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PERSISTENT ORGANIC POLLUTANTS CONTROL ACT

[Enforcement Date 16. Oct, 2018.] [Act No.15841, 16. Oct, 2018., Partial
Amendment]

환경부 (화학물질정책과)044-201-6782



법제처 국가법령정보센터

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to protect citizens' health and the environment from hazards posed by persistent pollutants and to promote international cooperation by prescribing matters necessary for the control of persistent pollutants, such as dioxins, mercury and mercury compounds, which are prescribed by both the Stockholm Convention on Persistent Organic Pollutants and the Minamata Convention on Mercury for the implementation thereof. <Amended by Act No. 13886, Jan. 27, 2016>

Article 2 (Definitions) The terms used in this Act shall be defined as follows: <Amended by Act No. 13886, Jan. 27, 2016>

1. The term "persistent pollutants" means chemical substances that pose hazards to people and ecosystems, having the characteristics of toxicity, persistence, bioaccumulation, long-range transportability, etc., which are prescribed by the Stockholm Convention on Persistent Organic Pollutants (hereinafter referred to as the "Stockholm Convention") and the Minamata Convention on Mercury (hereinafter referred to as the "Minamata Convention"), and the details of which shall be prescribed by Presidential Decree;
2. The term "discharge facilities" means facilities, machines, implements, or other objects prescribed by Ordinance of the Ministry of Environment that discharge persistent pollutants;
3. The term "wastes containing persistent pollutants" means trash, burnt ashes, sludge, waste oil, waste acid, waste alkali, etc. contaminated with persistent pollutants exceeding the standards for persistent pollutants content prescribed by Ordinance of the Ministry of Environment among the commercial wastes as defined in subparagraph 3 of Article 2 of the Wastes Control Act, which are wastes prescribed by Presidential Decree among substances that become unnecessary for citizens' lives or their business activities.

Article 3 (Scope of Application) This Act shall not apply to the control of persistent pollutants at sea (referring to the sea defined in Article 3 of the Framework Act on Marine Fishery

Development). <Amended by Act No. 13886, Jan. 27, 2016>

Article 4 (Relationship with other Acts) (1) This Act shall apply to the control of persistent pollutants unless otherwise prescribed by the Toxic Chemicals Control Act, the Pesticide Control Act and other Acts. <Amended by Act No. 13886, Jan. 27, 2016>

(2) The Wastes Control Act shall apply to matters concerning the control of wastes containing persistent pollutants, not prescribed by this Act.<Amended by Act No. 13886, Jan. 27, 2016>

Article 5 (Master Plan for Control of Persistent Pollutants) (1) The Minister of Environment shall establish a master plan for the control of persistent pollutants (hereinafter referred to as "Master Plan") every five years after consultation with the head of a related central administrative agency and the Special Metropolitan City Mayor, Metropolitan City Mayors, the Special Self-Governing City Mayor, Do Governors or the Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") and then deliberation of the Central Environmental Preservation Advisory Committee under Article 58 (1) of the Framework Act on Environmental Policy. The same shall apply to any planned modification to the matters herein prescribed by Presidential Decree. <Amended by Act No. 10032, Feb 4, 2010; Act No. 13886, Jan. 27, 2016; Act No. 15841, Oct. 16, 2018>

(2) The Master Plan shall contain the following matters:<Amended by Act No. 13886, Jan. 27, 2016>

1. General objectives of and direction-setting for advancement of the control of persistent pollutants;
2. Major plans for promoting the control of persistent pollutants;
3. Control conditions of persistent pollutants and prospect thereof;
4. Plans to raise funds for various projects concerning the control of persistent pollutants;
5. Plans for cooperation with international organizations and with foreign and domestic agencies concerning the control of persistent pollutants;
6. Matters necessary for the control of persistent pollutants.

(3) Other matters necessary for the establishment of the Master Plan shall be prescribed by Presidential Decree.

Article 6 (Implementation Plans for Persistent Pollutants) (1) The Minister of Environment and the head of a related central administrative agency shall establish and implement a

detailed plan for the implementation of the Master Plan (hereinafter referred to as "implementation plan") every year. In such cases, the head of the related central administrative agency shall submit the implementation plan and the results of advancement to the Minister of Environment.

