the protection of a legal guardian;
2. A person who was declared bankrupt and has not been reinstated;
3. A person in whose case two years have not passed since he/she was sentenced to imprisonment or heavier punishment for violating this Act and the execution thereof was completed (including cases where the execution is deemed completed) or the stay of execution was decided;
4. A person in whose case two years have not passed from the date permission was revoked pursuant to Article 35;
5. A corporation in whose case a person who falls under any of subparagraphs 1 through 3 exists among its executives.

Article 31 (Reporting, etc. on Awarding of Contracts for Handling Hazardous Chemicals)

(1) Where any person who conducts hazardous chemical business under Article 27 (hereinafter referred to as "hazardous chemical business operator") awards a contract (including a subcontract; hereinafter the same shall apply) for the handling of the relevant hazardous chemicals, he/she shall report matters concerning the name of the relevant contractor (including a subcontractor; hereinafter the same shall apply), grounds for awarding a contract, a plan for awarding a contract, a plan for safety control of chemical accidents, etc., as prescribed by Ordinance of the Ministry of Environment.

(2) Where a contractor who has been awarded a contract for the handling of hazardous chemicals pursuant to paragraph (1) violates this Act in relation to the terms of an award, his/her violation of this Act shall also have an effect on a person who has awarded a contract: Provided, That the foregoing shall not apply where Chapter VII Penal Provisions (Articles 57 through 64) are applied.

(3) A person who awards a contract shall award a contract for the handling of the relevant hazardous chemicals only to a person who has ability and meets standards prescribed by Ordinance of the Ministry of Environment.

(4) Where a person who awards a contract has awarded a contract for the handling of hazardous chemicals, he/she shall be obliged to control and oversee the relevant contractor, and shall not require the contractor to comply with matters prescribed by Ordinance of the Ministry of Environment, such as the unreasonable operation of a handling facility.

Article 32 (Hazardous Chemical Supervisors)

(1) Any hazardous chemical business operator shall appoint a hazardous chemical supervisor in accordance with standards prescribed by Ordinance of the Ministry of Environment, such as the quantity of hazardous chemicals handled by the relevant business operator and the number of his/her employees, before the commencement of his/her business in order to require the hazardous chemical supervisor to perform duties concerning ensuring the safety of hazardous chemical handling facilities and the prevention of hazards caused by hazardous chemicals.

(2) Where a hazardous chemicals business operator entrusts a person specialized in the management of hazardous chemical handling facilities with the management thereof, the person entrusted with the management of hazardous chemical handling facilities (hereinafter referred to as "trustee") shall appoint a hazardous chemical supervisor under paragraph (1).

(3) Any person who has appointed a hazardous chemical supervisor pursuant to paragraph (1) or (2) shall immediately report the appointment, dismissal or retirement of the hazardous chemical supervisor where he/she appoints or dismisses the hazardous chemical supervisor or the hazardous chemical supervisor retires, and appoint a new hazardous chemical supervisor within 30 days from the date of his/her dismissal or retirement: Provided, That where he/she is unable to appoint a new hazardous chemical supervisor within such period, he/she can extend the period with approval from the Minister of Environment.

(4) Where a hazardous chemical supervisor cannot temporarily perform any of his/her duties due to his/her travel or illness, or other reasons, any person who has appointed the hazardous chemical supervisor pursuant to paragraph (1) or (2) shall designate his/her deputy and require his/her deputy to perform his/her duties on his/her behalf.

(5) A hazardous chemical supervisor shall provide information on the safety management of hazardous chemicals to persons engaged in the relevant hazardous chemical handling facilities, and direct and supervise a trustee and persons engaged in the hazardous chemical handling facilities lest they should violate this Act or any order under this Act.

(6) A hazardous chemical business operator, a trustee and his/her employees shall respect the opinion of a hazardous chemical supervisor on the safety and comply with his/her recommendation.

(7) Types, qualification, the number, the scope of duties of hazardous chemical supervisors, the period of acting as a deputy for hazardous chemical supervisor, and other necessary matters shall be prescribed by Presidential Decree.

Article 33 (Safety Education on Hazardous Chemicals)

(1) Technical human resources of facilities that handle hazardous chemicals under Article 28 (2), hazardous chemical supervisors under Article 32 and other persons in charge of the handling of hazardous chemicals prescribed by Presidential Decree shall undergo safety education on hazardous chemicals (hereinafter referred to as "safety education on hazardous chemicals") conducted by an educational institution prescribed by Ordinance of the Ministry of Environment.

(2) Where a hazardous chemicals business operator has employed persons who should undergo safety education on hazardous chemicals, he/she shall require the relevant persons to receive safety education on hazardous chemicals. In such cases, he/she shall bear expenses incurred in conducting such safety education.

(3) Each hazardous chemicals business operator shall conduct safety education on hazardous chemicals for all employees of the relevant place of business on a regular basis, as prescribed by Ordinance of the Ministry of Environment.

Article 34 (Suspension of Handling of Hazardous Chemicals, Suspension of Business, Closure of Business, etc.)

(1) Where a hazardous chemical business operator suspends the handling of hazardous chemicals in his/her place of business or alters handling methods, as prescribed by Ordinance of the Ministry of Environment, he/she shall take measures in advance, as prescribed by Ordinance of the Ministry of Environment: Provided, That in cases of the closure of business, he/she shall dispose of hazardous chemicals which remain in his/her place of business in advance.

