



TOXIC CHEMICALS CONTROL ACT

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ENFORCEMENT DECREE OF THE TOXIC CHEMICALS CONTROL ACT

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Wholly Amended by Act No. 7292, Dec. 31, 2004

Amended by Act No. 7849, Feb. 21, 2006

Act No. 8809, Dec. 27, 2007

Act No. 8852, Feb. 29, 2008

Act No. 8951, Mar. 21, 2008

CHAPTER | GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to enable all people to live in a healthy and comfortable environment by preventing any harm to people's health and the environment caused by chemicals and by properly controlling toxic chemicals.

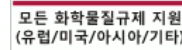
[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 2 (Definitions)

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

1. The term "chemicals" means elements, compounds and substances obtained by causing artificial reactions therewith and those obtained by extracting or refining substances existing in nature;
2. The term "new chemicals" means chemicals excluding those listed in each of the following items:
 1. (a) Chemicals distributed for commercial purposes domestically before February 2, 1991 and announced by the Minister of Environment through consultation with the Minister of Labor on December 23, 1996; and
 2. (b) Chemicals which have undergone the examination of toxicity under the former provisions or the provisions of this Act after February 2, 1991 and were announced by the Minister of Environment;
3. The term "poisonous substances" means chemicals with toxicity, which are designated and announced by the Minister of Environment in accordance with the standards prescribed by Presidential Decree;
4. The term "substances under observation" means chemicals feared to have toxicity, and designated and announced by the Minister of Environment in accordance with the standards prescribed by Presidential Decree;
5. The term "restricted substances" means chemicals deemed so harmful when they are used for a specific purpose that they are designated and announced by the Minister of Environment through consultation with the heads of relevant central administrative organs under Article 32 in order to prevent the manufacture, import, sale, keeping, storage, transportation or use thereof for such purpose;
6. The term "prohibited substances" means chemicals deemed so harmful that they are designated and announced by the Minister of Environment through consultation with the heads of relevant central administrative organs under Article 32 in order to prevent the manufacture, import, sale, keeping, storage, transportation or use thereof for all purposes;
7. The term "substances requiring preparation for accidents" means chemicals designated by Presidential Decree under Article 38 as they are feared to have a high risk of being involved in accidents due to their acute toxicity, explosiveness, etc. or to cause severe harm if an accident occurs and deemed to require a plan to prepare for or cope with accidents;
8. The term "toxic chemicals" means poisonous substances, substances under observation, restricted substances or prohibited substances (hereinafter referred to as "restricted or prohibited substances"), substances requiring preparation for accidents, or other chemicals that are or are feared to be toxic or harmful;
9. The term "toxicity" means the unique nature of a chemical that adversely affects human health or the environment, such as the toxicity of chemicals;
10. The term "harmfulness" means the degree of harm that may be inflicted on human health or the environment at the time of exposure to a toxic chemical is exposed; and
11. The term "handling facilities" means facilities or equipment that manufactures, keeps, stores, transports (excluding transportation by air, ship or railroad), or uses chemicals.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]


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Article 3 (Scope of Application)

(1) This Act shall not apply to the chemicals falling into any of the following subparagraphs:

1. Radioactive substances under the Atomic Energy Act;
2. Medicines and non-pharmaceutical drugs under the Pharmaceutical Affairs Act;
3. Narcotics under the Act on the Control of Narcotics, etc.;
4. Cosmetics under the Cosmetics Act (including materials required to undergo an examination of safety under Article 4 (3) of the same Act and materials of cosmetics that are designated and announced by the Commissioner of the Korea Food & Drug Administration);
5. Technical ingredients and agrochemicals under the Agrochemicals Control Act;
6. Fertilizers under the Fertilizer Control Act;
7. Foods and food additives under the Food Sanitation Act;
8. Livestock feeds under the Control of Livestock and Fish Feed Act;
9. Explosives under the Control of Firearms, Swords, Explosives, etc. Act; and
10. Toxic gases under the High-Pressure Gas Safety Control Act.

(2) Notwithstanding paragraph (1), the provisions of Articles 17 (2) through (5), 51 (1), (2) and (4), and 63 (1) 2 shall apply to the chemicals falling under paragraph (1) 5.

(3) Notwithstanding paragraph (1), the provisions of Articles 10 through 13, 16 through 18, 38 through 42, 45 (1) 2, 3, 13 and 14, 45 (2), 46 (1) 2, 3 and 10, 46 (2), 51, subparagraphs 2 and 3 of Article 54, subparagraph 1 of Article 57, subparagraph 1 of Article 58, subparagraph 1 of Article 59, subparagraphs 1 and 6 of Article 61, Articles 62, 63 (1) 2 and 10 through 12, 63 (2) 2 and (3) through (6) shall apply to the chemicals falling under paragraph (1) 10.

(4) Notwithstanding paragraph (1), the standards for the control of poisonous substances under Article 24 shall apply to chemicals under the provisions of paragraph (1) 2 through 10 which are poisonous substances, unless the standards for the control of such poisonous substances are separately prescribed by relevant Acts and subordinate statutes.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 4 (Duties of State)

(1) The State shall have a good awareness of the influence of toxic chemicals on human health and the environment at all times, and formulate and implement necessary measures to prevent any harm to human health or the environment.

(2) The State shall devise plans for the measurement of pollution levels, investigation and research, technical development, fostering of professional manpower, education and public relations for the control of toxic chemicals, and provide administrative and financial support necessary for the safe control of toxic chemicals.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 5 (Duties of Business Operator)

Any person who conducts business to manufacture, export, import, sell, keep, store, transport or use toxic chemicals shall take necessary measures, such as maintaining appropriate facilities and equipment, education of employees, technical development, and exchange of information so as to prevent any harm to human health or the environment caused by toxic chemicals, and participate and cooperate in national policies for the proper control of toxic chemicals.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 6 (Basic Plan for Control of Toxic Chemicals)

(1) The Minister of Environment shall formulate a basic plan for the control of toxic chemicals (hereinafter referred to as "basic plan") for the efficient control of toxic chemicals every five years.

(2) When the Minister of Environment intends to formulate a basic plan, he/she shall consult with the head of a relevant central administrative organ and then pass through the deliberation of the Toxic Chemicals Control Committee under Article 7.

(3) Basic plans shall contain each of the following matters:

1. The goals of a toxic chemical control policy and strategies to achieve them;
2. Major measures and plans for toxic chemical control;
3. The status of toxic chemical control and outlook for the future;
4. Measures to raise financial resources needed for the implementation of various projects for toxic chemical control;
5. Plans for cooperation with organizations, international organizations, etc. relating to toxic chemical control; and
6. Other matters necessary for toxic chemical control.

(4) When the Minister of Environment has formulated a basic plan, he/she shall notify the head of the competent central administrative organ of the details thereof without delay.

(5) The head of the competent central administrative organ shall formulate and implement policies under his/her jurisdiction in accordance with the basic plan.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 7 (Toxic Chemicals Control Committee)

(1) The Toxic Chemicals Control Committee (hereinafter referred to as the "Control Committee") shall be established under the umbrella of the Minister of Environment to deliberate on important matters relating to toxic chemical control, such as formulation of basic plan.

(2) The Control Committee shall consist of not more than 30 members including one chairperson and one vice chairperson.

(3) The position of chairperson shall be filled by a public official in charge of the affairs of toxic chemical control who belongs to the Senior Civil Service of the Ministry of Environment, and the vice chairperson shall be appointed or commissioned by the chairperson from among members.

(4) The members of the Control Committee shall be appointed or commissioned by the Minister of Environment from among experts of learning and experience in related fields such as chemistry, environment and hygiene, representatives of industries related to toxic chemicals and public officials in charge of the affairs of relevant fields.

(5) The meetings of the Control Committee shall be held in the presence of a majority of members on the register, and pass resolutions by the affirmative vote of a majority of members present.

(6) Other matters necessary for the operation, etc. of the Control Committee shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 8 (Consultation on Major Policy, etc.)

When the head of the relevant central administrative organ intends to formulate and implement policies or plans prescribed by Presidential Decree from among policies or plans directly related to toxic chemical control, he/she shall consult with the Minister of Environment in advance.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

CHAPTER II EXAMINATION OF TOXICITY AND ASSESSMENT OF HARMFULNESS OF CHEMICALS, ETC.

SECTION 1 Examination of Toxicity of Chemicals, etc.

