

MINING SAFETY ACT

Amended by Act No. 1292, Mar. 5, 1963

Amended by Act No. 1915, Mar. 17, 1967

Act No. 2493, Feb. 7, 1973

Act No. 3011, Dec. 16, 1977

Act No. 3337, Dec. 31, 1980

Act No. 3422, Apr. 8, 1981

Act No. 3492, Dec. 31, 1981

Act No. 4541, Mar. 6, 1993

Act No. 5454, Dec. 13, 1997

Act No. 5723, Jan. 29, 1999

Act No. 8184, Jan. 3, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9010, Mar. 28, 2008

Act No. 9182, Dec. 26, 2008

Act No. 9218, Dec. 26, 2008

Act No. 9506, Mar. 18, 2009

Act No. 9982, Jan. 27, 2010

Act No. 10339, jun. 4, 2010

Act No. 10497, Mar. 30, 2011

Act No. 11690, Mar. 23, 2013

Article 1 (Purpose)

The purpose of this Act is to seek rational ways in exploiting underground resources by preventing hazards to miners, as well as mining damage.

Article 2 (Definitions)

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

1. The term "mine" means places of business in which mining business is conducted;
2. The term "mining facility" means buildings, artificial structures, pits, machines, equipment and other facilities used for mining in mines: Provided, That appurtenances not directly related to the extraction of minerals, which are prescribed by Presidential Decree, shall be excluded;

3. The term "miner" means persons providing labor in mines in return for wages;
4. The term "mining safety" means the following activities conducted in mines:
 - (a) Prevention of hazards inflictable on humans (including rescuing humans in the event of the occurrence of disasters);
 - (b) Protection of underground resources;
 - (c) Preservation of mining facilities;
 - (d) Prevention of mining damage;
5. The term "mining damage" means damage inflicted on mines and their surrounding environs due to drilling of the ground, extraction of minerals, and ground subsidence incurred in selecting and refining minerals in mines, sweeping away of waste rocks and mining wastes, discharge and efflux of mine water and waste water, emission of metallurgical smoke, scattering of dust, and generation of noise and vibration.

Article 3 (Effect of Dispositions, etc.)

- (1) Each disposition issued under this Act (including any order issued under this Act; hereafter the same shall apply in this Article), or each proceeding or activity taken by a mining right holder or mining concession holder in accordance with this Act shall also take effect on the successor to the mining right holder or mining concession holder.
- (2) Where a new mining concession is created or a conceded mining area is expanded, each disposition issued under this Act, or each proceeding or activity taken by a drilling right holder in accordance with this Act shall also take effect on the mining concession holder within the scope of the mining concession.
- (3) Where an existing mining concession is extinguished or a conceded mining area is reduced, each disposition issued under this Act, or each proceeding or activity taken by the mining concession holder in accordance with this Act shall also take effect on a drilling right holder within the scope of the drilling right: Provided, That the same shall not apply to the extinguishment of mining concessions resulting from the extinguishment of drilling rights.

Article 4 Deleted. <by Act No. 5723, Jan. 29, 1999>

Article 5 (Obligations of Mining Right Holders or Mining Concession Holders)

- (1) Each mining right holder or mining concession holder shall take measures necessary to attain the following objectives:
 1. Prevention of cave-in, collapse, spring water, gas leakage, explosion of gases or coal dust, spontaneous combustion, and fire, and maintaining of ventilation;
 2. Prevention of hazards and mining damages which may be accompanied by the treatment of gases, dust, noise, vibration, waste rocks, mine wastes, mine water, waste water and metallurgical smoke;
 3. Prevention of hazards which may be accompanied by the handling of machines, equipment, explosives and other materials, power and fire;
 4. Preservation of mining facilities;

5. Establishment of rescue teams, securing of safety equipment, provision of safety education to miners, and enactment of safety regulations;
 6. Protection of underground resources;
 7. Prevention of mining damages and other safety measures.
- (2) Detailed measures to be taken by a mining right holder or mining concession holder pursuant to paragraph (1) shall be prescribed by Presidential Decree.

Article 6 (Obligations of Miners)

(1) When a miner operates a machine categorized as mining facilities (hereafter referred to as "mining machine" in this paragraph), he/she shall observe the following matters necessary for mining safety:

1. The miner shall not repair, refuel or clean mining machines in operation: Provided, That the same shall not apply to cases where such works are recognized to be not dangerous by mining safety management personnel under Article 13 (hereinafter referred to as "mining safety management personnel");
2. The miner shall operate mining machines after confirming that the operation puts no one nearby in danger.

