

# ENVIRONMENTAL IMPACT ASSESSMENT ACT

Wholly Amended by Act No. 10892, Jul. 21, 2011

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Act No. 11690, Mar. 23, 2013

Act No. 13040, Jan. 20, 2015

Act No. 13426, Jul. 24, 2015

## **Article 1 (Purpose)**

The purpose of this Act is to promote environment-friendly, sustainable development and healthy and pleasant life of citizens by forecasting and assessing the environmental impacts of a plan or project and by formulating measures for environmental conservation when a plan or project that has an environmental impact is formulated and implemented.

## **Article 2 (Definitions)**

The terms used in this Act shall be as follows:

1. The term "strategic environmental impact assessment" means an assessment conducted to determine the feasibility of a higher-tier plan, the appropriateness of a site location, etc. from an environmental perspective by verifying whether the plan conforms to the relevant environmental conservation plan and by developing and analyzing alternatives to promote sustainable development of national land when it is intended to formulate a higher-tier plan that has an environmental impact;
2. The term "environmental impact assessment" means an assessment conducted to formulate measures for preventing, alleviating, or mitigating harmful environmental impacts by surveying, forecasting, and assessing the environmental impact of a project, when it is intended to permit, authorize, approve, or licence (hereinafter referred to as "approve, etc.") an implementation plan or execution plan that has an environmental impact or to make a determination on such implementation plan or execution plan;
3. The term "mini environmental impact assessment" means an assessment conducted by surveying, forecasting, and assessing the appropriateness of a site location and the environmental impact of a development project to provide measures for environmental conservation, when it is intended to implement a development project in an area requiring environmental conservation or in an area requiring planned development because reckless development is anticipated;
4. The term "environmental impact assessment, etc." means a strategic environmental impact assessment, environmental impact assessment, or mini environmental impact assessment;

5. The term "agreed standards" means standards that a project implementer or the head of the approving authority agrees to apply to a specific project with the Minister of Environment, since they find it impracticable to maintain the environmental standards under Article 12 of the Framework Act on Environmental Policy or to prevent environmental deterioration merely by enforcing any of the following standards in an area affected by the implementation of the project:

- (a) Standards for the quality of discharged water under Article 13 of the Act on the Management and Use of Livestock Excreta;
- (b) Standards for permitting emissions under Article 16 of the Clean Air Conservation Act;
- (c) Standards for the quality of released water under Article 12 (3) of the Act on the Water Quality and Aquatic Ecosystem Conservation;
- (d) Standards for permitting discharge under Article 32 of the Act on the Water Quality and Aquatic Ecosystem Conservation;
- (e) Standards for the management of waste disposal facilities under Article 31 (1) of the Wastes Control Act;
- (f) Standards for the quality of effluent water under Article 7 of the Sewerage Act;
- (g) Standards for other pollutants specified by relevant Acts for environmental conservation;

6. The term "environmental impact assessor" means a person qualified under Article 63 (1) to provide services for the preparation of environmental impact assessment reports by conducting surveys on environmental situation, forecasting and analyzing environmental impacts, formulating plans for environmental conservation, and assessing alternatives.

### **Article 3 (Responsibilities of State, etc.)**

(1) When the State, a local government, or a project implementer formulates and implements a policy or plan or implements a project, it shall take measures necessary to minimize environmental pollution and environmental degradation.

(2) The State, local governments, project implementers, and citizens shall recognize the importance of environmental impact assessments, etc. and shall endeavor to ensure that the process prescribed by this Act is performed properly and smoothly.

(3) The Minister of Environment shall formulate and disseminate guidelines for the evaluation of environmental impact assessments, standards for preparation of environmental impact assessments, checklists, etc. in order to improve the objectivity, scientific validity, and predictability of environmental impact assessments, etc.

### **Article 4 (Fundamental Principles of Environmental Impact Assessments, etc.)**

Environmental impact assessments, etc. shall be conducted in accordance with the following fundamental principles:

1. Environmental impact assessments, etc. shall be conducted to ensure that conservation and development are in harmony and balanced to achieve sustainable development;

2. Measures for environmental conservation and alternatives therefor shall be formulated within the extent economically and technically practicable, based on the outcomes of scientific surveys and forecasts;
3. Residents, etc. shall be adequately informed of a plan or project subject to environmental impact assessments, etc. so that residents, etc. can actively participate in the process of environmental impact assessments, etc.;
4. The outcomes of environmental impact assessments, etc. shall be described simply and easily to facilitate residents and decision-makers's full understanding;
5. Where plans or projects are concentrated in a specific area or during a specific period, cumulative impact of such plans or projects shall be taken into consideration in conducting environmental impact assessments, etc.

#### **Article 5 (Formulation, etc. of Targets for Environmental Conservation)**

A person who intends to conduct an environmental impact assessment or such shall formulate targets for environmental conservation, based upon the following standards, the nature of the relevant plan or project, the present condition of land use and environment, the degree of impact of the relevant plan or project on the environment, the scientific and technical levels at the time of assessment, economic situation, etc., and shall conduct an environmental impact assessment or such, based on the goals:

1. Environmental standards under Article 12 of the Framework Act on Environmental Policy;
2. Ecological and natural maps defined under subparagraph 14 of Article 2 of the Natural Environment Conservation Act;
3. Standards for total pollution load in each region under the Clean Air Conservation Act and the Water Quality and Aquatic Ecosystem Conservation Act;
4. Standards formulated by other related Acts for environmental conservation.

#### **Article 6 (Areas subject to Environmental Impact Assessment, etc.)**

An environmental impact assessment, etc. shall be conducted in an area demarcated by boundaries as an area anticipated to be affected by the formulation of a plan or by the implementation of a project according to data from a scientific forecast and analysis of the environmental impact.

#### **Article 7 (Sectors subject to Environmental Impact Assessments, etc. and Subject-matter of Assessment)**

- (1) An environmental impact assessment, etc. shall be conducted with regard to natural environment, living environment, social and economic environment, and other sectors (hereinafter referred to as "sectors subject to environmental impact assessment") that is anticipated to be affected by the formulation of a plan or by the implementation of a project.
- (2) Sub-categories for assessment of the sectors subject to environmental impact assessment (hereinafter referred to as "subject-matter for environmental impact assessment"), methods of assessment, etc. shall be prescribed by Presidential Decree.

## **Article 8 (Environmental Impact Assessment Council)**

(1) The Minister of Environment, the heads of planning agencies, the heads of agencies with authority for the approval for plans or projects (hereinafter referred to as the "heads of approving agencies"), and project implementers not subject to obtaining approval, etc. shall form and operate an Environmental Impact Assessment Council in order to deliberate on the following matters:

1. Determination of the subject-matter for, scope, etc. of assessment under Articles 11 and 24;
2. Coordination in discussions on environmental impact assessment under Article 31 (2);
3. Whether to conduct a summary environmental impact assessment under Article 51 (2);
4. Coordination in collection of opinions and discussions thereon under Article 52 (3);
5. Other matters specified by Presidential Decree as those necessary to facilitate environmental impact assessments.

(2) The Environmental Impact Assessment Council under paragraph (1) (hereinafter referred to as the "Environmental Impact Assessment Council") shall be comprised of persons with abundant knowledge and experience in environmental impact assessments, but representatives of residents and experts from the private sector, such as non-governmental organizations, shall be included in the council: Provided, That where a health impact assessment shall be conducted under Article 13 of the Environmental Health Act, experts in health impact assessments, in addition to the experts from the private sector referred to in the above clause, shall be included in the council. *<Amended by Act No. 13040, Jan. 20, 2015>*

(3) Matters necessary for the formation, operation, etc. of the Environmental Impact Assessment Council shall be prescribed by Presidential Decree.

## **Article 9 (Subject Matters of Strategic Environmental Impact Assessment)**

(1) When the head of an administrative agency intends to formulate any of the following plans, he/she shall conduct a strategic environmental impact assessment with regard thereto:

1. An urban development project;
2. A plan for the development of an industrial site or industrial complex;
3. A plan for the development of energy sources;
4. A plan for the development of a harbor;
5. A plan for the construction of a road;
6. A plan for the development of water resources;
7. A plan for the construction of a railroad (including an urban railroad);
8. A plan for the construction of an airport;
9. A plan for the use and development of river;
10. A plan for the development of land and reclamation of public waters;
11. A plan for the development of a tourism complex;
12. A plan for the development of a mountainous district;
13. A plan for the development of a particular area;

14. A plan for the establishment of a sports facility;
15. A plan for the establishment of a waste disposal facility;
16. A plan for the establishment of facilities for national defense and military installations;
17. A plan for the extraction of earth and stone, sand, gravel, minerals, etc.;
18. A plan for the establishment of any of the facilities specified by Presidential Decree as those that have an environmental impact.

(2) The plans subject to strategic environmental impact assessment under paragraph (1) (hereinafter referred to as "plans subject to strategic environmental impact assessment") are classified as follows, taking the nature of each plan into consideration:

1. Governmental plan: A plan that generally indicates the basic direction-direction in, or guidelines for, the development and conservation of all or some national land;
2. Master development plan: Either of the following plans for a certain part of national land:
  - (a) A plan for the designation of a particular development zone;
  - (b) A plan that is required to be formulated by a specific statute before formulating an implementation plan to form the basis for a standard for an implementation plan.

(3) The subcategories of the plans subject to strategic environmental impact assessment and the governmental plans and master development plans formulated under paragraph (2) shall be prescribed by Presidential Decree.

#### **Article 10 (Exclusion from Subject Matters of Strategic Environmental Impact Assessment)**

Notwithstanding Article 9, strategic environmental impact assessment may be skipped for either of the following plans:

1. A plan determined by the Minister of National Defense, in consultation with the Minister of Environment, as a plan involving military secrets requiring stringent protection or a plan necessary for an urgent military operation;
2. A plan determined by the Director of the National Intelligence Service, in consultation with the Minister of Environment, as a plan involving military secrets requiring stringent protection.

#### **Article 11 (Determination of Subject-matters for, Scope, etc. of Assessment)**

(1) When the head of an administrative agency intends to formulate a plan subject to strategic environmental impact assessment, he/she shall make a preparatory statement for assessment before conducting strategic environmental impact assessment and shall present the statement to the Environmental Impact Assessment Council for deliberation to determine the following matters (hereafter in this Chapter referred to as "subject-matters, etc. for strategic environmental impact assessment"):

1. The area subject to strategic environmental impact assessment;
2. A land use plan;
3. Alternative plans;
4. Subject-matters, the scope, methods, etc. of assessment.

