

ENFORCEMENT RULES OF THE MINING DAMAGE PREVENTION AND RESTORATION ACT

Ordinance Of the Ministry of Ministry of Trade, Industry and Energy No.
1, Mar. 3, 2008
Amended by Ordinance Of the Ministry of Ministry of Trade, Industry and
Energy No. 31, Sep. 30, 2008
Ordinance Of the Ministry of Ministry of Trade, Industry and Energy No.
181, Mar. 31, 2011
Ordinance Of the Ministry of Ministry of Trade, Industry and Energy No.
207, Oct. 19, 2011
Ordinance Of the Ministry of Ministry of Trade, Industry and Energy No.
229, Dec. 30, 2011

Article 1 (Purpose)

The purpose of these Rules is to prescribe matters delegated by the Mining Damage Prevention and Restoration Act and the Enforcement Decree of the same Act and necessary matters concerning the enforcement thereof.

Article 2 (Applications for Approval of Mining Damage Prevention Implementation Plans and Applications for Approval of Modifications)

(1) A person who intends to apply for approval of a mining damage prevention implementation plan (hereinafter referred to as "implementation plan") pursuant to Article 8 (3) of the Mining Damage Prevention and Restoration Act (hereinafter referred to as the "Act") shall submit an application for approval of a mining damage prevention implementation plan in Form 1 along with an implementation plan specifically stating the matters referred to in the subparagraphs of Article 5 of the Enforcement Decree of the Mining Damage Prevention and Restoration Act (hereinafter referred to as the "Decree") to the Minister of Knowledge Economy. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 1, Mar. 3, 2008>*

(2) A person who intends to apply for approval of a modification to an implementation plan pursuant to the main sentence of Article 8 (4) of the Act shall submit an application for approval of a modification to a mining damage prevention implementation plan in Form 1 along with documents proving the details of modifications to the Minister of Knowledge Economy. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 1, Mar. 3, 2008>*

Article 3 Deleted. *<by Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008>*

Article 4 (Areas of Expertise of Specialized Mining Damage Prevention)

"Activities determined by Ordinance of the Ministry of Knowledge Economy" in Article 12 (2) 2 (e) of the Act means the following activities: *<Amended by Ordinance of the Ministry of Knowledge Economy No. 1, Mar. 3, 2008>*

1. Land restoration projects (including the removal of abandoned facilities);
2. Projects for preventing tailings slippage (including the handling, etc. of slag, debris and leachate related to the same projects);
3. Projects for preventing dust clouds, metallurgical smoke, noise and vibration.

Article 5 (Applications, etc. for Registration of Specialized Mining Damage Prevention Business Operators)

(1) A person who intends to register as a specialized mining damage prevention business operator pursuant to Article 13 (1) of the Act shall submit an application for registration of specialized mining damage prevention business operator in Form 2 along with the following documents proving that he/she meets the standards for registration specified in attached Table 1 of the Decree to the Mining Reclamation Corporation (hereinafter referred to as the "Corporation") established under Article 31 of the Act: *<Amended by Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008; Ordinance of the Ministry of Knowledge Economy No. 229, Dec. 30, 2011>*

1. Documents stating the present status of the equipment held and the evidentiary documents thereof;
2. Documents proving the present status of the technical ability held and the qualifications thereof;
3. Documents proving capital:
 - (a) Where he/she is a corporation, a statement of financial position and comprehensive statement of profit and loss prepared based on the term for the settlement of accounts immediately preceding the date for submission;
 - (b) Where he/she is not a corporation, documents proving the establishment thereof and a detailed statement of the appraised value of business assets prepared based on the term for the settlement of accounts immediately preceding the date for submission and the evidentiary documents thereof.