(2) Matters necessary for the establishment and implementation of an implementation plan, submission of the results of advancement, etc. shall be prescribed by Presidential Decree.

Article 7 Deleted. <by Act No. 10034, Feb 4, 2010>

Article 8 Deleted. <by Act No. 10034, Feb 4, 2010>

Article 9 (Establishment of Maximum Permissible Daily Exposure) (1) The Government may establish a maximum permissible daily exposure as a standard at which a body may be continuously exposed to persistent pollutants through respiration, skin contact, ingestion, etc. during a whole lifetime without any apprehension of influence on health. <Amended by Act No. 13886, Jan. 27, 2016>

(2) The maximum permissible daily exposure by kind of persistent pollutant under paragraph (1) shall be prescribed by Presidential Decree.<Amended by Act No. 13886, Jan. 27, 2016>

Article 10 (Establishment of Environmental Standards) (1) The Government shall establish environmental standards for persistent pollutants in order to protect the health of people and to create a comfortable environment, and shall strive to have the appropriateness thereof maintained as the environmental conditions change. <Amended by Act No. 13886, Jan. 27, 2016>

(2) The environmental standards under paragraph (1) shall be prescribed by Presidential Decree.

Article 11 (Installation and Operation of Measurement Network) (1) The Minister of Environment shall install a persistent pollutant measurement network (hereinafter referred to as "measurement network") to ascertain the situation of pollution by persistent pollutants of air, water, soil, river, sediment, living organisms nationwide, and measure pollution levels. <Amended by Act No. 13886, Jan. 27, 2016>

(2) The Mayor/Do Governor and the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) may install a measurement network to ascertain the situation of pollution by persistent pollutants in his/her jurisdiction, and measure the pollution level. <Amended by Act No. 13886, Jan. 27, 2016>

(3) The Minister of Environment shall establish a plan for the installation of a measurement network, which clearly states the location, district, items to be measured, measurement period, measuring frequency, etc. under paragraph (1).

(4) Paragraph (3) shall apply mutatis mutandis to cases where a Mayor/Do Governor or the head of a Si/Gun/Gu installs a measurement network pursuant to paragraph (2).

(5) Where a Mayor/Do Governor or the head of a Si/Gun/Gu installs and operates a measurement network, the Minister of Environment may provide financial and technological support within budgetary limits.

Article 12 (Use of Land, etc.) (1) The Minister of Environment, a Mayor/Do Governor or the head of a Si/Gun/Gu may use land, or building or fixtures on the land in the district necessary for the installation of a measurement network or for the investigation into the conditions of pollution.

(2) The Act on Acquisition of and Compensation for Land, etc. for Public Works shall apply mutatis mutandis to the procedures of use under paragraph (1) or to the compensation for loss, etc.

CHAPTER II PROHIBITION OF OR RESTRICTION ON MANUFACTURE, EXPORTATION, IMPORTATION OR USE OF PERSISTENT POLLUTANTS

Article 13 (Prohibition of, or Restriction on, Manufacture, Exportation, Importation, or Use of Persistent Pollutants) (1) No person shall manufacture, export, import, or use banned persistent pollutants (referring to the persistent organic pollutants prescribed in Annex A to the Stockholm Convention, however, excluding restricted substances and prohibited substances under Article 32 of the Toxic Chemicals Control Act and pesticides under the Pesticide Control Act; hereinafter referred to as "banned persistent pollutants"): Provided, That the same shall not apply to cases falling under any of the following: <Amended by Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>

