

**ACT ON ASSESSMENT OF IMPACTS OF WORKS ON ENVIRONMENT, TRAFFIC,
DISASTERS, ETC.**

Act No. 6095, Dec. 31, 1999
Amended by Act No. 7020, Dec. 30, 2003
Act No. 7186, Mar. 11, 2004
Act No. 7459, Mar. 31, 2005
Act No. 7561, May 31, 2005
Act No. 7573, May 31, 2005
Act No. 8404, Apr. 27, 2007
Act No. 8466, May 17, 2007

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is, in devising and executing the plans for the projects that have great impacts on the environment, traffic, disaster or population, to maintain the pleasant and safe national life by assessing and reviewing in advance the impacts of relevant projects on the environment, traffic, disasters and population, and by making them a sound and sustainable development.

Article 2 (Definitions)

The definitions of the terms used in this Act shall be as follows: *<Amended by Act No. 7186, Mar. 11, 2004>*

1. The term "impact assessment" means an assessment falling under any of the following items, which is conducted in devising the business plans subject to an impact assessment under Article 4:
 - (a) Environmental impacts assessment: To predict and analyze harmful impacts affecting natural environments, living environments, and social or economic environments due to the execution of the projects, and take measures against them;
 - (b) Traffic impacts assessment: To predict and analyze various controversial points or relevant effects on traffic, such as traffic obstacles to be incurred due to the execution of the projects, and take measures against them;
 - (c) Disaster impacts assessment: To predict and analyze the impacts which the projects may incur to the possibility of disaster including flood, the level and scale, etc. of the disaster, and take

measures against them; and

- (d) Population impacts assessment: To predict and analyze the impacts which the projects may incur to the population, and take measures against them;
- 2. The term "project executor" means any person who establishes the business plans for projects subject to an impact assessment under Article 4, or executes such projects; and
- 3. The term "related central administrative agency" means the central administrative agency by each assessment field falling under any of the following items:
 - (a) Assessment field of environmental impacts: Ministry of Environment;
 - (b) Assessment field of traffic impacts: Ministry of Construction and Transportation;
 - (c) Assessment field of disaster impacts: National Emergency Management Agency; and
 - (d) Assessment field of population impacts: Ministry of Construction and Transportation.

Article 3 (Duties of State, etc.)

- (1) In case where the State or a local government intends to establish and implement various kinds of policies and plans, it shall take account of the impacts on environment, traffic, disaster and population, and take measures on them.
- (2) Any person who intends to execute the projects which impact on the environment, traffic, disaster or population shall endeavor to minimize the harmful impacts due to executing such projects.

Article 4 (Projects Subject to Impact Assessment, etc.)

(1) The projects on which the impact assessment is to be implemented (hereinafter referred to as the "projects subject to an assessment"), shall be as follows: *Provided*, That in the case of assessment of population impacts, it shall be limited to the projects executed in the Metropolitan zone under subparagraph 1 of Article 2 of the Seoul Metropolitan Area Readjustment Planning Act:

- 1. Urban development;
- 2. Formation of industrial location and industrial complexes;
- 3. Development of energy;
- 4. Construction of harbors;
- 5. Construction of roads;
- 6. Development of water resources;
- 7. Construction of railroads (including urban railroads);
- 8. Construction of airports;
- 9. Utilization and development of rivers;
- 10. Forest or land clearing and reclamation works of public waters;
- 11. Development of tourist complexes;
- 12. Development of mountainous areas;

13. Development of designated regions;
 14. Installation of gymnastic facilities, wastes treatment facilities and other facilities prescribed by the Presidential Decree; and
 15. Other projects that have an impact on the environment, traffic, disaster or population, and which are prescribed by the Presidential Decree.
- (2) Notwithstanding the provisions of paragraph (1), the impact assessment shall not be implemented on the projects falling under any of the following subparagraphs:
1. Projects for an emergency measure against disaster under Article 36 of the Countermeasures against Natural Disasters Act; and
 2. Projects for which the Minister of National Defense has made a consultation with the head of related central administrative agency, as he deems that a protection of military secrets is needed therefor, or which are necessary for the urgent execution of military operations.
- (3) The scope of the projects subject to an assessment by field shall be prescribed by the Presidential Decree.
- (4) In case where necessary to implement the impact assessment on a project which does not fall under the scope of projects subject to an assessment as referred to in paragraph (3) in consideration of the regional characteristics, the Special Metropolitan City, other Metropolitan Cities or *Dos* (hereinafter referred to as the "Cities/*Dos*") may execute the impact assessment under the conditions as defined by the Municipal Ordinances of the competent Cities/*Dos* within the limit prescribed by the Presidential Decree.
- (5) If the Cities/*Dos* execute the impact assessment under the provisions of paragraph (4), the assessment procedures or other necessary matters shall be prescribed by the Municipal Ordinances of the competent Cities/*Dos*.

CHAPTER II PREPARATION, ETC. OF ASSESSMENT STATEMENT

Article 5 (Preparation of Assessment Statement)

If a project executor intends to execute the projects subject to an assessment, he shall, pursuant to the Presidential Decree, prepare a statement concerning the impact assessment (hereinafter referred to as an "assessment statement").

Article 6 (Collection of Opinions)

(1) In preparing an assessment statement, a project executor shall, under the conditions as prescribed by the Presidential Decree, hold an explanatory hearing or a public hearing, etc., hear the opinions of residents in the areas to be affected by the execution of the subject project (hereinafter referred to as "residents"), and include them in the content of an assessment statement. In this case, if there is a request from the residents within the extent prescribed by the Presidential Decree, a public hearing

shall be held. <Amended by Act No. 7020, Dec. 30, 2003>

(2) In case where a project executor intends to execute the subject project in the area such as that of a great preservation value of ecosystems, he shall hear the opinions of those other than the residents, and include them in the assessment statement, under the conditions as prescribed by the Presidential Decree.

