

ENVIRONMENTAL IMPACT ASSESSMENT ACT

Wholly Amended by Act No. 9037, Mar. 28, 2008

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to promote the pleasant and safe livelihood of nationals by making a project environmentally friendly and enabling sustainable development through advance assessment and investigation of environmental impacts from the project when making and executing the plan of operation for such project subject to the assessment of environmental impacts.

Article 2 (Definitions)

The definitions of the terms used in this Act shall be as follows:

1. The term “assessment of environmental impacts” means devising a plan (hereinafter referred to as an “environment conservation plan”) for avoidance or reduction of harmful impacts on the environment (hereinafter referred to as “environmental impacts”) by investigating, forecasting and assessing environmental impacts from the execution of projects when making the plan of operation for projects subject to the assessment of environmental impacts under Article 4;
2. The term “project operator” means a person who makes the plan of operation for the project subject to the assessment of environmental impacts under Article 4, or executes the project;
3. The term “consultation standards” means, as prescribed by Presidential Decree as cases where a project operator is to produce the discharge density of pollutants, etc. on the facilities falling under any of the following items, the standard value concerning the discharge density of pollutants reflected on the plan of operation for the project, etc. where the project operator obtains approval, authorization, permission, license or determination, etc. (hereinafter referred to as “approval, etc.”) on the project or on the plan of operation (hereinafter referred to as the “plan of operation for the project, etc.”) for the project subject to the assessment of environmental impacts on which the details of consultation, including contents regarding the discharge density of pollutants have been reflected, or where the plan of operation, for the project, etc. which does not need to obtain approval, etc. has been determined:
 - (a) Air pollutant discharge facilities under subparagraph 11 of Article 2 of the Clean Air Conservation Act;
 - (b) Waste water discharge facilities under subparagraph 10 of Article 2 of the Water Quality and Ecosystem Conservation Act;
 - (c) Waste water disposal facilities under Article 48 of the Water Quality and Ecosystem Conservation Act;
 - (d) Public sewage disposal facilities, excreta disposal facilities or private sewage disposal facilities under subparagraphs 9, 10 or 13 of Article 2 of the Sewerage Act;
 - (e) Disposal facilities under subparagraph 8 of Article 2 of the Act on the Management and Use of Livestock Excreta;
 - (f) Incineration facilities and reclamation facilities of the wastes disposal facilities under

- subparagraph 8 of Article 2 of the Wastes Control Act; and
- (g) Other facilities, etc. on which the standards for discharge density of pollutants, for conservation of environment, are prescribed by the related Acts; and
4. "Approval agency" means the agency which makes approval, etc. for the plan of operation for relevant project, etc.

Article 3 (Duties of State, etc.)

- (1) In case where the State and local governments intend to make and execute a policy or a plan, it shall take into account environmental impacts and take measures thereon.
- (2) The State, local governments, project operators and the nation shall recognize the importance of the assessment of environmental impacts and endeavor so that the procedures prescribed by this Act may be taken properly and smoothly.
- (3) Any person who intends to execute a project which impacts on the environment shall endeavor to minimize the harmful impacts on the environment due to the execution of the project.

Article 4 (Projects Subject to Assessment of Environmental Impacts)

(1) Projects on which the assessment of environmental impacts is to be made (hereinafter referred to as the "project subject to the assessment of environmental impacts") shall be as set out in the following subparagraphs:

1. Urban development projects;
2. Preparation projects of industrial zone and industrial complexes;
3. Energy development projects;
4. Harbor construction projects;
5. Road construction projects;
6. Water resource development projects;
7. Railroad (including urban railroad) construction projects;
8. Airport construction projects;
9. River utilization and development projects;
10. Land development and public waters reclamation projects;
11. Tourist complex development projects;
12. Mountainous district development projects;
13. Specially designated regional development projects;
14. Gymnastic facility installation projects;
15. Wastes disposal facility installation projects;
16. National defense and military facility installation projects;
17. Earth, stone, sand, gravel, mineral, etc. collection projects; and
18. Installation projects of facilities prescribed by Presidential Decree as those which have environmental impacts.

(2) Notwithstanding paragraph (1), the assessment of environmental impacts shall not be executed on a project falling under any of the following subparagraphs:

1. A project for emergency measures under Article 37 of the Framework Act on the Management of Disasters and Safety;
 2. A project on which the Minister of National Defense has consulted with the Minister of Environment as it is recognized as necessary for the protection of military secret or for the urgent execution of military operations; and
 3. A project on which the Director of the National Intelligence Service has consulted with the Minister of Environment as it is recognized as necessary for national security.
- (3) The specific scope of the projects subject to the assessment of environmental impacts

shall be prescribed by Presidential Decree.

Article 5 (Assessment of Environmental Impacts under Municipal Ordinance of *Si/Do*)

(1) In cases where it is necessary to have the assessment of environmental impacts executed, in consideration of regional characteristics, etc., on a project which does not fall under the scope of projects subject to the assessment of environmental impacts under Article 4 (3), Special Metropolitan City Mayor, Metropolitan City Mayor, *Do* governor, Special Self-Governing Province governor or Mayor of *Si* having a population of one half a million people or more may have a person who makes a plan of operation for the project or intends to execute the project execute the assessment of environmental impacts as prescribed by Municipal Ordinance of relevant Special Metropolitan City, Metropolitan City, *Do*, Special Self-Governing Province or *Si* having a population of one half a million people or more (hereinafter referred to as the "*Si/Do*") within the scope as prescribed by Presidential Decree: *Provided*, That in case of *Si* having a population of one half a million or more, it shall be limited to cases where *Do* having jurisdiction over such *Si* has not prescribed Municipal Ordinance concerning the execution of the assessment of environmental impacts.

(2) In cases where the assessment of environmental impacts is executed under paragraph (1), the fields and detailed items of the assessment of environmental impacts, the drawing up of the assessment report of environmental impacts and the convergence of opinions, the assessment procedures, including the consultation of the assessment report of environmental impacts and the management of the details of consultation, and other necessary matters shall be prescribed by Municipal Ordinance of the relevant *Si/Do*.

Article 6 (Fundamental Principle of Assessment of Environmental Impacts)

The Assessment of environmental impacts shall be carried out under fundamental principles set out under the following subparagraphs:

1. To take measures to avoid or reduce harmful impacts on the environment through the execution of projects subject to the assessment of environmental impacts within the economically and technically executable scope;
2. To draw up an environmental conservation plan based on scientifically investigated and forecasted results; and
3. To endeavor so that the participation of inhabitants, etc. may be taken smoothly in the process of the assessment of environmental impacts through the sufficient supply of information on projects subject to the assessment of environmental impacts.