1. Where banned persistent pollutants, the production or use of which is permitted for specific purposes under Annex A to the Stockholm Convention are manufactured, imported, exported, or used for such specific purposes;
2. Where banned persistent pollutants are manufactured, imported, exported, or used for purposes of testing, research or examination.
 - (2) Those who intend to manufacture, export, import, or use banned persistent pollutants pursuant to the proviso to paragraph (1) shall comply with the standards for control prescribed by Presidential Decree, such as labeling on their containers or packages for safety control.<Newly Inserted by Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>
 - (3) Restricted persistent pollutants (referring to persistent organic pollutants prescribed in Annex B to the Stockholm Convention and mercury and mercury compounds prescribed in the Minamata Convention, however, excluding restricted chemicals and prohibited chemicals under subparagraphs 4 and 5 of Article 2 of the Chemical Substances Control Act and pesticides under the Pesticide Control Act; hereinafter referred to as "restricted persistent pollutants") may be manufactured, exported, imported, or used only in any of the following cases: Provided, That no mercury emissions from chlor-alkali plants shall be manufactured, exported, imported, or used:<Newly Inserted by Act No. 13886, Jan. 27, 2016>
 1. Where restricted persistent pollutants are manufactured, imported, exported, or used for purposes under Annex B to the Stockholm Convention;
 2. Where restricted persistent pollutants are manufactured, imported, or exported for a purpose other than those for which the manufacture, import, or export is prohibited according to the phase-out date specified in Article 6 of the Minamata Convention and Part 1 of Annex A thereto;
 3. Where restricted persistent pollutants are used for a purpose other than those for which the use is prohibited according to the phase-out date specified in Annex B to the Minamata Convention;
 4. Where restricted persistent pollutants are manufactured, imported, exported, or used for purposes prescribed by Presidential Decree, such as testing, research or examination.
 - (4) Those who intend to manufacture, export, import, or use restricted persistent pollutants shall comply with the standards for control prescribed by Presidential Decree, such as labeling on the containers or packages of restricted persistent pollutants for safety control.<Amended by Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>

(5) A person falling under any of the following subparagraphs shall each time submit an application for export approval, specifying the main use, the country of import, the export volume, etc., and obtain approval from the Minister of Environment as prescribed by Ordinance of the Ministry of Environment. The same shall also apply to any modification to important matters prescribed by Ordinance of the Ministry of Environment among those so approved:<Amended by Act No. 15841, Oct. 16, 2018>

1. A person who seeks to export banned persistent pollutants, falling under paragraph (1) 1;
2. A person who seeks to export restricted persistent pollutants, falling under paragraph (3) 1;
3. A person who seeks to export mercury among restricted persistent pollutants, falling under paragraph (3) 2 or 3.

CHAPTER III REGULATION ON DISCHARGE OF PERSISTENT POLLUTANTS

Article 14 (Permissible Discharge Standards) (1) Permissible discharge standards for persistent pollutants to be discharged from discharge facilities in the form of exhaust gas, waste water, etc. shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>

(2) When the Minister of Environment intends to legislate or amend the Ordinance of the Ministry of Environment under paragraph (1), he/she shall consult with the head of a related central administrative agency in advance.

(3) A person who operates discharge facilities (hereinafter referred to as "discharge business operator") shall comply with the permissible discharge standards under paragraph (1) (excluding the permissible discharge standards for persistent pollutants in the form of waste water, in cases of persons who operate a zero wastewater discharge facility established under the proviso to Article 33 (1) and (2) of the Water Environment Conservation Act, among the discharge facilities established under subparagraph 2 of Article 15).<Amended by Act No. 11263, Feb. 1, 2012; Act No. 14532, Jan. 17, 2017>

(4) When the Minister of Environment prescribes permissible discharge standards under paragraph (1), he/she shall consider whether the environmental standards under Article 10 can be maintained or achieved, whether the technology of reducing persistent pollutants is economical, applicable, etc.<Amended by Act No. 13886, Jan. 27, 2016>

Article 15 (Standards for Installation of Discharge Facilities) Any person who intends to obtain or file any of the following permits, approval, or reports shall be equipped with the facilities that can meet the permissible discharge standards under Article 14 (hereinafter referred to in “permissible discharge standards”), in addition to the standards for facilities prescribed by the relevant Acts: <Amended by Act No. 8371, Apr. 11, 2007; Act No. 8404, Apr. 27, 2007; Act No. 11263, Feb. 1, 2012; Act No. 14532, Jan. 17, 2017>

1. A permit, report, modification permit, or modification report under Article 23 (1) through (3) of the Clean Air Conservation Act;
2. A permit, report, modification permit, or modification report under Article 33 (1) through (3) of the Water Environment Conservation Act;
3. A permit, modification permit, or modification report for the waste control business under Article 25 (3) or (11) of the Wastes Control Act;
4. Approval, report, modification approval or modification report under Article 29 (2) or (3) of the Wastes Control Act.