(2) Where a plan subject to strategic environmental impact assessment is formulated upon receipt of a proposal from a person who is not an administrative agency, the person who proposes the plan subject to strategic environmental impact assessment shall make a preparatory statement for assessment and shall request the head of the administrative agency, who shall formulate the plan subject to strategic environmental impact assessment, to determine the subject-matters, etc. for strategic environmental impact assessment.

(3) Upon receipt of a request under paragraph (2), the head of an administrative agency shall bring the case before the Environmental Impact Assessment Council within a period specified by Presidential Decree for deliberation and shall notify the person who proposes the plan subject to strategic environmental impact assessment of the results thereof.

(4) When the head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment determines the subject-matters, etc. of strategic environmental impact assessment under the provisions of paragraphs (1) through (3), he/she shall consider the following matters:

1. The nature of the relevant plan;
2. Consistency with higher-tier plans and other related plans;
3. Locational conditions, status of existing land-use, and environmental features of the relevant area and its environs;
4. Changes in seasonal characteristics (an area with substantial environmental and ecological value);
5. Other matters related to the maintenance of environmental standards.

(5) The head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment shall publish the subject-matters, etc. for strategic environmental impact assessment determined pursuant to paragraph (1) or (3) and shall gather consensus thereon from residents, etc. as prescribed by Presidential Decree.

(6) Matters necessary for determining the subject-matters, etc. for strategic environmental impact assessment under the provisions of paragraphs (1) through (4) shall be prescribed by Presidential Decree, and the methods of making a preparatory statement for assessment shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 12 (Preparation of Draft Strategic Environmental Impact Assessment Reports)**

(1) The head of an administrative agency who intends to formulate a master development plan shall formulate a draft strategic environmental impact assessment report with regard to subject-matters, etc. for strategic environmental impact assessment determined under Article 11 and then gather consensus thereon from residents, etc. under Article 13: Provided, That if it is intended to formulate a master development plan upon a proposal from a person who is not an administrative agency, the person who proposes the master development plan shall formulate a draft strategic environmental impact assessment report and submit it to the head of the relevant administrative agency who formulates the master development plan.

(2) The head of an administrative agency who formulates a master development plan shall submit a draft strategic environmental impact assessment report to the following persons respectively and shall hear their

opinions thereon:

1. The Minister of Environment;
2. The head of the approving agency (only where a plan is subject to approval, etc.);
3. The heads of other relevant administrative agencies specified by Presidential Decree.

(3) The methods of making a draft strategic environmental impact assessment report under paragraph (1), the methods of presenting opinions under paragraph (2), and other necessary matters shall be prescribed by Presidential Decree.

**Article 13 (Gathering Consensus from Residents, etc.)**

(1) The head of an administrative agency who intends to formulate a master development plan shall publish the draft strategic environmental impact assessment report on the master development plan for public inspection and shall hold presentations to hear opinions thereon from the residents in the assessed area: Provided, That a public hearing shall be held if residents within the extent specified by Presidential Decree request a public hearing.

(2) If a master development plan involves any of the areas specified by Presidential Decree as those with a great value for the conservation of ecosystem, the head of the administrative agency who intends to formulate the master development plan shall hear opinions thereon from relevant experts and other persons in addition to opinions of residents in the assessed area.

(3) If the head of an administrative agency who intends to formulate a master development plan is unable to hold a presentation or public hearing under normal conditions other than due to his/her own fault or if any of the events specified by Presidential Decree occurs, he/she may skip a presentation or public hearing. In such cases, the head of an administrative agency shall gather consensus from residents, etc. by a method equivalent to a presentation session or public hearing, as prescribed by Presidential Decree.

(4) The head of an administrative agency who intends to formulate a master development plan shall disclose the results of gathering consensus from residents, etc. under paragraphs (1) and (2) and whether such opinions have been reflected in the plan to the public by the method specified by Presidential Decree.

(5) The publication for public inspection and the holding of presentations or public hearings under paragraphs (1) and (2) and other matters necessary for gathering consensus shall be prescribed by Presidential Decree.

**Article 14 (Omission of Procedures for Gathering Consensus from Residents, etc.)**

If the head of an administrative agency who formulates a master development plan has gathered consensus on the draft strategic environmental impact assessment report through the procedures for gathering consensus under another statute, he/she is not obliged to comply with the procedure for gathering consensus under Article 13.

**Article 15 (Further Gathering of Consensus from Residents, etc.)**

If the head of an administrative agency who intends to formulate a master development plan intends to amend the plan with respect to an important matters specified by Presidential Decree, such as the area subject to the master development plan, after completing the procedures for gathering consensus under

Article 13 but before being notified of the details of consultations under Article 18, he/she shall make another draft strategic environmental impact assessment report and shall further gather consensus from residents, etc. in accordance with the provisions of Articles 11 through 14.

**Article 16 (Requests for Consultations on Strategic Environmental Impact Assessment Reports, etc.)**

(1) The head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment exempt from approval shall formulate a strategic environmental impact assessment report before finalizing the plan and shall request the Minister of Environment to hold consultations thereon.

(2) The head of an administrative agency who intends to formulate a plan subject to strategic environmental impact assessment subject to approval shall formulate a strategic environmental impact assessment report and submit the report to the head of the approving agency, and the head of the approving agency shall request the Minister of Environment to hold consultations thereon before he/she approves the plan.

(3) If a person who draws up a strategic environmental impact assessment report in accordance with paragraph (1) or (2) finds that opinions presented in accordance with the provisions of Articles 12 (2) and 13 (1) through (3) are well-founded, he/she shall reflect such opinions in the strategic environmental impact assessment report.

(4) The methods of preparing a strategic environmental impact assessment report under the provisions of paragraphs (1) through (3), the methods of submitting such report, the timing for requesting consultations, and other necessary matters shall be prescribed by Presidential Decree.

**Article 17 (Review, etc. of Strategic Environmental Impact Assessment Reports)**

(1) Upon receipt of a request for consultations under Article 16 (1) or (2), the Minister of Environment shall review whether the procedures for collecting residents' opinions have been observed, the details of the strategic environmental impact assessment report, etc.

(2) If the Minister of Environment deems it necessary for reviewing a strategic environmental impact assessment report, he/she may request the Korea Environment Institute established pursuant to the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, Etc(hereinafter referred to as the "Korea Environment Institute") or relevant experts to conduct a field survey or may hear opinions therefrom and may request the heads of relevant administrative agencies to furnish him/her with relevant data: Provided, That if a strategic environmental impact assessment report concerns a plan formulated by any person other than the Minister of Oceans and Fisheries and involves coastal land area defined under subparagraph 3 of Article 2 of the Coast Management Act, the Minister of Environment shall hear the opinion of the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) If the Minister of Environment finds, as a result of the review of a strategic environmental impact assessment report under paragraph (1), that it is necessary to amend or revise the strategic environmental impact assessment report or a plan or if any of the reasons specified by Presidential Decree exists, he/she may request the head of the administrative agency who intends to formulate a plan subject to strategic



environmental impact assessment (referring to the head of the approving agency, if the plan is subject to approval or such; hereinafter referred to as the "head of the competent administrative agency") to amend or adjust the strategic environmental impact assessment report or the relevant plan or may request the head of the competent administrative agency to require the person proposing the plan subject to strategic environmental impact assessment to amend or adjust the strategic environmental impact assessment report or the relevant plan. The person requested to amend or adjust a report or plan in such cases shall comply therewith, except in extenuating circumstances.

(4) The guidelines and methods for reviewing strategic environmental impact assessment reports, etc. under paragraph (1) and matters necessary for amending or revising strategic environmental impact assessment reports, etc. under paragraph (3) shall be prescribed by Presidential Decree.

#### **Article 18 (Period for Notification of Agreed Terms and Conditions)**

(1) The Minister of Environment shall notify the head of the competent administrative agency of agreed terms and conditions within a period specified by Presidential Decree upon request to hold consultations: Provided, That the period may be extended, except in extenuating circumstances.

(2) If the Minister of Environment intends to extend the period for notifying agreed terms and conditions under the proviso to paragraph (1), he/she shall notify the head of the competent administrative agency of the reasons for extension and the extended period before the period specified for consultation ends.

(3) In either of the following cases, the Minister of Environment may notify the head of the competent administrative agency of agreed terms and conditions on condition that the terms and conditions be reflected in the relevant plan:

1. Where any matter to be amended or adjusted is insignificant;
2. Where it is possible to amend or adjust the relevant plan before formulating or finalizing the plan.

#### **Article 19 (Performance of Agreed Terms and Conditions)**

(1) The head of the competent administrative agency shall take necessary measures to reflect agreed terms and conditions, as notified under Article 18, in the relevant plan or shall request the person who proposes the plan subject to strategic environmental impact assessment to take necessary measures and shall notify the Minister of Environment of the results of measures taken or the plan for such measures.

(2) If the head of the competent administrative agency has a particular reason why it is impracticable to reflect agreed terms and conditions in the relevant plan, he/she shall consult thereon with the Minister of Environment before approving or confirming the plan, as prescribed by Presidential Decree.

(3) A person who formulates a plan subject to strategic environmental impact assessment shall perform agreed terms and conditions and the plan for measures under paragraph (1) in good faith.

(4) Matters necessary for agreed terms and conditions and the plan for measures under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 20 (Re-consultation)**

In either of the following cases where the head of an administrative agency who shall formulate a master development plan intends to amend the master development plan on which consultations have been held

under the provisions of Articles 16 through 18, he/she shall request consultations on strategic environmental impact assessment again in accordance with the provisions of Articles 11 through 19:

1. Where it is intended to increase the area subject to the master development plan to a scale at least equivalent to the scale specified by Presidential Decree;
2. Where the area that it is intended to be developed, out of an area that shall be conserved as its original state or that shall be excluded according to agreed terms and conditions, is at least the scale specified by Presidential Decree or where it is intended to alter the location of such area that shall be conserved as its original state or that shall be excluded.

#### **Article 21 (Consultations on Amendment)**

(1) When the head of the competent administrative agency intends to amend a master development plan consulted upon under the provisions of Articles 16 through 18 with regard to a matter specified by Presidential Decree for any purpose other than those referred to in subparagraphs of Article 20, he/she shall consult with the Minister of Environment on the intended amendment.