Article 9 (Confirmation of Chemicals)

(1) Any person who intends to manufacture or importation a chemical (in cases where the import is consigned to an importation agent, referring to the consigner; hereinafter the same shall apply) shall confirm whether the relevant chemical or the ingredients thereof fall into any of the following subparagraphs under conditions prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "confirmation of chemicals"), and submit the details thereof to the Minister of Environment:

1. New chemicals;
2. Poisonous substances;
3. Substances under observation; or
4. Restricted or prohibited substances.

(2) Any person who intends to manufacture or importation a chemical under paragraph (1) may, when deemed necessary for confirmation of the chemical, request the Minister of Environment to certify whether or not the relevant chemical or the ingredients thereof fall into any of the subparagraphs of para graph (1), attaching materials as determined by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 10 (Application for Examination of Toxicity of New Chemicals, etc.)

(1) Any person who intends to manufacture or importation a new chemical (hereinafter referred to as a "new chemical manufacturer, etc.") shall cause the relevant chemical to undergo an examination of toxicity by the Minister of Environment in advance: Provided, That the same shall not apply to cases falling into any of the following subparagraphs:

1. New chemicals contained in machineries or equipment or imported together with such machineries or equipment for the purpose of trial operation;
2. New chemicals which as they are contained in a product which exhibits a specific function in a specific solid form, do not leak in use; and
3. New chemicals subject to exemption from an examination of toxicity as prescribed by Presidential Decree and confirmed by the Minister of Environment (hereinafter referred to as "confirmation of exemption from an examination of toxicity").

(2) When a new chemical manufacturer, etc. intends to receive confirmation of exemption from an examination of toxicity under paragraph (1) 3, he/she shall apply for confirmation of exemption from an examination of toxicity to the Minister of Environment.

(3) When a new chemical manufacturer, etc. intends to apply for an examination of toxicity under paragraph (1), he/she shall submit data on physical and chemical properties, data on toxicity to human body and living organisms, data on degradability, etc. with respect to the new relevant chemical: Provided, That in cases of new chemicals determined by Presidential Decree, part of relevant data may not be submitted under conditions prescribed by Ordinance of the Ministry of Environment.

(4) The data required to be submitted by a new chemical manufacturer, etc. under paragraph (3), which are determined by Ordinance of the Ministry of Environment such as data on toxicity to human body and living bodies and data on decomposability shall be submitted in documents recording the results of tests conducted by a test institute under Article 14 (1) (hereinafter referred to as a test institute) or a foreign test institute confirmed by Ordinance of the Ministry of Environment to comply with the Good Laboratory Practice of the Organization for Economic Cooperation and Development.

(5) Necessary matters concerning the procedure, method, etc. of application for an examination of toxicity and confirmation of exemption from an examination of toxicity shall be prescribed by Ordinance of the Ministry of Environment. In such cases, a prior consultation shall be held with the Minister of Labor with respect to the procedure of application for an examination of toxicity and data for examination.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 11 (Examination of Toxicity)

(1) The Minister of Environment shall conduct an examination of toxicity for chemicals determined by Presidential Decree, which are

deemed to require an examination of toxicity, such as new chemicals for which an application for an examination of toxicity has been submitted under Article 10 (1) and substances under observation which are manufactured or imported in a quantity of at least ten tons per annum.

(2) The Minister of Environment may, when necessary for an examination of toxicity under paragraph (1), request or order a new chemical manufacturer, etc. who has applied for an examination of toxicity or a person who manufactured or imported a chemical which is deemed to require an examination of toxicity to submit necessary data for an examination of toxicity under conditions prescribed by Ordinance of the Ministry of Environment.

(3) Necessary matters concerning detailed methods, procedures, etc. of an examination of toxicity shall be determined by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 12 (Notification of Results of Examination of Toxicity, etc.)

With respect to a new chemical for which an application for an examination of toxicity or confirmation for exemption from an examination of toxicity has been made, the Minister of Environment shall notify the applicant of the results of the application under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 13 (Announcement of Results of Examination of Toxicity)

(1) In cases of a new chemical for which an application for an examination of toxicity has been submitted, three years from the date on which the results thereof has been notified under Article 12 after the completion of an examination of toxicity and in cases of a chemical other than new chemicals, without delay after the completion of an examination of toxicity, the Minister of Environment shall make a public announcement each of the name of the chemical, whether or not it is a poisonous substance or substance under observation, its toxicity, etc.: Provided, That in cases where a new chemical meets the standards for the designation of poisonous substances or substances under observation as the results of an examination of toxicity, he/she shall make a public announcement promptly after notifying the results thereof under Article 12.

(2) In cases where the name of a chemical announced under paragraph (1) amounts to the data subject to protection under Article 51 (1), the Minister of Environment shall announce it in its general name until the period of data protection terminates: Provided, That the same shall not apply to cases where such substance amounts to a poisonous substance or substance under observation.

(3) Matters concerning the details of an announcement under paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 14 (Designation of Test Institutes, etc.)

(1) The Minister of Environment shall designate a test institute capable of conducting necessary tests for an examination of toxicity from among research institutes designated by Presidential Decree for an examination of toxicity of chemicals. In such cases, test items which the relevant test institute is able to conduct shall be designated simultaneously.

(2) The head of a research institute which intends to be designated as a test institute under paragraph (1) shall submit an application for designation to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment. When he/she intends to modify important matters under conditions prescribed by Ordinance of the Ministry of Environment from among the designated matters, he/she shall make an application for modification of designation.

(3) The Minister of Environment shall assess regularly if the test institutes designated under paragraph (1) are properly operating in accordance with the Ordinance of the Ministry of Environment.

(4) Necessary matters concerning the standards for designation of test institutes and modification of the designation thereof, standards for the management of test institutes, etc. shall be determined by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 14-2 (Cancellation of Designation of Test Institutes, etc.)

(1) In cases where a person designated as a test institute under Article 14 is found to have been designated by false or by other unjust means, the Minister of Environment shall cancel the designation of such test institute.

(2) In cases where a person designated as a test institute under Article 14 falls under any of the following subparagraphs, the Minister of Environment may cancel the designation of such test institute or designation of test items, or issue an order for the suspension of service for the relevant test items, fixing a period of time not longer than six months:

1. Cases where the person recorded test results different from fact deliberately or by gross negligence;
2. Cases where the person is found failing to meet the standards for designation under paragraph (4) or violating the standards for management as the results of the assessment under Article 14 (3);
3. Cases where the person fails to commence the service of testing designated test items within two years after being designated as a test institute without justifiable grounds or has no record of service for two consecutive years or more;
4. Cases where person provided the service of testing during the period of suspension of service; and
5. Cases where the person has tested or issued test results of test items other than designated test items;

(3) In cases where a person whose designation of a test institute has been cancelled under paragraph (1) falls under any of the following subparagraphs, he/she shall not be designated as a test institute under Article 14:

1. Cases where the person for whom one year has not elapsed since the cancellation of designation as a test institute intends to be designated as a test institute at the same address as that of the former test institute; and
2. Cases where the person (in cases of a corporation, including the representative thereof) for whom two years have not elapsed since the cancellation of designation as a test institute intends to be re-designated as a test institute.

(4) When six months have not elapsed since the designation of a test item was cancelled under paragraph (2), the same item shall not be designated as a test item under Article 14.

[This Article Newly Inserted by Act No. 8809, Dec. 27, 2007]

Article 15 Deleted. <by Act No. 8809, Dec. 27, 2007>

Article 16 (Suspension of Sale, etc. of New Chemicals)

(1) The Minister of Environment may order the suspension of sale or use of new chemicals manufactured or imported by new chemical manufacturers, etc. without undergoing an examination of toxicity or confirmation of exemption from an examination of toxicity.

(2) A new chemical manufacturer, etc. who has received an order under paragraph (1) may resume the sale or use of the relevant new chemical after receiving an examination of toxicity or confirmation of exemption from an examination of toxicity of the relevant new chemical.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

SECTION 2 Assessment of Harmfulness of Chemicals, etc.

Article 17 (Investigation of Distributed and Discharged Quantity of Chemicals)

(1) The Minister of Environment may, if necessary for the prevention of harm by chemicals, order a person who handles chemicals submit data necessary for ascertaining the quantity of chemicals distributed or have a relevant public official enter the relevant workplaces to investigate the quantity of chemicals handled under conditions prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment may, in order to ascertain the quantity of chemicals distributed determined by Presidential Decree in the handling process (hereinafter referred to as the "quantity discharged"), order a person handling chemicals to submit necessary data or have a relevant public official enter the relevant workplaces to investigate the quantity discharged of the relevant chemical under conditions prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall make a public announcement of the results of the investigation of the quantity of chemicals discharged under paragraph (2) under conditions prescribed by Ordinance of the Ministry of Environment, and may, if deemed necessary, make a public announcement of the results of the investigation by workplace through the deliberation of the Control Committee: Provided, That in cases where there is a request for data protection under Article 51, he/she shall not make a public announcement thereof until the period of data protection terminates.

