

ENFORCEMENT DECREE OF THE CHEMICALS CONTROL ACT

Presidential Decree No. 25836, Dec. 9, 2014

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated from the Chemicals Control Act and matters necessary for the enforcement thereof.

Article 2 (Criteria for Designation of Toxic Substances)

"Criteria prescribed by Presidential Decree" in subparagraph 2 of Article 2 of the Chemicals Control Act (hereinafter referred to as the "Act") means criteria stated in Table 3 attached to the Enforcement Decree of the Act on Registration, Evaluation, etc of Chemicals.

Article 3 (Matters, etc. to be Discussed by Chemicals Control Committee)

(1) The Chemicals Control Committee under Article 7 (1) of the Act (hereinafter referred to as the "Control Committee") shall deliberate on the following:

1. Matters concerning the formulation and alteration of a basic plan under Article 6 (2) of the Act;
2. Matters concerning the organization and operation of expert committees on each field (hereinafter referred to as "expert committee") under Article 7 (6) of the Act;
3. Matters concerning the cancellation of an order to suspend the manufacture, importation, etc. of hazardous chemicals under Article 17 (5) of the Act;
4. Matters concerning the designation and announcement of substances requiring preparation for accidents under Article 39 of the Act;
5. Matters concerning the designation and management of areas requiring special management of chemical accidents under Article 47 of the Act;
6. Matters concerning chemicals subject to investigation of the volume of discharges under Article 6;
7. Matters concerning the safety control of chemicals;
8. Matters concerning preparation for and response to chemical accidents;
9. Matters concerning the control, etc. of toxic or harmful chemicals;
10. Matters concerning substances that can replace hazardous chemicals;
11. Matters concerning the implementation of international agreements related to chemicals and international cooperation related thereto;
12. Other matters referred to deliberation by the Minister of Environment in relation to the control, etc. of chemicals.

(2) The Minister of Environment shall appoint or commission members of the Control Committee from among the following persons:

1. Public officials belonging to the Ministry of Trade, Industry and Energy, the Ministry of Environment, Ministry of Employment and Labor, and the Ministry of Public Safety and Security;
2. Public officials belonging to the National Institute of Environmental Research and the National Institute of Chemical Safety;
3. Experts belonging to the Korea Environment Corporation under the Korea Environment Corporation Act, the Korea Gas Corporation under the Korea Gas Corporation Act, the Korea Occupational Safety and Health Agency under the Korea Occupational Safety and Health Agency Act, and the Korea Fire Institute under Article 14 of the Fire-Fighting Industry Promotion Act;
4. Experts belonging to an association relating to the control of chemicals (hereinafter referred to as the "Association") established pursuant to Article 53 (1) of the Act;
5. Experts who have extensive knowledge and experience in the relevant fields, such as chemistry, the environment, and public health, who belong to schools prescribed under Article 2 of the Higher Education Act or civic groups;
6. Representatives and experts of organizations in industrial circles related to chemicals.

(3) The Chairperson of the Control Committee shall represent the Control Committee and preside over its affairs: Provided, That where the Chairperson is unable to perform any of his/her duties due to unavoidable circumstances, the Vice Chairperson shall perform such duties on his/her behalf.

(4) The terms of office of members of the Control Committee shall be three years, and the members thereof may resume their office for another term only once.

(5) One administrative secretary shall be assigned to the Control Committee in order to conduct its affairs, and he/she shall be appointed by the Minister of Environment from among public officials belonging to the Ministry of Environment.

(6) Meetings of the Control Committee shall be classified as regular meetings and extraordinary meetings, which shall be held in accordance with the following classification:

1. Regular Meeting: Annually;
2. Extraordinary meeting: When the Chairperson deems it necessary or at least one fifth of its members makes a request;

(7) In addition to matters provided for in paragraphs (1) through (6), matters necessary for the organization, operation, etc. of the Control Committee shall be prescribed by the Chairperson of the Control Committee following the resolution made by the Control Committee.

Article 4 (Organization and Operation of Expert Committees)

(1) The following expert committees shall be established pursuant to Article 7 (6) of the Act:

1. Chemical safety control committee;
2. Committee on preparation for and response to chemical accidents.

(2) Each expert committee shall be composed of not more than ten members including one chairperson, in consideration of gender.