(2) No miner shall take transportation means, other than facilities designed to transport people: Provided, That the same shall not apply to cases where a miner takes such transportation means to work in the transportation means or to check or repair shafts or shafts inclined in the degree of 40 or more, or cables, pipes, etc. installed therein, or a miner takes the relevant transportation means for the safe transportation of articles transported by the transportation means under the instruction of mining safety management personnel.

(3) Each miner shall, when necessary to preserve mining safety facilities or prevent the deterioration thereof, observe the following matters:

1. No miner shall destroy or modify warning signs placed for safety purpose, installations for blocking traffic, safety-related machines or equipment, and other facilities, in contravention of the instruction of mining safety management personnel;
2. No one shall enter places where only mining safety management personnel or persons designated by mining safety management personnel are allowed to pass or access;
3. No miner shall suspend, stop or interfere with the maintenance or operation of ventilation facilities, mine water discharge facilities, and other facilities necessary for mining safety.

(4) Each miner shall observe matters necessary for preventing hazards or mining damage in connection with works relevant to him/her, which are prescribed by Presidential Decree.

Article 7 Deleted. <by Act No. 5723, Jan. 29, 1999>

Article 8 (Approval for Installation of Mining Facilities, etc.)

(1) When a mining right holder or mining concession holder intends to install or modify mining facilities, he/she shall obtain approval from the Minister of Trade, Industry, and Energy or make a report to the Minister of Trade, Industry, and Energy, with respect to the work plan according to classifications

prescribed by Presidential Decree <Amended by Act No. 11690, Mar. 23, 2013>

(2) When a mining right holder or mining concession holder completes works approved pursuant to paragraph (1) or disuses mining facilities under paragraph (1), he/she shall report such fact to the Minister of Trade, Industry, and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The Minister of Trade, Industry, and Energy may, when deemed necessary for works under paragraph (1), prohibit the mining right holder or mining concession holder from commencing such works or issue an order for the modification of the plan therefor. <Amended by Act No. 11690, Mar. 23, 2013>

Article 9 (Performance Tests, etc.)

When a mining right holder or mining concession holder completes the installation or modification of mining facilities prescribed by Presidential Decree or a specific period of time passes after the completion of such installation or modification, he/she shall have such mining facilities tested by the Minister of Trade, Industry, and Energy, and shall not use facilities if they fail to pass the test. <Amended by Act No. 11690, Mar. 23, 2013>

Article 9-2 (Dump Sites, etc.)

(1) Any mining right holder or mining concession holder obliged to take measures for a dump site of waste rocks or waste minerals, pit or other articles prescribed by Ordinance of the Ministry of Trade, Industry, and Energy (hereinafter referred to as "dump site, etc."), following an order issued under this Act, shall take the measures even after he/she transfers or abandons them. <Amended by Act No. 11690, Mar. 23, 2013>

(2) When a mining right or mining concession is transferred, the successor to the mining right holder or mining concession holder shall succeed the obligations of the mining right holder or mining concession holder for dump sites, etc.

(3) When a mining concession is created, the mining concession holder shall succeed the obligations of the relevant drilling right holder for dump sites, etc.: Provided, That the same shall not apply to cases where the part of a mining area is turned into a conceded mining area.

(4) When a mining concession is extinguished, the drilling right holder shall succeed the obligations of the relevant mining concession holder for dump sites, etc.

Article 10 (Use of Explosives)

(1) Each mining right holder or mining concession holder shall observe the Control of Firearms, Swords, Explosives, etc. Act when using explosives: Provided, That a person in charge of explosives management and safety under Article 28 of the Control of Firearms, Swords, Explosives, etc. Act may permit the direct handling of explosives only to persons satisfying specific qualifications prescribed by Ordinance of the Ministry of Trade, Industry, and Energy under his/her own responsibility. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters necessary for the use of explosives in mines, other than those prescribed in the Control of Firearms, Swords, Explosives, etc., shall be prescribed by Ordinance of the Ministry of Trade, Industry, and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

Articles 11 and 12 Deleted. <by Act No. 5723, Jan. 29, 1999>

Article 13 (Mining Safety Management Personnel)

(1) Each mining right holder or mining concession holder shall appoint mining safety management personnel as prescribed by Ordinance of the Ministry of Trade, Industry, and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Trade, Industry, and Energy may, when deemed necessary for mining safety, order a mining right holder or mining concession holder to dismiss mining safety management personnel. <Amended by Act No. 11690, Mar. 23, 2013>