(4) The Minister of Environment may, when he/she intends to investigate the distributed and discharged quantities of chemicals under paragraphs (1) and (2), request relevant central administrative organs, local governments, relevant research institutes for the submission of the results of investigations made by each organ and necessary data.

(5) A public official who enters a workplace for investigation under paragraph (1) or (2) shall carry along a certificate indicating his/her authority and show it to the relevant persons.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 18 (Assessment of Harmfulness)

(1) The Minister of Environment may assess the harmfulness of chemicals which are feared to cause a great harm to human health and the environment under conditions prescribed by Ordinance of the Ministry of Environment.

(2) Upon the completion of the assessment of harmfulness under paragraph (1), the Minister of Environment may make a public announcement of the results of the assessment including the name, harmfulness, etc. of chemicals of which harmfulness is assessed under conditions prescribed by Ordinance of the Ministry of Environment.

(3) In accordance with the results of the assessment of harmfulness under paragraph (1), the Minister of Environment may designate the relevant chemical as a restricted or prohibited substance under Article 32 (1) or take other measures deemed necessary to mitigate its harmfulness.

(4) The Minister of Environment may order a person handling chemicals to submit necessary data for an assessment of harmfulness under paragraph (1) or have a relevant public official enter the relevant workplace, etc. to collect for free, the smallest quantity of samples necessary for the assessment of harmfulness.

(5) A public official who enters a workplace, etc. under paragraph (4) shall carry a certificate indicating his/her authority and display it to relevant persons.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

CHAPTER III SAFETY CONTROL OF TOXIC CHEMICALS, ETC.

SECTION 1 Control of Poisonous Substances, etc.

Article 19 (Report on Importation of Poisonous Substances)

(1) Any person who intends to importation poisonous substances (excluding poisonous substances which are restricted or prohibited substances; hereinafter the same shall apply) shall report to the Minister of Environment the kind, usage, etc. of the poisonous substances under conditions prescribed by Ordinance of the Ministry of Environment: Provided, That the same shall not apply to cases as prescribed by Presidential Decree, such as cases where a reagent for testing, research and inspection is imported for the said purposes.

(2) In cases of modifying important matters prescribed by Ordinance of the Ministry of Environment from among the matters reported under paragraph (1), a report of modification shall be made under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 20 (Registration of Poisonous Substance Business)

(1) Any person who intends to conduct a business falling into any of the following subparagraphs shall file a registration with the Minister of Environment according to the type of business under conditions prescribed by Ordinance of the Ministry of Environment, being equipped with handling facilities satisfying the standards set by Ordinance of the Ministry of Environment: Provided, That the same shall not apply to those prescribed by Presidential Decree, such as a person who sells, keeps, stores, transports or uses poisonous substances contained in machines or equipment:

1. The business of manufacturing poisonous substances (referring to the business of manufacturing poisonous substances for commercial purposes);
2. The business of selling poisonous substances;
3. The business of keeping and storing poisonous substances;
4. The business of transporting poisonous substances; and
5. The business of using poisonous substances (referring to businesses that manufacture goods, using poisonous substances, or utilizes poisonous substances in work processes such as cleaning and painting).

(2) When a person who has registered a poisonous substance business under paragraph (1) (hereinafter referred to as a "poisonous substance business operator") intends to modify matters determined by Ordinance of the Ministry of Environment from among registered matters, he/she shall file a registration of modification or report of modification under conditions prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment may, when registering a poisonous substance under paragraph (1), impose conditions necessary for the proper control of the relevant poisonous substance.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 21 (Grounds for Disqualification of Poisonous Substances Business Operator)

Any person who falls under any of the following subparagraphs shall not become a poisonous substance business operator: Provided, That in cases of persons who fall under subparagraph 4, he/she shall not become a poisonous substance business operator, limited to a cancelled poisonous substance business:

1. An incompetent or a quasi-incompetent;
2. A bankrupt who has not yet been reinstated;
3. Any person who has been sentenced to imprisonment without prison labor or heavier punishment in violation of this Act and for whom two years have not elapsed since the execution of such punishment was terminated (including cases where the execution is deemed to have been terminated) or exempted;
4. Any person for whom two years have not elapsed since the cancellation of registration under Article 27; and
5. A corporation having officers falling under any of the provisions of subparagraphs 1 through 3.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 22 (Management of Poisonous Substance-Handling Facilities, etc.)

(1) A poisonous substance business operator who runs a poisonous substance-handling facility determined by Presidential Decree shall have the relevant poisonous substance-handling facility inspected by the Minister of Environment regularly or occasionally under conditions prescribed by Ordinance of the Ministry of Environment: Provided, That a person who has received a safety inspection under paragraph (2) may be exempted from the subsequent regular inspection one occasion.

(2) The Minister of Environment may, when the structure or equipment of a poisonous substance-handling facility is deemed to pose a threat to safety due to subsidence, cracking, corrosion, etc. as from an inspection under paragraph (1), order the poisonous substance business operator to receive a safety inspection for the relevant poisonous substance-handling facilities. In such cases, the poisonous substance business operator shall receive a safety inspection from a specialized institute designated by Presidential Decree.

(3) Necessary matters concerning detailed methods, etc. of safety inspections under paragraph (2) shall be determined by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 23 (Orders for Improvement)

The Minister of Environment may, when a poisonous substance-handling facility run by a poisonous substance business operator fails to meet the standards set by Ordinance of the Ministry of Environment under Article 20 (1) or deemed to require improvement for safety as the results of the safety inspection under Article 22 (2), issue an order for improvement to the relevant poisonous substance business operator under conditions prescribed by Ordinance of the Ministry of Environment, fixing a period of time.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 24 (Standards for Control of Poisonous Substances)

A business operator who manufactures, imports, sells, keeps, stores, transport or uses poisonous substances in relation to the relevant business shall observe the standards for the control of poisonous substances in each of the following subparagraphs:

1. Poisonous substance-handling facilities must be properly maintained and managed so as to be able to exhibit their original performance levels;
2. Preventive measures must be devised to prevent the occurrence of safety accidents in the course of handling poisonous substances, and emergency equipment and medicines are required to be furnished in order to take emergency measures in the event of accidents;
3. Different kinds of poisonous substance must not be kept in a mixed state when being kept or stored;

4. A poisonous substance manager under Article 25 must participate in loading or unloading poisonous substances into or out of a vehicle or transporting them to other poisonous substance-handling facilities; and
5. Other matters determined by Ordinance of the Ministry of Environment, which are similar to those provided for in subparagraphs 1 through 4 as they are deemed necessary for the safe control of poisonous substances.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 25 (Poisonous Substance Manager)

(1) Poisonous substance business operators (excluding those who sell poisonous substances without handling facilities) shall appoint a person satisfying the qualifications determined by Ordinance of the Ministry of Environment as poisonous substance manager in every workplace in order to properly control poisonous substances at the relevant poisonous substance-handling facility. In cases where a poisonous substance manager is dismissed, a new poisonous substance manager shall be appointed within ten days from the date of dismissal.

(2) A poisonous substance manager under paragraph (1) shall provide information on the safe control of relevant poisonous substances to the workers engaged in a poisonous substance-handling facility, and guide and supervise workers engaged in poisonous substance-handling facilities so as not to violate this Act or orders under this Act.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 26 (Report of Closure of Business, etc.)

(1) A poisonous substance business operator who intends to close or suspend the relevant business shall make a report to the Minister of Environment thereon under conditions prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment may, when it is deemed as the results of an examination of the contents of a report on the closure or suspension of a business under paragraph (1) that the poisonous substances in the workplace of the relevant business operator are feared to harm human health and the environment, order the relevant poisonous substance business operator to take measures necessary for the disposal of the relevant poisonous substances or prevention of harm before the closure or suspension of such business.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 27 (Cancellation of Registration, etc.)

(1) The Minister of Environment shall, when a poisonous substance business operator falls under any of the following subparagraphs, cancel the registration thereof:

1. Cases where the poisonous substance business operator falls under any of the subparagraphs of Article 21: Provided, That in cases where a corporation has an officer who falls under any of the provisions of subparagraphs 1 through 3 of Article 21, the same shall not apply to cases where such officer is replaced within six months;
2. Cases where the poisonous substance business operator has failed a registration under Article 20 (1) by false means or other unjust means; and
3. Cases where the poisonous substance business operator is deemed unable to continue to conduct the relevant business due to the cancellation of permission, registration, etc. related to the businesses referred to in each subparagraph of Article 20 (1) in accordance with other Acts and subordinate statutes.