(3) The chairperson of each expert committee shall be appointed or commissioned by the Chairperson of the Control Committee from among those who have extensive knowledge and experience in the relevant field.

(4) Members of each expert committee shall be appointed or commissioned by the Minister of Environment from among members of the Control Committee or experts in the relevant field.

(5) The chairperson of each expert committee shall report matters discussed by each expert committee to the Control Committee.

(6) In addition to matters provided for in paragraphs (1) through (5), matters necessary for the organization, operation, etc. of expert committees shall be prescribed by the Chairperson of the Control Committee following the resolution made by the Control Committee.

Article 5 (Policies or Plans Subject to Consultation)

"Policies or plans prescribed by Presidential Decree" in Article 8 of the Act means any of the following policies or plans:

1. A nationwide plan concerning a system for response to chemical accidents;
2. A plan concerning the establishment and amendment of methods for evaluating hazards and testing of chemicals;
3. A plan concerning the development, use, etc. of substances to replace hazardous chemicals;
4. A policy concerning the safe transport and storage of dangerous goods under Article 28 of the Traffic Safety Act, Article 41 of the Ship Safety Act and Article 59 of the Aviation Act.

Article 6 (Chemicals Subject to Investigation of Volume of Discharges)

"Chemicals prescribed by Presidential Decree" in Article 11 (1) of the Act means any of the following chemicals:

1. Hazardous chemicals;
2. Hazardous chemicals among air pollutants under subparagraph 1 of Article 2 of the Clean Air Conservation Act;
3. Volatile organic compounds under subparagraph 10 of Article 2 of the Clean Air Conservation Act;
4. Chemicals among water pollutants under subparagraph 7 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act;
5. Chemicals, the inspection of which is deemed necessary by the Minister of Environment to protect people's health and the environment following deliberations by the Control Committee, which have carcinogenic properties, genotoxicity, or reproductive toxicity designated by an international professional institution or international organization.

Article 7 (Exceptions to Disclosure of Chemical Handling Information)

"Grounds prescribed by Presidential Decree, such as where an administrative appeal or administrative lawsuit is pending in relation to the violation" in the proviso to Article 12 (2) of the Act means any of the

following cases:

1. Where an administrative appeal (including a special administrative appeal under other Acts) or administrative lawsuit is pending in relation to the violation;
2. Where it is prescribed that chemical handling information shall be kept confidential or shall not be disclosed pursuant to other Acts or an order delegated from other Acts (limited to the Rules of the National Assembly, the Rules of the Supreme Court, the Rules of the Constitutional Court, the Rules of the National Election Commission, Presidential Decrees, Municipal Ordinances)

Article 8 (Procedures for Requesting Cancellation of Suspension of Manufacture, Importation, etc. of Hazardous Chemicals)

(1) Where any business operator requests the Minister of Environment to cancel wholly or partially the suspension of the manufacture, importation, etc. of hazardous chemicals because he/she has an objection to the relevant suspension pursuant to Article 17 (4) of the Act, he/she shall submit a written request for the cancellation of the suspension of the manufacture, importation, etc. of hazardous chemicals (including a written request in an electronic form) prescribed by Ordinance of the Ministry of Environment to the Minister of Environment.

(2) The Minister of Environment, in receipt of a written request for the cancellation of the suspension of the manufacture, importation, etc. of hazardous chemicals pursuant to paragraph (1), shall notify the relevant business operator as to whether he/she cancels the suspension of the manufacture, importation, etc. of hazardous chemicals within 30 days from the date he/she receives the written request, as prescribed by Ordinance of the Ministry of Environment.

Article 9 (Chemicals Subject to Exclusion from Application of Permission)

"Chemicals prescribed by Presidential Decree" in Article 19 (2) 4 of the Act means substances requiring permission, which are manufactured, imported, or used not more than 100 kilograms annually.

Article 10 (Exemption from Permission to Import Restricted Substances and Reporting on Importation of Toxic Substances)

"Cases prescribed by Presidential Decree, such as where a person intends to import reagents for experimental, research or testing purposes to use them for such purposes" in Article 20 (3) of the Act means any of the following cases:

1. Where he/she imports reagents for experimental, research or testing purposes (including standard gas to be used for correction or measurement of measuring instruments; hereinafter the same shall apply) to use them for such purposes;
2. Where he/she imports toxic substances not exceeding 100 kilograms per year.