(3) When a mining right holder or mining concession holder appoints or dismisses mining safety management personnel, he/she shall report such fact to the Minister of Trade, Industry, and Energy as prescribed by Ordinance of the Ministry of Trade, Industry, and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Mining safety management personnel shall manage matters concerning mining safety as prescribed by Ordinance of the Ministry of Trade, Industry, and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(5) When a mining safety management personnel member is unable to conduct his/her duties due to travelling, illness or other circumstances, the mining right holder or mining concession holder shall, in advance, appoint a substitute to vicariously perform such duties as prescribed by Ordinance of the Ministry of Trade, Industry, and Energy for the continuation of the duties and report thereon to the Minister of Trade, Industry, and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(6) When a substitute under paragraph (5) performs the duties of a mining safety management personnel member, he/she shall be construed as a mining safety management personnel member in the application of this Act and orders issued under this Act.

(7) Mining safety management personnel shall have a specific qualification prescribed in the National Technical Qualifications Act and shall be determined by Ordinance of the Ministry of Trade, Industry, and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(8) No mining safety management personnel shall concurrently hold the office of mining safety management personnel in two or more mines: Provided, That the same shall not apply to cases where mining safety management personnel obtains approval from the Minister of Trade, Industry, and Energy for the concurrent holding of office on special grounds. <Amended by Act No. 11690, Mar. 23, 2013>

Article 14 Deleted. <by Act No. 5723, Jan. 29, 1999>

Article 15 (Safety Orders)

When the Minister of Trade, Industry, and Energy recognizes that the following matters are in violation of this Act or orders issued under this Act, he/she may order a mining right holder or mining concession holder to suspend the use of, remodel, repair and relocate mining facilities, to change the methods of operating mines or to take other necessary measures: <Amended by Act No. 11690, Mar. 23, 2013>

1. Use of mining facilities;

2. Handling of explosives or other materials, and power or fire;
3. Other methods of operating mines.

Article 15-2 (Rescue Orders)

When the Minister of Trade, Industry, and Energy deems it necessary to rescue people suffering from a disaster in a mine, he/she may order a mining right holder or mining concession holder to take necessary measures therefor. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 16 (Reporting)

The Minister of Trade, Industry, and Energy may have a mining right holder or mining concession holder report the following matters concerning mining safety as prescribed by Presidential Decree: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Matters concerning disasters and accidents;
2. Matters concerning contracted works;
3. Matters concerning the occurrence of danger.

Article 17 (Preparation of Mining Safety Maps)

Each mining right holder or mining concession holder shall prepare a mining safety map as prescribed by Ordinance of the Ministry of Trade, Industry, and Energy, and keep it in his/her office in the mine and submit a copy thereof to the Minister of Trade, Industry, and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 18 (Responsibilities of Former Mining Right Holders or Mining concession holders)

(1) The Minister of Trade, Industry, and Energy may order former mining right holders or mining concession holders to take measures necessary for preventing hazards or mining damage which may be caused by their mine management for three years even after the extinguishment of their mining rights. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Any person subject to an order under paragraph (1) shall be construed as a mining right holder or mining concession holder within the scope necessary for him/her to take measures following such order.

Article 19 (Competent Authority)

(1) The Minister of Trade, Industry, and Energy shall handle administrative affairs concerning the supervision of mining safety. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Employment and Labor may recommend matters necessary for the safety and protection of miners to the Minister of Trade, Industry, and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Environment may recommend matters necessary for the prevention of mining damage to the Minister of Trade, Industry, and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 20 (Mining Safety Officers)

(1) The Minister of Trade, Industry, and Energy may appoint mining safety officers to conduct the duty to supervise mining safety in the Ministry of Trade, Industry, and Energy and the subordinate agencies thereof. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A mining safety officer under paragraph (1) shall be appointed or dismissed by the Minister of Trade, Industry, and Energy, from among public officials under his/her control. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The Minister of Trade, Industry, and Energy may, when deemed necessary for supervising mining safety, dispatch a mining safety officer to a mine to inspect the affairs of mining safety, the current state of mining facilities, account books, documents and other articles, to ask questions to relevant persons or to take measures necessary for mining safety. <Amended by Act No. 11690, Mar. 23, 2013>

(4) A mining safety officer that conducts an inspection or asks questions pursuant to paragraph (3) shall carry a certificate indicating his/her authority and present it to relevant persons.

Article 21 (Judicial Police Power)

Each mining safety officer shall perform the duties of judicial police officers with respect to offenses against this Act, in accordance with the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of their Duties.