(2) When the head of the competent administrative agency intends to amend a governmental plan consulted upon under the provisions of Articles 16 through 18 with regard to a matter specified by Presidential Decree, he/she shall consult with the Minister of Environment on the intended amendment.

(3) The provisions of Articles 16 through 19 shall apply mutatis mutandis to consultations on amendment under paragraphs (1) and (2).

#### **Article 22 (Subject Matters for Environmental Impact Assessment)**

(1) A person who intends to implement (hereinafter referred to as "project implementer") any of the following projects (hereinafter referred to as "projects subject to environmental impact assessment") shall conduct environmental impact assessment:

1. An urban development project;
2. A plan to develop an industrial site or industrial complex;
3. A plan to develop energy sources;
4. A plan to develop a harbor;
5. A plan to construct a road;
6. A plan to develop water resources;
7. A plan to construct a railroad (including an urban railroad);
8. A plan to construct an airport;
9. A plan to use and develop river;
10. A plan to develop land and reclaim public waters;
11. A plan to develop a tourism complex;
12. A plan to develop a mountainous district;
13. A plan to develop a particular area;
14. A plan to establish a sports facility;

15. A plan to establish a waste disposal facility;
  16. A plan to establish facilities for national defense and military installations;
  17. A plan to extract earth and stone, sand, gravel, minerals, etc.;
  18. A plan to establish any of the facilities specified by Presidential Decree as those that have an environmental impact.
- (2) Specific categories, the scope, etc. of projects subject to environmental impact assessment shall be prescribed by Presidential Decree.

#### **Article 23 (Exclusion from Subject Matters for Environmental Impact Assessment)**

Notwithstanding Article 22, strategic environmental impact assessment may be skipped for any of the following projects:

1. A project to take an emergency measure under Article 37 of the Framework Act on the Management of Disasters and Safety;
2. A project determined by the Minister of National Defense, in consultation with the Minister of Environment, as a project involving secrets requiring stringent protection for national security or a project necessary for an urgent military operation;
3. A project determined by the Director of the National Intelligence Service, in consultation with the Minister of Environment, as a project involving secrets requiring stringent protection for national security.

#### **Article 24 (Determination of Items for, Scope, etc. of Assessment)**

(1) A project implementer not obliged to obtain approval, etc. shall formulate a preparatory statement for assessment before conducting environmental impact assessment and shall present the statement to the environmental impact assessment council for deliberation within a period specified by Presidential Decree to determine the following matters (hereafter in this Chapter referred to as "items, etc. for environmental impact assessment"):

1. The area subject to environmental impact assessment;
  2. Alternative plans for environmental conservation;
  3. Items for, the scope, methods, etc. of assessment.
- (2) A project implementer obliged to obtain approval, etc. shall formulate a preparatory statement for assessment before conducting environmental impact assessment and shall request the head of the approving agency to determine the items, etc. for environmental impact assessment.
- (3) Upon receipt of either of the following requests, the Minister of Environment may determine the items, etc. for environmental impact assessment:
1. Where a project implementer not obliged to obtain approval, etc. deems it necessary to request the Minister of Environment to determine the items, etc. for environmental impact assessment;
  2. Where a project implementer obliged to obtain approval, etc. requests the Minister of Environment to determine the items, etc. for environmental impact assessment via the approving agency after consulting with the head of the approving agency.

(4) Upon receipt of a request made under paragraph (2) or (3), the head of the approving agency or the Minister of Environment shall determine the items, etc. for environmental impact assessment, after deliberation by the environmental impact assessment council, within a period specified by Presidential Decree, and shall notify the relevant project implementer of such determination.

(5) When a project implementer not obliged to obtain approval, etc. or the head of the approving agency (hereinafter referred to as the "head of the approving agency") or the Minister of Environment determines the items, etc. for environmental impact assessment under the provisions of paragraphs (1) through (4), he/she shall consider the following matters:

1. The items, etc. for environmental impact assessment, determined under Article 11 (only where the relevant project is subject to environmental impact assessment under a master development plan already formulated);
2. Locational conditions of the area involved and its environs;
3. Land-use conditions;
4. The nature of the project;
5. Environmental features;
6. Changes in seasonal characteristics (an area with a great value in environmental and ecological aspects).

(6) If a project implementer has consulted with the Minister of Environment on the items, etc. for strategic environmental impact assessment determined under Article 11, the project implementer may omit the procedures for determining the items, etc. for environmental impact assessment under paragraph (1) or (2). The items, etc. for strategic environmental impact assessment determined under Article 11 in such cases shall be deemed the items, etc. for environmental impact assessment determined under the provisions of paragraphs (1) through (5).

(7) The head of the approving agency or the Minister of Environment shall publish the items, etc. of environmental impact assessment, determined pursuant to paragraphs (1) and (4), and shall gather consensus from residents, etc., as prescribed by Presidential Decree.

(8) Matters necessary for determining the items, etc. for environmental impact assessment under the provisions of paragraphs (1) through (5) shall be prescribed by Presidential Decree, and the methods for preparing preparatory statements for assessment under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 25 (Gathering Consensus from Residents, etc.)**

(1) A project implementer shall formulate a draft environmental impact assessment report on the items, etc. for environmental impact assessment, determined in accordance with Article 24, and shall gather consensus thereon from residents, etc.

(2) The provisions of Articles 12 through 14 shall apply mutatis mutandis to the procedures for formulating a draft environmental impact assessment report and gathering consensus thereon from residents, etc.: Provided, That the release of such report for public perusal by residents shall be conducted

by the head of a Si/Gun/Gu (Gu means an autonomous Gu) having jurisdiction over the area involved in the project subject to environmental impact assessment (including the head of an administrative city under Article 11 (2) of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City). <Amended by Act No. 13426, Jul. 24, 2015>

(3) A project implementer shall disclose the results of gathering opinions from residents, etc. under paragraph (1) and whether such opinions have been reflected in the relevant plan to the public by the method specified by Presidential Decree.

(4) If a project implementer has formulated a draft environmental impact assessment report and gathered consensus in accordance with the procedures provided for in Articles 12 through 15 (excluding where the procedures for collecting opinions are omitted under Article 14) and meets all the following requirements in formulating the master development plan for a project subject to environmental impact assessment, the procedures for preparing a draft environmental impact assessment report and for gathering consensus thereon under paragraphs (1) and (2) may be omitted, subject to consultations with the head of the agency who shall hold consultations:

1. Where three years have not passed since agreed terms and conditions on a strategic environmental impact assessment report were notified pursuant to Article 18;
2. Where the scale of the relevant project is increased by not more than 30 percent of agreed terms and conditions under Article 18;
3. Where the scale of the relevant project in comparison with agreed terms and conditions under Article 18 is increased to not greater than the minimum scale of a project subject to environmental impact assessment for the projects specified by Presidential Decree under Article 22 (2);
4. Where a site for a facility that severely affects the living environment of residents, such as a waste incineration plant, waste landfill, sewage treatment plant, or effluent treatment plant, is not added.

(5) Matters necessary for the methods for preparing draft environmental impact assessment reports under paragraph (1) and the methods for publishing such report for public inspection under the proviso to paragraph (2) shall be prescribed by Presidential Decree.

#### **Article 26 (Furthering Gathering of Opinions of Residents, etc.)**

If a project implementer intends to amend a plan with respect to any of the important matters specified by Presidential Decree, such as a change in the project subject to environmental impact assessment, after completing the procedures for gathering consensus under Article 25 but before being notified of the details of consultations under Article 29, he/she shall formulate another draft environmental impact assessment report and shall further gather consensus from residents, etc. thereon in accordance with Articles 24 and 25.

#### **Article 27 (Preparation of Environmental Impact Assessment Reports, Requests for Consultation thereon, etc.)**

(1) The head of the approving agency shall request the Minister of Environment to hold consultations on a project subject to environmental impact assessment before approving or confirming such project. The head

of the approving agency may attach his/her written opinion to the relevant environmental impact assessment report in such cases.

(2) When a project implementer not obliged to obtain approval, etc. intends to request the Minister of Environment to hold consultations in accordance with paragraph (1), the project implementer shall formulate an environmental impact assessment report, while a project implementer obliged to obtain approval, etc. shall formulate an environmental impact assessment report and shall submit it to the head of the approving agency.

(3) The methods of drawing up an environmental impact assessment report, the timing for requesting consultations, the methods of submitting such report, etc. under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

#### **Article 28 (Review, etc. of Environmental Impact Assessment Reports)**

(1) Upon receipt of a request for consultation under Article 27 (1), the Minister of Environment shall review whether the procedures for gathering consensus from residents have been completed, the details of the environmental impact assessment report, etc.

(2) If the Minister of Environment deems it necessary for reviewing an environmental impact assessment report, he/she may seek opinions thereon from relevant experts or request relevant experts to conduct a field survey and may request the relevant project implementer or the head of the approving agency to furnish him/her with relevant data: Provided, That the Minister of Environment shall gather consensus from the following persons: <Amended by Act No. 11690, Mar. 23, 2013>

1. Korea Environment Institute;

2. Minister of Oceans and Fisheries (only where the relevant project is one specified by Presidential Decree as those that affect marine environment).

(3) If the Minister of Environment finds, upon reviewing an environmental impact assessment report under paragraph (1), that it is necessary to amend or revise the environmental impact assessment report or the relevant project plan on any of the grounds specified by Presidential Decree exists, he/she may request the head of the approving agency to amend or revise the environmental impact assessment report or the project plan or may request the head of the approving agency to require the project implementer to amend or revise the report or plan. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

(4) The guidelines and methods for reviewing environmental impact assessment reports, etc. under paragraph (1) and matters necessary for amending or revising environmental impact assessment reports, etc. under paragraph (3) shall be prescribed by Presidential Decree.

#### **Article 29 (Period for Notification of Agreed Terms and Conditions)**

(1) The Minister of Environment shall notify the head of the approving agency of agreed terms and conditions within a period specified by Presidential Decree upon receipt of a request to hold consultation under Article 27 (1): Provided, That the period may be extended, in extenuating circumstances.

(2) If the Minister of Environment intends to extend the period for the notification of agreed terms and conditions under paragraph (1), he/she shall notify the head of the approving agency of the grounds for extension and the extended period before the period specified for consultations ends.