(3) In case where a project executor intends to collect the opinions under paragraphs (1) and (2), he shall prepare a draft assessment statement in advance, and submit it to the heads of related administrative agencies under the conditions as prescribed by the Presidential Decree.

(4) The method and procedure of the collection of the opinions and the method of preparing a draft assessment statement under paragraphs (1) through (3), and other necessary matters shall be prescribed by the Presidential Decree.

(5) With respect to the project for which only traffic impact assessment is executed and which is prescribed by the Presidential Decree, the project executor may not apply the provisions of paragraphs (1) through (4).

Article 6-2 (Opening to Public of Documents Relating to Assessment of Impacts)

In case where the residents, etc. request an opening to the public of documents relating to an assessment of impact, the head of an approving agency, etc. or the head of consulting agency on assessment statement as referred to in Article 17 (2) shall open documents to the public. In this case, the scope of and procedure for the opening shall be under the conditions as prescribed by the Act on Disclosure of Information by Public Agencies.

[This Article Newly Inserted by Act No. 7020, Dec. 30, 2003]

Article 7 (Execution of Impact Assessment through Agent)

(1) In preparing an assessment statement, a draft assessment statement under Article 6 (3), a means for reducing impacts under Article 24, or the results of survey on environmental impacts under Article 25 (4) (hereinafter referred to as the "assessment statements, etc."), a project executor may have an agent for the impact assessment under Article 8 implement it by proxy: *Provided*, That with respect to the field of traffic impact assessment, he shall have an agent for the impact assessment execute it by proxy.

(2) In case where a project executor concludes a contract in order to have an agent for the impact assessment implement it by proxy as referred to in paragraph (1), he shall conclude another contract separately from other contracts for the construction works of projects subject thereto. <Newly Inserted by Act No. 7020, Dec. 30, 2003>

Article 8 (Registration of Agent for Impact Assessment)

A person who intends to implement the impact assessment as an agent under Article 7 shall equip himself with technological capabilities, facilities and equipments as prescribed by the Joint

Ordinance of the Ministry of Government Administration and Home Affairs, Ministry of Environment, and Ministry of Construction and Transportation (hereinafter referred to as the "Joint Ordinance"), and shall be registered as an agent for impact assessment by assessment field (hereinafter referred to as an "agent for assessment") with the head of related central administrative agency. Of the registered matters, if he intends to modify any significant matters prescribed by the Joint Ordinance, he shall make a modified registration.

Article 9 (Disqualifications)

A person who falls under any of the following subparagraphs may not be registered as an agent for assessment:

1. An incompetent person or a quasi-incompetent person;
2. A person who has been adjudicated to be bankrupt and has yet to be reinstated;
3. A person for whom two years have not yet lapsed since the date when his registration was cancelled in accordance with Article 12;
4. A person who has been sentenced to imprisonment or a heavier punishment for violating this Act, and for whom two years have not yet lapsed since the date when he completed or was relieved from the execution thereof; and
5. A juristic person having anyone among officers who falls under any of subparagraphs 1 through 4.

Article 10 (Matters to be Observed by Project Executor and Agent for Assessment)

(1) The project executor who prepares the assessment statement, etc. and the agent for assessment shall observe the matters falling under the following subparagraphs:

1. Not to make any copy of the content of other assessment statements;
2. To preserve the assessment statement, etc. for the period defined by the Joint Ordinance; and
3. Not to falsely prepare the data to form the basis for preparing the assessment statement, etc.

(2) The agency for assessment shall not lease his registration certificate or his title to other persons, or sublet the business of impact assessment in a lump.

Article 11 (Suspension or Discontinuance of Business)

(1) The agency for assessment shall, in case where he intends to suspend or discontinue the whole or part of his business, make a report thereof to the head of related central administrative agency whereto his registration has been filed under Article 8.

(2) Matters necessary for the report on suspension or discontinuance under paragraph (1) shall be determined by the Joint Ordinance.

Article 12 (Cancellation of Registration, etc. of Agent for Assessment)

(1) Where an agent for assessment falls under any of the following subparagraphs, the head of related central administrative agency may cancel the registration of an agent for assessment, or may

order him to suspend the whole or part of business for a specified period not exceeding six months: *Provided*, That where he falls under any of subparagraphs 1 through 3, such registration shall be cancelled:

1. Where he falls under any of subparagraphs of Article 9: *Provided*, That this shall not apply where an officer of the juristic person falling under subparagraph 5 of Article 9 is replaced within six months;
 2. Where he is registered as an agent for assessment through deceit or other wrongful methods;
 3. Where he performs an act falling under causes for the disposition of suspending his affairs again after he has received such disposition two times within the last year;
 4. Where he lends a registration certificate or his title to a third party or sublet in a lump the contracted business of impact assessment as an agent;
 5. Where he fails to fulfill the requisites for the registration as provided in Article 8;
 6. Where he falsely prepares an assessment statement, etc., or unfaithfully prepares an assessment statement by intent or gross negligence;
 7. Where he fails to commence the business of implementing the impact assessment as an agent within two years after being registered, or fails to produce any actual results in implementing the impact assessment as an agent consecutively for not less than two years; and
 8. Other cases where he violates this Act or an order issued under this Act.
- (2) The criteria for such administrative disposition as provided in paragraph (1) or other necessary matters shall be defined by the Joint Ordinance.