Article 11 (Hallucinogenic Substances)

"Substances prescribed by Presidential Decree" in Article 22 (1) of the Act means any of the following substances:

1. Toluene, ethyl acetate, or methyl alcohol;

2. Thinner (referring to a solvent used to reduce the viscosity of paint), adhesives, balloons, or paint containing any substance under subparagraph 1;
3. Butane gas.

Article 12 (Supervisors of Hazardous Chemicals)

(1) Kinds of hazardous chemical supervisors under Article 32 (1) of the Act shall be as follows:

1. A person in charge of the control of hazardous chemicals;
2. An inspector of the control of hazardous chemicals.

(2) Any hazardous chemical supervisor shall be any of the following persons:

1. A person qualified as a professional chemical safety engineer, professional chemical engineer, professional gas engineer, professional air control engineer, professional water quality control engineer, professional waste treatment engineer, or professional industrial hygiene control engineer under the National Technical Qualifications Act;
2. A person qualified as a chemical engineer, industrial safety engineer, gas engineer, aquatic environmental engineer, air environmental engineer, waste treatment engineer, or industrial hygiene control engineer under the National Technical Qualifications Act;
3. A person qualified as an industrial safety industrial engineer, aquatic environmental industrial engineer, air environmental industrial engineer, waste treatment industrial engineer, dangerous goods industrial engineer, gas industrial engineer or industrial hygiene control industrial engineer under the National Technical Qualifications Act;
4. A person qualified as a gas technician, environmental technician, or dangerous goods technician under the National Technical Qualifications Act;
5. A person who has completed a course of study related to chemistry in a junior college or higher college under the Higher Education Act, who has received at least 32 hours' safety education on hazardous chemicals under Article 33 of the Act;
6. A person who has graduated from a high school tailored to industry demand under Article 90 (1) 10 of the Enforcement Decree of the Elementary and Secondary Education Act and a department related to chemistry of a specialized high school under Article 91 (1) of the Enforcement Decree of the aforesaid Act, who has received at least 32 hours' safety education on hazardous chemicals under Article 33 of the Act;
7. A person who has been engaged in the site of handling hazardous chemicals for at least three years, who has received at least 32 hours' safety education under Article 33 of the Act;
8. Other persons whom the Minister of Environment announces because he/she deems them persons qualified in the same way as persons falling under subparagraphs 1 through 7.

(3) The scope of duties of a hazardous chemical supervisor shall be as follows:

1. Measures necessary to observe standards for handling hazardous chemicals under Article 13 of the Act;

2. Measures necessary for handlers to wear personal protective equipment under Article 14 of the Act;
3. Measures necessary to display or store hazardous chemicals under Article 15 of the Act;
4. Measures necessary to affix labels to hazardous chemicals under Article 16 of the Act;
5. Measures necessary to install hazardous chemical handling facilities and observe the standards for the management thereof under Article 24 of the Act;
6. Measures necessary to conduct self-inspection of hazardous chemical handling facilities, etc. under Article 26 of the Act;
7. Measures necessary to manage and supervise contractors under Article 31 of the Act;
8. Measures necessary to observe the standards for management of substances requiring preparation for accidents under Article 40 of the Act;
9. Measures necessary to prepare and submit a hazard control program under Article 41 of the Act;
10. Measures necessary to make a report, etc. on the occurrence of a chemical accident under Article 43 of the Act;
11. Other measures necessary to secure the safety of and prevent hazards to hazardous chemical handling facilities.

(4) The period for a deputy's performing duties of a hazardous chemical supervisor under Article 32 (4) of the Act shall not exceed 30 days, and the aforesaid period may be extended only once.

Article 13 (Persons in Charge of Handling of Hazardous Chemicals)

"Persons in charge of the handling of hazardous chemicals prescribed by Presidential Decree" in Article 33 (1) of the Act means any of the following persons:

1. A person who directly handles hazardous chemicals, who is employed by a hazardous chemical business operator;
2. A person who directly handles hazardous chemicals, who is a contractor under Article 31 (1) of the Act, or a person employed by the contractor;
3. A person in charge of the preparation of a hazard control program under Article 41 (1) of the Act;
4. Other persons announced by the Minister of Environment because he/she deems them necessary to prevent chemical accidents.