Article 7 (Establishment of Objectives of Environmental Conservation)

(1) If a project operator intends to execute the assessment of environmental impacts for the project subject to the assessment of environmental impacts, he/she may execute the assessment of environmental impacts based on the objective of environmental conservation of the project after establishing it taking into account environmental impacts due to the execution of such project, and the scientific knowledge, economic conditions, etc. at the time of such assessment.

(2) Where a project operator establishes objectives of environmental conservation under paragraph (1), he/she shall refer to a set of standards in the following subparagraphs:

1. Environmental standards under Article 10 of the Framework Act on Environmental Policy;
2. Ecological and natural degree under subparagraph 14 of Article 2 of the Natural Environment Conservation Act;
3. Gross pollution standards classified by area; and
4. Other standards for environmental conservation established by related Acts.

Article 8 (Fields and Detailed Items of Assessment of Environmental Impacts)

The assessment of environmental impacts shall be executed on the living environment, natural ecological environment, social and economic fields, etc. on which impacts are caused by the execution of the project subject to the assessment of environmental impacts, and the detailed items of assessment of environmental impacts classified by field (hereinafter referred to as "items of assessment") shall be prescribed by Presidential Decree.

Article 9 (Area subject to Assessment of Environmental Impacts)

The assessment of environmental impacts shall be executed on the area of which scope has been established based on the scientifically forecasted and analyzed data of environmental impacts as the area on which impacts are caused by the execution of the project subject to the assessment of environmental impacts.

Article 10 (Formulation of Assessment Plans and Determination on Items of Assessment and Its Scope, etc.)

(1) Where a project operator intends to execute an assessment of environmental impacts, he/she shall draw up an assessment plan of environmental impacts (hereinafter referred to as an "assessment plan") as prescribed by Presidential Decree.

(2) A project operator who is to obtain approval, etc. shall request the head of the approval agency prior to drawing up a draft assessment report under Article 14 (5) that he/she determine the items of assessment and its scope, etc. (hereinafter referred to as the "items of assessment and its scope, etc.") applicable to the relevant project: *Provided*, That in cases where such project operator has consulted with the head of the approval agency, the project operator may make a request therefor to the Minister of Environment via the approval agency.

(3) A project operator who is not required to obtain approval, etc. (referring to a project operator in cases where a project operator himself/herself is the approval agency of the plan of operation for the project, etc. The same shall apply hereinafter) shall determine the items of assessment and its scope, etc. through the deliberation of the deliberative committee on assessment plans of environmental impacts under Article 12 prior to drawing up a draft assessment report under Article 14 (5): *Provided*, That if a project operator who is not required to obtain approval, etc. recognizes it necessary, he/she may request the Minister of Environment to determine the items of assessment and its scope, etc.

(4) If a project operator intends to make a request under the proviso to paragraph (2) or (3), he/she shall submit the assessment plan to the head of the approval agency or the Minister of Environment.

(5) Where the head of the approval agency or the Minister of Environment has been requested under the proviso to paragraph (2) or (3), he/she shall determine the items of assessment and its scope, etc. through the deliberation of the deliberative committee on assessment plans of environmental impacts under Article 12 and notify the project operator of the results thereof within the period prescribed by Presidential Decree.

Article 11 (Effect of Items of Assessment and its Scope, etc. determined)

Any project operator shall execute the assessment of environmental impacts pursuant to the items of assessment and its scope, etc. determined under the main sentence of Article 10 (3) or Article 10 (5).

Article 12 (Deliberative Committee on Assessment Plans of Environmental Impacts)

(1) The Minister of Environment, the head of the approval agency or the project operator who is not required to obtain approval, etc. shall organize the deliberative committee on assessment plans of environmental impacts (hereinafter referred to as the "deliberative

committee on assessment plans”) to deliberate upon the items of assessment and its scope, etc. under the provisions of Article 10 (3) and Article 10 (5).

(2) The deliberative committee on assessment plans may consider the opinions of inhabitants of the area, etc. where it is recognized as necessary for deliberation concerning the items of assessment and its scope, etc.

(3) Matters necessary for the composition, operation, etc. of the deliberative committee on assessment plans shall be prescribed by Presidential Decree.

CHAPTER II FORMULATION OF ASSESSMENT REPORTS OF ENVIRONMENTAL IMPACTS, CONVERGENCE OF OPINIONS, ETC.

Article 13 (Formulation of Assessment Reports of Environmental Impacts)

(1) When a project operator intends to execute a project subject to the assessment of environmental impacts, he/she shall prepare documents concerning the assessment of environmental impacts (hereinafter referred to as an “assessment report”).

(2) Matters necessary for formulating an assessment report, including the details of formulation and formulation methods, shall be prescribed by Presidential Decree.

Article 14 (Convergence of Opinions and Formulation of Draft Assessment Reports)

(1) When a project operator intends to formulate an assessment report, he/she shall, as prescribed by Presidential Decree, hold an explanatory meeting or a public hearing, etc. to consider the opinions of inhabitants in the area to be affected by the execution of a project subject to the assessment of environmental impacts (hereinafter referred to as “inhabitants”), and include their opinions in the contents of the assessment report. In such case, if there is a request by the inhabitants in the coverage prescribed by Presidential Decree, a public hearing shall be held.

(2) In cases where it falls under the grounds prescribed by Presidential Decree because an explanatory meeting or a public hearing held by a project operator under paragraph (1) has not proceeded normally on the grounds beyond the responsibility of the project operator, etc., the explanatory meeting or the public hearing under paragraph (1) may be omitted.

(3) In cases where a project operator intends to execute a project subject to the assessment of environmental impacts in areas prescribed by Presidential Decree, including an area with high conservational value of ecosystem, he/she shall consider the opinion of persons other than the inhabitants, including specialized agencies, as prescribed by Presidential Decree and include the opinions thereof in the details of the assessment report.

(4) A project operator, as prescribed by Presidential Decree, shall consider the opinion of the head of the related administrative agency and include the opinion thereof in the details of the assessment statement.

(5) When a project operator intends to converge the opinions under paragraphs (1), (3) and (4), he/she shall formulate a draft assessment report in advance.

(6) Method of formulation and public notice of draft assessment reports, making them available to the general public for inspection under paragraph (5) and other matters necessary for convergence of opinions, etc. shall be prescribed by Presidential Decree.

Article 15 (Re-formulation of Draft Assessment Reports and Reconvergence of Opinions according to Modified Plan of Operation for Project, etc.)

In cases where the grounds prescribed by Presidential Decree, including a plan of operation

for the project subject to the assessment of environmental impacts has been modified, have arisen before a project operator submits an assessment report to the head of the approval agency or the Minister of Environment under Article 16 after going through the convergence procedure of opinions under Article 14, he/she shall formulate a draft assessment report and converge such opinions again under Article 14.

CHAPTER III CONSULTATION ON ASSESSMENT REPORTS OF ENVIRONMENTAL IMPACTS, ETC.