Article 13 (Hearing)

If the head of related central administrative agency intends to cancel the registration as provided in Article 12 (1), he shall hold a hearing.

Article 14 (Continuation of Business of Agent for Assessment Whose Registration has been Cancelled or Whose Business has been Suspended)

(1) Any person who has received the disposition of cancelling the registration or the disposition of suspending his business as provided in Article 12, may implement the business of the impact assessment as an agent within the limits of the contract for implementing the impact assessment as an agent which had been concluded prior to such disposition.

(2) Any person who continuously implements the business of the impact assessment as an agent pursuant to paragraph (1), shall be deemed to be an agent for assessment as prescribed in this Act until he completes such business.

Article 15 (Report, etc. on Actual Results of Assessment as Agent)

(1) The agent for assessment shall make a report on the actual results of impact assessment as an agent in the preceding year to the head of related central administrative agency not later than January

31 each year under the conditions as defined by the Joint Ordinance.

(2) In order to improve the competence for an agent for assessment to implement his affairs, the head of related central administrative agency shall publicly announce his actual results of assessment as agent and the detail of administrative dispositions at least once each year, under the conditions as prescribed by the Presidential Decree.

Article 16 (Standards of Computation of Costs for Impact Assessment as Agent)

The head of related central administrative agency may determine the standards of computation of costs required for impact assessment as an agent, and publicly notify thereof.

CHAPTER III CONSULTATION, ETC. ON ASSESSMENT STATEMENT

Article 17 (Consultation, etc. on Assessment Statement)

(1) The project executors shall, in case where he is to obtain the approval, authorization, permit, license or decision, etc. (hereinafter referred to as the "approval, etc.") on the projects subject to an assessment or the plans for such projects (hereinafter referred to as the "project plans, etc."), submit the assessment statement to the head of an agency granting the approval, etc. (hereinafter referred to as an "approving agency").

(2) The head of an approving agency and a project executor who is not required to obtain the approval, etc. (hereinafter referred to as the "head of an approving agency, etc."), shall submit an assessment statement to the head of related central administrative agency, the Special Metropolitan City Mayor, Metropolitan City Mayor, or *Do* governor (hereinafter referred to as the "head of consulting agency on assessment statement") by assessment field under the conditions as prescribed by the Presidential Decree, and request a consultation on the relevant assessment statement. In this case, the head of an approving agency may annex his opinion on an assessment statement.

(3) The case where a consultation is requested on an assessment statement to the Special Metropolitan City Mayor, Metropolitan City Mayor, or *Do* governor (hereinafter referred to as the "Mayor/*Do* governor") under paragraph (2), shall be limited to the assessment field of traffic impacts, and the scope of subjected projects shall be prescribed by the Presidential Decree.

(4) The time for submitting an assessment statement and the time for requesting a consultation under paragraphs (1) and (2), and other necessary matters shall be prescribed by the Presidential Decree.

Article 18 (Supplement of Assessment Statement)

The head of consulting agency on assessment statement may, in case where the assessment statement submitted for a consultation under Article 17 (2) has not been adequately prepared pursuant to Article 5, and which falls under the causes as prescribed by the Presidential Decree, have it duly supplemented.

Article 19 (Review, etc. of Assessment Statement)

(1) In reviewing an assessment statement submitted for a consultation under Article 17 (2), the head of consulting agency on assessment statement may, if he deems it necessary that the project plans, etc. are to be adjusted or supplemented since the subject projects may incur the harmful impacts on the environment, traffic, disaster or population, request the head of approving agency, etc. to adjust or supplement the project plans.

(2) The head of consulting agency on assessment statement may, in case where necessary for the review of an assessment statement, listen to the opinions of the related specialized institutions and experts.

(3) The Minister of Environment shall, for the review of an assessment statement, listen to the opinions of the Korea Environment Institute established under the Act on the Establishment, Operation and Fostering of Government-Invested Research Institutions (hereinafter referred to as the "Korea Environment Institute") and of the experts as prescribed by the Presidential Decree. In this case, with respect to the projects as prescribed by the Presidential Decree from among the subject projects affecting the marine environment, he shall concurrently listen to the opinions of the Minister of Maritime Affairs and Fisheries.

(4) The head of related central administrative agency may, for making an integrated review on an assessment statement by assessment field, establish the comprehensive review agency.

(5) The Minister of Construction and Transportation, the Commissioner of the Fire and Disaster Emergency Management Agency and Mayor/Do governor shall, in reviewing an assessment statement, go through deliberation of the Disaster Impacts Assessment Committee, the Central Traffic Impacts Deliberation Committee or the Local Traffic Impacts Deliberation Committee respectively, in accordance with the subject projects. *<Amended by Act No. 7186, Mar. 11, 2004>*

(6) The head of consulting agency on assessment statement may, in case where necessary for the review of an assessment statement, request the project executor or the head of approving agency to furnish the related data, etc.

(7) In case where the head of consulting agency on assessment statement makes a request under paragraph (1) or (6), the project executor or the head of approving agency shall comply with it unless there exist any special reasons.

(8) Matters necessary for the composition and operation, etc. of each committee under paragraph (5) shall be prescribed by the Presidential Decree.

Article 20 (Notification of Contents of Consultation, etc.)

(1) The head of consulting agency on assessment statement shall, in case where he has completed the review of an assessment statement, notify the head of approving agency, etc. and the experts who have submitted their opinions under the former part of Article 19 (3) of the relevant results (hereinafter referred to as the "content of consultation") within the period specified by the

Presidential Decree.