Article 14 (Criteria for Imposition of Penalty Surcharges Imposed in Lieu of Suspension of Business)

Criteria for the imposition of penalty surcharges under Article 36 of the Act shall be as specified in attached Table 1.

Article 15 (Imposition and Payment of Penalty Surcharges)

(1) Where the Minister of Environment intends to impose a penalty surcharge pursuant to Article 36 (1) of the Act, he/she shall notify a person in writing that he/she should pay a penalty surcharge by specifically specifying the type of his/her violation, the amount of the relevant penalty surcharge, etc.

(2) Any person in receipt of notification pursuant to paragraph (1) shall pay a penalty surcharge to a receiving institution designated by the Minister of Environment within 30 days from the date he/she receives notification: Provided, That where he/she is unable to pay the penalty surcharge due to a natural

disaster or other unavoidable circumstance, he/she shall pay the penalty surcharge within 15 days from the date such circumstance ceases to exist.

(3) A receiving institution that receives penalty surcharges pursuant to paragraph (2) shall issue receipts to payers.

(4) Where an institution that receives penalty surcharges receives the penalty surcharges pursuant to paragraph (2), he/she shall immediately notify the Minister of Environment thereof.

Article 16 (Disposition against Persons Who Fail to Pay Penalty Surcharges)

(1) Where any person who should pay a penalty surcharge pursuant to Article 36 (1) of the Act fails to pay the penalty surcharge by a deadline for payment, the Minister of Environment shall issue a reminder within 15 days after the deadline for payment expires. In such cases, the deadline for payment shall be within ten days from the date the reminder is issued.

(2) Any person who fails to pay a penalty surcharge pursuant to paragraph (1) fails to pay the penalty surcharge by a deadline for payment though he/she has received a reminder, the Minister of Environment shall collect the penalty surcharge based on examples of the disposition on default of national taxes.

Article 17 (Designation and Announcement of Substances Requiring Preparation for Accidents)

Where the Minister of Environment intends to designate and announce substances requiring preparation for accidents pursuant to Article 39 of the Act, he/she shall undergo deliberations by the Control Committee after hearing the opinion from the Chemicals Assessment Committee under Article 7 of the Act on Registration, Evaluation, etc of Chemicals.

Article 18 (Chemical Accident Investigation Squad)

(1) A chemical accident investigation squad (hereinafter referred to as "chemical accident investigation squad") under Article 45 (2) of the Act shall be comprised of not more than 20 experts in the private sector and public officials of relevant agencies including the head thereof.

(2) The Minister of Environment shall determine constituent members of the chemical accident investigation squad, the timing, period, etc. for investigation in consideration of the type of a chemical accident, the scale of damage and the conditions of the scene of the chemical accident.

(3) The head of the chemical accident investigation squad shall preside over affairs concerning the chemical accident investigation squad, and direct and supervise constituent members under his/her jurisdiction.

(4) The Minister of Environment may pay allowances and travel expenses to the head and constituent members of the chemical accident investigation squad within budgetary limits: Provided, That the foregoing shall not apply where the head or a constituent member of the chemical accident investigation squad, who is a public official, participates in the activities of the chemical accident investigation squad in relation to his/her business.

(5) The chemical accident investigation squad may request the heads of relevant institutions to provide data necessary to conduct investigation activities. In such cases, the head of any institution, in receipt of a request, shall provide necessary data, except in extenuating circumstances.

(6) Where the chemical accident investigation squad has conducted investigation of the impact under Article 45 (1) of the Act, it shall immediately report the results of its investigation to the Minister of Environment.

Article 19 (Designation, etc. of Areas Requiring Special Management of Chemical Accidents)

(1) Where the Minister of Environment intends to designate an area requiring special management of chemical accidents (hereinafter referred to as "area requiring special management") under Article 47 (1) of the Act, he/she shall undergo deliberations by the Control Committee and consultations 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 (hereinafter referred to as the "Mayor/Do Governor") having jurisdiction over the relevant area requiring special management.