(2) The Minister of Environment may, when a poisonous substance business operator falls under any of the following subparagraphs, cancel the registration thereof or order the suspension of the business in whole or in part, fixing a period of time of up to six months:

<Amended by Act No. 8951, Mar. 21, 2008>

1. Cases where the poisonous substance business operator had another person conduct the relevant business or use a certificate of registration through lending the title;
2. Cases where the poisonous substance business operator is subject to a disposition of suspension of business on not less than three occasions in one year;
3. Cases where the poisonous substance business operator gave rise to an accident caused by poisonous substances deliberately or by gross negligence;
4. Cases where the poisonous substance business operator has failed to commence the business within two years after making a registration under Article 20 (1) or suspended the business for not less than two years without justifiable grounds;
5. Cases where the poisonous substance business operator has failed to perform an order for improvement under Article 23;
6. Cases where the poisonous substance business operator conducted the business during the period of suspension of business;
7. Cases where the poisonous substance business operator has failed to submit data necessary for ascertaining the quantity of chemicals distributed under Article 17 (1) or investigation of discharged quantities under paragraph (2) of the same Article;
8. Cases where the poisonous substance business operator has failed to file a registration of modification in violation of Article 20 (2);
9. Cases where the poisonous substance business operator has failed to make a report of modification in violation of Article 20 (2);
10. Cases where handling facilities under the main body of Article 20 (1) with the exception of each subparagraph has failed to satisfy the standards for registration;
11. Cases where the poisonous substance business operator has failed to satisfy the conditions under Article 20 (3);
12. Cases where the poisonous substance business operator has failed to receive a regular inspection and irregular inspection under Article 22 (1);
13. Cases where the poisonous substance business operator has failed to perform an order for safety inspection under Article 22 (2);

14. Cases where the poisonous substance business operator violated the standards for control of poisonous substances under Article 24;
15. Cases where the poisonous substance business operator violated provisions pertaining to the appointment, guidance and supervision of poisonous substance managers under Article 25;
16. Cases where the poisonous substance business operator has failed to affix a mark of poisonous substance under Article 29 (1) or (2);
17. Cases where the poisonous substance business operator has failed to notify a self-prevention plan under Article 39 (3) in advance;
18. Cases where the poisonous substance business operator has failed to take emergency measures or make a report to a competent organ when an accident caused by chemicals occurred or is feared to occur under Article 40 (1) or (2);
19. Cases where the poisonous substance business operator has sold or offered hallucinogenic substances in violation of Article 43 (2);
20. The case of a person who has failed to make a report under Article 45 (1) or made such report by false means, or a person who has failed to submit data or submitted false data; and
21. Cases where the poisonous substance business operator has failed to report or preserve matters concerning the manufacture, import, sale, keeping, storage, transportation or use of chemicals under Article 46 (1) with the exception of each subparagraph.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 28 (Succession to Rights and Duties, etc.)

(1) When a poisonous substance business operator is dead or has transferred the relevant business to another person, or when a corporation has been merged with another corporation, the successor or transferee thereof, or the corporation in existence after the merger or the corporation established through such merger shall succeed the rights and duties of the poisonous substance business operator originating from the registration. In such cases, if the successor falls under any of the provisions of subparagraphs 1 through 3 of Article 21, he/she may transfer the business to another person within 90 days.

(2) Any person who has succeeded the rights and duties of a poisonous substance business operator under paragraph (1) shall make a report thereon to the Minister of Environment within 30 days from the date on which he/she succeeded the rights and duties under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 29 (Marks of Poisonous Substances, etc.)

(1) Poisonous substance business operators and poisonous substance importers shall, when manufacturing or importing poisonous substances, affix a relevant mark of the poisonous substance on each container or packing thereof. The same shall apply to cases of selling manufactured or imported poisonous substances by dividing them into small quantities.

(2) Poisonous substance business operators and poisonous substance importers shall affix a mark of poisonous substance at poisonous substance-handling facilities or at the place where poisonous substances are displayed.

(3) The Minister of Environment may, when deemed necessary for the safe control of toxic chemicals, other than poisonous substances, advise a person who conducts the business to manufacture, import, sell, keep, store, transport or use such substances to affix an appropriate mark of each substance: Provided, That cases where a warning sign is required to be placed under Article 41 (2) of the Industrial Safety and Health Act shall be excluded.

(4) Necessary matters concerning methods of affixing marks of poisonous substance, etc. shall be determined by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 30 (Approval of Poisonous Substance Managers and Joint Use of Handling Facilities, etc.)

(1) Two or more poisonous substance business operators whose workplaces are installed in the same site or building may utilize a poisonous substance-handling facility or a poisonous substance manager jointly, obtaining approval of the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment. In such cases, each poisonous substance business operator shall be considered to have his/her own poisonous substance-handling facilities or poisonous substance manager.

(2) A poisonous substance business operator who intends to modify important matters determined by Ordinance of the Ministry of Environment from among matters approved under paragraph (1) shall make a report thereon under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 31 (Report on Manufacture and Import of Substances under Observation, etc.)

(1) Any person who intends to manufacture or importation substances under observation shall report to the Minister of Environment the kinds of substance under observation, estimated quantity of manufacture or importation by kind of substance under observation, major usage, etc. under conditions prescribed by Ordinance of the Ministry of Environment: Provided, That the same shall not apply to substance under observation determined by Presidential Decree, such as cases of manufacturing or importing reagents for testing, research or inspection for the said purposes.

(2) In cases of the modification of important matters determined by Ordinance of the Ministry of Environment from among the matters reported under paragraph (1), a report of modification shall be made under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

SECTION 2 Control of Restricted or Prohibited Substances

Article 32 (Designation of Restricted or Prohibited Substances)

(1) The Minister of Environment may designate a chemical which falls under any of the following subparagraphs as a restricted or prohibited substance through consultation with the head of a relevant central administrative organ:

1. Cases where the chemical is deemed highly harmful as the results of an assessment of harmfulness under Article 18 (1);
2. Cases where the chemical is declared capable of causing serious harm to human health or the environment by international organizations, etc.; and
3. Cases where the manufacture, importation or use of the chemical is prohibited or restricted under international treaties, etc.

(2) The Minister of Environment shall, when he/she designates a restricted or prohibited substance, make a public announcement of the name of the restricted or prohibited substance, the details of restriction or prohibition, directions for handling, etc.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 33 (Permission for Importation of Restricted or Prohibited Substances, etc.)

(1) Any person who intends to importation a restricted or prohibited substance (excluding those who have obtained permission for the importation business of restricted substances under Article 34 (1) 1) shall obtain permission of the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment: Provided, That the same shall not apply to cases of importing reagents for testing, research or inspection for the said purposes.

(2) No one shall be permitted to importation prohibited substances into the country (excluding cases of importing for commercial purposes under the proviso to Article 34 (2): hereafter the same shall apply in this Article): Provided, That the same shall not apply to cases of importing reagents for testing, research or inspection which are prohibited substances for the said purposes, obtaining permission of the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.

(3) Cases of importing reagents for testing, research or inspection which are prohibited substances for the said purposes upon approval of the Minister of Labor under Article 37 (2) of the Industrial Safety and Health Act shall be considered to have obtained permission of the Minister of Environment under the proviso to paragraph (2).

(4) In cases of modifying important matters prescribed by Ordinance of the Ministry of Environment from among the matters permitted under the main body of paragraph (1) or the proviso to paragraph (2), permission of modification shall be obtained under conditions prescribed by Ordinance of the Ministry of Environment.

(5) Any person who has obtained permission in accordance with the main body of paragraph (1) or the proviso to paragraph (2), or who considered to have obtained permission of the Minister of Environment in accordance with paragraph (3) shall observe the contents announced under Article 32 (2).

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 34 (Permission for Restricted or Prohibited Substance Business, etc.)

(1) Any person who intends to conduct a business falling under any of the following subparagraphs shall obtain permission of the Minister of Environment according to type of business under conditions prescribed by Ordinance of the Ministry of Environment, being equipped with handling facilities meeting the standards set by Ordinance of the Ministry of Environment: Provided, That the same shall not apply to cases where a person prescribed by President Decree, such as those who intends to conduct a business to store, keep or transport restricted substances which are not toxic chemicals:

1. The business of manufacturing or importation of restricted substances (limited to the business of manufacturing or importation of restricted substances for the purpose of sales);
2. The business of sales of restricted substances;
3. The business of keeping or storing of restricted substances;
4. The business of transportation of restricted substances; and
5. The business of use of restricted substances (limited to business of manufacturing goods, using restricted substances, or using restricted substances in the working process, such as cleaning and painting).