Article 16 (Orders of Improvement, Orders of Suspension of Use and Orders of Closure) (1) Where the level of persistent pollutants discharged from the discharge facilities exceeds the permissible discharge standards, the Minister of Environment may order the use of all or some of the discharge facilities suspended for a period of up to six months, as prescribed by Ordinance of the Ministry of Environment: Provided, That with respect to discharge facilities prescribed by Ordinance of the Ministry of Environment, such as the discharge facilities in which the degree of violation of the permissible discharge standards is minor, the Minister of Environment may order the relevant discharge business operator to take measures necessary to lower the discharge density of the persistent pollutants below the permissible discharge standards (hereinafter referred to as “improvement order”), in consideration of the measures necessary for improvement, the period for installation of facilities, etc. <Amended by Act No. 13886, Jan. 27, 2016; Act No. 15656, Jun. 12, 2018>

(2) Where a person ordered to suspend use under paragraph (1) fails to comply with such order, or where compliance with the permissible discharge standards is deemed impossible due to the structure of the relevant discharge facilities, deterioration of prevention facilities, etc., the Minister of Environment may order the closure of such discharge facilities. <Amended by Act No. 15656, Jun. 12, 2018>

(3) Where an administrative disposition taken to order a discharge business operator the suspension of use under paragraph (1) or the closure under paragraph (2) becomes final and conclusive, the Minister of Environment may announce the name of the relevant discharge facility and the details of the offense and disposition, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 15841, Oct. 16, 2018>

Article 17 (Disposition of Penalty Surcharges) (1) Where the Minister of Environment has to order suspension of use under Article 16 (1) to a discharge business operator and where such suspension of use of facilities is deemed likely to substantially hinder the national economy and other public interests, such as the livelihood of residents, external credibility, employment, commodity prices, etc., he/she may impose a penalty surcharge not exceeding 300 million won in place of an order of suspension of use. <Amended by Act No. 15656, Jun. 12, 2018>

(2) The criterion for penalty surcharges according to the kind, scale, etc. of discharge facilities and other necessary matters shall be prescribed by Presidential Decree.

(3) Where a discharge business operator fails to pay the penalty surcharge under paragraph (1) within the deadline, the Minister of Environment shall collect it in the same manner as delinquent national taxes are collected: Provided, That the authority of the Minister of Environment to impose and collect a penalty surcharge has been delegated to a Mayor/Do Governor, it may be collected in the same manner as delinquent local taxes are collected.

(4) Penalty surcharges collected under paragraph (1) shall be the revenue of the special accounts for environmental improvement under the Framework Act on Environmental Policy. <Amended by Act No. 10893, Jul. 21, 2011>

(5) Where the Minister of Environment delegates his/her authority to impose and collect a penalty surcharge to a Mayor/Do Governor, he/she may appropriate part of the penalty surcharge collected as expenses of collection, as prescribed by Presidential Decree.

Article 18 (Investigations of Sources of Discharge and Quantity of Discharge) (1) The Minister of Environment may investigate the discharge sources of persistent pollutants and the discharged quantity thereof nationwide in order to establish and implement the master plan rationally. <Amended by Act No. 13886, Jan. 27, 2016>

(2) The Minister of Environment may request the head of a related agency to submit necessary data or to provide assistance for the investigation of the discharge sources of

persistent pollutants and the discharged quantity thereof under paragraph (1). In such cases, the head of the related agency in receipt of such request shall comply therewith except in extenuating circumstances. <Amended by Act No. 13886, Jan. 27, 2016>

(3) Matters concerning the methods and procedures for investigating the discharge sources of persistent pollutants and the discharged amount thereof, methods for calculating the quantity, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>

Article 19 (Measurement of Persistent Pollutants, Impact Assessment on Surrounding Areas, etc.)