(2) Where the Minister of Environment has designated an area requiring special management pursuant to Article 47 (1) of the Act, he/she shall officially announce boundaries, etc. of the area requiring special management, and immediately notify the Mayor/Do Governor having jurisdiction over the relevant area requiring special management thereof.

Article 20 (Methods of Providing Information on Safety Control, etc. of Chemicals)

The Minister of Environment shall provide information related to the safety control, etc. of chemicals under Article 48 (2) of the Act to persons who handle chemicals, relevant agencies that respond to chemical accidents or the people through publications, the Internet homepage, etc.

Article 21 (Period of Data Protection, etc.)

(1) The Minister of Environment shall not disclose data he/she has received pursuant to the main sentence of Article 52 (1) of the Act for five years: Provided, That where any person who has submitted data applies for extension of the period of data protection, as prescribed by Ordinance of the Ministry of Environment, the Minister of Environment may allow the extension of the period of data protection for each five years not more than twice.

(2) "Data prescribed by Presidential Decree" in Article 52 (1) 3 of the Act means any of the following data, which does not constitute trade secrets under subparagraph 2 of Article 2 of the Unfair Competition Prevention and Trade Secret Protection Act:

1. Commercial name of a chemical, or data concerning the name of the product;
2. Data concerning the usages of a chemical;
3. Data concerning the safe use, such as matters to be observed to or methods of disposal, when handling a chemical;
4. Data concerning methods of responding to the occurrence of a chemical accident;
5. Data concerning physical or chemical properties of a chemical;
6. Summary data concerning the toxicity of a chemical;
7. Summary data concerning the harmfulness of a chemical;
8. Data concerning the volume of chemical discharges to the environment;

9. Other data announced by the Minister of Environment because he/she deems the disclosure of such data necessary to protect human health and the environment.

Article 22 (Delegation and Entrustment of Authority)

(1) The Minister of Environment shall delegate the following authority to the President of the National Institute of Chemical Safety pursuant to Article 55 (1) of the Act:

1. Analysis of the details of statistical surveys of chemicals under Article 10 of the Act;
2. Analysis of the details of the volumes of chemical discharges under Article 11 of the Act;
3. Receipt of an evaluation of the impact of a chemical accident on the outside of the place of business under Article 23 of the Act, notification of whether such evaluation is appropriate, etc.;
4. Formulation of standards for disposition, installation, and management of handling facilities under Article 24 of the Act;
5. Management, etc. concerning safety education on hazardous chemicals under Article 33 of the Act;
6. Receipt of a hazard control program under Article 41 of the Act, notification of whether the hazard control program is appropriate, etc.;
7. Establishment and operation of a comprehensive chemical information system under Article 48 of the Act;
8. An order to prepare reports or submit data, access, inspection, etc. under Article 49 (1) of the Act (only applicable to cases falling under Article 49 (1) 7 of the Act);
9. Receipt of a request for data protection and notification of data ineligible for data protection (only applicable to data submitted to the President of the National Institute of Chemical Safety) under Articles 52 (1) and (2) of the Act;
10. Imposition and collection of fines for negligence (only applicable to matters delegated to the President of the National Institute of Chemical Safety) under Article 64 of the Act.

(2) The Minister of Environment shall delegate the following authority to the head of each river basin environment office or the head of each regional environment office (hereinafter referred to as "head of a regional environment office") pursuant to Article 55 (1) of the Act:

1. Conducting statistical surveys of chemicals under Article 10 of the Act;
2. Conducting an investigation of the volumes of chemical discharges under Article 11 of the Act;
3. Receipt, confirmation, etc. of a plan for display or storage of hazardous chemicals and a plan for transport of hazardous chemicals under Article 15 of the Act;
4. Receipt of a request for the cancellation of the suspension of the manufacture, importation, etc. of hazardous chemicals and notification of whether to cancel the suspension thereof under Article 17 of the Act;
5. Permission to handle prohibited substances, permission to amend and accept a report on any changes to be made, etc. under Article 18 of the Act;
6. Permission, etc. to manufacture, import or use substances requiring permission under Article 19 of the Act;