(2) Where a hazardous chemical business operator intends to close or suspend his/her business, he/she shall make the disposition under paragraph (1) and report to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment deems that hazardous chemicals are likely to harm human health or the environment as a result of his/her review of the details of a report of the closure of business or the suspension of business under paragraph (2), he/she may order the relevant hazardous chemical business operator to take measures necessary to prevent hazards caused by the relevant hazardous chemicals before the closure of business or the suspension of business.

Article 35 (Revocation, etc. of Permission to Conduct Hazardous Chemical Business)

(1) Where a hazardous chemical business operator falls under any of the following, the Minister of Environment shall revoke his/her permission:

1. Where he/she handles prohibited substances, in violation of Article 18;
2. Where he/she is deemed to be unable to continue his/her business because approval, permission, etc. related to hazardous chemicals business under the subparagraphs of Article 27 was revoked pursuant to other Acts and subordinate statutes;
3. Where he/she has obtained permission to conduct business under Article 28 deceptively or fraudulently;
4. Where a person who has obtained permission to conduct hazardous chemicals business fails to observe necessary conditions under the latter part of Article 28 (3);
5. Where he/she falls under any of the subparagraphs of Article 30: Provided, That where a person who falls under any of the provisions of subparagraphs 1 through 3 of Article 30 exists among executives of a corporation, the foregoing shall not apply where such executive is replaced by a newly appointed executive within six months;
6. Where he/she is ordered to suspend his/her business at least three times within two years.

(2) Where a hazardous chemicals business operator falls under any of the following, the Minister of Environment may revoke his/her permission to conduct business or order him/her to fully or partially suspend his/her business for a fixed period within six months:

1. Where he/she lends his/her name to a third person for such person to conduct the relevant business or use his/her license;

2. Where he/she fails to submit data necessary for statistical surveys of chemicals under Article 10 (4) or surveys of the volume of chemical discharges under Article 11 (2);
3. Where he/she fails to observe standards for handling hazardous chemicals, in violation of Article 13;
4. Where he/she fails to wear personal safety equipment, in violation of Article 14 (1);
5. Where he/she displays or keeps hazardous chemicals in excess of the volume of hazardous chemicals to be handled, in violation of Article 15 (1), or displays or keeps hazardous chemicals without having a keeping or storage facility, in violation of paragraph (2) of the aforesaid Article;
6. Where he/she transports hazardous chemicals without submitting a transport plan, in violation of Article 15 (3);
7. Where he/she fails to display a label concerning hazardous chemicals under Article 16 (1) and (2);
8. Where human health or the environment is harmed due to hazardous chemicals because he/she has violated an order to suspend the handling of hazardous chemicals under Article 17 (1);
9. Where he/she installs and operates a handling facility without undergoing an inspection of a hazardous chemical handling facility under Article 24 (3) or safety diagnosis of such handling facility under paragraph (4) of the aforesaid Article;
10. Where he/she installs and operates a handling facility without submitting a safety diagnosis report under Article 24 (4) or being determined appropriate pursuant to paragraph (5) of the aforesaid Article;
11. Where he/she fails to comply with an improvement order under Article 25;
12. Where he/she fails to inspect a handling facility, equipment, etc. or record or keep the result thereof for five years, in violation of Article 26 (1);
13. Where he/she conducts business beyond the classification of the category of business and the scope of business under Article 27;
14. Where he/she fails to commence business within two years after he/she obtains permission to conduct business under Article 28 (4) or suspends his/her business for at least two consecutive years without just cause;
15. Where he/she fails to obtain permission to make any changes under the former part of Article 28 (5);
16. Where he/she fails to report the awarding of a contract for the handling of hazardous chemicals, in violation of Article 31 (1);
17. Where he/she awards a contract to a person who lacks ability and fails to meet standards, in violation of Article 31 (3);
18. Where he/she requires the unreasonable operation, etc. of a handling facility, in violation of Article 31 (4);
19. Where he/she fails to appoint a hazardous chemical supervisor pursuant to Article 32 (1) and (2);
20. Where he/she fails to observe standards for control of substances requiring preparation for accidents, in violation of Article 40;
21. Where he/she fails to announce a hazard control program, in violation of Article 42,

22. Where he/she fails to take emergency measures in accordance with a hazard control program, in violation of Article 43 (1);
23. Where he/she fails to make an immediate report, in violation of Article 43 (2);
24. Where he/she fails to make a report under Article 49 (1) or makes a false report, and he/she fails to submit data or submits false data;
25. Where he/she fails to record or keep matters related to the handling of hazardous chemicals under Article 50 (1);
26. Where casualties occur because an accident takes place due to professional negligence or by gross negligence, or such accident damages property or the environment under standards prescribed by Ordinance of the Ministry of Environment.

(3) Matters necessary for criteria for administrative disposition under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment in consideration of the degree, etc. of the impact on human health or the environment.

Article 36 (Disposition of Penalty Surcharges Imposed in Lieu of Suspension of Business)

(1) Where the Minister of Environment should order a hazardous chemical business operator to suspend his/her business pursuant to Article 35 (2), he/she may impose a penalty surcharge not exceeding 5/100 of the sales of the relevant place of business in lieu of suspension of business, as prescribed by Presidential Decree: Provided, That in cases of an enterprise which has only one place of business, the amount of a penalty surcharge shall not exceed 25/1,000 of its sales.