(3) Upon receipt of notice of agreed terms and conditions given under paragraph (1) or (2), the head of the approving agency shall notify the relevant project implementer thereof without delay.

(4) In either of the following cases, the Minister of Environment may notify the head of the approving agency of agreed terms and conditions on condition that the terms and conditions be reflected in the relevant project plan, etc.:

1. Where any matter to be amended or revised is insignificant;
2. Where it is possible to amend or revise the relevant project plan, etc. before approving the project plan, etc. or commencing the relevant project.

### **Article 30 (Reflection of Agreed Terms and Conditions, etc.)**

(1) Upon receipt of notice of agreed terms and conditions under Article 29, a project implementer or the head of the approving agency shall take measures necessary for reflecting the terms and conditions in the relevant project plan, etc.

(2) The head of the approving agency shall ascertain whether agreed terms and conditions have been reflected in the project plan, etc. before approving the project plan, etc. If agreed terms and conditions have not been reflected in the project plan, etc., the head of the approving agency shall require that agreed terms and conditions be reflected in the project plan, etc.

(3) When the head of the approving agency approves or confirms a project plan, etc., he/she shall notify the Minister of Environment of agreed terms and conditions reflected in the project plan, etc.

(4) If the Minister of Environment is informed from the notice received under paragraph (3) that agreed terms and conditions have not been reflected in the relevant project plan, etc., he/she may request the head of the approving agency to reflect agreed terms and conditions. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

### **Article 31 (Requests for Adjustment)**

(1) If a project implementer or the head of the approving agency has an objection to agreed terms and conditions notified under Article 29, he/she may request the Minister of Environment to make an adjustment to agreed terms and conditions. In such cases, a project implementer obliged to obtain approval, etc. shall request adjustment via the head of the approving agency.

(2) Upon receipt of a request for adjustment under paragraph (1), the Minister of Environment shall determine whether to make an adjustment within a period specified by Presidential Decree after deliberation by the environmental impact assessment council and shall notify the relevant project implementer or the head of the approving agency of such determination.

(3) Upon receipt of a request for adjustment of agreed terms and conditions, no head of the approving agency shall approve or confirm the relevant project plan, etc. before being notified of the determination under paragraph (2): Provided, That the foregoing shall not apply where the details related to the request

for adjustment are excluded from the project plan, etc.

(4) Matters necessary for requesting adjustment under the provisions of paragraphs (1) through (3) shall be prescribed by Presidential Decree.

### **Article 32 (Re-consultation)**

(1) In any of the following cases, where the head of the approving agency intends to amend a project plan, etc. consulted upon under the provisions of Articles 27 through 29, the head of the approving agency shall request the Minister of Environment to hold consultations again:

1. Where the project has not been commenced within a period specified by Presidential Decree after the project plan, etc. is approved or confirmed: Provided, That the foregoing shall not apply where any circumstance changes slightly before the commencement of the project and the head of the approving agency has consulted thereon with the Minister of Environment;
2. Where the area, length, etc. of the project subject to environmental impact assessment is increased to at least the scale specified by Presidential Decree;
3. Where the area to be developed, out of an area that shall be conserved in its original state or that shall be excluded according to agreed terms and conditions, is at least the scale specified by Presidential Decree or where it is intended to alter the location of such area that shall be conserved in its original state or that shall be excluded;
4. Where it is not proper to implement the project plan, etc. according to agreed terms and conditions due to the occurrence of any of the events specified by Presidential Decree.

(2) The provisions of Articles 24 through 31 shall apply mutatis mutandis to the re-consideration under paragraph (1).

### **Article 33 (Amendment to Agreed Terms and Conditions)**

(1) If a project implementer amends a project plan, etc. consulted upon in accordance with the provisions of Articles 27 through 29 in any case other than those referred to in Article 32 (1), the project implementer shall formulate a plan for environmental conservation according to the amendment to the project plan, etc. and shall reflect the plan in the amended project plan, etc.

(2) A project implementer obliged to obtain approval, etc. shall submit for review by the head of the approving agency, the plan for environmental conservation under paragraph (1): Provided, That the foregoing shall not apply to any of insignificant matters specified by Ordinance of the Ministry of Environment.

(3) If the head of the approving agency finds any of the cases specified by Presidential Decree when he/she formulates or reviews a plan for environmental conservation under paragraph (1) or (2), he/she shall hear the opinions of the Minister of Environment on the case.

(4) The provisions of Article 30 (2) through (4) shall apply mutatis mutandis to the confirmation and notification of whether a plan for environmental conservation has been reflected under paragraph (1). In such cases, "agreed terms and conditions" shall be construed as "a plan for environmental conservation."



### **Article 34 (Prohibition against Premature Implementation of Projects)**

(1) No project implementer shall commence any construction work for a project subject to environmental impact assessment before the procedure for consultation, re-consultation, or amendment to agreed terms and conditions under the provisions of Articles 27 through 29 and 31 through 33 is completed: Provided, That the foregoing shall not apply to any of the following construction works:

1. Construction works performed in an area approved through the consultation under the provisions of Articles 27 through 31 and excluded from an area subject to re-consultation or amendment to agreed terms and conditions;
2. Construction works performed for any of the insignificant matters specified by Ordinance of the Ministry of Environment in a project for which the site has been determined through strategic environmental impact assessment.

(2) No head of the approving agency shall approve a project plan, etc. before the procedure for consultation, re-consultation, or amendment of agreed terms and conditions under the provisions of Articles 27 through 33 is completed.

(3) If a project implementer obliged to obtain approval, etc. performs any construction work in violation of paragraph (1), the head of the approving agency shall order the project implementer to wholly or partially suspend construction works on the relevant project.

(4) If a project implementer not obliged to obtain approval, etc. performs any construction work in violation of paragraph (1), the Minister of Environment may order the project implementer to suspend construction works or to take other necessary measures or may request the head of the approving agency to suspend construction works or to take other necessary measures. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

### **Article 35 (Fulfillment of Agreed Terms and Conditions)**

(1) A project implementer shall fulfill all agreed terms and conditions, as reflected in a project plan, etc., in implementing the project plan, etc.

(2) In order to fulfill agreed terms and conditions in good faith, a project implementer shall record the progress of performance in the management record book, in which agreed terms and conditions are recorded, and shall keep the management record book at the project site, as prescribed by Ordinance of the Ministry of Environment.

(3) In order to manage the fulfillment of agreed terms and conditions in a proper manner, a project implementer shall designate the manager responsible for the management of agreed terms and conditions (hereinafter referred to as "manager") and shall notify the following persons of such designation, as prescribed by Ordinance of the Ministry of Environment:

1. The Minister of Environment;
2. The head of the approving agency (only where approval, etc. is required for a project subject to environmental impact assessment).

(4) The criteria for qualifications of managers and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

**Article 36 (Follow-up Survey of Environmental Impacts)**

(1) A project implementer shall conduct a survey of the impact of the relevant project on the surrounding environment (hereinafter referred to as "follow-up survey of environmental impact") after commencing the project and shall notify the following persons of the findings of such survey:

1. The Minister of Environment;
2. The head of the approving agency (limited to where approval, etc. is required for a project subject to environmental impact assessment).

(2) If a project implementer finds it necessary, as a result of the follow-up survey of environmental impacts, to take measures for preventing damage to the surrounding environment, the project implementer shall notify each person referred to in paragraph (1) of the findings and shall take necessary measures.

(3) Upon receipt of the notice of the findings of a follow-up survey of environmental impacts under paragraph (1) or the findings of a follow-up survey of environmental impacts and measures taken therefor under paragraph (2), the Minister of Environment shall review such findings and measures. *<Newly Inserted by Act No. 13040, Jan. 20, 2015>*

(4) If the Minister of Environment deems it necessary to review the findings of a follow-up survey of environmental impacts and measures taken therefor under paragraph (3), the Minister may hear opinions from, or request a field survey to, appropriate experts or the institutions specified by Presidential Decree, and may request the relevant project implementer or the head of the approving agency to submit related data. *<Newly Inserted by Act No. 13040, Jan. 20, 2015>*

(5) The projects subject to a follow-up survey of environmental impacts, the items and period of a survey, guidelines and methods for the review on the findings of a follow-up survey of environmental impacts and measures taken therefor, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 13040, Jan. 20, 2015>*

**Article 37 (Notification of Commencement, etc. of Projects)**

When a project implementer intends to commence or complete a project or to suspend construction works for at least three months, the project implementer shall notify the following persons of the intended commencement, completion, or suspension, as prescribed by Ordinance of the Ministry of Environment:

1. The Minister of Environment;
2. The head of the approving agency (only where approval, etc. is required for a project subject to environmental impact assessment).

**Article 38 (Succession to Obligations to Fulfill Agreed Terms and Conditions, etc.)**

(1) If a project implementer sells his/her business to a third person, dies, or merges with a corporation, the transferee, heir, or the corporation surviving such merger or newly incorporated in the course of the merger shall succeed to the project implementer's obligations under the provisions of Articles 35 through 37: Provided, That the operator of the facilities transferred by sale, inheritance, or merger shall succeed to

such obligations, if the facilities are operated by an independent operator.

(2) The project implementer who succeeds to the preceding project implementer's obligations shall notify the head of the approving agency and the Minister of Environment of the matters specified by Ordinance of the Ministry of Environment, such as the progress of fulfillment of agreed terms and conditions and the grounds for succession, within 30 days.

**Article 39 (Management and Supervision of Agreed Terms and Conditions)**

(1) The head of the approving agency shall ascertain whether a project implementer obliged to obtain approval, etc. has fulfilled agreed terms and conditions.

(2) The Minister of Environment or the head of the approving agency may require a project implementer to submit data relevant to the fulfillment of agreed terms and conditions or may authorize subordinate public officials to enter the project implementer's place of business for inspection. Article 60 (2) and (3) shall apply *mutatis mutandis* to such inspections.

(3) When the head of the approving agency intends to conduct a final inspection of a project, he/she shall ascertain whether agreed terms and conditions have been fulfilled and shall notify the Minister of Environment of the results thereof. If the head of the approving agency deems it necessary in such cases, he/she may request the Minister of Environment to conduct a joint inspection to ascertain whether agreed terms and conditions have been fulfilled.