Article 22 (Reporting on Occurrence, etc. of Hazards)

(1) When a hazard or mining damage occurs or is likely to occur in a mine as a result of an offense against this Act, the miners thereof may report such fact to the Minister of Trade, Industry, and Energy or to mining safety officers. <Amended by Act No. 11690, Mar. 23, 2013>

(2) No mining right holder nor mining concession holder shall disadvantage miners by means of dismissal, suspension of duty, change of post, reduction of wages, or other disadvantageous treatments under the ground of their reporting under paragraph (1).

Article 22-2 (Fees)

Any person intending to undergo a performance test, etc. under Article 9 shall pay fees as prescribed by Ordinance of the Ministry of Trade, Industry, and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

Article 22-3 (Delegation or Entrustment of Authority)

(1) The authority of the Minister of Trade, Industry, and Energy under this Act may be partially delegated to the heads of the agencies under his/her control, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Trade, Industry, and Energy may entrust the business of performance test, etc. of mining facilities under Article 9 to Korea Resources Corporation established under the Korea Resources Corporation Act or to Mine Reclamation Corporation established under the Mining Damage Prevention and Restoration Act as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

Article 22-4 (Legal Fiction as Public Officials in Application of Penal Provisions)

In the application of Articles 129 through 132 of the Criminal Act, the executives and employees of a corporation engaging in the business entrusted by the Minister of Trade, Industry, and Energy pursuant to Article 22-3 (2) shall be construed as public officials. <Amended by Act No. 11690, Mar. 23, 2013>

Article 23 Deleted. <by Act No. 5723, Jan. 29, 1999>

Article 24 (Penal Provisions)

Any person who violates an order referred to in Article 15, 15-2 or 18 (1) shall be punished by imprisonment with prison labor for not more than one year, or by a fine not exceeding ten million won.

Article 25 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than six months, or by a fine not exceeding five million won:

1. A person who fails to take measures under Article 5 or fails to observe matters necessary for mining safety under Article 6;
2. A person who commences works without obtaining approval for the plan therefor under Article 8 (1);
3. A person who violates an order under Article 8 (3) or 13 (2);
4. A person who violates Article 9, 13 (1) and (4) or 22 (2).

Article 25-2 (Joint Penal Provisions)

If the representative of a corporation, or an agent, employee or any other employed person of a corporation or individual commits an offense under Article 24 or 25 in relation to the business of the corporation or individual, not only such offender shall be punished, but such corporation or individual shall also be punished by a fine referred to in the relevant provisions: Provided, That the same shall not apply to cases where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence.

Article 26 (Fines for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punished by a fine not exceeding two million won:

1. A person who fails to make a report or makes a false report on a work plan under Article 8 (1);
2. A person who fails to make a report or makes a false report in violation of Article 8 (2) or 13 (3);
3. A person who fails to make a report under Article 16 or makes such report falsely;
4. A person who fails to prepare and keep a mining safety map in his/her office in the mine or fails to submit a copy thereof, in violation of Article 17;
5. A person who refuses, interferes with or evades an inspection under Article 20 (3) or refuses to make a statement to questions or makes a false statement.

(2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Trade, Industry, and Energy as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

ADDENDA

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

(2) (Existing Facilities) With respect to the existing mining facilities before the enforcement of this Act, necessary measures for safety should be taken as provided by Ordinance of the Minister of Energy Resources within not later than 90 days after the day of the enforcement of this Act and should be approved by the Minister of Energy Resources.

ADDENDUM <Act No. 1915, Mar. 17, 1967>

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

ADDENDUM <Act No. 2493, Feb. 7, 1973>

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

ADDENDA <Act No. 3011, Dec. 16, 1977>

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

(2) through (5) Omitted.

ADDENDUM <Act No. 3337, Dec. 31, 1980>

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

ADDENDA <Act No. 3422, Apr. 8, 1981>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 3492, Dec. 31, 1981>

Article 1 (Enforcement Date)

This Act shall enter into force on February 1, 1982.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 4541, Mar. 6, 1993>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5723, Jan. 29, 1999>

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

(2) (Transitional Measures concerning Penal Provisions) The application of the penal provisions to acts performed before the enforcement of this Act shall be dealt with according to the previous provisions.

ADDENDUM <Act No. 8184, Jan. 3, 2007>

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9010, Mar. 28, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 9182, Dec. 26, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 9218, Dec. 26, 2008>

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

ADDENDUM <Act No. 9506, Mar. 18, 2009>

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

ADDENDA <Act No. 9982, Jan. 27, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 10339, Jun. 4, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 10497, Mar. 30, 2011>

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

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