Article 16 (Request for Consultation on Assessment Reports, etc.)

(1) A project operator who is required to obtain approval, etc. shall submit an assessment report to the head of the approval agency prior to obtaining approval, etc. on a plan of operation for the project, etc.

(2) The head of the approval agency or a project operator who is not required to obtain approval, etc (hereinafter referred to as the “head of approval agency, etc.”) shall submit the assessment report to the Minister of Environment as prescribed by Presidential Decree and request consultation on such assessment report. In such case, the head of the approval agency may attach any written opinions thereon to the assessment report.

(3) The specific time for submission and time of request for consultation on the assessment report under paragraphs (1) and (2), and other necessary matters shall be prescribed by Presidential Decree.

Article 17 (Examination and Supplementation of Assessment Reports)

(1) When the Minister of Environment examines an assessment report received under Article 16 (2), if it falls under any of the following subparagraphs, he/she may request the head of approval agency, etc. to supplement or amend the assessment report or the plan of operation for the project, etc.:

1. Where the assessment report has not been formulated according to the details, method, etc. of formulation under Article 13 (2); and
2. Where it is recognized as necessary to amend or supplement the plan of operation for the project, etc. because it is apprehended that execution of the project subject to the assessment of environmental impacts may cause harmful impacts on the environment.

(2) When the Minister of Environment examines the assessment report, he/ she shall consider the opinions of the Korea Environment Institute (hereinafter referred to as the “Korea Environment Institute”) established under the Act on the Establishment, Operation and Fostering of Government-Invested Research Institutions, and shall additionally consider the opinions of the Minister of Land, Transport and Maritime Affairs in cases of projects prescribed by Presidential Decree among projects subject to the assessment of environmental impacts which cause impacts on the marine environment.

(3) The Minister of Environment may, if necessary, consider the opinions of related specialized institutions or experts for the examination of the assessment report.

(4) The Minister of Environment may, if necessary, request the project operator or the head of the approval agency to submit the related data, etc. for the examination of the assessment report.

(5) When requested by the Minister of Environment under paragraph (1) or (4), the project operator or the head of the approval agency shall comply with his/her request unless a special

reason exists otherwise.

Article 18 (Notification of Details of Consultation, etc.)

(1) The Minister of Environment shall complete the examination of the assessment report within the period prescribed by Presidential Decree and notify the head of approval agency, etc. of the results thereof (hereinafter referred to as "details of consultation"). In such cases, when he/she has listened to the opinion of the Minister of Land, Transport and Maritime Affairs under Article 17 (2), he/she shall notify the Minister of Land, Transport and Maritime Affairs of the details of the consultation as well.

(2) Where a case falls under any of the following subparagraphs, the Minister of Environment may complete the consultation on the condition that the assessment report or the plan of operation for the project, etc. with supplementation and amendment shall be reflected in the plan of operation for the project, etc., and notify the head of approval agency, etc. of the details of the consultation:

1. Where it is determined that the details to be supplemented or amended under Article 17 (1) are insignificant; and
2. Where it is determined that it is possible for the project operator or the head of the approval agency to supplement or amend prior to approval, etc. on the plan of operation for the project concerned, etc.

(3) The head of the approval agency who has been notified of the details of consultation under paragraphs (1) and (2) shall notify the project operator without delay, and the project operator shall take necessary measures according to the details of the consultation.

Article 19 (Ascertainment and Notification as to Whether Details of Consultation have been Reflected)

(1) The head of the approval agency shall, when he/she intends to grant approval, etc. on a plan of operation for the project, etc., ascertain whether the details of consultation have been reflected in the plan of operation for project, etc.. If the details of consultation have not been reflected in the plan of operation for the project, etc., he/she shall cause them to be reflected.

(2) The head of approval agency, etc. shall, when he/she has granted approval, etc. on the plan of operation for the project, etc. or has determined the plan of operation for the project, etc. on which approval, etc. are not required, notify the Minister of Environment as to whether the details of consultation have been reflected, and of the details of such reflection.

Article 20 (Filing Objections)

(1) The project operator or the head of the approval agency may, if he/she has an objection to the details of consultation notified under Article 18, file an objection to the Minister of Environment as prescribed by Presidential Decree. In such cases, the project operator who is required to obtain approval, etc. shall file an objection through the head of the approval agency.

(2) The deliberative committee of the objection filed shall be established in the Ministry of Environment to deliberate upon the merits of the objection filed under paragraph (1).

(3) The Minister of Environment shall, when he/she has received an objection filed under paragraph (1), notify the project operator or the head of the approval agency of the results thereof, through the deliberation of the deliberative committee of the objection filed, within the period as prescribed by Presidential Decree.

(4) If an objection has been filed against the details of consultation causing any modification in the plan of operation for the project, etc., the head of approval agency, etc. shall not approve, etc. or confirm the related plan of operation for the project, etc. prior to receiving notification

under paragraph (3): *Provided*, That in cases where the details related to the objection filed are excluded from the plan of operation for the project. etc., it shall not be applied.

(5) Matters necessary for the composition, operation, etc. of the deliberative committee of the objection filed under paragraph (2) shall be prescribed by Presidential Decree.

Article 21 (Re-formulation and Re-consultation, etc. of Assessment Reports)

(1) If any ground exists falling under any of the following subparagraphs after the project operator has been notified of the details of consultation under Article 18, he/she shall re-formulate the assessment report, and the project operator who is required to obtain approval, etc. shall submit the re-formulated assessment report to the head of the approval agency:

1. Where he/she has not commenced the construction work of the project within the period prescribed by Presidential Decree (excluding cases where the head of approval agency, etc. have consulted with the Minister of Environment as cases in which amendment of surrounding circumstances is insignificant during the period of non-commencement of the construction work); and
2. Where it is not appropriate to execute the plan of operation for the project, etc. according to the details of consultation due to the occurrence of grounds prescribed by Presidential Decree.

(2) The head of approval agency, etc. shall request the Minister of Environment re-consultation on the assessment report re-formulated under paragraph (1).

(3) The provisions of Articles 10 through 20 shall apply *mutatis mutandis* to the re-formulation of and re-consultation on assessment reports under paragraph (1) and (2).

Article 22 (Examination of Environmental Conservation Plan according to Amendment of Plan of Operation for Project, etc.)

(1) Where details of consultation are amended due to an amendment in a plan of operation for a project, etc., which is not subject to re-formulation of and re-consultation on the assessment report under Article 21, the project operator shall devise environmental conservation plans according to the amendments in the plan of operation for the project, etc., and reflect them in the plan of operation for the project, etc. to be amended.

(2) The project operator who is required to obtain approval, etc. shall go through the examination on the environmental conservation plans under paragraph (1) by the head of the approval agency in advance: *Provided*, That it shall not apply to insignificant matters of amendment as prescribed by Ordinance of the Ministry of Environment.