**Article 40 (Order to Take Measures, etc.)**

(1) If a project implementer obliged to obtain approval, etc. fails to fulfill agreed terms and conditions, the head of the approving agency shall order the project implementer to take measures necessary for fulfillment.

(2) If the head of the approving agency finds that a project severely affects the environment as a consequence of the failure of the project implementer obliged to obtain approval, etc. to comply with an order issued under paragraph (1) to take measures, he/she shall issue an order to suspend all or some construction works on the project.

(3) The Minister of Environment shall ascertain whether agreed standards have been complied with, if agreed terms and conditions include any matter concerning agreed standards, and may order a project implementer not obliged to obtain approval, etc. to suspend construction works or to take other necessary measures or may request the head of the approving agency to issue an order to suspend construction works or to take other necessary measures, if he/she deems it necessary to manage the fulfillment of agreed terms and conditions. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

(4) When the head of the approving agency issues an order to take other necessary measures or to suspend construction works under the provisions of paragraphs (1) through (3) or if a project implementer takes measures in accordance with paragraph (3), the head of the approving agency or project implementer shall notify the Minister of Environment of the details thereof.

#### **Article 41 (Re-Assessment)**

- (1) If a project severely impacts on the surrounding environment as a consequence of a cause or event unforeseen as at the time of a consultation on environmental impact assessment but which occurs after the project is commenced, and if it is impracticable to prepare a plan for environmental conservation merely by taking measures or by issuing an order to take measures under Article 36 (2) or 40, the Minister of Environment may request the head of the Korea Environment Institute or the head of a specialized institution to conduct re-assessment, subject to consultation with the head of the approving agency.
- (2) Upon receipt of a request under paragraph (1), the head of the Korea Environment Institute or the head of a specialized institution shall re-assess the relevant project plan, etc. and shall notify the Minister of Environment and the head of the approving agency of the results thereof within a period specified by Presidential Decree.
- (3) Upon receipt of notice of results of re-assessment under paragraph (2), the Minister of Environment or the head of the approving agency may require the relevant project implementer to take measures necessary for environmental conservation or request the head of another administrative agency to issue an order to take necessary measures.

#### **Article 42 (Environmental Impact Assessment under Municipal Ordinance of City/Do)**

- (1) If the local government of the Special Metropolitan City, a Metropolitan City, or a Si with a population of at least 500,000 persons (hereinafter referred to as "City/Do") deems it necessary to conduct environmental impact assessment for a project that does not fall within the categories and scope of the projects subject to environmental impact assessment but falls within the scope specified by Presidential Decree, taking local conditions, etc. into consideration, it may authorize the person who implements the project to conduct environmental impact assessment, as prescribed by Municipal Ordinance of the City/Do: Provided, That the foregoing shall not apply to projects subject to mini environmental impact assessment under Article 43.
- (2) A Si with a population of at least 500,000 persons may conduct environmental impact assessment, as prescribed by Municipal Ordinance of the Si, only if the Do having jurisdiction over the area of the Si has not enacted relevant regulations of environmental impact assessment by Municipal Ordinance.
- (3) The sectors subject to the environmental impact assessment conducted under paragraph (1) or (2), the sub-items of such environmental impact assessment, the procedures for preparing environmental impact assessment reports and gathering consensus thereon, the procedures for consultations on environmental impact assessment reports and the management of agreed terms and conditions, and other necessary matters, shall be prescribed by Municipal Ordinance of each City/Do.

#### **Article 43 (Subject Matters for Brief Environmental Impact Assessment)**

- (1) A person (hereafter in this Chapter referred to as "project implementer") who intends to implement a development project that meets each of the following criteria (hereinafter referred to as "project subject to mini environmental impact assessment") shall conduct brief environmental impact assessment:

1. A development project implemented in any of the areas specified by Presidential Decree as areas requiring conservation and the areas requiring planned development for environmental conservation because reckless development is anticipated (hereinafter referred to as "specific-use zone for conservation");
  2. A development project specified by Presidential Decree as a development project not falling within any category, or the scope, of projects subject to environmental impact assessment.
- (2) Notwithstanding paragraph (1), each of the following projects shall be excluded from the projects subject to brief environmental impact assessment:
1. A project for emergency measures under Article 37 of the Framework Act on the Management of Disasters and Safety;
  2. A development project on which the Minister of National Defense has held consultations with the Minister of Environment since he/she found it necessary for stringent protection of military secrets or for an urgent military operation;
  3. A development project on which the Director of the National Intelligence Service has held consultations with the Minister of Environment since he/she found it necessary for secrets requiring stringent protection for national security.

**Article 44 (Preparation of Brief Environmental Impact Assessment Reports, Requests for Consultations thereon, etc.)**

- (1) A project implementer obliged to obtain approval, etc. shall formulate a brief environmental impact assessment report and submit it to the head of the approving agency before obtaining approval, etc. with regard to a project subject to brief environmental impact assessment.
- (2) The head of the approving agency shall submit a brief environmental impact assessment report to the Minister of Environment before approving or confirming a project subject to brief environmental impact assessment and shall request the Minister of Environment to consult therewith on brief environmental impact assessment.
- (3) The details of a brief environmental impact assessment report and the methods of drawing up a brief environmental impact assessment report under paragraph (1), the timing and procedures for requesting consultations on brief environmental impact assessment under paragraph (2), and other necessary matters shall be prescribed by Presidential Decree.

**Article 45 (Review of Brief Environmental Impact Assessment Reports and Notification thereof)**

- (1) Upon receipt of a request for consultation under Article 44 (2), the Minister of Environment shall review the compliance with the procedures for requesting consultation and the details of the brief environmental impact assessment report and shall notify the head of the approving agency of agreed terms and conditions within a period specified by Presidential Decree from the day on which he/she is requested for consultation.
- (2) Article 17 (2) shall apply mutatis mutandis to the review of a brief environmental impact assessment report under paragraph (1). In such cases, the term "strategic environmental impact assessment report"

shall be deemed "brief environmental impact assessment report."

(3) If the Minister of Environment finds, as a result of the review of a brief environmental impact assessment report under paragraph (1), that it is necessary to amend or adjust the environmental impact assessment report or the relevant project plan or any of the reasons specified by Presidential Decree exists, he/she may request the head of the approving agency to amend or adjust the brief environmental impact assessment report or the project plan or may request the head of the approving agency to require the project implementer to amend or adjust the report or plan. In such cases, the head of the approving agency shall comply with such request, except in extenuating circumstances.

(4) The guidelines and methods for reviewing brief environmental impact assessment reports, etc. under paragraph (1) and matters necessary for amending or adjusting brief environmental impact assessment reports, etc. under paragraph (3) shall be prescribed by Presidential Decree.

#### **Article 46 (Reflection of Agreed Terms and Conditions, etc.)**

(1) Upon receipt of notice of agreed terms and conditions under Article 45, a project implementer or the head of the approving agency shall take measures necessary for reflecting the terms and conditions in the relevant project plan.

(2) The provisions of Article 30 (2) through (4) shall apply mutatis mutandis to the reflection of agreed terms and conditions, notification of results, requesting of reflection of agreed terms and conditions, etc.

#### **Article 47 (Prohibition against Premature Implementation of Projects)**

(1) No project implementer shall commence any construction works for a project subject to brief environmental impact assessment before the procedure for consultations under Articles 44 and 45 is completed.

(2) No head of the approving agency shall approve a project subject to brief environmental impact assessment before the procedure for consultations under Articles 44 and 45 is completed.

(3) Article 34 (3) and (4) shall apply mutatis mutandis to an order issued against a person who violates paragraph (1) to suspend construction works or to take measures.

#### **Article 48 (Notification of Commencement, etc. of Projects)**

@Article 37 shall apply mutatis mutandis to the notification of commencement, etc. of a project subject to brief environmental impact assessment.

#### **Article 49 (Management and Supervision of Performance of Agreed Terms and Conditions)**

(1) A project implementer shall perform agreed terms and condition, as reflected in the project plan, when he/she implements the relevant development project.

(2) Articles 39 and 40 shall apply mutatis mutandis to the ascertainment and notification of performance of agreed terms and conditions under paragraph (1), submission and inspection of relevant data, issuance or an order to take measures, etc.

#### **Article 50 (Special Provisions concerning Integrated Formulation of Master Development Plans and Project Plans, etc.)**

(1) Notwithstanding subparagraphs 1 and 2 of Article 2, strategic environmental impact assessment and environmental impact assessment shall be integrated for review, if a master development plan and a plan for a project subject to environmental impact assessment are integrated, but only either the strategic environmental impact assessment or the environmental impact assessment may be conducted.

(2) If the timing for consultation on a plan subject to the strategic environmental impact assessment under Article 16 (1) and (2) coincides with the timing for the relevant plan subject to the environmental impact assessment under Article 27 (1), only the environmental impact assessment need be conducted.

**Article 51 (Special Provisions concerning Procedures, etc. for Consultation on Environmental Impact Assessment)**

(1) With respect to a project specified by Presidential Decree as a project that has a minor environmental impact, among the projects subject to environmental impact assessment, the project implementer may formulate an environmental impact assessment report in the form prescribed by Presidential Decree (hereinafter referred to as "summary assessment report") and may gather consensus under Article 25 and also request consultation under Article 27.

(2) When a project implementer not obliged to obtain approval, etc. determines the subject-matters, etc. for environmental impact assessment under Article 24 (1), he/she shall determine whether he/she is able to conduct environmental impact assessment in accordance with the procedure under paragraph (1) (hereinafter referred to as "summary process"), after deliberation by the environmental impact assessment council thereon.

(3) When a project implementer requests the Minister of Environment to determine the subject-matters, etc. for environmental impact assessment under Article 24 (2) or (3), he/she may request the Minister of Environment to determine whether he/she is permitted to conduct environmental impact assessment in accordance with the summary process.

(4) Upon receipt of a request made under paragraph (3), the head of the approving agency or the Minister of Environment shall determine whether to permit environmental impact assessment in accordance with the summary process, after deliberation by the environmental impact assessment council thereon, and shall notify the project implementer of the results thereof within a period specified by Presidential Decree.

(5) Article 24 (5) shall apply mutatis mutandis where it is necessary to determine whether a person is permitted to conduct environmental impact assessment in accordance with the summary process.