(2) The head of approving agency, etc. shall, in case where the content of consultation, which has been notified by the head of consulting agency on assessment statement under paragraph (1), contains the mutually contradicting or conflicting details, request the Minister of Environment to adjust them, under the conditions as prescribed by the Presidential Decree.

(3) The Minister of Environment shall, upon receipt of a request for adjusting the contents of consultation under paragraph (2), adjust the contents of consultation through the deliberation by the impact assessment adjustment council, and notify the head of approving agency, etc. thereof.

(4) The head of approving agency shall, upon receipt of a notification of the contents of consultation under paragraphs (1) and (3), without delay notify the project executor thereof and have him take necessary measures according to the contents of consultation, and the project executor shall take necessary measures according to the contents of consultation.

(5) Matters necessary for the composition and operation, etc. of the impact assessment adjustment council under paragraph (3) shall be prescribed by the Presidential Decree.

Article 21 (Confirmation and Notification with Respect to Whether Contents of Consultation are Reflected)

(1) The head of an approving agency shall, in case where he intends to grant approval, etc. for the project plans, etc., verify whether the contents of consultation are reflected in the project plan, etc., and if the contents of consultation are not reflected, he shall have them reflected.

(2) The head of an approving agency shall, in case where he grants approval, etc. for the project plans, etc. or confirms the project plans that are not required to obtain approval, etc., notify the head of consulting agency on assessment statement of the relevant contents.

Article 22 (Objection)

(1) A project executor or the head of an approving agency may, in case where he has an objection to the contents of consultation notified to him under Article 20, make an objection to the head of consulting agency on assessment statement, under the conditions as prescribed by the Presidential Decree. In this case, the project executor who is to obtain approval, etc. shall make an objection through the head of approving agency.

(2) The head of consulting agency on assessment statement shall, upon receipt of an objection under paragraph (1), review whether the contents of an objection are valid, and shall notify a project executor or the head of an approving agency of the results thereof within the period specified by the Presidential Decree.

(3) The head of an approving agency shall, in case where there exists an objection against the contents of consultation which causes any modification in the project plans, etc., not approve or confirm the relevant project plans, etc. prior to a receipt of a notification under paragraph (2).

Article 23 (Reconsultation, etc. on Assessment Statement)

- (1) If a project executor fails to commence his projects within the period specified by the Presidential Decree after he has been notified of the contents of consultation under Article 20, or it is inadequate to execute the project plans, etc. according to the contents of consultation due to an occurrence of causes specified by the Presidential Decree, he shall reprepare an assessment statement, and any project executor who has to obtain approval, etc. shall submit a reprepared assessment statement to the head of an approving agency: *Provided*, That this shall not apply to the case where the head of approving agency, etc. deems that the changes in the surrounding conditions are negligible during the period when the projects are not yet commenced, and consults with the head of consulting agency on assessment statement.
- (2) The head of an approving agency, etc. shall request the head of consulting agency on assessment statement to reconsult on the assessment statement reprepared under paragraph (1).
- (3) The provisions of Articles 5 through 7 and 17 through 22 shall apply *mutatis mutandis* to the reparation of and reconsultation on an assessment statement under paragraphs (1) and (2).

Article 24 (Modifications of Project Plans, etc. That are not Subject to Reconsultation)

- (1) If the contents of consultation are modified by modifying the project plans, etc. that are not subject to the reconsultation under Article 23, a project executor shall take measures to reduce the impacts corresponding to the modification of the project plans, etc. and reflect them in the new project plan. In this case, measures to reduce the impacts which have been taken by a project executor who has to obtain approval, etc. shall, in advance, be reviewed by the head of approving agency.
- (2) In reviewing or taking measures to reduce the impacts under paragraph (1), the head of approving agency, etc. may listen to the opinions of the head of consulting agency on assessment statement if he deems it necessary to do so: *Provided*, That if there exist specific causes specified by the Presidential Decree, the head of approving agency, etc. shall listen to the opinions of the head of consulting agency on assessment statement in reviewing or taking measures to reduce the impacts.
- (3) The provisions of Article 21 shall apply *mutatis mutandis* to the confirmation or notification of whether measures to reduce the impacts are reflected in the new project plan under paragraph (1).

Article 25 (Obligation of Project Executor)

- (1) In executing the projects subject to an assessment, a project executor shall execute the contents of consultation (including the contents reconsulted under Article 23 or measures to reduce the impacts under Article 24; hereinafter the same shall apply) that are reflected in the project plans, etc.
- (2) A project executor shall prepare a management ledger in which the contents of consultation, etc. are recorded on the sites of the projects pursuant to the Joint Ordinance in order to execute the contents of consultation faithfully, and shall designate a manager in order to have him inspect and

report the matters concerning the execution of the contents of consultation.

(3) The standards of qualification, matters to be observed by a manager under paragraph (2), and other necessary matters shall be prescribed by the Joint Ordinance.

(4) A project executor shall make a survey on environmental impacts by assessment item in order to prevent any damages on environmental surroundings due to environmental impacts that are incurrable after the commencement of works on the project subject to environmental impact assessment, and notify the Minister of Environment and the head of approving agency of the results thereof.

(5) A project executor shall, in case where any measures are required for the prevention of damages on surrounding environments due to the relevant projects as a result of survey under paragraph (4), notify the Minister of Environment thereof without delay, and take the necessary measures.