(3) When the head of approval agency, etc. intends to devise or examine environmental conservation plans under paragraph (1) and (2), he/she shall consider the opinion of the Minister of Environment if it falls under the grounds prescribed by Presidential Decree.

(4) Article 19 shall apply *mutatis mutandis* to ascertainment and notification as to whether an environmental conservation plan under paragraph (1) has been reflected in the plan of operation for the project, etc.. In such cases, “details of consultation” shall be deemed as an “environmental conservation plan”.

CHAPTER IV MANAGEMENT OF DETAILS OF CONSULTATION, ETC.

Article 23 (Implementation of Details of Consultation, etc.)

(1) The project operator shall implement details of consultation (including details re-consulted upon under Article 21 and environmental conservation plans under Article

22; The same shall apply hereinafter) reflected in the plans of operation for projects, etc. while he/she is executing such projects subject to the assessment of environmental impacts.

(2) In order to implement details of consultation conscientiously, the project operator shall record the implementation conditions in the management ledger containing the details of consultation and keep it in the construction site as prescribed by Ordinance of the Ministry of Environment.

(3) In order to properly manage the implementation of details of consultation, the project operator shall designate a person responsible for the administration of the details of consultation (hereinafter referred to as a "person responsible for administration") and notify the head of the approval agency and the Minister of Environment of such designation as prescribed by Ordinance of the Ministry of Environment.

(4) Matters necessary for standards of qualifications, etc. for the person responsible for administration shall be prescribed by Ordinance of the Ministry of Environment.

Article 24 (Post-Investigation of Environmental Impacts)

(1) A project operator shall make investigation of environmental impacts classified by item of assessment subject to post-investigation of environmental impacts (hereinafter referred to as "post-investigation of environmental impacts") according to the details of consultation in order to prevent damage to the surrounding environment due to environmental impacts which may arise after the commencement of the construction of the project subject to the assessment of environmental impacts, and notify the head of the approval agency and the Minister of Environment of the results thereof.

(2) A project operator shall, in cases where it is required to take measures for the prevention of damage to the surrounding environment due to the related project as a result of the post-investigation of environmental impacts, notify the head of the approval agency and the Minister of Environment thereof without delay, and take the necessary measures.

(3) The project, items, period subject to post-investigation of environmental impacts and other necessary matters shall be prescribed by Presidential Decree.

Article 25 (Succession, etc. of Implementation Obligation on Details of Consultation, etc.)

(1) If a project operator is changed due to the transfer of a business or the merger of a corporation, etc., the replacement project operator shall succeed to the obligations of implementation of the details of consultation, etc. under Article 23 and post-investigation of environmental impacts, etc: *Provided*, That in cases where there is a separate operator in the facilities falling under any of the items in subparagraph 3 of Article 2, the operator of the facilities shall succeed to such obligations.

(2) The project operator or the operator of the facilities who has succeeded to under paragraph (1) shall notify the head of the approval agency and the Minister of Environment of the matters prescribed by Ordinance of the Ministry of Environment, including the status of implementation of the details of consultation and the reason for succession.

Article 26 (Management and Supervision of Details of Consultation)

(1) The head of the approval agency shall ascertain whether a project operator who is required to obtain approval, etc. implements the details of consultation.

(2) The Minister of Environment and the head of the approval agency may require a project operator to submit the data related to the implementation of the details of consultation, or have a public official under their control investigate the implementation with access to the place of business. In such cases, Articles 42 (2) and (3) shall apply *mutatis mutandis* to such investigation.

(3) If a project operator who is required to obtain approval, etc. has not implemented the details of consultation, the head of the approval agency shall order him/her to take necessary measures for such implementation.

(4) The head of the approval agency shall order the suspension of construction works for the whole or part of the project when it is determined that a project operator who is required to obtain approval, etc. causes serious impacts on the environment because he/she has not executed the order for measures for the implementation of the details of consultation under paragraph (3).

(5) The Minister of Environment may, where recognized as necessary for management of the implementation of the details of consultation, request a project operator who is not required to obtain approval, etc. to take necessary measures, including the suspension of construction works, or request the head of the approval agency to order the necessary measures, including the suspension of construction works. In such cases, the head of approval agency, etc. shall comply with such request unless there is any special reason otherwise.

(6) When the head of the approval agency has issued an order for measures or the suspension of construction works under paragraphs (3) through (5), or a project operator has taken measures under paragraph (5), he/she shall, without delay, notify the Ministry of Environment of the details of the order or the measures.

(7) If the details of the discharge density of pollutants are included in the details of consultation for the project subject to the assessment of environmental impacts, the Minister of Environment shall ascertain whether the standards of consultation have been complied with, and when the standards of consultation have not been complied with, he/she may request a project operator who is not required to obtain approval, etc. under paragraph (5) or the head of the approval agency to take necessary measures to comply with the standards of consultation.

Article 27 (Notifications of Commencement, Completion and Suspension of Projects, etc.)

If a project operator commences or completes a project subject to the assessment of environmental impacts, or intends to suspend construction works for not less than three months, he/she shall notify the head of the approval agency and the Minister of Environment of the details as prescribed by Ordinance of the Ministry of Environment.

Article 28 (Prohibition on Advance Performance of Construction Works)

(1) No project operator shall perform construction works for the project subject to the assessment of environmental impacts before the consultation or re-consultation procedures under the provisions of Articles 16 through 21 or the amendment procedures for the plan of operation for the project, etc. under the provisions of Article 22 (1) through (3) have been completed: *Provided*, That this shall not apply to construction works falling under any of the following subparagraphs:

1. The construction works of any part that does not give rise to the amendment of the details of consultation as the case of re-consultation under Article 21 (1) 2 or the amendment of the plan of operation for the project, etc. under Article 22; and
2. The construction work on the insignificant matters as prescribed by Ordinance of the Ministry of Environment.

(2) The head of the approval agency shall not grant approval, etc. for the plan of operation for the project, etc. before the procedures under paragraph (1) have been completed.

(3) When a project operator who is required to obtain approval, etc. has performed construction works in violation of paragraph (1), the head of the approval agency shall order the suspension of such construction works for the whole or part of the project concerned.

(4) When a project operator has performed construction works in violation of paragraph (1), the Minister of Environment shall request the project operator who is not required to obtain approval, etc. to take necessary measures including the suspension of the construction work, etc. or the head of the approval agency to order the necessary measures, including the suspension of such construction works. In such cases, the head of approval agency, etc. shall comply with such request unless there is a special reason to the contrary.