7. Permission to import restricted substances, and acceptance, etc. of a declaration for import of toxic substances under Article 20 of the Act;
 8. Approval, etc. to export restricted substances or prohibited substances under Article 21 of the Act;
 9. Management, etc. of inspection and safety diagnosis of handling facilities under Article 24 of the Act;
 10. An order to make improvements to and an order to stop the operation of handling facilities under Article 25 of the Act;
 11. Permission to conduct hazardous chemical business, permission to make any changes, acceptance of a report on any changes to be made, provision of information, etc. under Article 28 of the Act;
 12. Acceptance, etc. of a report on the awarding of a contract (including a subcontract) for the handling of hazardous chemicals under Article 31 of the Act;
 13. Acceptance of a report on the appointment of a hazardous chemical supervisor, approval for extension of the period, etc. under Article 32 (3) of the Act;
 14. Acceptance of a report on the closure of business or the suspension of business of a hazardous chemical business operator, an order to take measures, etc. under Article 34 of the Act;
 15. Revocation of permission to conduct business, and an order to suspend business under Article 35 of the Act;
 16. Disposition of a penalty surcharge imposed in lieu of the suspension of business under Article 36 of the Act;
 17. Acceptance, etc. of a report of succession to the rights and obligations under Article 37 of the Act;
 18. Approval for shared utilization of a hazardous chemical supervisor and handling facilities and acceptance, etc. of a report thereon under Article 38 of the Act;
 19. Dispatch to the scene of a chemical accident under Article 44 of the Act;
 20. Investigation of the impact of a chemical accident under Article 45 of the Act;
 21. An order to take measures, etc. under Article 46 of the Act;
 22. An order to prepare reports or submit data, access, inspection, etc. under Article 49 (1) (only applicable to cases under Article 49 (1) 2 through 8 of the Act);
 23. Hearings under Article 51 of the Act;
 24. Receipt of requests for data protection and notification of data ineligible for data protection (only applicable to data submitted to the head of a regional environment office) under Article 52 (1) and (2) of the Act;
 25. Imposition and collection of fines for negligence under Article 64 of the Act (only applicable to matters delegated to the head of a regional environment office or matters entrusted to the Association);
- (3) The Minister of Environment shall entrust the following affairs to the Association pursuant to Article 55 (2) of the Act:
1. Administrative and financial support under Article 4 (2) of the Act;
 2. Verification of chemicals under Article 9 of the Act;

3. Receipt of a request for data protection and notification of data ineligible for data protection (only applicable to data submitted to the Association) under Article 52 (1) and (2) of the Act.

Article 23 (Reporting Following Delegation or Entrustment of Authority)

Where the President of the National Institute of Chemical Safety, the head of a regional environment office or the chairperson of the Association has conducted affairs delegated or entrusted to him/her pursuant to Article 22, he/she shall report the details thereof to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

Article 24 (Criteria for Imposition of Fines for Negligence)

Criteria for the imposition of fines for negligence under Article 64 (1) and (2) of the Act shall be as specified in attached Table 2.

Article 25 (Review of Regulation)

The Minister of Environment shall review the validity of matters concerning a hazardous chemical supervisor under Article 12 every two years (referring to the period until January 1 of the year in which two years elapse) based on January 1, 2015, and take measures, such as making improvements.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Notification of Whether to Cancel Suspension of Manufacture, Importation, etc. of Hazardous Chemicals)

The amended provisions of Article 8 (2) shall apply, beginning with a written request submitted after this Decree enters into force.

Article 3 (Transitional Measures concerning Data Protection)

Where a person who has submitted data pursuant to Articles 9 (3) and 17 (1) and (2) of the former Hazardous Chemicals Control Act as at the time this Decree enters into force makes a request for data protection pursuant to Article 51 (1) of the aforesaid Act, data under protection pursuant to Article 27 of the Enforcement Decree of the Hazardous Chemicals Control Act shall be deemed to be under protection pursuant to Article 21 (1) of this Decree.

Article 4 (Transitional Measures concerning Fines for Negligence)

Where a provision corresponding to the disposition of a fine for negligence imposed for an offense committed (referring to cases of violating the former Enforcement Decree of the Hazardous Chemicals Control Act) before this Decree enters into force exists in the amended provisions of subparagraph 2 of attached Table 2, such disposition shall be included in the calculation of the number of instances of offenses under such provision.

Article 5 Omitted.

Article 6 (Relationship with other Acts and Subordinate Statutes)

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