(6) The projects subject to the survey on environmental impacts under paragraph (4), assessment items, survey period and other necessary matters shall be determined by the Ordinance of the Ministry of Environment.

(7) If a project executor is replaced, the obligation of the project executor under paragraphs (1), (2), (4) and (5) shall be succeeded to the new project executor.

Article 26 (Management and Supervision of Contents of Consultation)

(1) The head of an approving agency shall verify whether the contents of consultation is executed.

(2) The head of consulting agency on assessment statement and the head of approving agency may require a project executor to submit the data relevant to the execution of the contents of consultation, or may conduct a field survey or a verification of the sites of projects.

(3) If a project executor liable for obtaining approval, etc., fails to execute the contents of consultation, the head of approving agency shall issue an order to take measures necessary for the relevant execution.

(4) The head of approving agency shall order a project executor liable for obtaining approval, etc. to suspend the relevant project, in case where deemed that such a project executor fails to execute the order for measures to implement the contents of consultation under paragraph (3) and incurs the grave impacts on the environment, traffic, disaster or population.

(5) The head of consulting agency on assessment statement may, if he deems necessary for the management of the execution of the contents of consultation, require a project executor or the head of approving agency to take necessary measures such as the suspension of the projects for the execution of the contents of consultation. In this case, a project executor or the head of approving agency shall comply with such requirements unless there exists any special reason.

(6) If a project executor takes measures such as the suspension of works under paragraph (5), or the head of approving agency takes measures or issues orders under paragraphs (3) through (5), the head of consulting agency on assessment statement shall be notified without delay of the relevant

contents.

Article 27 (Notification of Starting Works, etc.)

If a project executor starts or completes the projects subject to an assessment, or intends to suspend the projects for not less than three months, he shall notify the head of consulting agency on assessment statement and the head of an approving agency of the relevant contents.

Article 28 (Prohibition of Prior Execution of Works)

(1) A project executor shall not execute the works concerning the projects subject to an assessment, before the consultation or reconsultation procedures under Articles 17 through 23 or the modification procedures of project plans not subject to the reconsultation under Article 24 are completed: *Provided*, That this shall not apply to the cases where the project plans, etc. are altered which are not subject to a reconsultation under Article 23 or the reconsultation under Article 24, and where the works are on such portions as will not incur any changes in the contents of consultations.

(2) The head of approving agency shall not grant any approvals, etc. for the project plans, etc. before the procedures under paragraph (1) are completed, and in case where any project executor liable for obtaining approvals, etc. executes the works in violation of paragraph (1), he shall issue an order to suspend the works for relevant projects.

(3) The head of consulting agency on assessment statement may, in case where any project executor executes the works in violation of paragraph (1), request the head of approving agency to take necessary measures such as a suspension of works on the relevant projects. In this case, the head of approving agency, etc. shall comply with it unless there exist any special reasons.

CHAPTER IV SPECIAL CASES ON ENVIRONMENTAL IMPACTS ASSESSMENT, ETC.

Article 29 (Items and Scopes of Environmental Impacts Assessment)

(1) The items of environmental impacts assessment shall be determined by the Ordinance of the Ministry of Environment.

(2) The Minister of Environment may, in case where deemed especially necessary in view of the peculiarity of projects subject to environmental impacts assessment, determine the assessment items to be preponderantly executed according to the projects subject to such assessment, and publicly notify thereof.

(3) Notwithstanding the provisions of paragraph (2), a project executor may request the head of an approving agency to determine the items and scopes of assessments to be applied to the relevant projects from among the items as referred to in paragraph (1): *Provided*, That in the case of project executors who are exempted from obtaining such an approval, etc., they may determine the items and scopes of assessments by going through a deliberation of the Determinative Committee on Items

and Scopes of Assessments as referred to in paragraph (4). <Newly Inserted by Act No. 7020, Dec. 30, 2003>

(4) The head of an approving agency shall, in case where a project executor has requested him to determine the items and scopes of assessments as referred to in paragraph (3), determine the items and scopes of assessments to be included in the assessment document by going through a deliberation of the Determinative Committee on Items and Scopes of Assessments to be composed under the conditions as prescribed by the Presidential Decree, and notify the project executor thereof. <Newly Inserted by Act No. 7020, Dec. 30, 2003>

(5) Unless the items and scopes of assessments confirmed as referred to in paragraph (4) are once again determined by the Determinative Committee on Items and Scopes of Assessments, a project executor shall conduct an assessment within the said scopes. <Newly Inserted by Act No. 7020, Dec. 30, 2003>

(6) In case where the Determinative Committee on Items and Scopes of Assessments deems it necessary for the deliberation on the items and scopes of assessments as referred to in paragraph (4), it may hear the opinions of local residents, etc. <Newly Inserted by Act No. 7020, Dec. 30, 2003>

(7) When the head of an approving agency, etc. intends to compose the Determinative Committee on Items and Scopes of Assessments as referred to in paragraph (4), he shall hold in advance a consultation with the Minister of Environment, and matters necessary for the composition and operation of the Determinative Committee on Items and Scopes of Assessments shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 7020, Dec. 30, 2003>

Article 30 (Criteria for Environmental Impacts Assessment)

(1) The criteria for environmental impacts assessment shall be as follows:

1. Environmental standards under Article 10 of the Framework Act on Environmental Policy;
2. Ecology and nature maps as referred to in subparagraph 16 of Article 2 of the Preservation of Natural Environment Conservation Act;
3. Gross quantity of pollutions by regions; and
4. Other criteria set for the environmental preservation by the related statutes.