(2) No one shall allowed to manufacture, import, sell, keep, store, transport or use prohibited substances for commercial purposes: Provided, That the same shall not apply to cases where a person who intends to conduct a business to manufacture, importation or sell reagents for testing, research or inspection which are prohibited substances for the said purposes has obtained permission of the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.

(3) When a person who has obtained permission for a restricted or prohibited substance business under paragraph (1) or the proviso to (2) (hereinafter referred to as a "restricted or prohibited substance business operator") intends to modify matters determined by Ordinance of the Ministry of Environment from among the permitted matters, he/she shall obtain permission for the modification thereof or make a report of the modification thereof under conditions prescribed by Ordinance of the Ministry of Environment.

(4) The Minister of Environment may, when granting permission under paragraph (1) or the proviso to (2), impose conditions necessary for the proper control of relevant restricted or prohibited the substances.

(5) A restricted or prohibited substance business operator who has obtained permission under paragraph (1) or the proviso to (2) shall observe the details announced under Article 32 (2).

(6) The provisions of Articles 21 through 26, and 28 through 30 shall apply mutatis mutandis to restricted or prohibited substance business operators on condition that the provisions of Articles 21, 26 and 28 shall apply mutatis mutandis to the business operators of restricted or prohibited substances that are not poisonous substances. In such cases, "poisonous substances" shall be read as "restricted or prohibited substances," "poisonous substance business" as "restricted or prohibited substance business," "poisonous substance business operator" as "restricted or prohibited substance business operator," "poisonous substance-handling facility" as "restricted or prohibited substance-handling facility," "poisonous substance manager" as "restricted or prohibited substance manager," and "registration" as "permission."

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 35 (Duty of Restricted or Prohibited Substance Business Operators to Make Announcements)

A restricted or prohibited substance business operator shall, when he/she intends to sell or offer restricted or prohibited substances, make the details of permission known to persons who intend to purchase or be offered such substances under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 36 (Cancellation of Permission, etc.)

(1) The Minister of Environment shall, when a restricted or prohibited substance business operator falls under any of the following subparagraphs, cancel such permission:

1. Cases where the restricted or prohibited substance business operator falls under any of the subparagraphs of Article 21: Provided, That the same shall not apply to cases where a corporation which has an officer who falls under any of the provisions of subparagraphs 1 through 3 of Article 21 has replaced such officer within six months;
2. Cases where the restricted or prohibited substance business operator has obtained permission under Article 34 (1) or the proviso to (2) of the said Article by false means or by other unjust means; and
3. Cases where the restricted or prohibited substance business operator is deemed unable to continue to conduct business because of the cancellation of permission, registration, etc. related to the business under Article 34 (1) or the proviso to (2) of the said Article in accordance with the provisions of other Acts or subordinate statutes.

(2) The Minister of Environment may, when a restricted or prohibited substance business operator falls under any of the following subparagraphs, cancel the relevant permission or order the suspension of the business in whole or in part, fixing a period of time of not longer than six months: <Amended by Act No. 8951, Mar. 21, 2008>

1. Cases where the restricted or prohibited substance business operator has had another person conduct the relevant business or use a certificate of permission through lending the title;
2. Cases where the restricted or prohibited substance business operator is subject to a disposition of suspension of business on not less than three occasions in a year;
3. Cases where the restricted or prohibited substance business operator has caused an accident involving by restricted or prohibited substances deliberately or by gross negligence;
4. Cases where the restricted or prohibited substance business operator has failed to commence the business within two years after obtaining permission under Article 34 (1) or the proviso to (2) of the said Article or suspended the business for not less than two years without justifiable grounds;
5. Cases where the restricted or prohibited substance business operator has failed to perform an order for improvement under Article 23 which is applied mutatis mutandis in Article 34 (6);
6. Cases where the restricted or prohibited substance business operator has conducted the business during the period of suspension of business;
7. Cases where the restricted or prohibited substance business operator has failed to submit data necessary to ascertain the quantity of chemicals distributed under Article 17 (1) or investigate discharged quantities under paragraph (2) of the same Article;
8. Cases where the restricted or prohibited substance business operator has failed to obtain permission for modification in violation of Article 34 (3);
9. Cases where the restricted or prohibited substance business operator has failed to make a report of modification in violation of Article 34 (3);
10. Cases where handling facilities under the main body of Article 34 (1) with the exception of each subparagraph has failed to satisfy the standards for permission;
11. Cases where the restricted or prohibited substance business operator has failed to satisfy the conditions under Article 34 (4);
12. Cases where the restricted or prohibited substance business operator has failed to receive regular inspections and occasional inspections under Article 22 (1);
13. Cases where the restricted or prohibited substance business operator has failed to perform an order for safety inspection under Article 22 (2);
14. Cases where the restricted or prohibited substance business operator has violated the standards for control of poisonous substances under Article 24;
15. Cases where the restricted or prohibited substance business operator has violated provisions pertaining to the appointment, guidance and supervision of poisonous substance managers under Article 25;
16. Cases where the restricted or prohibited substance business operator has failed to affix a mark of poisonous substance under Article 29 (1) or (2);
17. Cases where the restricted or prohibited substance business operator has failed to notify a self-prevention plan under Article 39 (3) in advance;
18. Cases where the restricted or prohibited substance business operator has failed to take emergency measures or to make a report to a competent organ when an accident involving by chemicals occurred or is feared to occur under Article 40 (1) or (2);
19. Cases where the restricted or prohibited substance business operator has sold or offered hallucinogenic substances in violation of Article 43 (2);
20. The case of a person who has failed to make a report under Article 45 (1) or made such report by false means, or a person who has failed to submit data or submitted false data; and
21. Cases where the restricted or prohibited substance business operator has failed to report or preserve matters concerning the manufacture, importation, sale, keeping, storage, transportation or use of chemicals under Article 46 (1) with the exception of each subparagraph.

(3) The cancellation of approval of the Minister of Labor under Article 37 (3) of the Industrial Safety and Health Act shall be deemed

as the cancellation of permission of the Minister of Environment under Article 33 (3).

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 37 (Approval for Export of Restricted or Prohibited Substances, etc.)

(1) Any person who intends to export restricted or prohibited substances (in cases of restricted substances, limited to restricted uses) shall obtain approval of the Minister of Environment each year under conditions prescribed by Ordinance of the Ministry of Environment, submitting data concerning the information to be included in the notice of export under paragraph

(2) 4. The same shall apply to cases where important matters determined by Ordinance of the Ministry of Environment are modified.

(2) The Minister of Environment shall make a public announcement of the matters in each of the following subparagraphs after consulting with the Minister of Knowledge Economy: <Amended by Act No. 8852, Feb. 29, 2008>

1. The name of chemicals of which importation is prohibited or restricted under Article 5 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter referred to as the "Rotterdam Convention") by the parties to the Convention and the details of prohibition or restriction;
2. Matters to be observed by exporters of chemicals under Article 13 of the Rotterdam Convention;
3. Chemicals provided for in Annex III to the Rotterdam Convention; and
4. Information to be included in the notice of export provided for in Annex V to the Rotterdam Convention.

(3) Any person who intends to export chemicals under paragraph (2) 1 and 3 shall observe the matters announced by the Minister of Environment under paragraph (2) 2.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

SECTION 3 Preparation for and Countermeasures against Chemical Accidents, etc.

Article 38 (Designation of Substances Requiring Preparation for Accidents)

Substances requiring preparation for accidents shall be prescribed by Presidential Decree from among chemicals feared to give rise to accidents or cause considerable damage when an accident occurs and falling into any of the following subparagraphs:

1. Substances that are physically or chemically highly dangerous in terms of inflammability, explosiveness, reactivity, possibility of leakage, etc.;
2. Substances that show acute toxicity if taken orally, inhaled or exposed to the skin;
3. Substances that are highly likely to give rise to accidents due to the large quantity in domestic distribution; and
4. Other substances deemed to require special control as they are feared to give rise to accidents.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 39 (Formulation of Self-Prevention Plan, etc.)

(1) Any person who handles substances requiring preparation for accidents in excess of the quantity prescribed by Presidential Decree shall formulate a self-prevention plan under conditions prescribed by Ordinance of the Ministry of Environment and submit it to the Minister of Environment: Provided, That the same shall not apply to persons prescribed by Presidential Decree such as persons required to formulate and submit a plan similar to the self-prevention plan under other Acts and subordinate statutes such as a process safety report under Article 49-2 of the Industrial Safety and Health Act.

(2) Any person who intends to conduct a poisonous substance business, or a restricted or prohibited substance business from among persons required to submit a self-prevention plan under paragraph (1) shall, when applying for registration of the poisonous substance business or permission for the restricted or prohibited substance business, submit a self-prevention plan simultaneously.