Article 29 (Reassessment of Environmental Impacts)

(1) Where it is recognized that the environmental impacts which have arisen after the commencement of construction works of the project and which were not forecasted at the time of consultation on assessment reports as the project subject to the assessment of environmental impacts seriously affects the surrounding environment, the Minister of Environment may request the President of the Korea Environment Institute to reassess such project as is difficult to devise environmental conservation plans with the measures or the order for measures under Article 24 (2) and 26 (3) through (5) or Article 26 (7) through the consultation with the head of approval agency, etc.

(2) The President of the Korea Environment Institute shall, when requested under paragraph (1), execute a reassessment on the project concerned and notify the Minister of Environment and the head of approval agency, etc. of the results thereof within the period prescribed by Presidential Decree.

(3) The Minister of Environment or the head of approval agency, etc. when notified under paragraph (2) of the results of a reassessment, shall require a project operator to take necessary measures for environmental conservation according to the results of reassessment or may request the head of related administrative agency, etc. to order necessary measures to be taken.

CHAPTER V SPECIAL CASES OF PROCEDURES FOR ASSESSMENT OF ENVIRONMENTAL IMPACTS

Article 30 (Determinations on Projects subject to Simplified Assessment Procedures)

(1) When a project operator intends to request the head of the approval agency or the Minister of Environment to determine the items of assessment and its scope, etc. under Article 10 (2) or (3), he/she may request the head of the approval agency or the Minister of Environment to determine as to whether the project, as prescribed by Presidential Decree as the project with a marginal environmental impact caused by execution of the project taking into account the scale, characteristic, area, etc. of the project, falls under the assessment of environmental impacts subject to simplified procedures as prescribed by Article 31 (hereinafter referred to as "simplified assessment procedures") as well: *Provided*, That in cases of a project operator who is not required to obtain approval, etc. under the text of Article 10 (3), it shall be determined as to whether his/her project falls under a project subject to simplified assessment procedures through the deliberation of the deliberative committee on assessment plans.

(2) The head of the approval agency or the Minister of Environment where requested under paragraph (1) shall determine as to whether a project falls under a project subject to simplified assessment procedures through the deliberation of the deliberative committee on assessment plans and notify a project operator of the results thereof within the period prescribed by Presidential Decree.

(3) Articles 10 through 12 shall apply *mutatis mutandis* to the determination, etc. on items of assessment and its scope, etc. in the simplified assessment procedures under paragraphs (1) and (2).

Article 31 (Consultation, etc. according to Simplified Assessment Procedures)

(1) Where a project subject to the assessment of environmental impacts has been determined as a project subject to simplified assessment procedures under Article 30, a project operator shall formulate an assessment report for simplified assessment procedures (hereinafter referred to as a "simplified assessment report").

(2) A project operator, where determined as a project subject to simplified assessment procedures under Article 30, shall execute the convergence of opinions under Article 14 and consultation on the assessment report under Article 16 as well based on the simplified assessment procedures.

(3) The formulation of simplified assessment reports under paragraphs (1) and (2), and other necessary matters shall be prescribed by Presidential Decree.

(4) Articles 14 (excluding paragraphs (5) and (6)) through 18 shall apply *mutatis mutandis* to the consultation, etc. according to the simplified assessment procedures under paragraphs (1) and (2). In such cases, "draft assessment report" and "assessment report" shall be deemed "simplified assessment report" respectively.

(5) Articles 19 through 29 shall apply *mutatis mutandis* to the ascertainment, notification, etc. as to whether the details of consultation have been reflected in the simplified assessment procedures under paragraph (2).

Article 32 (Formulation and Submission of Assessment Reports in which Details of Convergence of Opinions, etc. have been Reflected)

(1) A project operator who has completed the convergence of opinions and the consultation under Article 31 (2) shall formulate the assessment report, including the details of convergence of opinions and the details of consultation, as prescribed by Presidential Decree.

(2) A project operator who is required to obtain approval, etc. shall formulate the assessment report under paragraph (1) and submit it to the head of the approval agency without delay.

(3) The head of approval agency, etc. shall, when notifying the Minister of Environment as to whether the details of consultation have been reflected, and of the details reflected under Article 19 (2), submit the assessment report under paragraph (1) also.

Article 33 (Relation with Advance Examination of Environmental Compatibility)

(1) Where a project operator has performed an advance examination of environmental compatibility under Article 25 of the Framework Act on Environmental Policy at the stage of formulation of the administrative plan for the development project subject to assessment of environmental impacts, he/she may formulate the assessment report, etc. under Article 34 (1) by utilizing the details of advance examination of environmental compatibility report while performing the assessment of environmental impacts.

(2) Where the items of assessment and its scope, etc. determined at the time of consultation of advance examination of environmental compatibility under Article 25-3 of the Framework Act on Environmental Policy at the stage of formulation of the administrative plan for the development project subject to the assessment of environmental impacts fall under the grounds prescribed by Presidential Decree as a case determined to be able to replace the determination of items of assessment and its scope, etc. under Article 10, a project operator may omit the formulation of the

assessment plan and the determination procedure for items of assessment and its scope, etc. under Article 10.

(3) Where the convergence of opinions performed under Article 25-5 of the framework Act on Environmental Policy at the time of consultation of advance examination of environmental compatibility at the stage of formulation of administrative plan for the development project subject to assessment of environmental impacts fall under the grounds prescribed by Presidential Decree as a case determined to be able to replace the convergence of opinions under Article 14, a project operator may omit the convergence of opinions and procedures for formulation of a draft assessment report under Article 14.

CHAPTER VI AGENCY FOR ASSESSMENT AND MANAGEMENT OF AGENT FOR ASSESSMENT

Article 34 (Agency for Assessment of Environmental Impacts, etc)

(1) When a project operator intends to formulate an assessment report, assessment plan, draft assessment report under Article 14 (5), environmental conservation plan under Article 22, the result of post-investigation of environmental impacts or simplified assessment report under Article 24 (hereinafter referred to as "assessment report, etc."), he/she may have the agent for assessment of environmental impacts registered under Article 35 perform the work on his/her behalf,

(2) Where a project operator intends to enter into a contract with the agent for assessment of environmental impacts to have him/her formulate the assessment report, etc. on behalf of the project operator under paragraph (1), he/she shall enter into a contract with the agent separately from any other contract concerning the construction works of the project subject to the assessment of environmental impacts: *Provided*, That where entering into a contract with the agent for assessment of environmental impacts to formulate the assessment plan or the environmental conservation plan under Article 22 (excluding cases of consideration of the opinion of the Minister of Environment under Article 22 (3)), the same may not apply.

Article 35 (Registration of Agents for Assessment)

Any person who intends to execute the assessment of environmental impacts for other person under Article 34 (1) shall prepare the technical abilities, facilities and equipment as prescribed by Ordinance of the Ministry of Environment and register with the Minister of Environment as an agent for assessment of environmental impacts (hereinafter referred to as an "agent for assessment"). In cases of amendment of important matters, including technical ability, as prescribed by Ordinance of the Ministry of Environment among the registered matters, he/she shall make registration of such amendments.