(2) With regard to the criteria that are not provided in paragraph (1), the provisional targets for environmental preservation shall be set by taking account of scientific knowledges, etc. at the time of assessments and by holding a consultation with the head of an approving agency, etc., and the assessments may be performed on the basis thereof.

[This Article Wholly Amended by Act No. 7020, Dec. 30, 2003]

Article 31 (Subject Area of Environmental Impacts Assessment)

The environmental impacts assessment shall be performed in such areas which suffer from the environmental impacts due to the execution of subject projects, and for which the scope is set up

according to the data on such environmental impacts that have been scientifically predicted and analyzed.

Article 32 (Reassessment)

(1) The Minister of Environment may require the President of the Korea Environment Institute to reassess the environmental impact of the projects subject to the environmental impacts assessments, which are deemed to have a serious impact on the surrounding environment by generating such environmental impacts that have been unpredicted at the time of consultations on an assessment statement, and for which the countermeasures for their mitigation are difficult to be formulated with the dispositions as referred to in Articles 25 (5) and 26. *<Amended by Act No. 7020, Dec. 30, 2003>*

(2) The President of the Korea Environment Institute shall, upon receipt of a request under paragraph (1), conduct the reassessment on the relevant projects, and notify the Minister of Environment and the head of an approving agency, etc. of the results thereof within the period as specified by the Presidential Decree.

(3) The Minister of Environment or the head of an approving agency, etc. may, upon receipt of a notification of the results of reassessment under paragraph (2), require a project executor or the heads of the related administrative agencies, etc. to take measures necessary for the reduction of environmental impacts, or may directly take necessary measures according to the results of reassessment.

(4) The Mayor/*Do* governor may, in case where the causes defined by the Presidential Decree which have been unpredicted at the time of consultations are generated to the projects subject to a traffic impact assessment (including the projects which are consulted by the Minister of Construction and Transportation under Article 17), conduct the reassessment on the relevant projects just for once within 5 years after the consultation.

(5) Matters necessary for the procedures for reassessment, etc. under paragraph (4) shall be prescribed by the Presidential Decree.

Article 33 (Charges for Excess of Consultation Standards)

(1) In case where the project plans, etc. in which the contents of consultation are reflected under Article 21 (2) are confirmed, and the contents of consultation contain the standards on the discharge density of pollutants (hereinafter referred to as the "consultation standards"), the Minister of Environment shall, under the conditions as prescribed by the Presidential Decree, impose the charges for an excess of the consultation standards (hereinafter referred to as the "charges for an excess") on a person who operates the facilities falling under any of the following subparagraphs in excess of such standards, and collect them from him: *<Amended by Act No. 7459, Mar. 31, 2005; Act No. 8404, Apr. 27, 2007; Act No. 8466, May 17, 2007>*

1. Air pollutant emission facilities under subparagraph 9 of Article 2 of the Clean Air

Conservation Act;

2. Wastewater discharge facilities under subparagraph 10 of Article 2 of the Water Quality and Ecosystem Conservation Act;
3. Wastewater terminal treatment facilities under Article 48 of the Water Quality and Ecosystem Conservation Act;
4. Sewage terminal treatment facilities under subparagraph 5 of Article 2 of the Sewerage Act; and
5. Treatment facilities of sewage, treatment facilities of livestock wastewater, treatment facilities of excreta and public treatment facilities of livestock wastewater under subparagraphs 5 and 8 through 10 of Article 2 of the Act on the Disposal of Sewage, Excreta and Livestock Wastewater.

(2) The consultation standards may be contained in the contents of consultations only in such cases where a project executor indicates them on the assessment statement, and where deemed that the environmental standards under Article 10 of the Framework Act on Environmental Policy are difficult to be maintained or the environmental deterioration is not prevented under the standards falling under any of the following subparagraphs in the areas to be suffered from the impacts due to the execution of the projects subject to assessment: *<Amended by Act No. 7459, Mar. 31, 2005; Act No. 8404, Apr. 27, 2007; Act No. 8466, May 17, 2007>*

1. Allowable emission standards under Article 16 of the Clean Air Conservation Act;
2. Allowable discharge standards under Article 32 of the Water Quality and Ecosystem Conservation Act;
3. Water quality standards for discharged water under Article 12 (3) of the Water Quality and Ecosystem Conservation Act; and
4. Water quality standards for discharged water under Article 5 of the Act on the Disposal of Sewage, Excreta and Livestock Wastewater.

(3) The kinds of pollutants subject to an imposition of charges for excess under paragraph (1), the methods and procedures for computation of charges for excess shall be prescribed by the Presidential Decree.

(4) The Minister of Environment shall take account of the following matters in imposing the charges for an excess pursuant to paragraph (1):

1. Degree of an excess of the consultation standards;
2. Kinds of pollutants which are discharged;
3. Period of a discharge of any pollutant;
4. Quantity of a discharge of any pollutant;
5. Areas of pollutant discharges; and
6. Frequency of excess of the consultation standards.

(5) If any person liable for paying the charges for an excess under paragraph (1) fails to pay them

within the period of such payment, the Minister of Environment shall impose and collect the additional charges from the person.

(6) The provisions of Articles 21 and 22 of the National Tax Collection Act shall apply *mutatis mutandis* to the additional charges under paragraph (5).

(7) The charges for an excess and the additional charges under paragraph (5) shall be the revenue of the special accounts for environment improvement under the Act on the Special Accounts for Environment Improvement.

(8) The charges for an excess and the additional charges under paragraph (5) shall be used only for the purpose of eliminating or reducing the environmental impacts generated by discharging any pollutant in excess of the consultation standards.