(2) The Minister of Environment shall impose a penalty surcharge under paragraph (1) in accordance with criteria prescribed by Presidential Decree in consideration of the kind of offense, the scale of business, the number of offenses, etc., and may raise or reduce the penalty surcharge within half the amount thereof.

(3) Where any person who should pay a penalty surcharge under paragraph (1) fails to pay the penalty surcharge by a payment deadline, the Minister of Environment shall cancel the imposition of a penalty surcharge under paragraph (1) and order the suspension of business, or collect it in the same manner as national taxes are collected, as prescribed by Presidential Decree: Provided, That where he/she cannot order the suspension of business under Article 35 (2) due to the closure of business or the suspension of business under Article 34, he/she shall collect it in the same manner as national taxes are collected.

(4) Penalty surcharges imposed and collected by the Minister of Environment shall become revenues of the Special Account for Environment Improvement under the Framework Act on Environmental Policy.

Article 37 (Succession to Rights and Obligations)

(1) Where a hazardous chemical business operator dies, transfers his/her business or corporations are merged, his/her heir, transferee or a corporation surviving a merger or a corporation incorporated in the course of the merger shall succeed to the rights and obligations of the hazardous chemical business operator under permission. In such cases, where his/her heir falls under any of the provisions of subparagraphs 1 through 3 of Article 30, he/she may transfer his/her business to a third person within 90 days.

(2) Any person who has acquired a hazardous chemical handling facility in accordance with procedures falling under any of the following shall succeed to the position of a business operator of such facility. In such cases, permission for the former business operator to conduct business, registration of his/her business or a report made by him/her shall lose its effect:

1. Auction under the Civil Execution Act;
2. Realization under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property under the National Tax Collection Act, the Customs Act, or the Framework Act on Local taxes;
4. Other procedures corresponding to those under subparagraphs 1 through 3.

(3) Where a hazardous chemical business operator transfers his/her business or dies, or corporations are merged, a transferee, an heir, a corporation newly incorporated in the course of the merger or a corporation surviving the merger shall succeed to the effect of administrative disposition under Articles 35 and 36 on the former hazardous chemical business operator for one year from the date the period of such disposition expires, and where procedures for administrative disposition are being taken, procedures for administrative disposition may be taken continuously against the transferee, the heir or the corporation newly incorporated in the course of the merger or the corporation surviving the merger: Provided, That the foregoing shall not apply where the transferee, the heir or the corporation newly incorporated in the course of the merger or a corporation surviving the merger proves that he/she or it is not aware of the fact of such disposition or violation as at the time of acquisition by transfer or merger.

(4) Any person who succeeds to the rights and obligations of a hazardous chemical business operator pursuant to paragraph (1) shall report his/her succession to the Minister of Environment within 30 days from the date of the succession thereto, as prescribed by Ordinance of the Ministry of Environment.

Article 38 (Approval, etc. for Shared Utilization of Hazardous Chemical Supervisors and Handling Facilities)

(1) At least two hazardous chemical business operators whose places of business are established in the same site or building may jointly utilize a hazardous chemical handling facility or a hazardous chemical supervisor with approval from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. In such cases, each hazardous chemical business operator shall be deemed to have a hazardous chemical handling facility or a hazardous chemical supervisor.

(2) Where any hazardous chemical business operator intends to change important matters prescribed by Ordinance of the Ministry of Environment among the matters approved pursuant to paragraph (1), he/she shall report, as prescribed by Ordinance of the Ministry of Environment.

Article 39 (Designation of Substances Requiring Preparation for Accidents)

The Minister of Environment shall designate and announce substances requiring preparation for accidents, as prescribed by Presidential Decree, among any of the following chemicals, which are highly likely to cause a chemical accident or likely to cause severe damage if a chemical accident occurs:

1. Physically or chemically dangerous substances, such as inflammability, explosiveness, responsiveness, possibility of outflow, or leakage;
2. Substances, the acute toxicity of which is high in cases of oral administration, inhalation or exposure to skin;
3. Substances proven by international organizations, international conventions, etc. that they may cause harm human health or the environment;
4. Other substances, the special control of which is deemed necessary because they are highly likely to cause chemical accidents.

Article 40 (Standards for Control of Substances Requiring Preparation for Accidents)

Any person who handles substances requiring preparation for accidents shall observe standards for control of substances requiring preparation for accidents prescribed by Ordinance of the Ministry of Environment, such as the record of outsiders' access management: Provided, That the foregoing shall not apply where a facility that handles substances requiring preparation for accidents is a laboratory under subparagraph 2 of Article 2 of the Act on the Establishment of Safe Laboratory Environment.