(2) Upon receipt of an application under paragraph (1), the Corporation shall check the details of a corporate registration certificate where an applicant is a corporation, or the details of a business registration certificate where an applicant is an individual through the joint use of administrative information under Article 36 (1) of the Electronic Government Act: Provided, That where an applicant withholds his/her consent to check a business registration certificate, the Corporation shall require him/her to attach a copy of a business registration certificate. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 229, Dec. 30, 2011>*

(3) The documents under the subparagraphs of paragraph (1) shall not exceed the period of validity, and have been issued or prepared within one month from the date of submission. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 229, Dec. 30, 2011>*

(4) The register of specialized mining damage prevention business operators under Article 17 (3) of the Decree shall comply with Form 3, and a business registration certificate of specialized mining damage prevention business operator under Article 17 (3) of the Decree shall comply with Form 4. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 229, Dec. 30, 2011>*

Article 6 (Registration of Modifications to Specialized Mining Damage Prevention Business Operators)

(1) A person who intends to register any modifications to a specialized mining damage prevention business operator pursuant to the main sentence of Article 13 (2) of the Act shall submit, an application for registration of modifications to a specialized mining damage prevention business operator in Form 5 along with documents proving the details of modifications and a business registration certificate of a specialized mining damage prevention business operator, to the Corporation within 30 days from the date he/she makes such modifications. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008>*

(2) "Minor matter determined by Ordinance of the Ministry of Knowledge Economy" in the proviso to Article 13 (2) of the Act means the relocation of the main office. *<Amended by Ordinance of Ministry of Knowledge Economy No. 1, Mar. 3, 2008; Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008>*

(3) A report on modifications pursuant to the proviso to Article 13 (2) of the Act shall be filed to the Corporation along with a business registration certificate within 30 days from the date of modification. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008>*

(4) When the Corporation has received an application for registration of modifications to a specialized mining damage prevention business operator under paragraph (1) or a report on modifications under paragraph (3), it shall notify the Minister of Knowledge Economy of such fact. In such cases, the Minister of Knowledge Economy shall enter such modified matter in the register of specialized mining damage prevention business operators and in the business registration certificate of a specialized mining damage prevention business operator, and then reissue the business registration certificate of a specialized mining damage prevention business operator to an applicant under paragraph (1) or a person who has filed a report on modifications under paragraph (3). *<Amended by Ordinance of Ministry of Knowledge Economy No. 1, Mar. 3, 2008; Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008>*

Article 7 (Cancellation of Registration)

Where the Minister of Knowledge Economy cancels registration of a specialized mining damage prevention business operator pursuant to Article 15 (1) of the Act, he/she shall give written notice stating the details thereof and the grounds therefor to the relevant specialized mining damage prevention business operator of the cancellation of registration, and enter the details of such disposition in the register of specialized mining damage prevention business operators. *<Amended by Ordinance of Ministry of Knowledge Economy No. 1, Mar. 3, 2008>*

Article 8 (Period for Keeping Documents Related to Mining Damage Prevention)

The period for keeping documents related to mining damage prevention pursuant to Article 16 (3) of the Act shall be five years.

Article 9 (Emergency Mining Damage Prevention)

(1) A report referred to in Article 17 (1) of the Act shall be prepared using a written report on the occurrence of emergency mining damage in Form 6.

(2) A person who intends to obtain approval of an emergency mining damage prevention plan pursuant to Article 17 (2) of the Act shall submit an application for approval of an emergency mining damage prevention plan in Form 7 to the Minister of Knowledge Economy. *<Amended by Ordinance of Ministry of Knowledge Economy No. 1, Mar. 3, 2008>*

Article 10 (Notice of Payment of Charges, Notice of Additional Payment and Filing Objections)

(1) A notice of payment of charges under Article 24 (3) of the Act and a notice of additional payment of charges under Article 25 (1) of the Act shall be issued in Form 8, respectively.

(2) An objection under Article 25 (2) of the Decree shall be filed in Form 9.

Article 11 (Refund of Charges)

(1) A request for refund of charges under Article 29 (1) of the Decree shall be made in Form 10.

(2) The number of days applicable to cases where the Minister of Knowledge Economy calculates interest pursuant to the latter part of Article 29 (2) of the Decree shall be those from the day following the date charges are finally paid to the date charges are refunded.