(1) Each discharge business operator shall directly measure persistent pollutants discharged from the relevant discharge facility according to the fair examination standards of environmental pollution under Article 6 (1) 10 of the Environmental Examination and Inspection Act, or request a measuring organization prescribed by Ordinance of the Ministry of Environment to measure them, and record the result of measurement and preserve it during the period prescribed by Ordinance of the Ministry of Environment. In such cases, the extent of persistent pollutants, methods for, and frequency of, measurement, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>

(2) A discharge business operator who operates a discharge facility of at least a scale prescribed by Presidential Decree, which is likely to cause serious pollution to the environment of surrounding areas shall investigate the impacts of the operation of the discharge facility on the surrounding areas every three years, independently or jointly, or request a measuring organization prescribed by Ordinance of the Ministry of Environment to investigate such impacts, and submit the result thereof to the Minister of Environment. In such cases, matters necessary for the method for and extent of investigations, report of the result of investigations, etc. shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11263, Feb. 1, 2012>

(3) Where any discharge business operator fails to perform the duty to measure under paragraph (1) or fails to investigate the impacts under paragraph (2), the Minister of Environment may order the measurement of persistent pollutants or impact assessments upon specifying a period, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13886, Jan. 27, 2016>

(4) The Minister of Environment may order discharge business operators who fail to comply with an order issued under paragraph (3) to suspend the use of such discharge facilities or to close them.

(5) The result of measurement under paragraph (1) may be kept and preserved in electronic form pursuant to subparagraph 1 of Article 2 of the Framework Act on Electronic Documents and Transactions. <Newly Inserted by Act No. 11263, Feb. 1, 2012; Act No. 15841, Oct. 16, 2018>

Article 20 (Emergency Measures and Reporting in Time of Accident, Measures, etc. to Prevent Recurrence)

(1) Where persistent pollutants have been discharged into the air or public waters defined in subparagraph 9 of Article 2 of the Water Environment Conservation Act due to any breakdown or damage of a discharge facility or other accidents, the relevant discharge business operator shall, without delay, take necessary emergency measures according to the guidelines for handling accidents prescribed by Ordinance of the Ministry of Environment, and remove or dispose of the discharged persistent pollutants promptly and safely. <Amended by Act No. 11263, Feb. 1, 2012; Act No. 14532, Jan. 17, 2017; Act No. 13886, Jan. 27, 2016>

(2) Where an accident referred to in paragraph (1) has occurred, the relevant discharge business operator shall report the status of the accident to the Minister of Environment without delay.

(3) The Minister of Environment may order the discharge business operator of the discharge facility in which an accident has occurred to take measures necessary to prevent the spread of the accident or recurrence thereof.

CHAPTER IV DISPOSAL OF WASTES CONTAINING PERSISTENT POLLUTANTS

Article 21 (Classification, Control, etc. of Wastes Containing Persistent Pollutants) Wastes containing persistent pollutants shall be deemed controlled wastes as defined in subparagraph 4 of Article 2 of the Wastes Control Act. <Amended by Act No. 13886, Jan. 27, 2016>

Article 22 (Standards for Disposal, etc. of Wastes Containing Persistent Pollutants) Those who intend to collect, transport, keep or dispose of wastes containing persistent pollutants shall

comply with the standards and methods prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13886, Jan. 27, 2016>

Article 23 (Restriction on Recycling) (1) Any person who intends to recycle wastes containing persistent pollutants shall recycle such wastes only for the kinds and uses prescribed by Ordinance of the Ministry of Environment for eco-friendly recycling. <Amended by Act No. 13886, Jan. 27, 2016>

(2) Deleted.<By Act No. 13886, Jan. 27, 2016>

(3) The Minister of Environment may order a person who recycles wastes containing persistent pollutants, for the kinds and uses, other than those prescribed in paragraph (1), to suspend the use thereof, or to close the relevant facility.<Amended by Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>