Article 41 (Preparation and Submission of Hazard Control Program)

(1) Any person who handles substances requiring preparation for accidents in excess of the quantity prescribed by Ordinance of the Ministry of Environment shall prepare a hazard control program including the following every five years and submit it to the Minister of Environment:

1. List of and hazard information on substances requiring preparation for accidents he/she handles;
2. List of facilities that handle substances requiring preparation for accidents, and the present status of the possession of accident prevention facilities and equipment;
3. Matters concerning process safety information on facilities that handle substances requiring preparation for accidents, analytical data about dangers of process, procedures for operating process, and matters requiring attention;
4. Person in charge of the operation of facilities that handle substances requiring preparation for accidents and the present status of workers;
5. Plan for education, training and self-inspection in preparation for chemical accidents;
6. Emergency communication system and organization in charge of safety control, such as a person who has the authority to stop the operation, when a chemical accident occurs;
7. Outflow or leakage scenarios and plan for emergency measures when a chemical accident occurs;
8. Confirmation of residents, structures, crops, environmental media, etc. under the effect when a chemical accident occurs;
9. Plan for evacuation of residents (including persons engaged in the neighboring places of business) when a chemical accident occurs;
10. Action plan for the minimization or elimination of and recovery from damage caused by a chemical accident;

11. Other matters concerning the safety control of substances requiring preparation for accidents.
- (2) Among persons who should submit a hazard control program pursuant to paragraph (1), any person who intends to conduct hazardous chemical business under Article 27 shall submit a hazard control program in advance pursuant to Article 28 (1).
- (3) Where the Minister of Environment receives a hazard control program pursuant to paragraph (1), he/she shall review the hazard control program and notify a person who has submitted it as to whether it is appropriate.
- (4) Where it is necessary to revise or supplement a hazard control program as a result of review of the hazard control program pursuant to paragraph (3), the Minister of Environment may request a person who has submitted it to revise or supplement it. In such cases, a person requested shall submit a revised or supplemented hazard control program except in extenuating circumstances.
- (5) Specific matters, such as the details, methods of preparation and methods of submission of a hazard control program, shall be prescribed by Ordinance of the Ministry of Environment.

Article 42 (Notice of Hazard Control Program to Local Communities)

- (1) Any person who handles substances requiring preparation for accidents shall intelligibly give notice of the following information among the details of a hazard control program under Article 41 (1) to local residents around his/her place of business at least once a year. Where he/she has changed matters notified, he/she shall give notice of changed matters within one month from the date the reason for change occurs:
1. Toxicity information on and chemical accident risk of hazardous chemicals he/she handles;
 2. Range of the impact on air, water quality, groundwater, soil, the natural environment, etc. when a chemical accident occurs;
 3. Methods of transmitting early warning, and instructions for action, such as the evacuation of residents, when a chemical accident occurs.
- (2) Notice to local residents under paragraph (1) shall be given by at least one means among means, such as notice in writing, individual explanations, collective transmission.
- (3) Where local residents make a request, any person who handles substances requiring preparation for accidents shall individually notify the details under paragraph (1) in addition to notice under paragraph (2).
- (4) In addition to matters provided for in paragraphs (1) through (3), matters necessary for notice of a hazard control program shall be prescribed by Ordinance of the Ministry of Environment.

Article 43 (Reporting of Occurrence of Chemical Accidents, etc.)

- (1) Where a chemical accident occurs or is likely to occur, any person who handles the relevant chemical shall immediately take emergency measures necessary for hazard prevention in accordance with a hazard control program: Provided, That where significance or urgency of a chemical accident is acknowledged, he/she shall discontinue the operation of a handling facility.
- (2) Where a chemical accident occurs, any person who handles the relevant chemical shall immediately report the occurrence of such chemical accident to the competent local government, local environmental

agency, national police agency, fire agency or local employment and labor agency.

(3) The head of an agency in receipt of a report pursuant to paragraph (2) shall immediately notify the Minister of Environment of the cause, size, etc. of a chemical accident, as prescribed by Ordinance of the Ministry of Environment.

(4) Where a report under paragraph (2) is made or notification under paragraph (3) is given, a report or notification under Article 18 of the Framework Act on the Management of Disasters and Safety shall be deemed made or given, as relevant.

Article 44 (Response at Scene of Chemical Accidents)

(1) The Minister of Environment may send an official who controls the scene and coordinates affairs related thereto meeting requirements prescribed by Ordinance of the Ministry of Environment to the scene of a chemical accident for the prompt response to the chemical accident and the control over the situation, and the collection and notification of information on the chemical accident.

(2) Duties of an official who controls the scene and coordinates affairs related thereto shall be as follows:

1. Coordination and support in relation to response to the chemical accident;
2. Response to the chemical accident, investigation of the impact, measures necessary for mitigation of and recovery from damage;
3. Response to the chemical accident, maintenance of communication, and cooperation with agencies related to recovery;
4. Publicity and briefing to the people on the cause of the chemical accident, the scale of damage, measures taken, etc.;
5. Other measures necessary to put the chemical accident under control.

(3) The head of a local government having jurisdiction over the area where a chemical accident has occurred (including an emergency rescue agency and an emergency rescue support agency located in the relevant area) shall provide proactive cooperation to an official who controls the scene and coordinates affairs related thereto so that he/she may smoothly perform his/her duties at the scene of the chemical accident, and where the head of the local government determines and executes major issues, he/she shall consult with the official who controls the scene and coordinates affairs related thereto.