Article 36 (Disqualification)

No person who falls under any of the following subparagraphs shall register as an agent for assessment:

1. An incompetent or a quasi-incompetent;
2. A person in whose case two years have not elapsed since the date of cancellation of registration under Article 39;
3. A person in whose case two years have not elapsed since his/her imprisonment with prison labor or heavier punishment as declared by a court due to violation of this Act, was completely executed or waved; and

4. A corporation, any of whose executives, falls under any of the provisions of subparagraphs 1 through 3.

Article 37 (Matters for Observance by Project Operator and Agent for Assessment)

(1) A project operator and an agent for assessment shall preserve the assessment report, etc. and the data to be the basis of such formulation for the period prescribed by Ordinance of the Ministry of Environment: *Provided*, That in cases where the assessment report, etc. were formulated in electronic document form and have been made available to the public through the information communication network, etc. according to the notification method as prescribed by the Ministry of Environment, it shall not apply.

(2) A project operator and an agent for assessment who formulate the assessment report, etc. shall comply with the matters in the following subparagraphs:

1. Assessment report, etc. shall not be formulated by duplication of the details of any other assessment report, etc;
2. Assessment report, etc. and data to be the basis of such formulation shall not be drawn up falsely or unconscientiously;
3. An agent for assessment shall not lend certification of registration or his/her name to any other person or shall not subcontract the whole work of assessment of environmental impacts contracted in the lump; and
4. Where a project operator has furnished with the environmental measurement equipment measures air, water quality, noise and vibration, etc. and utilizes the result thereof for formulating the assessment report, etc., the measurement equipment shall undergo an accuracy test under Article 11 of the Environmental Examination and Inspection Act.

(3) The specific standards for false and unconscientious formulation under paragraph (2) 2 shall be prescribed by Ordinance of the Ministry of Environment.

Article 38 (Discontinuance of Business)

Where an agent for assessment intends to discontinue business, he/she shall make a report thereon to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

Article 39 (Cancellation of Registration, Suspension of Operation, etc. by Agent for Assessment)

(1) The Minister of Environment shall cancel the registration of an agent for assessment if he/she falls under any of the following subparagraphs:

1. Where registered falsely or by other unlawful means;
2. Where falling under any of the subparagraphs of Article 36: *Provided*, That in cases where, as a case falling under subparagraph 4 of the same Article, the executive has been replaced by a new executive within six months, it shall not apply;
3. Where he/she has received the disposition by suspension of operations twice within the recent two years and has reoffended under the grounds of disposition by suspension of operations; and
4. Where he/she makes a new contract for the performance of agency work for the assessment of environmental impacts during the period of suspension of operation.

(2) If an agent for assessment falls under any of the following subparagraphs, the Minister of Environment shall cancel the registration or may order the suspension of operations for a fixed period of not more than six months:

1. Where he/she has failed to fulfill the technical ability requirements, facilities and equipment under the former part of Article 35;

2. Where he/she has failed to make registration for amendment concerning important matters in violation of the latter part of Article 35;
 3. Where he/she has failed to preserve an assessment report, etc. or the data to be the basis of such formulation in violation of Article 37 (1);
 4. Where he/she has formulated an assessment report, etc. by duplication of the contents of another assessment report, etc. in violation of Article 37 (2) 1;
 5. Where he/she has formulated an assessment report, etc. and the data to be the basis of such formulation falsely and the assessment report, etc. unconscientiously in violation of Article 37 (2) 2;
 6. Where he/she has lent the certification of registration or name to another person, or has subcontracted the whole work of the assessment of environmental impacts contracted in the lump in violation of Article 37 (2) 3;
 7. Where he/she has failed to undergo the accuracy test in violation of Article 37 (2) 4; and
 8. Where he/she has failed to commence the performance of agency work for the assessment of environmental impacts within two years after the registration within two years since registration or has failed to record the performance of agency work for the assessment of environmental impacts for not less than two years consecutively.
- (3) Standards for administrative dispositions under paragraph (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 40 (Hearings)

The Minister of Environment shall hold hearings to cancel registrations under Article 39 (1).

Article 41 (Continuance of Operations by Agent for Assessment Whose Registration is Cancelled or Operation is suspended)

- (1) A person who has received a disposition by cancellation of registration or suspension of operations under Article 39 may continue the agency limited to the contract of agency for the assessment of environmental impacts made prior to the said disposition.
- (2) A person who continues operation of such agency for the assessment of environmental impacts under paragraph (1) shall be deemed an agent for assessment under this Act until he/she completes such operation.

Article 42 (Report and Investigation)

- (1) The Minister of Environment may require an agent for assessment submit the necessary data or make a report, or have a public official under his/her control investigate concerning compliance with the standards of registration, etc. to ascertain the proper performance of the operation of agency for the assessment of environmental impacts.
- (2) A public official who investigates under paragraph (1) shall bear a certification indicating the authority and produce it to related persons.
- (3) In cases of investigation under paragraph (1), a public official shall notify an agent for assessment of the investigation plan concerning grounds for investigation and details of investigation by no later than seven days prior to the investigation: *Provided*, That in cases where urgent treatment is required or it is determined that the objectives of the investigation can not be attained due to destruction of evidence, etc. in cases of advance notice, the same shall not apply.

Article 43 (Report of Performance Record of Agency for Assessment of Environmental Impacts, etc.)

- (1) An agent for assessment shall report the record of performance of agency for the assessment

of environmental impacts of the preceeding year to the Minister of Environment by no later than January 31 of each year as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall announce the performance record of agency for the assessment of environmental impacts and the details of administrative disposition publicly as prescribed by Presidential Decree at least once each year in order to improve the performance ability of the agent for assessment.

Article 44 (Calculation Standards of Agency Fees for Assessment of Environmental Impacts)

The Minister of Environment shall determine the calculation standardss of fees necessary for agency for the assessment of environmental impacts and notify the public.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 45 (Making Assessment Records Available to Public)

(1) The Minister of Environment may make the assessment report, etc. available to the public for the inhabitants to read them by utilizing the information support system, etc. related to the assessment of environmental impacts under Article 48 (2) except in cases where making available to the public is restricted under other Acts and subordinate statutes.

(2) Where a project operator or the head of the approval agency requests the Minister of Environment not to make available the whole or part of the assessment report, etc. to the public on grounds falling under any of the following subparagraphs, the Minister of Environment shall not disclose them to the public notwithstanding paragraph (1):

1. Where necessary for national security, including protection of military secrets; and
2. Where the special business secrets, etc. of the related project are included in the assessment report.

(3) Matters necessary for time, method, etc. of making available the assessment reports, etc. to the public under paragraph (1) shall be prescribed by Presidential Decree.