CHAPTER V CONTROL OF INSTRUMENTS, ETC. CONTAINING PERSISTENT POLLUTANTS

Article 24 (Making List of Contaminated Implements, etc.) The Minister of Environment may make a list of instruments, facilities, and products containing persistent pollutants exceeding a level set out in the standards prescribed by Presidential Decree (hereinafter referred to as "contaminated implements, etc.") in order to prevent hazards to the human body. <Amended by Act No. 13886, Jan. 27, 2016>

[This Article Wholly Amended by Act No. 11263, Feb. 1, 2012]

Article 24-2 (Reporting, etc. on Implements, etc. Subject to Control) The owner of an instrument, facility, or product prescribed by Presidential Decree, such as a transformer (hereinafter referred to as "implements, etc. subject to control"), shall report the matters prescribed by Ordinance of the Ministry of Environment, such as the manufacturer, date of manufacture, and replacement of insulating oil, to the competent Mayor/Do Governor. The same shall also apply to any modification to important matters prescribed by Ordinance of the Ministry of Environment among the reported matters, such as replacement of insulating oil.

[This Article Newly Inserted by Act No. 11263, Feb. 1, 2012]

Article 24-3 (Restriction on Importation and Exportation of Implements, etc. Subject to Control) No person shall import or export any implements, etc. subject to control containing insulating oil, the concentration of persistent pollutants of which exceeds a level set out in the standards prescribed by Presidential Decree. <Amended by Act No. 13886, Jan. 27, 2016>

[This Article Newly Inserted by Act No. 11263, Feb. 1, 2012]

Article 25 (Safety Control of Contaminated Implements, etc.) (1) The owner of contaminated implements, etc. shall take the following safety control measures:

1. Indication of cautions for safety;
2. Attaching an identification device to verify whether they are contaminated.

(2) Detailed matters necessary for the safety control measures under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

(3) Where the owner of contaminated implements, etc. fails to take the safety control measures under paragraphs (1) and (2), the competent Mayor/Do Governor may order such owner to take measures necessary for safety control by specifying a period, as prescribed by Ordinance of the Ministry of Environment.<Amended by Act No. 11263, Feb. 1, 2012>

Article 26 (Deadline for Disposal of Contaminated Implements, etc.) The owner of contaminated implements, etc. who has finished using such implements shall properly dispose of them in accordance with the standards and methods provided in Article 22 within the deadline prescribed by Ordinance of the Ministry of Environment.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 27 (Assistance in Installation, etc. of Facilities) The Minister of Environment may install and operate any of the following facilities, or render assistance necessary for the development, dissemination, etc. of technology to reduce environmental pollution due to persistent pollutants for the proper management of the persistent pollutants: <Amended by Act No. 13886, Jan. 27, 2016>

1. A facility to eliminate or reduce persistent pollutants discharged from the discharge facility;

2. A facility to collect, transport, keep or dispose of wastes containing persistent pollutants.

Article 28 (International Cooperation) The Government shall exchange information and technology relating to persistent pollutants and cooperate in the exchange of human resources, joint investigations, research and development, etc. through international cooperation with international organizations and countries relating to the Stockholm Convention and the Minamata Convention, and proactively participate in international endeavor to prevent and reduce hazards of persistent pollutants to health or the environment. <Amended by Act No. 13886, Jan. 27, 2016>

Article 29 (Reporting, Examination, etc.) (1) The Minister of Environment or a Mayor/Do Governor may order each of the following persons to file a report or to submit data on the matters prescribed by Ordinance of the Ministry of Environment, and may authorize related public officials to access their facilities or places of business and to investigate the discharge sources of persistent pollutants and the discharged quantity thereof pursuant to Article 18 or collect samples or inspect relevant documents, facilities, equipment, etc. to verify whether they meet the prohibition of, or restriction on, manufacture, exportation, importation, or use of persistent pollutants under Article 13, the permissible discharge standards, the standards for disposal of wastes containing persistent pollutants under Article 22 or the deadline for disposal of contaminated implements, etc. under Article 26: <Amended by Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>

1. Persons who manufacture, export, import, or use persistent pollutants under Article 13;
2. Discharge business operators;
3. Persons who collect, transport, keep or dispose of wastes containing persistent pollutants under Article 22;
4. Persons who recycle wastes containing persistent pollutants under Article 23;
5. Owners of contaminated implements, etc. under Article 24;
6. Owners of implements, etc. subject to control under Article 24-2.