(9) If the Minister of Environment delegates the authority on the imposition and collection of the charges for an excess and additional charges within zones under the jurisdiction of the Mayors/Do governors to them pursuant to Article 38, he may divert part of the charges for an excess and the additional charge which are already collected into the collection expenses under the conditions as prescribed by the Presidential Decree.

(10) If any person liable for paying the charges for an excess or the additional charges fails to pay them within the period of such payment, they shall be collected pursuant to the examples of disposition on national taxes in arrears.

Article 33-2 (Relation with Prior Examination of Environmental Compatibility)

(1) Where the prior examination of environmental compatibility is carried out at the formulating stage of administrative plan for a development project subject to environmental impact assessment, the written contents of the prior examination of environmental compatibility may be utilized in assessing environmental impacts.

(2) Where the prior examination of environmental compatibility is carried out at the formulating stage of administrative plan for a project subject to environmental impact assessment, the collection of opinions may be omitted under the conditions prescribed by the Presidential Decree if it is judged that the collection of opinions conducted under Article 25-5 of the Framework Act on Environment Policy may substitute for the collection of opinions under Article 6.

[This Article Newly Inserted by Act No. 7561, May 31, 2005]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 34 (Research on Impact Assessment)

(1) The head of the related central administrative agency may, in order to ensure an efficient performance of impact assessment, have the Korea Environment Institute, and the Korea Transport Institute or Korea Research Institute for Human Settlements established under the Act on the

Establishment, Operation and Fostering of Government-Invested Research Institutions perform matters falling under any of the following subparagraphs: <Amended by Act No. 7020, Dec. 30, 2003; Act No. 7573, May 31, 2005>

1. Preparation and supplement of various indexes necessary for the impacts assessment;
2. Assessment and development of whether the techniques of impact assessment and of prediction are adequate; and
3. Other matters necessary for an efficient performance of impacts assessment.

(2) The head of the related central administrative agency shall devise the plan for fostering researches on the environmental assessment technology. <Newly Inserted by Act No. 7020, Dec. 30, 2003>

Article 35 (Obligation to Keep Secret Strictly)

The agent for assessment, the specialists, and the officers or employees of specialized agencies taking part in the review process of assessment statement under Article 19 (2) and (3) or those who have been in such posts, shall not divulge or appropriate the secrets acquired on duty relevant to impact assessment.

Article 36 (Collection and Dissemination of Information and Fostering Specialized Manpower)

The head of the related central administrative agency shall collect and disseminate information relevant to impact assessment in order to elevate the specialty of impact assessment, and devise a means to foster the specialized manpower.

Article 37 (Impact Assessment Association)

(1) An agent for assessment and any person who is engaged in the affairs related to the impact assessment may establish an impact assessment association (hereinafter referred to as the "association") for the purpose of promoting the sound development of affairs relevant to the impact assessment such as investigation, research, education and publicity concerning the impact assessment.

(2) The association shall be a juristic person.

(3) The association shall prepare the articles of association and obtain authorization from the head of related central administrative agency. The same shall apply in case where it intends to modify them.

(4) If the head of related central administrative agency deems that the operations of the association violate Acts and subordinate statutes or the articles of the association, he may give orders for the alteration in the project plans or in the articles of the association, or for a replacement of an officer.

(5) The provisions of the Civil Act concerning a corporation aggregate shall apply *mutatis mutandis* to the matters which are not speculated in this Act relevant to the association.

Article 38 (Delegation and Entrustment of Authority)

(1) Part of the authority of the head of related central administrative agency under this Act may be

delegated to the Mayors/*Do* governors, or the heads of regional environment management offices under the conditions as prescribed by the Presidential Decree.

(2) The head of related central administrative agency may, under the conditions as prescribed by the Presidential Decree, entrust the association or the specialized institutes concerned with part of the affairs under this Act.

CHAPTER VI PENAL PROVISIONS

Article 39 (Penal Provisions)

Any person who has violated orders to suspend the construction works under Articles 26 (4) or 28 (2) shall be punished by imprisonment for not more than five years or a fine not exceeding fifty million won.

Article 40 (Penal Provisions)

(1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or a fine not exceeding twenty million won:

1. A person who prepares an assessment statement, the means for reducing impacts under Article 24 (1) or the results of survey on environmental impacts under Article 25 (4) falsely; and
2. A person who performs the affairs of impact assessment as an agent without being registered as an agent of assessment under Article 8 (including those who perform the affairs of impact assessment as an agent in violation of Article 14 (1)).

(2) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or a fine not exceeding ten million won:

1. An agent for assessment who has lent the registration certificate or his title to the third party in violation of Article 10 (2);
2. Any person who performs the construction works in violation of Article 28 (1); and
3. Any person who divulges or appropriates the secrets in violation of Article 35.

Article 41 (Joint Penal Provisions)

If the representative of a juristic person, or an agent, a servant or other employees of a juristic person or an individual violates the provisions of Article 39 or 40 in implementing the affairs of the juristic person or individual, not only such a violator shall be punished but the juristic person or individual shall be punished by a fine as provided in each of relevant Articles.

Article 42 (Fine for Negligence)

(1) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won: *<Amended by Act No. 7020, Dec. 30, 2003>*

1. A project executor who fails to conclude a separate contract for preparation of assessment

document as referred to in Article 7 (2);

1-An agent for assessment and a project executor (limited to the case where a project executor
2. has directly prepared) who unfaithfully prepare an assessment statement, the means for reducing
impacts under Article 24 (1), or the results of survey on environmental impacts under Article
25 (4);

2. A person who fails to perform the whole or part of survey on environmental impacts under
Article 25 (4), or makes a false notification of the results of relevant survey;

3. A person who fails to take the measures required under Article 25 (5); and

4. A project executor who fails to execute the disposition order under Article 26 (3) or the request
under paragraph (5) of the same Article.