(3) Any person who has a handling facility for substances requiring preparation for accidents in areas prescribed by Presidential Decree, such as an area feared to sustain serious damage if any accident caused by substances requiring preparation for accidents occurs, from among the persons required to submit a self-prevention plan under paragraph (1) shall make an announcement of such self-prevention plan to residents in adjacent areas in advance under conditions prescribed by Ordinance of the Ministry of Environment in order to minimize damage caused by accidents.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 40 (Report of Accidents, etc.)

(1) Any person required to submit a self-prevention plan under Article 39 (1) shall, when an accident caused by a substance requiring preparation for accidents has occurred or is feared to occur, immediately take emergency measures necessary for prevention of harm in accordance with the self-prevention plan.

(2) Any person who handles toxic chemicals shall, when any harm caused by the relevant toxic chemicals is inflicted or is feared to be inflicted on human health or the environment, make a report thereon to competent local governments, regional environmental government offices, national police offices, fire service offices or regional labor government offices.

(3) The head of an organ who first received a report under paragraph (2) shall notify the contents of the report to the heads of other organs provided for in paragraph (2) immediately.

(4) The head of a competent local government who has received a report or a notice under paragraph (2) or (3) shall report the cause, scale, etc. of the accident to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 41 (Investigation of Impacts after Accidents, etc.)

The Minister of Environment shall, when reported under Article 40 (4), investigate the impact of the relevant accident on the health of the residents in adjacent areas or on the environment under conditions prescribed by Ordinance of the Ministry of Environment

and take measures necessary for restoration and ex post facto management.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 42 (Provision of Information)

The Minister of Environment shall provide information necessary for preparation for and coping with chemical accidents, such as the toxicity, safety, anti-disaster measures and emergency measures of toxic chemicals, including substances requiring preparation for accidents to organs coping with accidents, such as fire service offices and local governments under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 43 (Prohibition from Inhalation of Hallucinogenic Substances, etc.)

(1) No person shall take in or inhale toxic chemicals prescribed by Presidential Decree, which cause excitement, hallucination or anesthesia (hereinafter referred to as "hallucinogenic substances"), or possess them for the said purposes.

(2) No person shall sell or offer hallucinogenic substances to a person who intends to take in or inhale them, with awareness of such fact.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 44 (Provision of Lists of Chemicals)

The Minister of Environment shall provide a list of chemicals announced under subparagraph 2 (a) and (b) of Article 2 and Article 13 so as to make it easily available to the general public.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 45 (Report and Inspection, etc.)

(1) The Minister of Environment may, under conditions prescribed by Ordinance of the Ministry of Environment, order a person falling into any of the following subparagraphs to make a necessary report or submit data, or have a relevant public official enter the relevant workplace or facility for the collection of chemicals or investigation of relevant documents, facilities, equipment, etc. In such cases, he/she may have collected for free the smallest quantity of chemicals and samples necessary for testing:

1. Any person required to make confirmation of chemicals under Article 9 (1);
2. Any person required to receive an examination of toxicity under the main body of Article 10 (1);
3. Any person who has applied for exemption from an examination of toxicity under Article 10 (2);
4. Any person designated as a test institute under Article 14 (1);
5. Any person who has reported the importation of poisonous substances under the main body of Article 19 (1);
6. Any person who has registered a poisonous substance business under the main body of Article 20 (1);
7. Any person who has reported succession to the rights and duties of a poisonous substance business operator under Article 28 (2);
8. Any person who has reported the manufacture, etc. of substances under observation under the main body of Article 31 (1);
9. Any person who has obtained permission for the importation of restricted or prohibited substances under the main body of Article 33 (1) or proviso to paragraph (2), or a person who has obtained permission for the importation of prohibited substances under paragraph (3) of the same Article;
10. Any person who has obtained permission for a restricted or prohibited substance business under Article 34 (1) or the proviso to (2) of the said Article;
11. Any person who has reported succession to the rights and duties of a restricted or prohibited substance business operator under Article 28 which is applied mutatis mutandis in Article 34 (6);
12. Any person who has obtained approval for the exportation of restricted or prohibited substances under Article 37 (1);
13. Any person required to formulate a self-prevention plan under the main body of Article 39 (1);
14. Any person who has reported an accident under Article 40 (2); and
15. Any person who has been entrusted with duties by the Minister of Environment under Article 56 (2).

(2) A public official who enters a workplace or executes an inspection under paragraph (1) shall carry along a certificate indicating his/her authority and display it to the relevant persons.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 46 (Recording and Preservation of Documents)

(1) Any person who falls under any of the following subparagraphs shall record and preserve matters relating to the manufacture, import, sale, keeping, storage, transportation or use of the relevant chemicals under conditions prescribed by Ordinance of the Ministry of Environment:

1. Any person who has made confirmation of chemicals under Article 9 (1);
2. Any person who has received an examination of toxicity under the main body of Article 10 (1);
3. Any person who has applied for confirmation of exemption from an examination of toxicity under Article 10 (2);
4. Any person who has reported the importation of poisonous substances under Article 19 (1);
5. Any person who has registered a poisonous substance business under the main body of Article 20 (1);
6. Any person who has reported the manufacture, etc. of substances under observation under the main body of Article 31 (1);
7. Any person who has obtained permission for the importation of restricted or prohibited substances under the main body of

Article 33 (1) or proviso to paragraph (2);

8. Any person who has obtained permission for a restricted or prohibited substance business under Article 34 (1) or the proviso to (2) of the said Article;
9. Any person who has obtained approval for the exportation of restricted or prohibited substances under Article 37 (1); and
10. Any person required to formulate a self-prevention plan under the main body of Article 39 (1).

(2) In cases of paragraph (1), if digitally-input data exist, such digitally-input data may be preserved in lieu of the relevant documents.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 47 (Criteria of Administrative Disposition)

Matters concerning the criteria for administrative dispositions under Articles 14-2, 27 and 36 shall be prescribed by Ordinance of the Ministry of Environment in consideration of the frequency of violation, degree of impact on human health or the environment, etc.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 48 (Succession to Effects of Administrative Disposition)

When a poisonous substance business operator or a restricted or prohibited substance business operator has transferred the relevant business to another person or is dead, or when a corporation has been merged with another corporation, the effect of an administrative disposition executed on the grounds of violation of each subparagraph of Article 27 or 36 with respect to the former poisonous substance business operator, or restricted or prohibited substance business operator shall be succeeded by the transferee or successor or the corporation newly established or in existence after the merger for one year from the termination of the term of disposition, and if the procedure of administrative disposition is in progress, such procedure may continue to proceed with the transferee or successor or the corporation newly established or surviving after the merger: Provided, That the same shall not apply to cases where it is proved that the transferee or the corporation newly established or in existence after merger was not aware of a disposition or the fact of violation at the time of transfer or merger.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 49 (Disposition of Penalty Surcharges)

(1) The Minister of Environment may, when he/she is required to issue an order for the suspension of business under Article 27 or 36 to a poisonous substance business operator, or to a restricted or prohibited substance business operator, which is deemed to pose a obvious threat to the residents' livelihoods, the national economy, such as external credit, employment, commodity prices, etc., and other public interests, impose penalty surcharges in an amount of not more than 300 million won in lieu of a disposition of suspension of business.

(2) The amount of penalty surcharges under paragraph (1) shall be imposed in consideration of the kind of act of violation, size of business, frequency of violation, etc. in accordance with the criteria set by Ordinance of the Ministry of Environment on the condition that it may be increased or decreased within the scope of 1/2 of such amount: Provided, That even in cases of increasing such amount, the total amount of penalty surcharges shall not exceed 300 million won.

(3) The Minister of Environment shall, when a person liable to penalty surcharges under paragraph (1) fails to pay them by the deadline of payment, collect them pursuant to precedents on dispositions of national taxes in arrears.

(4) The penalty surcharges imposed and collected under paragraph (1) shall become the revenue of the special accounts for environmental improvement under the Act on the Special Accounts for Environment Improvement.