(2) When issuing any order to file a report or to submit data, to collect samples or conduct an inspection (hereinafter referred to as "inspection, etc.") under paragraph (1), a plan regarding the date and time, reasons, details, etc. of inspection, etc. shall be notified to the person subject to such inspection, etc. by no later than seven days before the start of the inspection, etc.: Provided, That in cases of emergency or where it is deemed that any prior

notification might cause the destruction of evidence, etc. to defeat the purpose of such inspection, etc., this shall not apply.

(3) Any public official who gains access and conducts an inspection pursuant to paragraph (1) shall carry a certificate indicating his/her authority and produce it to persons involved.

Article 29-2 (Submission of Annual Reports) (1) Each Mayor/Do Governor shall submit an annual report on the control of persistent pollutants to the Minister of Environment.

[<Amended by Act No. 13886, Jan. 27, 2016>](#)

(2) Matters necessary for the methods of preparing annual reports under paragraph (1) and the timing of submission thereof shall be prescribed by Ordinance of the Ministry of Environment.

[\[This Article Newly Inserted by Act No. 11263, Feb. 1, 2012\]](#)

Article 30 (Hearings) When the Minister of Environment or a Mayor/Do Governor intends to issue an order of closure pursuant to Article 16 (2), 19 (4) or 23 (3), he/she shall hold a hearing. [<Amended by Act No. 11263, Feb. 1, 2012; Act No. 15656, Jun. 12, 2018>](#)

Article 31 (Delegation and Entrustment of Authority) (1) The Minister of Environment may partially delegate his/her authority under this Act to Mayors/Do Governors, the President of the National Institute of Environmental Research, or the director general of a regional environmental office, as prescribed by Presidential Decree.

(2) The Minister of Environment may entrust each of the following business affairs to the related specialized agencies, such as the Korea Environment Corporation established under the Korea Environment Corporation Act, as prescribed by Presidential Decree:[<Amended by Act No. 9433, Feb. 6, 2009; Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>](#)

1. Business affairs regarding the establishment and operation of a measurement network under Article 11;
2. Business affairs regarding the investigations of the discharge sources and the discharged quantity of persistent pollutants under Article 18 (1);
3. Business affairs regarding the installation and operation of facilities for the collection, transport, storage, and disposal of wastes containing persistent pollutants under subparagraph 2 of Article 27;
4. Business affairs regarding the access, collection of samples, and inspections under Article 29 (1) (only for cases required for verifying compliance with the permissible discharge

standards under Article 14 (3) or for investigating the discharge sources and discharged quantity of persistent pollutants under Article 18 (1)).

Article 31-2 (Statutory Treatment as Public Officials for Purposes of Penal Provisions) For the purposes of penal provisions under Articles 129 through 132 of the Criminal Act, any executive or employee of the related specialized agencies who engages in business affairs entrusted pursuant to Article 31 (2) shall be deemed a public official.

[This Article Newly Inserted by Act No. 11263, Feb. 1, 2012]

CHAPTER VII PENALTY PROVISIONS

Article 32 (Penalty Provisions) Any person who manufactures, exports, imports, or uses banned persistent pollutants for any purpose other than the permitted purpose, in violation of Article 13 (1), shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 100 million won. <Amended by Act No. 15656, Jun. 12, 2018>

[This Article Newly Inserted by Act No. 13886, Jan. 27, 201]

Article 32-2 (Penalty Provisions) Any person who fails to comply with an order of closure issued under Article 16 (2), 19 (4) or 23 (3) shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding 50 million won. <Amended by Act No. 12464, Mar. 18, 2014; Act No. 15656, Jun. 12, 2018>

Article 33 (Penalty Provisions) Any person who manufactures, exports, imports, or uses restricted persistent pollutants for any purpose other than the permitted purpose, in violation of Article 13 (3), shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 50 million won. <Amended by Act No. 15656, Jun. 12, 2018>

[This Article Newly Inserted by Act No. 13886, Jan. 27, 201]