Article 45 (Investigation of Impacts of Chemical Accidents)

(1) Where necessary for discovering the cause of a chemical accident, minimizing, and recovering from damage to human health or the environment, the Minister of Environment may conduct an investigation of its impact (hereinafter referred to as "investigation of impact") on the following in consultation with the heads of relevant agencies:

1. The cause, scale and development of the chemical accident, and human and physical damage therefrom;
2. Properties, toxicity or hazards of a chemical that causes the chemical accident;
3. Impact on the health of residents in the neighborhood of the area where the chemical accident occurs, and the surrounding environment;

4. Exposure rate of a chemical that causes the chemical accident and the extent of pollution caused by such chemical;
 5. Transfer of a chemical that causes the chemical accident to air, water quality, soil, the natural environment, etc. and its residual form;
 6. Possibility that another chemical accident may occur;
 7. Other matters necessary for relief from damage caused by the chemical accident.
- (2) The Minister of Environment may organize and operate a chemical accident investigation squad headed by an officer who controls the scene and coordinates affairs related thereto under Article 44 in order to conduct an investigation into the impact, as prescribed by Presidential Decree.

Article 46 (Orders to Take Measures, etc.)

(1) The Minister of Environment may order a business operator who has caused the relevant chemical accident to take the following measures within a period prescribed by the Ordinance of the Ministry of Environment:

1. Mitigation of damage to human health or the surrounding environment caused by the chemical accident;
2. Restoration of the area polluted by a chemical.

(2) Any person ordered to take measures pursuant to paragraph (1) shall submit a compliance plan to the Minister of Environment and comply with an order to take measures under paragraph (1), as prescribed by Ordinance of the Ministry of Environment.

(3) When the Minister of Environment determines measures for mitigation under paragraph (1) 1, he/she may set the priorities in consideration of toxicity, hazards, exposure route, etc. of chemicals.

(4) Environmental standards provided for in the Clean Air Conservation Act, the Water Quality and Aquatic Ecosystem Conservation Act, and the Soil Environment Conservation Act shall apply to standards for recovery measures under paragraph (1) 2, and where no environmental standard exists, guidelines specially prescribed by the Minister of Environment shall apply to standards for recovery measures.

(5) Detailed matters necessary for measures for mitigation, recovery measures, and methods for preparing a compliance plan under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 47 (Designation of Areas Requiring Special Management of Chemical Accidents)

(1) In order to strengthen response to the occurrence of chemical accidents, the Minister of Environment may designate areas where chemical accidents are highly likely to occur, such as industrial complexes, as areas requiring special management of chemical accidents (hereinafter referred to as "area requiring special management"), as prescribed by Presidential Decree.

(2) Where the Minister of Environment intends to designate an area requiring special management, he/she shall consult with the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-governing City, the Governor of a Do, or the Governor of a Special Self-governing Province having jurisdiction over such area.

(3) The Minister of Environment may establish and operate an exclusive agency for ordinary management and supervision of places of business handling chemicals in the areas requiring special management, in response to chemical accidents, etc.

Article 48 (Establishment and Operation of Comprehensive Chemical Information System)

(1) The Minister of Environment shall establish and operate a comprehensive chemical information system in order to collect and supply information related to the safety control of chemicals, the history of the occurrence of chemical accidents, and preparation for and response to chemical accidents. <Amended by Act No. 13035, Jan. 20, 2015>

(2) The Minister of Environment shall provide information related to the safety control, etc. of chemicals secured through a comprehensive chemical information system under paragraph (1) to persons who handle chemicals, relevant agencies responding to chemical accidents or the people, as prescribed by Presidential Decree. <Amended by Act No. 13035, Jan. 20, 2015>

(3) Matters necessary for the establishment, operation, etc. of a comprehensive chemical information system under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 49 (Reporting, Inspection, etc.)

(1) The Minister of Environment may require any of the following persons to make a necessary report or submit data, or require relevant public officials to have access to the relevant workplace or facility to collect chemicals or inspect relevant documents, facilities, equipment, etc. In such cases, he/she may require relevant public officials to collect the minimum quantity of chemicals and samples necessary for testing without compensation:

1. A person required to verify chemicals pursuant to Article 9 (1);
2. A person required to obtain permission to manufacture, import or sell prohibited substances pursuant to the proviso to Article 18 (1);
3. A person required to obtain permission to manufacture, import or use substances requiring permission under Article 19;
4. A person required to obtain permission to import restricted substances pursuant to Article 20 (1);
5. A person required to make a declaration for import of toxic substances pursuant to Article 20 (2)
6. A person required to obtain approval for export of restricted or prohibited substances pursuant to Article 21 (1);
7. A person required to obtain permission to conduct hazardous chemical business pursuant to Article 28;
8. A person required to report the succession to the rights and obligations of a hazardous chemical business operator pursuant to Article 37 (4);
9. A person required to observe standards for management of substances requiring preparation for accidents pursuant to Article 40;
10. A person required to report a chemical accident pursuant to Article 43 (2);

11. A person who has been entrusted with duties by the Minister of Environment pursuant to Article 55 (2).

(2) Any public official who has access to a workplace or facility, or conducts an inspection pursuant to paragraph (1) shall carry a certificate indicating his/her authority and produce it to the relevant persons.