(5) The Minister of Environment may, when he/she delegates his/her authority over the collection of penalty surcharges to the Special Metropolitan City Mayor, a Metropolitan City Mayor or a Do governor (hereinafter referred to as "Mayors/Do governors") under Article 56 (1), grant part of the amount collected to the relevant Mayors/Do governors as collection expenses under conditions prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 50 (Hearings)

The Minister of Environment shall, when he/she intends to cancel designation, registration or permission under Articles 14-2, 27 and 36, hold a hearing.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 51 (Data Protection)

(1) When a person who has submitted data under Article 9 (2), 10 (2) through (4), 11 (2), 17 (1) and (2), and 18 (4) request for data protection for the protection of secrets such as the ingredients of chemicals, the Minister of Environment shall not make a public announcement of it during the period of data protection determined by Presidential Decree: Provided, That the same shall not apply to cases where the data of which protection is requested are known to the general public domestically and abroad or amount to other data determined by Presidential Decree. <Amended by Act No. 8809, Dec. 27, 2007>

(2) The Minister of Environment shall, when data requested for protection under the main body of paragraph (1) are not data subject to protection under the proviso to paragraph (1), notify the applicant for data protection of such fact. <Amended by Act No. 8809, Dec. 27, 2007>

(3) Deleted. <by Act No. 8809, Dec. 27, 2007>

(4) Other necessary matters, such as the procedure of request for data protection shall be determined by Ordinance of the Ministry of Environment. <Amended by Act No. 8809, Dec. 27, 2007>

Article 52 (Education of Poisonous Substance Managers, etc.)

(1) A poisonous substance business operator and a restricted or prohibited substance business operator who are required to

employ a poisonous substance manager or a restricted or prohibited substance manager under Article 25 (including cases to which the provisions as referred to in Article 34 (6) apply mutatis mutandis) shall have the poisonous substance manager, or the restricted or prohibited substance manager receive education provided by the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.

(2) A poisonous substance business operator and a restricted or prohibited substance business operator shall bear education expenses under paragraph (1) under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 53 (Association Relating to Control of Chemicals)

(1) Any person who conducts a business to manufacture, import, sell, keep, store, transport or use chemicals may establish an association relating to the control of chemicals (hereinafter referred to as the "Association") in order to promote the proper control of chemicals, technical development and other matters, such as the sound development of business.

(2) The Association shall be a corporation.

(3) The Association shall prepare the articles of association and obtain authorization of the Minister of Environment thereon. The same shall apply to cases where it intends to modify the articles of association.

(4) The Minister of Environment may, when deemed that the operation of the Association is against the Acts and subordinate statutes or the articles of association, demand the correction thereof.

(5) The provisions of the Civil Act concerning incorporated associations shall apply mutatis mutandis to matters, other than matters provided for in this Act concerning the Association.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 54 (Fees)

Any person who intends to make a report, file a registration, or receive designation, confirmation, examination, permission, etc. falling under any of the following subparagraphs shall pay fees prescribed by Ordinance of the Ministry of Environment:

1. Issuance of a certificate of confirmation of chemicals under Article 9 (2);
2. Examination of toxicity of new chemicals under the main body of Article 10 (1);
3. Confirmation of exemption from an examination of toxicity of new chemicals under Article 10 (2);
4. Designation of a test institute under Article 14;
5. Report on the importation of poisonous substances and report on the modification thereof under Article 19;
6. Registration, registration of modification and report of modification by poisonous substances business operators under the main body of Article 20 (1), and (2);
7. Regular and occasional inspections under Article 22 (1) (including the cases to which the provisions referred to in Article 34 (6) apply mutatis mutandis);
8. Safety inspection under Article 22 (2);
9. Report of manufacture or importation of substances under observation under Article 31 and report of the modification thereof;
10. Permission for the importation of restricted or prohibited substances under Article 33 and permission for the modification thereof;
11. Permission for restricted or prohibited substance businesses, permission for modification and report on modification under Article 34 (1) and the proviso to (2), and (3); and
12. Approval for the exportation of restricted or prohibited substances and approval for the modification thereof under Article 37 (1).

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 55 Deleted. <by Act No. 8809, Dec. 27, 2007>

Article 56 (Delegation and Entrustment of Authority)

(1) The Minister of Environment may delegate part of the authority under this Act to Mayors/Do governors, the president of the National Institute of Environmental Research, or the heads of regional environmental government offices under conditions prescribed by Presidential Decree.

(2) The Minister of Environment may entrust part of the duties under this Act to the Association under conditions prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

CHAPTER V PENAL PROVISIONS

Article 57 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 50 million won:

1. Any person who has manufactured or imported new chemicals without undergoing an examination of toxicity in violation of the main body of Article 10 (1);
2. Any person who has conducted a poisonous substance business without filing a registration under the main body of Article 20 (1) or making such registration by false means;
3. Any person who has conducted a restricted or prohibited substance business without obtaining permission or obtaining permission by false means in violation of Article 34 (1); and

4. Any person who has conducted a business to manufacture, import, sell, keep, store, transport, use, etc. restricted or prohibited substances in violation of the main body of Article 34 (2).

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 58 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding 30 million won:

1. Any person who has violated an order for the suspension of sale or use under Article 16 (1);
2. Any person who has failed to perform an order for safety inspection received under Article 22 (2) (including cases to which the provisions referred to in Article 34 (6) apply mutatis mutandis); and
3. Any person who takes in and inhales hallucinogenic substances under Article 43 (1) and (2) or possesses them for the said purposes, or a person who has sold or offered hallucinogenic substances to a person who intends to take in or inhale hallucinogenic substances, being aware of such fact.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 59 (Penal Provisions)

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

1. Any person who has manufactured or imported new chemicals without receiving confirmation of exemption from an examination of toxicity or receiving confirmation of exemption from an examination of toxicity by false means in violation of Article 10 (2);
2. Any person who has imported poisonous substances without making a report under the main body of Article 19 (1) or making such report by false means;
3. Any person who has failed to file a registration of modification of a poisonous substance business under Article 20 (2) or made such registration by false means;
4. Any person who has imported restricted or prohibited substances without obtaining permission for the importation thereof or obtaining such permission by false means in violation of the main body of Article 33 (1);
5. Any person who has imported restricted or prohibited substances in violation of the main body of Article 33 (2);
6. Any person who has conducted a business without obtaining permission for the business to manufacture, importation or sell reagents for testing, research or inspection which are prohibited substances or by obtaining such permission by false means in violation of the proviso to Article 34 (2); and
7. Any person who has conducted a business without obtaining permission for the modification of the restricted or prohibited substance business under Article 34 (3) or by obtaining such permission for modification by false means.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 60 (Penal Provisions)

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

1. Any person who has imported poisonous substances without making a report on modification under Article 19 (2) or making such report by false means;
2. Any person who has failed to receive a regular or occasional inspection for handling facilities under Article 22 (1) (including the cases to which the provisions referred to in Article 34 (6) apply mutatis mutandis);
3. Any person who has failed to perform an order for improvement under Article 23 (including the cases to which the provisions referred to in Article 34 (6) apply mutatis mutandis);
4. Any person who has failed to observe the standards for the control of poisonous substances, or restricted or prohibited substances under Article 24 (including the cases to which the provisions referred to in Article 34 (6) apply mutatis mutandis);
5. Any person who imported reagents for testing, research or inspection which are prohibited substances without obtaining permission for importation or by obtaining such permission by false means in violation of the proviso to Article 33 (2);
6. Any person who has imported restricted or prohibited substances without obtaining permission for modification under Article 33 (4) or by obtaining such permission for modification by false means;
7. Any person who has failed to observe the details of public notice under Article 32 (2) in violation of Article 33 (5);
8. Any person who has failed to observe the contents of public notice under Article 32 (2) in violation of Article 34 (5); and
9. Any person who has exported restricted or prohibited substances without obtaining approval for the exportation of restricted or prohibited substances or approval for the modification thereof under Article 37 (1) or by obtaining such approval or approval for modification by false means.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 61 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by a fine not exceeding three million won:

1. Any person who has failed to perform an order for the submission of data under Article 11 (2) (excluding those who has applied for an examination of toxicity);
2. Any person who has failed to appoint a poisonous substance manager or a restricted or prohibited substance manager in violation of Article 25 (1) (including the cases to which the provisions referred to in Article 34 (6) apply mutatis mutandis);
3. Any person who has failed to perform orders under Article 26 (2) (including the cases to which the provisions referred to in Article 34 (6) apply mutatis mutandis);

4. Any person who has failed to affix a mark of poisonous substance, or restricted or prohibited substance in violation of Article 29 (1) or (2) (including the cases to which the provisions as referred to in Article 34 (6) apply mutatis mutandis);
5. Any person who has failed to observe the details of public notice made by the Minister of Environment under Article 37 (3); and
6. Any person who has failed to submit a self-prevention plan under the main body of Article 39 (1) or submitted such plan by false means.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 62 (Joint Penal Provisions)

(1) In the event that the representative, agent, employee and other worker of a corporation has committed any offense against Articles 57 through 61 in connection with the business of such corporation, not only shall the offender be punished, but such corporation shall also be subject to the imposition of a fine as prescribed in the corresponding provision.