Article 12 (Procedures, etc. for Inspection of Mining Damage Prevention Facilities)

(1) A person responsible for preventing mining damage or a mining damage prevention business operator (hereafter in this Article referred to as "person, etc. responsible for preventing mining damage") may undergo a preliminary inspection conducted by the Corporation for mining damage prevention facilities one month prior to the completion of works for installing or changing mining damage prevention facilities (hereinafter referred to as "mining damage prevention facilities") falling under any of the subparagraphs of Article 32 of the Decree. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008>*

(2) When a person, etc. responsible for preventing mining damage has completed works for installing or changing mining damage prevention facilities pursuant to Article 28 of the Act, he/she shall submit an application for inspection of mining damage prevention facilities in Form 11 to the Corporation or the Korea Institute of Geoscience and Mineral Resources (hereinafter referred to as the "Korea Institute of Geoscience and Mineral Resources") established pursuant to Article 8 of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutions. In such cases, when such mining damage prevention facilities have passed an inspection, the Corporation or the Korea Institute of Geoscience and Mineral Resources shall issue an inspection certificate in Form 12 to a person, etc. responsible for preventing mining damage. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008>*

Article 13 (Fees)

(1) An investigation institution and inspection institution (hereinafter referred to as "investigation institution, etc.") under Article 37 of the Decree shall determine fees (hereinafter referred to as "fees") under Article 44 of the Act in the amount calculated in consideration of expenses incurred in verification of mining damage, investigations to determine the scope of compensation for loss due to mining damage, a site investigation for mining damage prevention, inspections of mining damage prevention facilities, ascertaining whether mining damage prevention facilities operate normally, and survey of the pollution level, etc. with approval from the Minister of Knowledge Economy. *<Amended by Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008; Ordinance of the Ministry of Knowledge Economy No. 181, Mar. 31, 2011>*

(2) Where an investigation institution, etc. intend to determines fees pursuant to paragraph (1), it shall post the details thereof on its Internet homepage for 30 days to gather opinions of related parties: Provided, That such details may be posed for ten days with explanation of the reasons therefor, if deemed urgent. *<Newly Inserted by Ordinance of the Ministry of Knowledge Economy No. 181, Mar. 31, 2011>*

(3) When an investigation institution, etc. has determined the amount of fees pursuant to paragraph (1), it shall notify the determined amount of fees on its Internet homepage. *<Newly Inserted by Ordinance of the Ministry of Knowledge Economy No. 181, Mar. 31, 2011>*

Article 14 Deleted. *<by Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008>*

ADDENDA

Article 1 (Enforcement Date)

These Rules shall enter into force on the date of their promulgation.

Article 2 (Amendments of other Acts and Subordinate Statutes) Omitted.

ADDENDA *<Ordinance of the Ministry of Knowledge Economy No. 1, Mar. 3, 2008>*

Article 1 (Enforcement Date)

These Rules shall enter into force on the date of their promulgation.

Articles 2 through 5 Omitted.

ADDENDA *<Ordinance of the Ministry of Knowledge Economy No. 31, Sep. 30, 2008>*

Article 1 (Enforcement Date)

These Rules shall enter into force on the date of their promulgation.

Article 2 (Amendments of other Acts) Omitted.

ADDENDUM *<Ordinance of the Ministry of Knowledge Economy No. 181, Mar. 31, 2011>*

These Rules shall enter into force on the date of their promulgation.

ADDENDA <Ordinance of the Ministry of Knowledge Economy No. 207, Oct. 19, 2011>

Article 1 (Enforcement Date)

These Rules shall enter into force on the date of their promulgation.

Article 2 (Transitional Measures concerning Amendments to Forms)

Forms under the former provisions as at the time these Rules enter into force shall be used continuously; however, the provisions amended by these Rules shall be used after amendments.

ADDENDUM <Ordinance of the Ministry of Knowledge Economy No. 229, Dec. 30, 2011>

These Rules shall enter into force on January 30, 2012.