Article 50 (Recording and Preservation of Documents)

(1) Any of the following persons shall record and preserve matters related to the handling of the relevant chemicals for five years, as prescribed by Ordinance of the Ministry of Environment:

1. A person who has verified chemicals pursuant to Article 9 (1);
2. A person who has obtained permission to manufacture, import, or sell prohibited substances pursuant to the proviso to Article 18 (1);
3. A person who has obtained permission to manufacture, import or use substances requiring permission under Article 19;
4. A person who has obtained permission to import restricted substances pursuant to Article 20 (1) or a person who has made a declaration for import of toxic substances pursuant to paragraph (2) of the aforesaid Article;
5. A person who has obtained approval to export restricted substances or prohibited substances pursuant to Article 21 (1);
6. A person who has obtained permission to conduct hazardous chemical business pursuant to Article 28;
7. A person who handles substances requiring preparation for accidents pursuant to Article 40.

(2) In cases under paragraph (1), if digital input data exist, the relevant person may preserve digital input data in lieu of the relevant documents.

Article 51 (Hearings)

Where the Minister of Environment intends to revoke permission to conduct hazardous chemical business pursuant to Article 35, he/she shall hold hearings.

Article 52 (Data Protection)

(1) Where a person who has submitted data pursuant to this Act requests the Minister of Environment to protect data on the ingredients of chemicals, etc. for confidentiality, he/she shall not disclose such data during the period of data protection prescribed by Presidential Decree: Provided, That the foregoing shall not apply where data falls under any of the following:

1. Data requested to be protected has been disclosed in the Republic of Korea and abroad;
2. Data determined to be disclosed pursuant to Article 12 (1) and (2);
3. Other data prescribed by Presidential Decree.

(2) Where data requested to be protected pursuant to the main sentence of paragraph (1) falls under data ineligible for data protection under the proviso to the aforesaid paragraph, the Minister of Environment shall notify a person who has requested data protection of the fact.

(3) Other necessary matters, such as procedures for requesting data protection, shall be prescribed by Ordinance of the Ministry of Environment.

Article 53 (Association Relating to Control of Chemicals)

(1) Any person who conducts the business of manufacturing, importing, selling, keeping, storing, transporting, or using chemicals may establish an association relating to the control of chemicals (hereinafter referred to as the "Association") in order to promote the proper control of chemicals, technical development and sound business development.

(2) The Association shall be a corporation.

(3) The Association shall prepare and obtain approval for the articles of association from the Minister of Environment. The same shall apply to cases where it intends to amend the articles of association.

(4) Where the Minister of Environment deems that the operation of the Association breaches Acts and subordinate statutes or the articles of association, he/she may request the Association to rectify such.

(5) Where the Association falls under any of the following, the Minister of Environment may revoke his/her approval for the Association: Provided, That where the Association falls under subparagraph 1, he/she shall revoke his/her approval for the Association:

1. Where the Association has obtained approval for the establishment thereof deceptively or fraudulently;

2. Where it becomes impossible for the Association to achieve the objectives of the establishment thereof due to changed circumstances, such as amendments to Acts and subordinate statutes;

3. Where the Association fails to rectify breaches of Acts, etc. despite a request for correction under paragraph (4).

(6) Except as provided for in this Act, the provisions on incorporated associations of the Civil Act shall apply *mutatis mutandis* to the Association.

Article 54 (Fees)

Any person who intends to make a report, or obtain designation or confirmation, undergo review, obtain permission, etc. under any of the following shall pay fees prescribed by Ordinance of the Ministry of Environment:

1. Issuance of a certificate of confirmation of chemicals under Article 9 (3);

2. Permission to manufacture, import or sell prohibited substances under Article 18 and permission to make any change;

3. Permission to manufacture, import, or use substances requiring permission under Article 19 (1);

4. Permission to import restricted substances under Article 20 (1);

5. Reporting of the importation of toxic substances under Article 20 (2);

6. Permission to make any change in the importation of restricted substances, and reporting of any changes to be made in the importation of toxic substances under Article 20 (4);

7. Approval for exportation of restricted substances or prohibited substances, and approval for any change to be made in the exportation thereof under Article 21 (1);

8. Inspection of hazardous chemical handling facilities under Article 24 (3);
9. Safety diagnosis of hazardous chemical handling facilities under Article 24 (4);
10. Permission to conduct hazardous chemical business under Article 28;
11. Permission to make any change and reporting of any changes to be made in hazardous chemical business under Article 28 (5);
12. Reporting of the awarding of a contract for the handling of hazardous chemicals under Article 31 (1);
13. Reporting of the suspension or closure of hazardous chemical business under Article 34 (2).

Article 55 (Delegation or Entrustment of Authority)

- (1) The Minister of Environment may delegate part of his/her authority under this Act to the head of an agency under his/her jurisdiction, as prescribed by Presidential Decree.
- (2) The Minister of Environment may entrust part of his/her duties under this Act to the Korea Environmental Industry and Technology Institute under Article 5-2 of the Environmental Technology and Industry Support Act, the Korea Environment Corporation under the Korea Environment Corporation Act, or the Association, as prescribed by Presidential Decree.

Article 56 (Legal Fiction as Public Officials in Application of Penal Provisions)

Executives and employees of the Korea Environmental Industry and Technology Institute, Korea Environment Corporation or the Association who perform duties entrusted pursuant to Article 55 (2) shall be deemed public officials for the purposes of the provisions of Articles 129 through 132 of the Criminal Act.

Article 57 (Penal Provisions)

Any person who has caused a chemical accident due to professional negligence or by gross negligence, which causes human death or injury, shall be punished by imprisonment for not more than ten years or by a fine not exceeding 200 million won.