Article 33-2 (Penalty Provisions) Any of the following persons shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won: <Amended by Act No. 11263, Feb. 1, 2012; Act No. 12464, Mar. 18, 2014; Act No. 15656, Jun. 12, 2018>

1. Deleted;<by Act No. 13886, Jan. 27, 2016>
2. A person who fails to comply with an order of improvement or an order of suspension of use issued under Article 16 (1);
3. A person who fails to comply with an order of suspension of use issued under Article 19 (4);
4. A person who recycles wastes containing persistent pollutants for the kinds and uses other than those prescribed by Ordinance of the Ministry of Environment, in violation of Article 23 (1);
5. A person who fails to comply with an order of suspension of use issued under Article 23 (3);
- 5-2. A person who imports or exports implements, etc. subject to control, in violation of Article 24-3;
6. A person who fails to properly dispose of contaminated implements, etc. within the deadline, in violation of Article 26.

Article 34 (Penalty Provisions) Any of the following persons shall be punished by imprisonment with labor for not more than two years, or by a fine not exceeding 20 million won: <Amended by Act No. 11263, Feb. 1, 2012; Act No. 12464, Mar. 18, 2014; Act No. 13886, Jan. 27, 2016>

1. A person who fails to meet the standards for control regarding the manufacture, export, import, or use of banned persistent pollutants, in violation of Article 13 (2);
- 1-2. A person who fails to comply with the standards for the manufacture, export, import, or use of restricted persistent pollutants, in violation of Article 13 (4);
2. A person who exports restricted persistent pollutants without obtaining approval or modification approval, or after obtaining approval or modification approval fraudulently, in violation of Article 13 (5);
3. A person who fails to comply with the permissible discharge standards, in violation of Article 14 (3);
4. A person who fails to comply with an order of measurement of persistent pollutants or an order of impact assessment on the surrounding area issued under Article 19 (3);
5. A person who fails to comply with an order to take measures issued under Article 20 (3);
6. A person who pollutes the surrounding environment by collecting, transporting, storing, or disposing of wastes containing persistent pollutants, in violation of Article 22.

Article 35 (Penalty Provisions) Any person who fails to comply with an order to take measures issued under Article 25 (3) shall be punished by a fine not exceeding one million won.

Article 36 (Joint Penalty Provisions) Where the representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offence under Articles 32 through 35 in connection with the business of the corporation or individual, not only shall such offender be punished, but the corporation or individual be also punished by a fine as prescribed in the corresponding provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business to prevent such offence.

[This Article Wholly Amended by Act No. 11263, Feb. 1, 2012]

Article 37 (Administrative Fines) (1) Any of the following persons shall be punished by an administrative fine not exceeding 10 million won: <Amended by Act No. 11263, Feb. 1, 2012; Act No. 13886, Jan. 27, 2016>

1. A person who fails to measure persistent pollutants or preserve the record thereof, makes or preserves a false record, or fails to investigate the impacts on the surrounding area or to submit the result thereof, in violation of Article 19 (1) or (2);
2. A person who fails to take emergency measures, or to remove or dispose of discharged persistent pollutants promptly and safely, or to file an accident report, in violation of Article 20 (1) or (2);
3. A person who collects, transports, stores, or disposes of wastes containing persistent pollutants (excluding any person falling under subparagraph 6 of Article 34), in violation of Article 22.

(2) Any of the following persons shall be punished by an administrative fine not exceeding three million won:<Amended by Act No. 11263, Feb. 1, 2012>

1. Deleted;<by Act No. 13886, Jan. 27, 2016>
 2. A person who fails to file a report or modification report of instruments, etc. subject to control, in violation of Article 24-2, or files a false report or false modification report.
- (3) A person who fails to submit a report or data under Article 29, or submits a false report or data, or refuses, interferes with or evades access, collection of samples or inspections by related public officials shall be punished by an administrative fine not exceeding one

million won.

(4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment or the competent Mayor/Do Governor, as prescribed by Presidential Decree. <Amended by Act No. 11263, Feb. 1, 2012>

(5) through (7) Deleted. <by Act No. 11263, Feb. 1, 2012>