Article 46 (Matters of Performance of Korea Environment Institute)

The Minister of Environment may cause the Korea Environment Institute perform the matters under the following subparagraphs in order to execute the assessment of environmental impacts efficiently:

1. Formulation and supplementation of various indexes necessary for the assessment of environmental impacts;
2. Assessment and development of propriety of technique for the assessment of environmental impacts and forecast techniques therefor;
3. Operation of information support systems related to the assessment of environmental impacts under Article 48 (2); and
4. Other matters necessary for efficient execution of the assessment of environmental impacts.

Article 47 (Obligation of Confidentiality)

No agent for assessment, expert, executive and employee of the specialized institutions or person with such institutions who have participated in the examination process of the assessment report, etc. under Article 17 (2) and (3) shall reveal any secret to other persons nor make any fraudulent use of the secret obtained on duties related to the assessment of environmental impacts.

Article 48 (Collection and Distribution of Information of Assessment of Environmental Impacts and Fostering of specialized Human Resources, etc.)

(1) The Minister of Environment shall collect and distribute information related to the assessment of environmental impacts to enhance the specialization in the assessment of

environmental impacts, and devise a plan for technical improvement of the assessment of environmental impacts and for fostering specialized human resources.

(2) The Minister of Environment shall construct and operate the information support system related to the assessment of environmental impacts to collect and distribute information related to the assessment of environmental impacts under paragraph (1), and for making the assessment report, etc. available to the public under the proviso to Article 37 (1) and Article 45.

(3) Matters necessary for construction, operation, etc. of the information support system under paragraph (2) shall be prescribed by the Minister of Environment.

Article 49 (Association of Assessment of Environmental Impacts)

(1) Agents for assessment and persons engaged in the affairs related to the assessment of environmental impacts may establish the association of the assessment of environmental impacts (hereinafter referred to as the "Association") for the investigations, research, education and publicity for the assessment of environmental impacts, and for the sound development of affairs related to the assessment of environmental impacts.

(2) The Association shall be a juristic person.

(3) The Association shall draft its articles of association and shall be approved by the Minister of Environment. The same shall apply when intending to amend the same.

(4) The Minister of Environment may, when recognized that the operation of the Association violates Acts and subordinate statutes or its articles of association, order the amendment of the articles of association or the plan of operation for the project, or the reappointment of executives.

(5) The provisions concerning the incorporated association of the Civil Act shall apply *mutatis mutandis* to the matters not prescribed in this Act concerning the association.

Article 50 (Delegation, Entrustment, etc. of Authority)

(1) A part of the authority of the Minister of Environment under this Act as prescribed by Presidential Decree may be delegated to Special Metropolitan City Mayor, Metropolitan City Mayor, *Do* governor, Special Self-Governing Province governor or the head of local environmental government office.

(2) The Minister of Environment may entrust the portion of his/her affairs under this Act to the association or the head of the specialized institution related as prescribed by Presidential Decree.

(3) The executives or employees of the association or the specialized institution related performing the entrusted affairs under paragraph (2) shall be deemed public officials when applying the penal provisions under Articles 129 through 132 of the Criminal Act.

CHAPTER VIII PENAL PROVISIONS

Article 51 (Penal provisions)

Any person falling under any of the following subparagraphs shall be sentenced to imprisonment with hard labor not exceeding five years or fined not exceeding 50 million won:

1. Any person who has failed to comply with an order for suspension of work in violation of Article 26 (4) or 28 (3); and
2. Any project operator who has failed to comply with a request for suspension of work or an order for suspension of work under Article 26 (5) or 28 (4).

Article 52 (Penal Provisions)

(1) Any person falling under any of the following subparagraphs shall be sentenced to imprisonment with hard labor not exceeding two years or fined an amount not exceeding 20 million won:

1. Any person who has performed the operation of agency for the assessment of environmental impacts without making registration of the agent for assessment in violation of Article 35;
2. Any person who has registered as an agent for the assessment of environmental impacts by fraud or other unlawful means in violation of Article 35;
3. Any person who has formulated the assessment report, etc. by duplication of another assessment report, etc. without permission in violation of Article 37 (2) 1;
4. Any person who has formulated the assessment report, etc. falsely in violation of Article 37 (2) 2; and
5. Any person who has made a new contract of agency for the assessment of environmental impacts or has performed the agency for the assessment of environmental impacts under the new contract after he/she has received the disposition by cancellation of registration or suspension of operation in violation of Article 41 (1).

(2) Any person falling under any of the following subparagraphs shall be sentenced to imprisonment with hard labor not exceeding one year or fined an amount not exceeding 10 million won:

1. Any person who has refused to submit the data or has hampered or has evaded access and an investigation under Article 26 (2) without justifiable reasons;
2. Any person who has performed the works without completion of the procedure for consultation and re-consultation under the provisions of Articles 16 through 21 in violation of Article 28 (1);
3. Any agent for assessment who has lent a certification of registration or a name to another person or has subcontracted to the lump in violation of Article 37 (2) 3;
4. Any person who has refused to submit the data or to report and investigate under Article 42 (1) without justifiable reasons; and
5. Any person who has revealed or made a fraudulent use of secrets in violation of Article 47.

Article 53 (Joint Penal Provisions)

(1) If the representative of a corporation or an agent of a corporation, an employee and other employee commits an act of violation of Article 51 or 52 concerning the affairs of the corporation, not only shall the offender be punished but the corporation shall also be fined as referred to in the provisions concerned: *Provided*, That when the corporation has made substantial endeavors to attend to and supervise the affairs concerned to prevent the act of violation, the same shall not apply.

(2) If an agent of an individual, an employee and other employee commits an act of violation of Article 51 or 52 concerning the affairs of the individual, not only shall the offender be punished but the individual shall also be fined as referred to in the provisions concerned: *Provided*, That when the individual has made substantial endeavors to attend to and supervise the affairs concerned to prevent the act of violation, the same shall not apply.

Article 54 (Fines for Negligence)

(1) Any person falling under any of the following subparagraphs shall be fined an amount not exceeding 20 million won:

1. Any project operator who has failed to comply with the order for measures or the request for measures under Article 26 (3) or (5) (excluding cases where failing to comply with

the order for suspension of work or the request for suspension of work under Article 26 (5));

2. Any person who has performed works without completion of the procedures for consideration, examination, etc. of environmental conservation plan according to the amendment of plan of operation for the project, etc. under the provisions of Article 22 (1) through (3) in violation Article 28 (1); and
3. Any project operator who has failed to comply with the request for measures or the order for measures under Article 29 (3).