Article 58 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 100 million won:

1. Any person who fails to stop handling of hazardous chemicals, in violation of an order to stop handling of hazardous chemicals under Article 17 (1);
2. Any person who handles prohibited substances, in violation of the main sentence of Article 18 (1);
3. Any person who manufactures, imports or uses substances requiring permission without permission or after obtaining permission deceptively, in violation of Article 19;
4. Any person who conducts hazardous chemical business or handles hazardous chemicals without permission to conduct hazardous chemical business under Article 28 or after obtaining permission deceptively;
5. Any person who fails to dispose of remaining hazardous chemicals in the place of business, in violation of Article 34 (1);

6. Any person who fails to observe any of the standards for management of substances requiring preparation for accidents, in violation of Article 40;
7. Any person who fails to submit a hazard control program under Article 41 (1) or submits a false hazard control program;
8. Any person who fails to give notice of a hazard control program, in violation of Article 42;
9. Any person who fails to take emergency measures under a hazard control program, in violation of Article 43 (1);
10. Any person who fails to comply with an order to take measures for mitigation of damage, or measures for recovery from damage under Article 46 (1).

Article 59 (Penal Provisions)

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

1. Any person who fails to observe any of the standards for handling hazardous chemicals, in violation of Article 13;
2. Any person who fails to wear personal protection equipment, in violation of Article 14 (1);
3. Any person who displays or keeps hazardous chemicals in excess of the quantity of hazardous chemicals to be handled, in violation of Article 15 (1), or displays or keeps hazardous chemicals without having a keeping or storage facility, in violation of paragraph (2) of the aforesaid Article;
4. Any person who fails to affix a label concerning hazardous chemicals under Article 16 (1) and (2);
5. Any person who imports restricted substances without permission to import restricted substances under Article 20 (1) or after obtaining permission to import restricted substances deceptively;
6. Any person who ingests or inhales hallucinogenic substances, possesses them for such purposes, or sells or provides them to a person who intends to ingest or inhale them, with awareness of such fact, in violation of Article 22;
7. Any person who installs and operates a handling facility without submitting a safety diagnosis report under Article 24 (4), or after submitting a false safety diagnosis report;
8. Any person who installs and operates a handling facility without being determined appropriate pursuant to Article 24 (5);
9. Any person who fails to comply with an improvement order or an order to stop the operation under Article 25;
10. Any person who fails to inspect a handling facility, equipment, etc., or fails to record or keep the results thereof for five years, in violation of Article 26 (1);
11. Any person who fails to comply with an order to take measures before the suspension of business or the closure of business under Article 34 (3).

Article 60 (Penal Provisions)

Any person who fails to make an immediate report pursuant to Article 43 (2) shall be punished by imprisonment with prison labor for not more than two years or by a fine not exceeding 100 million won.

Article 61 (Penal Provisions)

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

1. Any person who fails to comply with any of the requirements for permission under Article 19 (5);
2. Any person who imports toxic substances without making a declaration for importation of toxic substances under Article 20 (2), or after making a false declaration for importation of toxic substances;
3. Any person who exports restricted substances without obtaining approval for export of restricted substances under the main sentence of Article 21 (1) or after obtaining permission deceptively;
4. Any person who conducts business without permission to make any changes in hazardous chemical business under the former part of Article 28 (5) or after obtaining permission to make any changes deceptively;
5. Any person who fails to submit a revised or supplemented hazard control program under Article 41 (4).

Article 62 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than six months or by a fine not exceeding five million won:

1. Any person who fails to obtain permission to manufacture, import or sell prohibited substances or obtains permission deceptively, in violation of the proviso to Article 18 (1);
2. Any person who imports prohibited substances without permission for modification under Article 18 (2) or after obtaining permission for modification;
3. Any person who exports restricted substances or prohibited substances under the latter part of Article 21 (1) without obtaining approval for modification on the export thereof or after obtaining approval for modification deceptively.

Article 63 (Joint Penal Provisions)

Where the representative of a corporation, or an agent, an employee or other worker of a corporation or individual commits an offense falling under any of Articles 57 through 62 relating to the business of such corporation or individual, not only shall the person who commits such offense be punished, but such corporation or individual also shall be punished by a fine under the relevant provision: Provided, That the foregoing shall not apply where the corporation or individual has not neglected to pay considerable attention to and exercise reasonable supervision over the relevant business to prevent the offense.

Article 64 (Fines for Negligence)

(1) Any of the following persons shall be punished by a fine for negligence not exceeding ten million won:

1. Any person who fails to submit the details of confirmation of chemicals or submits the details thereof deceptively, in violation of Article 9 (1);
2. Any person who fails to comply with an order to submit data necessary for statistical surveys of chemicals under Article 10 (4) or submits false data;

3. Any person who fails comply with an order to submit data necessary for surveys of the volume of chemical discharges under Article 11 (2) or submits false data;
4. Any person who sells or provides hallucinogenic substances, in violation of Article 22 (2);
5. Any person who conducts hazardous chemical business without making a report of any changes to be made in hazardous chemical business under the former part of Article 28 (5) or after making a false report of any changes to be made;
6. Any person who fails to report the awarding of a contract for the handling of hazardous chemicals, in violation of Article 31;
7. Any person who fails to report the appointment, dismissal or retirement of a hazardous chemical supervisor or any person who fails to designate a deputy performing his/her duties on his/her behalf, in violation of Article 32;
8. Any person who closes or suspends his/her business without making a report under Article 34 (2);
9. Any person who fails to report succession under Article 37 (4);
10. Any person who conducts hazardous chemical business without making a report under Article 38 (2) or after making a false report;
11. Any person who fails to make a report or submit data under Article 49 (1) or makes a false report or submits false data, or any person who refuses, interferes with, or evades a relevant public official's access to his/her place of business or facility, or inspection of his/her documents, facility, or equipment under Article 49 (1).