**Article 52 (Preparation of Evaluation Reports upon Completion of Summary Process)**

(1) Upon completion of the procedures for gathering consensus and for consultations under Article 51 (1), a project implementer not obliged to obtain approval, etc. shall formulate a new environmental impact assessment report containing the opinions presented and agreed terms and conditions: Provided, That such project implementer shall hear the opinion of the Minister of Environment, if the opinions presented are different from agreed terms and conditions.

(2) Upon completion of the procedures for collecting opinions and for consultations under Article 51 (1), a project implementer obliged to obtain approval, etc. shall formulate a new environmental impact

assessment report containing the opinions presented and agreed terms and conditions, and shall submit it to the head of the approving agency: Provided, That such project implementer shall hear the opinion of the Minister of Environment via the head of the approving agency, if the opinions presented are different from agreed terms and conditions.

(3) When the Minister of Environment intends to notify his/her opinion under the proviso to paragraph (1) or the proviso to paragraph (2), he/she shall bring the case to the environmental impact assessment council for deliberation and shall notify the environmental impact assessment and the relevant project implementer of his/her opinion within a period specified by Presidential Decree.

(4) When the head of the approving agency notifies the Minister of Environment of whether agreed terms and conditions are reflected pursuant to Article 30 (3), he/she shall submit the environmental impact assessment report under paragraph (1) or (2), along with the notice.

(5) The methods and procedures for preparing an environmental impact assessment to be formulated again under paragraph (1) or (2) and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 53 (Engagement of Agent for Environment Impact Assessment)**

(1) When a person who intends to conduct environmental impact assessment, etc. drafts the following documents (hereinafter referred to as "environmental impact assessment report, etc."), he/she may engage a person who operates an environmental impact assessment business registered under Article 54 (1) (hereinafter referred to as "environmental impact assessment agent") for drafting such documents on his/her behalf:

1. A draft report or report on environmental impact assessment;
2. A report on a follow-up survey of environmental impact;
3. A summary assessment report.

(2) When the head of any of the following institutions and organizations (hereinafter referred to as "contracting authority") intends to engage an agency for the preparation of an environment impact assessment report or others under paragraph (1), he/she shall evaluate the agent's capability to perform the project, including technical capacity and management capability: <Newly Inserted by Act No. 13040, Jan. 20, 2015>

1. A national agency or a local government;
2. A public enterprise or a quasi-governmental institution defined by Article 5 of the Act on the Management of Public Institutions;
3. A local government public corporation or a local government-invested public corporation defined by the Local Public Enterprises Act;
4. Other institutions and organizations specified by Presidential Decree.

(3) If the contacting authority deems it necessary when evaluating a person's capability to perform a project under paragraph (2), the authority may request the Environmental Impact Assessment Association established pursuant to Article 71 to cooperate in the evaluation. In such cases, the Environmental Impact Assessment Association shall comply with such request, except in an exceptional situation. <Newly Inserted



*by Act No. 13040, Jan. 20, 2015>*

(4) The matters necessary for the target, standards, and procedures for the evaluation of the capability to perform a project under paragraphs (2) and (3) and for cooperation therein, etc. shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 13040, Jan. 20, 2015>*

(5) A person who intends to conduct environmental impact assessment shall comply with the following rules: *<Amended by Act No. 13040, Jan. 20, 2015>*

1. No person shall copy any details of other environmental impact assessment reports to make an environmental impact assessment report;
2. No person shall make a false or inadequate document or data in preparing an environmental impact assessment report;
3. Environmental impact assessment reports and basic data for such reports shall be retained for a period specified by Ordinance of the Ministry of Environment: Provided, That the foregoing shall not apply where environmental impact assessment reports, etc. are prepared in electronic document and entered in the information support system under Article 70 (3), as prescribed by Ordinance of the Ministry of Environment;
4. Where it is intended to sign an agency contract with an environmental impact assessment agent on the preparation of environmental impact assessment reports, etc., such agency contract shall be signed separately from the contracts on the formulation and implementation of a plan or a project subject to the relevant environmental impact assessment, etc.

(6) The criteria for judgment on false or inadequate documentation under paragraph (5) 2 shall be prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 13040, Jan. 20, 2015>*

#### **Article 54 (Registration of Environment Impact Assessment Businesses)**

(1) A person who intends to engage in business as an agent for environmental impact assessment (hereinafter referred to as "environmental impact assessment business") shall be equipped with technical personnel, including environmental impact assessors, facilities, and equipment and shall be registered with the Minister of Environment.

(2) If any material fact specified by Presidential Decree changes, such as technical personnel, and registered under paragraph (1), such change shall be registered.

(3) The duties of an environmental impact assessor registered as one of technical personnel for an environmental impact assessment business under paragraph (1) or (2) shall be as follows:

1. Surveys on present environmental conditions;
2. Estimation and analysis of environmental impacts;
3. Formulation of plans for environmental conservation and evaluation of alternatives;
4. Preparation and management of environmental impact assessment reports, etc.

(4) The technical personnel, facilities, and equipment required under paragraph (1), the rating of environmental impact assessment businesses, and the scope of business activities permissible for each rating shall be prescribed by Presidential Decree.

### **Article 55 (Grounds for Disqualifications)**

The following persons shall be disqualified from being registered for an environmental impact assessment business: <Amended by Act No. 13040, Jan. 20, 2015>

1. A person under adult guardianship or a person under limited guardianship;
2. A person declared bankrupt but not reinstated yet;
3. A person in whose case two years (or six months, if his/her registration was cancelled under 58 (1) 4) have not passed since his/her registration was cancelled under Article 58;
4. A person in whose case two years have not passed after a sentence of imprisonment with labor or any heavier punishment issued to him/her for a violation of this Act was completely executed (or is deemed to have been completely executed) or finally pardoned;
5. A corporation whose representative or any of executive officers falls under subparagraphs 1 through 4.

### **Article 56 (Obligations of Environment Impact Assessment Agents)**

(1) Every environmental impact assessment agent shall observe the following rules:

1. No environmental impact assessment agent shall copy details of another environmental impact assessment report to make an environmental impact assessment;
2. No environmental impact assessment agent shall formulate a false or deliberately deficient document in preparing an environmental impact assessment report and basic data for such report;
3. Every environmental impact assessment agent shall retain environmental impact assessment reports and basic data for such reports for a period specified by Ordinance of the Ministry of Environment: Provided, That the foregoing shall not apply where environmental impact assessment reports, etc. are retained in the form of an electronic document in the information support system under Article 70 (3), as prescribed by Ordinance of the Ministry of Environment;
4. No environmental impact assessment agent shall lend his/her registration certificate or title to a third party;
5. No environmental impact assessment agent shall subcontract the work awarded under a contract for environmental impact assessment (excluding the work of surveying and measuring the subject-matters for environmental impact assessment according to the requirements prescribed, and for the sectors specified, by Ordinance of the Ministry of Environment) to a third party;
6. Every environmental impact assessment agent shall undergo precise inspections under Article 11 of the Environmental Examination and Inspection Act for measuring instruments, if he/she keeps environmental measuring instruments and uses such instruments for measuring air, water quality, soil, noise, vibration, etc. to apply the results of measurement to environmental impact assessment reports, etc. formulated by him/her.

(2) The criteria for judgment on false or inadequate documentation under paragraph (1) 2 shall be prescribed by Ordinance of the Ministry of Environment.

### **Article 57 (Permanent or Temporary Closure of Business)**

If an environmental impact assessment agent intends to permanently or temporarily close his/her environmental impact assessment business, he/she shall report the closure to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The period for temporary closure in such cases shall not exceed two years.

### **Article 58 (Cancellation of Registration, etc.)**

(1) In any of the following cases, the Minister of Environment may cancel the registration of an environmental impact assessment agent or order an environmental impact assessment agent to suspend business operations for a specified period not exceeding six months: Provided, That registration shall be cancelled in any case falling under subparagraphs 1 through 3 and 7: <Amended by Act No. 13040, Jan. 20, 2015>

1. Where an environmental impact assessment agent has been registered by fraud or other wrongful means;
  2. Where an environmental impact assessment agent signs a new agency contract for environmental impact assessment during suspension of business operations;
  3. Where an environmental impact assessment agent commits again any offense punishable by suspension of business operations after being punished by the suspension of business operations twice during the latest one year;
  4. Where an environmental impact assessment agent fails to commence his/her environmental impact assessment agency business within two years after being registered or has no track record of business performance as an environmental impact assessment agent for at least two consecutive years;
  - 4-2. Where an environmental impact assessment agent has undergone an evaluation of the capability to perform a project under Article 53 (2) by fraud or other wrongful means;
  5. Where an environmental impact assessment agent fails to be equipped with the technical personnel, facilities, and equipment under Article 54 (1);
  6. Where an environmental impact assessment agent changes any material fact without filing for the registration of the change, in violation of Article 54 (2);
  7. Where an environmental impact assessment agent falls under any subparagraph of Article 55: Provided, That the foregoing shall not apply where the corporation that falls under subparagraph 5 of Article 55 appoints a replacement for such executive officer within six months;
  8. Where an environmental impact assessment agent breaches an obligation under any subparagraph of Article 56 (1).
- (2) The guidelines for the cancellation of registration of an environmental impact assessment business or for the issuance of an order to suspend business operations under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment, taking into consideration grounds for such dispositions, the degree of each violation, etc.

### **Article 59 (Continuation of Business Operations by Environmental Impact Assessment Agents after Cancellation of Registration or Suspension of Business Operations)**

- (1) A person whose registration is cancelled or business is suspended under Article 58 may continue his/her environmental impact assessment business only regarding the agency contracts concluded for environmental impact assessment before such disposition is made.
- (2) A person who continues his/her environmental impact assessment business under paragraph (1) shall be deemed an environmental impact assessment agent under this Act until relevant business affairs are completed.
- (3) No person who continues his/her environmental impact assessment business under paragraph (1) shall conclude any new agency contract, other than the agency contracts signed for environmental impact assessment before the relevant disposition is made.
- (4) If the Minister of Environment finds that a person whose registration is cancelled on the ground specified in Article 58 (1) 1 or 5 is unable to continue environmental impact assessment properly, he/she may place restrictions on the performance of all or part of the agency contracts concluded for environmental impact assessment before the relevant disposition is made.