(2) Any person falling under any of the following subparagraphs shall be fined an amount not exceeding 10 million won:

1. Any person who has not made the whole or part of the post-investigation of environmental impacts in violation of Article 24 (1);
2. Any person who has failed to notify the head of the approval agency or the Minister of Environment or has failed to take necessary measures in violation of Article 24 (2);
3. Any person who has failed to make a separate contract for the assessment report, etc. in violation of Article 34 (2); and
4. Any agent for assessment or any project operator (limited to cases where the project operator has formulated the assessment report, etc. personally) who has formulated the assessment report, etc. unconscientiously in violation of Article 37 (2) 2;

(3) Any person falling under any of the following subparagraphs shall be fined an amount not exceeding five million won:

1. Any person who has failed to keep the management ledger or has failed to record the performance conditions of the details of consultation in violation of Article 23 (2);
2. Any person who has not designated a person responsible for administration or has not notified such designation in violation of Article 23 (3);
3. Any person who has failed to notify the result of post-investigation of environmental impacts in violation of Article 24 (1);
4. Any person who has failed to notify the contents of succession of obligations in violation of Article 25 (2);
5. Any person who has failed to notify the commencement, completion, suspension of the project in violation of Article 27;
6. Any person who has failed to make registration for amendment in violation of Article 35;
7. Any person who has failed to preserve the assessment report, etc. and the data as the basis of such formulation in violation of Article 37 (1); and
8. Any person who has failed to report the performance record of agency for the assessment of environmental impacts in violation of Article 43 (1).

(4) Fines for negligence under the provisions of paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment as prescribed by Presidential Decree.

(5) Any person who is dissatisfied with the disposition of a fine for negligence may raise an objection to the Minister of Environment within 30 days from the date of notice of such disposition.

(6) If a person who is subject to the disposition of a fine for negligence under paragraph (4), raises an objection under paragraph (5), the Minister of Environment shall notify the competent court without delay, which, in turn, shall proceed to a trial on such fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.

(7) In cases where a fine for negligence has not been paid without any complaint having

been filed within the period under paragraph (5), it shall be collected pursuant to the procedures for dispositions on default of national taxes.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2009.

Article 2 (Validity of Provisions concerning Determination on Formulation of Assessment Plans and Items of Assessment and its Scope, etc.)

The amended provisions of Article 10 shall be in force for three years from the enforcement date of this Act.

Article 3 (Applicability concerning Making Assessment Report, etc. Available to Public)

The making of the assessment report, etc. available to the public under Article 45 shall apply from those documents first submitted after this Act enters into force.

Article 4 (Applicability concerning Determination on Formulation of Assessment Plans and Items of Assessment and its Scope, etc.)

The amended provisions of Article 10 shall apply from the project for which the first draft assessment report is formulated under the amended provisions of Article 14 (5) three months after the date this Act enters into force.

Article 5 (Transitional Measures concerning Municipal Ordinances for Assessment of Environmental Impacts)

Municipal Ordinances concerning assessment of environmental impacts established and entering into force by *Si/Do*, under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, shall be deemed Municipal Ordinances established under this Act until the new Municipal Ordinances concerning assessment of environmental impacts under this Act are established.

Article 6 (Transitional Measures concerning Assessment Reports)

The assessment report which is drawn up or for which consultation is requested or procedure for re-consultation is being taken in connection with assessment of environmental impacts under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, shall be deemed to have been formulated, or for which consultation is requested or procedure for reconsultation is being taken under this Act.

Article 7 (Transitional Measures concerning Convergence of Opinions)

Convergence of opinions executed in connection with assessment of environmental impacts under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, shall be deemed that convergence of opinions has been executed under this Act.

Article 8 (Transitional Measures concerning Details of Consultation)

The details of consultation in connection with assessment of environmental impacts notified under Article 20 of the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, shall be deemed the details of consultation notified under Article 18 (1).

Article 9 (Transitional Measures concerning Post-Investigation of Environmental Impacts)

The post-investigation of environmental impacts executed or being executed under former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, shall be deemed as having been executed or as being executed under this Act.

Article 10 (Transitional Measures concerning Succession of Implementation Obligation, including Details of Consultation)

A project operator who has succeeded to the obligations, including the details of consultation, in connection with assessment of environmental impacts under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, shall be deemed that he/she has succeeded to the obligations under this Act.

Article 11 (Transitional Measures concerning Charges exceeding Standards of Consultation)

With respect to a project operator who has exceeded standards of consultation under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, the charges exceeding the standards of consultation shall be imposed and collected under the former provisions.

Article 12 (Transitional Measures on Agent for Assessment)

An agent for assessment who has registered to perform business related to assessment of environmental impacts under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, shall be deemed as the agent for assessment registered under this Act.

Article 13 (Transitional Measures on Association of Assessment of Environmental Impacts)

The association of assessment of environmental impacts established under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, shall be deemed as the association of assessment of environmental impacts established under this Act.

Article 14 (Transitional Measures concerning Public Notices and Dispositions under Former Act and continuing Act)

Public notices, administrative dispositions and other acts in connection with assessment of environmental impacts executed by the administrative agency, and applications, reports and other acts made to the administrative agency under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. prior to this Act entering into force, shall be deemed as acts executed by the administrative agency or acts made in relation to the administrative agency under this Act.

Article 15 (Transitional Measures concerning Administrative Dispositions)

The former provisions shall apply to administrative dispositions on the acts of violation prior to this Act entering into force.

Article 16 (Transitional Measures concerning Penal Provisions, etc.)

The former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. shall apply to the penal provisions or fines for negligence for acts committed prior to this Act entering into force.

Article 17 (Transitional Measures concerning Assessment of Impacts of Disasters)

(1) In cases of a project for which the consultation of impact assessment concerning disasters or the procedure for re-consultation is in progress under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, the project shall be governed by the former provisions until the consultation of the assessment is completed.

(2) In cases of an agent for assessment who is making the procedure for consultation of assessment concerning disasters under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, the business of agency for assessment shall be performed under the former provisions until the consultation of impact assessment or the procedure for re-consultation is completed.

(3) A project operator shall perform the details of consultation under the former provisions until the project is completed after completion of the consultation of impact assessment concerning disasters under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force.

(4) The head of the approval agency shall perform the affairs of management and supervision as to whether the details of consultation on impact assessment are performed under the former provisions until the project is completed after completion of the consultation on impact assessment concerning disasters under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force.

(5) In case where a place of work under construction after the consultation on impact assessment concerning disasters under the former Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. at the time this Act enters into force, is not suitable to execute the plan of operation for the project, etc. according to the details consulted in the beginning, a project operator shall re-formulate the assessment report under the former provisions and request the head of the agency consulting assessment the re-consultation.

Article 18 Omitted.

Article 19 (Relation with other Acts and Subordinate Statutes)

In cases where other Acts and subordinate statutes have cited the Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. or the provisions therein at the time this Act enters into force, if provisions equivalent to those cited exist in this Act in connection with assessment of environmental impacts, it shall be deemed that this Act or the provisions in this Act equivalent to those cited have been cited in place of the former provisions.