(2) Any of the following persons shall be punished by a fine for negligence not exceeding three million won:

1. Any hazardous chemical business operator who fails to require persons subject to safety education on hazardous chemicals to receive safety education on hazardous chemicals, in violation of Article 33 (2), or fails to conduct safety education on hazardous chemicals, in violation of paragraph (3) of the aforesaid Article;
 2. Any person who violates his/her obligations concerning the recording or preservation under Article 50 (1);
- (3) The Minister of Environment shall impose and collect fines for negligence under paragraphs (1) and (2), as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Permission to Import Restricted Substances)

Any person who has obtained permission to import substances the handling of which is restricted pursuant to the former Hazardous Chemicals Control Act before this Act enters into force, shall be deemed to have obtained permission to import restricted substances under this Act, as prescribed by

Ordinance of the Ministry of Environment.

Article 3 (Transitional Measures concerning Declaration for Import of Toxic Substances)

Any person who has declared the importation of toxic substances pursuant to the former Hazardous Chemicals Control Act before this Act enters into force shall be deemed to have declared the importation of toxic substances under this Act, as prescribed by Ordinance of the Ministry of Environment.

Article 4 (Transitional Measures concerning Approval for Exportation of Restricted Substances or Prohibited Substances)

Any person who has obtained approval for exportation of restricted substances or prohibited substances pursuant to the former Hazardous Chemicals Control Act before this Act enters into force shall be deemed to have obtained approval for exportation of restricted substances or prohibited substances under this Act, as prescribed by Ordinance of the Ministry of Environment.

Article 5 (Transitional Measures concerning Permission to Conduct Hazardous Chemicals Business)

(1) Any person who has obtained registration of toxic substances business or has obtained permission to conduct business dealing in substances, the handling of which is restricted or prohibited pursuant to the former Hazardous Chemicals Control Act before this Act enters into force shall be deemed to have obtained permission to conduct hazardous chemicals business under this Act: Provided, That he/she shall prepare and submit an evaluation of the impact on the outside of the place of business under the amended provisions of Article 23 to the Minister of Environment within a period prescribed by Ordinance of the Ministry of Environment.

(2) Where any person who has handled substances requiring preparation for accidents pursuant to the former Hazardous Chemicals Control Act before this Act enters into force should obtain permission to conduct business under this Act, he/she shall obtain permission to conduct hazardous chemicals business under the amended provisions of Article 28 within a period prescribed by Ordinance of the Ministry of Environment.

Article 6 (Transitional Measures concerning Reporting of Awarding of Contracts for Handling of Hazardous Chemicals)

Where any person has awarded a contract for the handling of hazardous chemicals before this Act enters into force, he/she shall report the awarding of a contract under the amended provision of Article 31 (1) within a period prescribed by Ordinance of the Ministry of Environment.

Article 7 (Transitional Measures concerning Reporting of Appointment of Hazardous Chemical Supervisors)

Any person who has appointed a toxic substance supervisor pursuant to the former Hazardous Chemicals Control Act before this Act enters into force shall report the appointment of a hazardous chemical supervisor under the amended provisions of Article 32 (3) within a period prescribed by Ordinance of the Ministry of Environment.

Article 8 (Transitional Measures concerning Preparation and Submission of Hazard Control Program)

Any person who has submitted a self-prevention plan pursuant to the former Hazardous Chemicals Control Act before this Act enters into force shall prepare and submit a hazard control program pursuant to the amended provisions of Article 41 (1) within a period prescribed by Ordinance of the Ministry of Environment.

Article 9 (Transitional Measures concerning Incompetents, etc.)

Any person whose declaration of incompetence or quasi-incompetence remains in effect pursuant to Article 2 of Addenda of the Civil Act partly amended by Act No. 10429 shall be deemed included in an adult placed under the protection of a legal guardian and a quasi-incompetent placed under the protection of a legal guardian under the amended provision of subparagraph 1 of Article 30.

Article 10 (Transitional Measures concerning Penal Provisions, etc.)

The relevant provisions of the former Hazardous Chemicals Control Act shall apply to penal provisions, administrative dispositions, penalty surcharges and fines for negligence against offences done before this Act enters into force.

Article 11 Omitted.

Article 12 (Relationship to other Acts and Subordinate Statutes)

Where the former Hazardous Chemicals Control Act or the provision thereof is cited by other Acts and subordinate statutes as at the time this Act enters into force, if a provision corresponding thereto exists in this Act, this Act or the relevant provision of this Act shall be deemed cited in lieu of the former provision.

ADDENDA <Act No. 12490, Mar. 18, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That Article 2 of Addenda shall enter into force on January 1, 2015.

Article 2 Omitted.

ADDENDUM <Act No. 13035, Jan. 20, 2015>

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