### **Article 60 (Reporting and Inspection)**

- (1) If the Minister of Environment deems it necessary for ascertaining whether an environmental impact assessment business is properly operated, he/she may order the environmental impact assessment agent to submit a report or data, as necessary, and may authorize relevant public officials to enter the environmental impact assessment agent's office or place of business or any other place, as necessary, to inspect books of account, documents, and other things or to ask questions to people involved.
- (2) When it is intended to conduct an inspection under paragraph (1), the environmental impact assessment agent shall be informed of the inspection plan, including grounds for inspection and the scope of inspection, by no later than seven days before the date of inspection: Provided, That the foregoing shall not apply where it is necessary to conduct an inspection urgently or where it seems unlikely that an inspection will achieve its objectives due to risk of destruction of evidence, if the environmental impact assessment agent is informed of the inspection in advance.
- (3) A public official who intends to enter a place for inspection under paragraph (1) shall carry an identification certificate indicating his/her authority and produce it to people involved.

### **Article 61 (Reporting on Performance of Environmental Impact Assessment Agents)**

- (1) Each environmental impact assessment agent shall report the track record of his/her performance as an environmental impact assessment agent for the preceding year to the Minister of Environment by no later than January 31 each year, as prescribed by Ordinance of the Ministry of Environment.
- (2) The Minister of Environment shall publish the track record of performance of each environmental impact assessment agent and the details of administrative dispositions at least once a year, as prescribed by Ordinance of the Ministry of Environment.

**Article 62 (Guidelines for Calculation of Expenses for Engagement of Environmental Impact Assessment Agents)**

The Minister of Environment shall determine and publicly notify the guidelines for calculating necessary expenses incurred in engaging an agent for environmental impact assessment.

**Article 63 (Environmental Impact Assessors)**

(1) Any person who intends to work as an environmental impact assessor shall pass a qualification examination conducted by the Minister of Environment. In such case, the Minister of Environment shall issue a qualification certificate to a person who successfully passes such qualification examination.

(2) The following persons shall be disqualified from working as an environmental impact assessor:

*<Amended by Act No. 13040, Jan. 20, 2015>*

1. A minor, a person under adult guardianship, or a person under limited guardianship;
2. A person declared bankrupt but not yet reinstated;
3. A person in whose case two years have not passed since imprisonment with labor or heavier punishment sentenced to him/her was completely executed (or is deemed to have been completely executed) or finally pardoned;
4. A person who is under the suspension of the execution of imprisonment with labor or heavier punishment as declared by a court;
5. A person in whose case three years have not passed since his/her qualification as an environmental impact assessment agent was revoked.

(3) Every environmental impact assessor shall complete the educational and training courses provided by the Minister of Environment.

(4) No person except environmental impact assessors shall use the title "environmental impact assessor" or any similar title.

(5) Matters necessary for the qualifications for a qualification examination for an environmental impact assessor under paragraph (1), testing methods, partial exemption of testing subjects, management of qualifications, persons eligible for the educational and training courses referred to in paragraph (3), procedures and fees for such educational and training courses, etc. shall be prescribed by Presidential Decree.

**Article 64 (Obligations of Environmental Impact Assessors)**

(1) Every environmental impact assessor shall perform business affairs impartially in accordance with fundamental principles of environmental impact assessment.

(2) No environmental impact assessor shall lend his/her qualification certificate as an environmental impact assessment agent, issued by the Minister of Environment, to a third party or allow a third party to work as an environmental impact assessor under his/her name.

**Article 65 (Revocation of Qualifications of Environmental Impact Assessors, etc.)**

(1) In any of the following cases, the Minister of Environment may revoke the qualification of an environmental impact assessor or suspend the qualification for a period not exceeding three years:

Provided, That qualification shall be revoked in cases under subparagraphs 1, 2, and 4:

1. If an environmental impact assessor is found to have obtained the qualification by fraud or other wrongful means;
2. If an environmental impact assessor commits an offense punishable by the suspension of qualification again even after being punished by the suspension of qualification twice during the latest one year;
3. If an environmental impact assessor, intentionally or by gross negligence, makes a false or inadequate environmental impact assessment report or document;
4. If an environmental impact assessor falls within any of the categories specified in Article 63 (2);
5. If an environmental impact assessor fails to complete the educational and training courses provided by the Minister of Environment, in violation of Article 63 (3) without just cause;
6. If an environmental impact assessor lends his/her qualification certificate to a third party or allows a third party to work as an environmental impact assessor under his/her name, in violation of Article 64 (2).

(2) The guidelines for the revocation or suspension of qualifications of environmental impact assessors shall be prescribed by Ordinance of the Ministry of Environment, taking into consideration grounds for such dispositions, the gravity of each violation, etc.

#### **Article 66 (Publication of Environment Impact Assessment Reports, etc.)**

(1) Unless publication is restricted by other statute, the Minister of Environment may publish environmental impact assessment reports, etc. through the information support system, etc. under Article 70 (3).

(2) If a person who submits an environmental impact assessment report requests the Minister of Environment not to publish all or part of the environmental impact assessment report on any of the following grounds, the Minister of Environment may elect not to publish it, place restrictions on the extent of publication, or delay publication:

1. If it is necessary for national security, such as the protection of military secrets;
2. If an environmental impact assessment report contains confidential information of the relevant project;
3. If a person requests non-publication, specifying the extent of publication, the timing for publication, etc., because publication appears to impede implementing the relevant plan or project.

(3) The timing and methods for the publication of environmental impact assessment reports, etc. under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

(4) Except as otherwise provided for in paragraphs (1) through (3), matters not provided for in this Act in connection with the publication of environmental impact assessment reports, etc. shall be governed by the provisions of the Official Information Disclosure Act.

#### **Article 67 (Hearings)**

When the Minister of Environment intends to make any of the following dispositions, he/she shall hold a hearing:

1. Cancellation of registration of an environmental impact assessment agent under Article 58;
2. Revocation of qualifications of an environmental impact assessor under Article 65.

**Article 68 (Tasks Entrusted to Korea Environment Institute or Specialized Institutions)**

In order to conduct environmental impact assessments, etc. efficiently, the Minister of Environment may entrust the following tasks to the Korea Environment Institute or other specialized institution:

1. Development, formulation, amendment of various indexes necessary for environmental impact assessments, etc.;
2. Evaluation of validity of techniques for environmental impact assessments, etc. and techniques for estimation and development of such techniques;
3. Operation of the information support system related to environmental impact assessment under Article 70 (3);
4. Other missions necessary for efficiently conducting environmental impact assessments, etc.

**Article 69 (Duty of Confidentiality)**

No environmental impact assessment agent, environmental impact assessor, expert conducting or formerly conducting a review of an environmental impact assessment report, or person who works or worked for a specialized institution as an officer or employee shall divulge confidential information acquired in the course of performing his/her duties in connection with environmental impact assessments, etc. to a third party or misappropriate such confidential information.

**Article 70 (Establishment, Operation, etc. of Information Support System for Environment Impact Assessment)**

(1) In order to improve the expertness, objectivity, predictability, etc. of environmental impact assessments, etc., the Minister of Environment shall collect and disseminate the information related to environmental impact assessments, etc.

(2) The Minister of Environment shall formulate plans necessary for improving technology for environmental impact assessments, etc. and for training specialized human resources.

(3) The Minister of Environment shall establish and operate an information support system related to environmental impact assessments, etc. for the collection and dissemination of information under paragraph (1) and the publication of environmental impact assessment reports, etc. under the proviso to Article 53 (5) 3, the proviso to Article 56 (1) 3, and Article 66 (1). <Amended by Act No. 13040, Jan. 20, 2015>

(4) Matters necessary for the establishment, operation, etc. of the information support system under paragraph (3) shall be determined by the Minister of Environment.

**Article 71 (Environment Impact Assessment Association)**

(1) Environmental impact assessment agents and persons who are engaged in business related to environmental impact assessments, etc. may establish an environmental impact assessment association

(hereafter in this Chapter referred to as the "Association") for the surveys, research, education, and publicity on environmental impact assessments, etc. and other business activities related to environmental impact assessments, etc.

(2) The Association shall be in the form of a corporation.

(3) The establishment of the Association is subject to prior permission from the Minister of Environment.

(4) If the Minister of Environment finds that the Association is operated in breach of any statute or any provision of its articles of incorporation, he/she may order the Association to amend its articles of incorporation or business plan or replace officers with others.

(5) Except as otherwise expressly provided for in this Act, the Association shall be governed by the provisions concerning incorporated associations in the Civil Act.

#### **Article 72 (Delegation or Entrustment of Authority)**

(1) The Minister of Environment may delegate part of his/her authority under this Act to the heads of regional environmental agencies and offices, as prescribed by Presidential Decree.

(2) The Minister of Environment may entrust the head of the Association or the head of a specialized institution with some business affairs assigned to him/her, as prescribed by Presidential Decree.

(3) Officers and employees of the Association or a specialized institution, who carry out business affairs entrusted under paragraph (2), or officers and employees of the Korean Environment Institute or a specialized institution, who carry out business affairs under Article 41 (1) or (2) or 68, shall be deemed public officials for the purposes of applying the provisions of Articles 129 through 132 of the Criminal Act to them.

#### **Article 73 (Penalty Provisions)**

Each of the following persons shall be punished by imprisonment with labor not exceeding five years or by a fine not exceeding 50 million won:

1. A person who fails to comply with an order issued to suspend construction works under Article 34 (3) or 40 (2);
2. A project implementer who fails to comply with an order issued to suspend construction works under Article 34 (4) or 40 (3);
3. A person who fails to comply with an order issued to suspend construction works or to take measures under Article 34 (3) or (4) (limited to where an order is issued to reinstate an area), which shall apply mutatis mutandis pursuant to Article 47 (3).

#### **Article 74 (Penalty Provisions)**

(1) Each of the following persons shall be punished by imprisonment with labor not exceeding two years or by a fine not exceeding twenty million won: <Amended by Act No. 13040, Jan. 20, 2015>

1. A project implementer who fails to conduct the follow-up survey of environmental impacts under Article 36 (1);
2. A project implementer who fails to comply with an order to suspend construction works under Article 40 (2) or (3), which shall apply mutatis mutandis pursuant to Article 49 (2);



3. A person who copies details of another environmental impact assessment report to make an environmental impact assessment report, in violation of Article 53 (5) 1 or 56 (1) 1;
4. A person who makes a false presentation in making an environmental impact assessment report or data, in violation of Article 53 (5) 2 or 56 (1) 2;
5. A person who engages in business as an agent for environmental impact assessment without being registered under Article 54 (1);
6. A person who is registered under Article 54 (1) by fraud or other wrongful means;
7. A person who concludes any new agency contract for environmental impact assessment after his/her registration is cancelled for violation of Article 59 (3) or during a period for suspension of business operations.