(2) When an agent, employee and other worker of an individual has committed an offensive act against Articles 57 through 61 in connection with the business of such individual, not only the offender shall be punished but also such individual shall be subject to the imposition of a fine as prescribed in the corresponding provision.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

Article 63 (Fines for Negligence)

(1) Any person who falls under any of the following subparagraphs shall be imposed a fine for negligence not exceeding two million won:

1. Any person who has failed to submit the contents of confirmation of chemicals or submitted such contents by false means in violation of Article 9 (1);
2. Any person who has failed to submit data under Article 17 (1) and (2) or Article 18 or submitted such data by false means, or a person who has refused, interfered with or evaded the entrance and investigation by a relevant public official;
3. Any person who has conducted a poisonous substance business without making a report on modification under Article 20 (2) or by making such report by false means;
4. Any person who closed or suspended a business without making a report under Article 26 (1) (including the cases to which the provisions as referred to in Article 34 (6) apply mutatis mutandis);
5. Any person who has failed to make a report on succession under Article 28 (2) (including the cases to which the provisions referred to in Article 34 (6) apply mutatis mutandis);
6. Any person who has conducted a business without making a report under Article 30 (2) or making such report by false means;
7. Any person who has manufactured or imported substances under observation without making a report under the main body of Article 31 (1) or by making such report by false means;
8. Any person who has conducted a restricted or prohibited substance business without making a report on the modification of the restricted or prohibited substance business under Article 34 (3) or making such report on modification by false means;
9. Any person who has failed to make a notice or made a false notification in violation of Article 35;
10. Any person who has failed to make an advance notification of self-prevention plan under Article 39 (3);
11. Any person who has failed to submit a report or data under Article 45 (1) or submitted a false report or data, or a person who has refused, interfered with or evaded entrance and investigation by a relevant public official; and
12. Any person who has violated the duty to record and preserve pursuant to the provisions of Article 46 (1).

(2) Any person who falls under any of the following subparagraphs shall be levied with a fine for negligence in an amount not more than one million won:

1. Any person who has manufactured or imported substances under observation without making a report on modification under Article 31 (2) or making such report on modification by false means;
2. Any person who has failed to take emergency measures necessary for the prevention of harm or make a report on accidents under Article 40 (1) or (2); and
3. A poisonous substance business operator or a restricted or prohibited substance business operator who has failed to cause a poisonous substance manager or a restricted or prohibited substance manager receive education for poisonous substance managers or restricted or prohibited substance managers in violation of Article 52 (1).

(3) Fines for negligence under paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment under conditions prescribed by Presidential Decree.

(4) Any person who is dissatisfied with a disposition of a fine for negligence under paragraph (3) may raise an objection against a disposition to the Minister of Environment within 30 days from the date on which he/she received a notice of such disposition.

(5) When a person who is subject to a disposition of a fine for negligence under paragraph (3) raises an objection under paragraph (4), the Minister of Environment shall notify the competent court of such fact without delay, and the court to which such notice was issued shall hold a trial on the fine for negligence under the Non-Contentious Case Litigation Procedure Act.

(6) A fine for negligence for which no objection is raised within the period specified under paragraph (4) or is not paid shall be collected pursuant to the example of dispositions of national taxes in arrears.

[This Article Wholly Amended by Act No. 8809, Dec. 27, 2007]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the matters regarding making available the results of inspection by workplace in the main body of Article 17 (3) shall enter into force on January 1, 2008.

Article 2 (Applicable Examples regarding Suspension of Sale, etc. of New Chemicals)

The provisions of Article 16 shall apply starting from the new chemicals manufactured or imported for the first time after this Act enters into force.

Article 3 (Transitional Measures concerning Toxic Chemicals Countermeasure Committee)

The Toxic Chemicals Countermeasure Committee established pursuant to the former provisions at the time this Act enters into force shall be deemed as the Harmful Chemicals Control Committee established pursuant to the provisions of Article 7.

Article 4 (Transitional Measures concerning Report of Import of Poisonous Substances and Substances under Observation)

Anyone who has made a report of the importation of poisonous substances or substances under observation pursuant to the former provisions at the time this Act enters into force shall make a report of importation pursuant to the provisions of Article 19 (1) or 31 (1) when importing them for the first time after this Act enters into force.

Article 5 (Transitional Measures concerning Poisonous Substances Business Operator)

Anyone who has registered a poisonous substances business pursuant to the former provisions at the time this Act enters into force shall be deemed as a poisonous substances business operator pursuant to the provisions of Article 20: Provided, That he or she shall satisfy the conditions of this Act within one year from the date this Act enters into force and receive a new certificate of registration.

Article 6 (Transitional Measures concerning Permission for Handling-Restricted Poisonous Substances Businesses)

A handling-restricted poisonous substances business operator pursuant to the former provisions at the time this Act enters into force shall be deemed a handling-restricted or prohibited substances business operator pursuant to the provisions of Article 34 (1): Provided, That he or she shall receive permission for a handling-restricted or prohibited substances business pursuant to the provisions of Article 34 (1) within one year from the date the Act enters into force.

Article 7 (Transitional Measures concerning Formulation of Self-Prevention Plan)

(1) Anyone who is required to submit a self-prevention plan to the Minister of Environment pursuant to the provisions of Article 39 (1) and has already submitted a self-prevention plan from among the poisonous substances business operators or the handling-restricted poisonous substances business operators pursuant to the former provisions at the time this Act enters into force shall submit it within six months from the date this Act enters into force.

(2) Anyone who has not submitted a self-prevention plan from among the poisonous substances business operators or handling-restricted poisonous substances business operators pursuant to the former provisions at the time this Act enters into force, and anyone who is required to submit a self-prevention plan to the Minister of Environment pursuant to the provisions of Article 39 (1) from among those other than the poisonous substances business operators and the handling-restricted poisonous substances business operators shall submit it within one year from the date this Act enters into force.

(3) Anyone who is required to submit a self-prevention plan pursuant to the provisions of paragraphs (1) and (2) shall notify the residents in the neighborhood of the self-prevention plan pursuant to the provisions of Article 39 (3).

Article 8 (General Transitional Measures)

Permission granted by an administrative agency or other acts performed by administrative agencies, or various kinds of reports made to or other acts against administrative agencies pursuant to the former provisions before this Act enters into force shall be deemed acts by administrative agencies or acts in relation to administrative agencies pursuant to the corresponding provisions of this Act.

Article 9 (Transitional Measures concerning Disposition of Penalty Surcharges)

The disposition of penalty surcharges against violation committed before this Act enters into force shall be made pursuant to the former provisions.

Article 10 (Transitional Measures concerning Penal Provisions, etc.)

The application of penal provisions and fines for negligence to acts committed before this Act enters into force shall be pursuant to the former provisions.

Article 11 Omitted.**Article 12 (Relationship with Other Acts and Subordinate Statutes)**

Where the provisions of the former Harmful Chemicals Control Act are cited in other Acts and subordinate statutes at the time this Act enters into force, and if provisions corresponding thereto exist in this Act, the corresponding provisions of this Act shall be deemed to have been cited in place of the former provisions.

ADDENDA <Act No. 7849, Feb. 21, 2006>**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2006. (Proviso Omitted.)

Articles 2 through 41 Omitted.

ADDENDA <Act No. 8809, Dec. 27, 2007>**Article 1 (Enforcement Date)**

This Act shall enter into force six months after its promulgation: Provided, That the amended provisions of Articles 3 (1) 4, 11 (1), 15, 25 (1), 51 (3), 55 and subparagraph 6 of Article 59 shall enter into force on the date of its promulgation and the amended provision of the main body of Article 17 (3) (limited to matters concerning the publication of the results of investigation by workplace) on January 1, 2008.

Article 2 (Transitional Measure concerning Publication of Result of Examination of Toxicity)

The results of examinations of toxicity of new chemicals results of examinations of toxicity of which were notified under the former provisions before this Act enters into force shall be published without delay under the amended provisions of the proviso to Article 13 (1) after this Act enters into force.

Article 3 (Transitional Measure concerning Legal Fiction of Public Officials)

With respect to acts performed by the members of the Chemicals Examination Corps. established under the former provisions of Article 15 before this Act enters into force, the former provisions shall govern in despite of the amended provisions of Articles 51 (3), 55 and subparagraph 6 of Article 59.

ADDENDA <Act No. 8852, Feb. 29, 2008>**Article 1 (Enforcement Date)**

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

Articles 2 through 7 Omitted.**ADDENDUM <Act No. 8951, Mar. 21, 2008>**

This Act shall enter into force on June 28, 2008.