(2) Any person who falls under any of the following subparagraphs shall be punished by a fine for
negligence not exceeding five million won:

1. A person who violates the matters to be observed under Article 10 (1) 1 or 2;

2. A person who fails to prepare a management ledger or designate a manager in violation of
Article 25 (2);

3. A person who fails to notify the results of survey on environmental impacts under Article 25
(4); and

4. A person who fails to notify the commencement of works, etc. on the projects under Article 27.

(3) The head of consulting agency on assessment statement shall, under the conditions as prescribed
by the Presidential Decree, impose and collect a fine for negligence under paragraphs (1) and (2).

(4) Any person who has an objection against the disposition of a fine for negligence under paragraph
(3) may raise an objection to the head of consulting agency on assessment statement within thirty
days from the day when such disposition is announced to him.

(5) If any person, on whom the disposition of a fine for negligence under paragraph (3) is imposed,
raises an objection under paragraph (4), the head of consulting agency on assessment statement
shall, without delay, notify a competent court of the fact that such an objection is raised, and the
competent court so notified shall sit in judgment on a fine for negligence under the Non-Contentious
Case Litigation Procedure Act.

(6) If neither an objection is raised within a period under paragraph (4) nor a fine for negligence is
paid, it shall be collected pursuant to the examples of disposition on national or local taxes in arrears.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2001.

Article 2 (Abrogation of Act)

The previous Environmental Impact Assessment Act is hereby abrogated.

Article 3 (Transitional Measures concerning Assessment Statement)

The assessment statement which has been prepared or for which a request for consultation or deliberation has been made, or for which the procedure for reparation, reconsultation or redeliberation is going on, under the previous Environmental Impact Assessment Act, the Urban Traffic Readjustment Promotion Act, the Countermeasures against Natural Disasters Act and the Seoul Metropolitan Area Readjustment Planning Act at the time when this Act enters into force, shall be considered as the assessment statement for which a request for preparation or consultation has been made, or for which a procedure for reparation or reconsultation is going on under this Act.

Article 4 (Transitional Measures concerning Agent for Assessment, etc.)

(1) The agent for assessment who has been registered under the previous Environmental Impact Assessment Act and the assessment institutes which have been registered under the Urban Traffic Readjustment Promotion Act at the time when this Act enters into force, shall be considered as the agent for assessment in the relevant field which have been respectively registered under Article 8.

(2) The person capable of performing by proxy the disaster impact assessment or the population impact assessment under the Countermeasures against Natural Disasters Act or the Seoul Metropolitan Area Readjustment Planning Act at the time when this Act enters into force, shall be considered as the agent for assessment in the relevant field until six months after the enforcement of this Act.

Article 5 (Transitional Measures concerning Consultation Contents, etc.)

(1) The consultation contents which have been notified under the previous Environmental Impact Assessment Act at the time when this Act enters into force, shall be considered as the consultation contents which are notified under Article 20 (1).

(2) The assessment statement which has been notified through deliberations under the Urban Traffic Readjustment Promotion Act, the Countermeasures against Natural Disasters Act and the Seoul Metropolitan Area Readjustment Planning Act at the time when this Act enters into force, shall be considered as the consultation contents which are notified under Article 20 (1).

Article 6 (Transitional Measures concerning Notification, Disposition and Continued Acts as Prescribed in Previous Acts)

The public announcements, administrative dispositions and other acts of administrative agencies under the previous Environmental Impact Assessment Act, Articles 13 through 19-9 of the Urban Traffic Readjustment Promotion Act, Articles 28 through 32 of the Countermeasures against Natural Disasters Act and Article 19 of the Seoul Metropolitan Area Readjustment Planning Act and the applications, reports and other acts toward administrative agencies at the time when this Act enters into force, shall be considered as the acts of administrative agencies or the acts toward the

administrative agencies under this Act correspondingly thereto.

Article 7 (Transitional Measures concerning Environmental Impact Assessment Association)

The environmental impact assessment association established under the previous Environmental Impact Assessment Act at the time when this Act enters into force, shall be considered as the impact assessment association established under Article 37.

Article 8 (Transitional Measures concerning Penal Provisions)

In the application of penal provisions and the fine for negligence to the acts committed prior to the enforcement of this Act, the previous Environmental Impact Assessment Act, the Urban Traffic Readjustment Promotion Act, the Countermeasures against Natural Disasters Act and the Seoul Metropolitan Area Readjustment Planning Act shall govern.

Article 9 *Omitted.*

Article 10 (Relations with Other Acts and Subordinate Statutes)

If the Environmental Impact Assessment Act or its provisions have been quoted by other Acts and subordinate statutes at the time when this Act enters into force, and there are the provisions corresponding to them in this Act, it shall be deemed that this Act or the corresponding provisions of this Act are quoted in lieu of the previous provisions.

ADDENDA <Act No. 7020, Dec. 30, 2003>

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

ADDENDA <Act No. 7186, Mar. 11, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 5 *Omitted.*

ADDENDA <Act No. 7459, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 *Omitted.*

ADDENDA <Act No. 7561, May 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 and 3 *Omitted.*

ADDENDA <Act No. 7573, May 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <Act No. 8404, Apr. 27, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.