(2) Each of the following persons shall be punished by imprisonment with labor for a period not exceeding one year or by a fine not exceeding ten million won:

1. A person who commences construction works without completing environmental impact assessments, etc., in violation of Article 22 or 43;
2. A person who commences construction works before completion of the procedures for consultation or re-consultation, in violation of Article 34 (1) or 47 (1);
3. A person who refuses to submit data, or interferes with, or evades, entry for inspection without just cause, in violation of Article 39 (2) (including cases to which the aforesaid provisions shall apply mutatis mutandis pursuant to Article 49 (2));
4. A person who lends his/her registration certificate or title to a third party, in violation of Article 56 (1) 4;
5. A person who subcontracts an environmental impact assessment (excluding the work of surveying and measuring the subject-matters for environmental impact assessment according to the requirements prescribed, and for the sectors specified, by Ordinance of the Ministry of Environment) to a third party, in violation of Article 56 (1) 5;
6. A person who refuses to submit data or refuses to report or undergo an inspection without just cause, in violation of Article 60 (1);
7. A person who lends his/her qualification certificate to a third party or allow a third party to work as an environmental impact assessor under his/her name, in violation of Article 64 (2);
8. A person who divulges or misappropriates confidential information, in violation of Article 69.

#### **Article 75 (Joint Penalty Provisions)**

If the representative of a corporation or an agent, employee, or servant working for a corporation or for an individual commits an offense in violation of Article 73 or 74 in connection with the business of the corporation or individual, not only shall such offender be punished accordingly, but the corporation or individual also shall be punished by a fine prescribed in the relevant Article: Provided, That the foregoing shall not apply where the corporation or individual has not neglected due care and supervision over the relevant business to prevent such offense.

## **Article 76 (Administrative Fines)**

(1) Each of the following persons shall be punished by an administrative fine not exceeding twenty million won:

1. A person who commences construction works before completing the procedure for amendment of agreed terms and terms, in violation of Article 34 (1);
2. A person who fails to comply with an order issued under Article 40 (1) to take measures;
3. A person who fails to comply with an order issued under Article 40 (3) to take other necessary measures;
4. A project implementer who fails to comply with an order issued under Article 41 (3) to take measures.

(2) Each of the following persons shall be punished by an administrative fine not exceeding ten million won: *<Amended by Act No. 13040, Jan. 20, 2015>*

1. A person who fails to conduct a part of a follow-up survey of environmental impacts, in violation of Article 36 (1);
2. A person who fails to give notice or to take necessary measures, in violation of Article 36 (2);
3. A person who makes an inadequate environmental impact assessment report or data, in violation of Article 53 (5) 2 or 56 (1) 2;
4. A project implementer who fails to conclude an agency contract for the formulation of environmental impact assessment reports, etc. separately from contracts on the formulation and implementation of a plan or a project subject to the relevant environmental impact assessment, etc., in violation of Article 53 (5) 4;
5. A person who uses the title "environmental impact assessor" or any similar title, in violation of Article 63 (4).

(3) Each of the following persons shall be punished by an administrative fine not exceeding five million won: *<Amended by Act No. 13040, Jan. 20, 2015>*

1. A person who fails to record the progress of performance of agreed terms and conditions in the management record book or fails to keep the management record book at the project site, in violation of Article 35 (2);
2. A person who fails to designate a manager or give notice of designation, in violation of Article 35 (3);
3. A person who fails to give notice of the results of a follow-up survey of environmental impacts, in violation of Article 36 (1);
4. A person who fails to give notice of commencement, completion, or suspension of a project, in violation of Article 37;
5. A person who fails to give notice of the matters specified by Ordinance of the Ministry of Environment, such as the progress of performance of agreed terms and conditions and the grounds for succession, in violation of Article 38 (2);

6. A person who fails to comply with an order issued under Article 40 (1) or (3), which shall apply mutatis mutandis pursuant to Article 49 (2), to take necessary matters (excluding orders to suspend construction works);
  7. A person who fails to preserve environmental impact assessment reports and basic data for such reports, in violation of Article 53 (5) 3 or 56 (1) 3;
  8. A person who makes a change with respect to any material fact without registering such change, in violation of Article 54 (2);
  9. A person who fails to report the track record of performance as an environmental impact assessment agent, in violation of Article 61 (1).
- (4) The administrative fines under the provisions of paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, as prescribed by Presidential Decree.

## ADDENDA

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Transitional Measures concerning Preparation of Assessment Plans and Determination of Items, Scope, etc. of Assessment)**

Notwithstanding Article 2 of the Addenda to the whole amendment (Act. No. 9037) to the Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc., Article 10 of the former Environment Impact Assessment Act shall take effect until the date this Act enters into force.

### **Article 3 (General Transitional Measures concerning Dispositions, etc.)**

A public notification or order or other action given, issued, or taken by an administrative agency or an application or report or other action filed or taken with or in relation to an administrative agency under the former Framework Act on Environmental Policy (applicable only to the part concerning prior environmental review) or the former Environment Impact Assessment Act before this Act enters into force shall be deemed an action taken by or in relation to an administrative agency under this Act.

### **Article 4 (Transitional Measures concerning Environment Impact Assessments, etc.)**

(1) Former provisions shall apply where the procedure for any of the following matters is in progress in connection with environmental impact assessment, etc. under the former Framework Act on Environmental Policy or the former Environment Impact Assessment Act as at the time this Act enters into force:

1. Determination of subject-matters, etc. for strategic environmental impact assessment or subject-matters, etc. for environmental impact assessment;
2. Gathering consensus from residents, etc.;
3. Preparation of a draft assessment report or an assessment report;
4. Consultation on a prior environmental review report or an environmental impact assessment report.

(2) The determination of subject-matters, etc. for assessment, the preparation of an assessment report, gathering consensus from residents, etc., requests for consultation, and the notification of agreed terms and conditions under the former Framework Act on Environmental Policy as at the time this Act enters into force shall be deemed the determination of subject-matters, etc. for strategic environmental impact assessment, the preparation of an assessment report, gathering consensus from residents, etc., requests for consultation, and the notification of agreed terms and conditions under relevant provisions of this Act.

(3) The determination of subject-matters, etc. for assessment, gathering consensus from residents, etc., requests for consultation, the notification of agreed terms and conditions, and the follow-up survey of environmental impacts under the former Environment Impact Assessment Act as at the time this Act enters into force shall be deemed determination of subject-matters, etc. for environmental impact assessment, gathering consensus from residents, etc., requests for consultation, the notification of agreed terms and conditions, and the follow-up survey of environmental impacts under this Act.

(4) A project implementer who has succeeded to obligations to perform agreed terms and conditions with respect to environmental impact assessment, etc. under the former Environment Impact Assessment Act before this Act enters into force shall be deemed to succeed to such obligations to perform agreed terms and conditions under this Act.

#### **Article 5 (Transitional Measures concerning Summary Environment Impact Assessment)**

Notwithstanding Article 52 (1) through (3), former provisions shall apply where the opinions presented by residents, etc. during the summary process in progress under the former Environment Impact Assessment Act as at the time this Act enters into force are different from agreed terms and conditions.

#### **Article 6 (Transitional Measures concerning Summary Environment Impact Assessment Agents)**

A person registered as an environmental impact assessment agent under the former Environment Impact Assessment Act as at the time this Act enters into force shall be deemed to have completed the registration of an environmental impact assessment business under the amended provisions of Article 54. In such cases, an environmental impact assessment agent shall secure environmental impact assessors by the date specified by Presidential Decree, which shall not exceed ten years from the date this Act enters into force, in accordance with the amended provisions of Article 54 (1).

#### **Article 7 (Transitional Measures concerning Guidelines for Administrative Dispositions)**

The disposition on any offense committed before this Act enters into force shall be made in accordance with the former Framework Act on Environmental Policy or the former Environment Impact Assessment Act.

#### **Article 8 (Transitional Measures concerning Penalty Provisions)**

The former Framework Act on Environmental Policy or the former Environment Impact Assessment Act shall apply to an offense committed before this Act enters into force for the purpose of applying penalty provisions or provisions concerning administrative fines to such act.

**Article 9 Omitted.**

**Article 10 (Relationship to other Statutes)**

A citation of the former Framework Act on Environmental Policy (applicable only to the part concerning prior environmental review) or the former Environment Impact Assessment Act or any provision thereof by any other statute in force as at the time this Decree enters into force shall be deemed a citation of this Act or the relevant provision of this Act in lieu of the former provision, if such relevant provision exists in this Act.

ADDENDA <Act No. 11019, Aug. 4, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

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.**

ADDENDA <Act No. 13040, Jan. 20, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of subparagraphs 1 and 3 of Article 55 and Article 63 (2) 1 shall enter into force on the date of its promulgation, and the amended provisions of Article 53 (2) shall enter into force one year after the date of its promulgation.

**Article 2 (Applicability to Review on Findings of Follow-up Environmental Impact Assessments, etc.)**

The amended provisions of Article 36 (3) and (4) shall apply where the first follow-up environmental assessment is conducted after this Act enters into force.

**Article 3 (Applicability to Evaluation of Capability of Environmental Impact Assessment Agents to Perform Projects)**

The amended provisions of Article 53 (2) shall apply beginning with the first case where a contracting authority intends to engage an agent in the formulation of an environmental impact assessment report, etc. on his/her behalf after this Act enters into force.

**Article 4 (Applicability to Grounds for Disqualifications of Persons whose Registration was Cancelled)**

The amended provisions of subparagraph 3 of Article 55 shall also apply to the persons whose registration was cancelled under Article 58 (1) 4 before the aforesaid amended provisions enter into force.

**Article 5 (Transitional Measure Concerning Persons Declared Incompetent, etc.)**

Any person upon whom the declaration of incompetence or quasi-incompetence remains effective under Article 2 of the Addenda to the Civil Act (Act No. 10429) shall be construed to be included in a person under adult guardianship and a person under limited guardianship prescribed in the amended provisions of subparagraph 1 of Article 55 and Article 63 (2) 1.

ADDENDA <Act No. 13426, Jul. 24, 2015>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 39 Omitted.**

