

# MANAGEMENT OF DRINKING WATER ACT

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Act No.4908, Jan. 5,1995

Amended by Act No.5394, Aug.28,1997

Act No.5453, Dec. 13,1997

Act No.5873, Feb. 8,1999

Act No.6103, Jan. 7,2000

Act No.6627, Jan. 26,2002

Act No.7042, Dec. 31,2003

Act No.7463, Mar. 31,2005

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to prevent danger and harm arising from drinking water to the national health and, contribute to the improvement of their living environment by securing a reasonable management of the quality of drinking water quality and sanitation.

### Article 2 (Responsibility)

(1) The State and the local governments shall prepare appropriate measures for all citizens to be provided with high-quality drinking water, and give appropriate guidance to and management over drinking water-related business operators.

(2) Any drinking water-related business operator shall provide, in a safe and proper manner, high-quality drinking water in accordance with relevant Acts and subordinate statutes.

### Article 3 (Definitions)

The definitions of the terms as used in this Act shall be as follows: <Amended by Act No. 5394, Aug. 28, 1997>

1. The term "drinking water" means natural water commonly used for drinking purposes, and tap water and drinking spring water, etc. which are treated adequately to drink;
2. The term "spring water" means naturally clear water from bedrock aquifers, groundwater, or springs which can be maintained safely to be used for the purpose of drinking water;
3. The term "drinking spring water" means spring water processed by means of physical treatment, etc. so as to be fit to drink;
4. The term "water treatment chemicals" means the chemicals added for the purpose of purifying

- or pasteurizing natural water or preventing the oxidization of drinking water supply facilities;
5. The term "public facilities for drinking water" means mineral springs, fountain sites, and wells, etc. developed or naturally formed for the purpose of providing a large number of people with drinking water;
  6. The term "water purifier" means an apparatus which adapts drinking water to the quality standards for drinking water referred to in Article 5 (3) through a physical, chemical or biological process or through a combination of these processes; and
  7. The term "business related to drinking water" means a manufacturing business, import and sales business, or water treatment chemicals manufacturing business of drinking spring water or a manufacturing business or import and sales business of water purifiers.

#### **Article 4 (Scope of Application)**

With respect to tap water from among matters related to drinking water, the Water Supply and Waterworks Installation Act, if it includes provisions thereof, shall apply.

## **CHAPTER II QUALITY CONTROL OF DRINKING WATER**

#### **Article 5 (Quality Control of Drinking Water)**

(1) The Minister of Environment shall prepare measures necessary for controlling the quality of the drinking water such as determining and propagating quality standards for drinking water.

*<Amended by Act No. 5394, Aug. 28, 1997>*

(2) The Minister of Environment, or, the Seoul Metropolitan City Mayor, Metropolitan City Mayor, Do governor (hereinafter referred to as the "Mayor/Do governor") shall conduct the quality examination of drinking water. *<Amended by Act No. 5394, Aug. 28, 1997>*

(3) The quality standards for, and the frequency of examination of drinking water shall be determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 5394, Aug. 28, 1997>*

#### **Article 5-2 (Method of Officially Fixed Examination in Drinking Water Quality)**

The Minister of Environment shall determine and make public notification of an officially fixed examination for drinking water quality to ensure the accuracy and uniformity of inspection on drinking water.

*[This Article Newly Inserted by Act No. 5394, Aug. 28, 1997]*

#### **Article 6 (Quality Supervisors of Drinking Water)**

(1) In order for related public officials to exercise a supervision over the functions or guidance etc. on the quality of drinking water under the provisions of this Act, quality supervisors of drinking water shall be appointed to the Ministry of Environment, the Seoul Special Metropolitan City, Metropolitan Cities, *Dos*, *Sis*, *Guns*, and autonomous *Gus*. *<Amended by Act No. 5394, Aug. 28,*

1997>

(2) The qualifications, appointment, scope of functions of quality supervisor of drinking water as provided in paragraph (1) and other necessary matters shall be determined by the Presidential Decree.

**Article 7 (Management of Public Facilities for Drinking Water)**

(1) The head of *Si/Gun* or autonomous *Gu* (the Mayor/*Do* governor in case where the persons who mainly utilizes the public facilities for drinking water are the residents of two or more *Si/Gun* and autonomous *Gu*) shall take necessary measures for the proper management of public facilities for drinking water, such as conducting periodical examination of the quality of facilities for drinking water. <Amended by Act No. 6103, Jan. 7, 2000>

(2) No person shall pollute the quality of public facilities for drinking water or cause damage to the facilities.

(3) The object of management and the management methods of public facilities for drinking water and other necessary matters shall be determined by the Ordinance of the Ministry of Environment. <Amended by Act No. 5394, Aug. 28, 1997>

**CHAPTER III ENVIRONMENTAL IMPACT INVESTIGATION, ETC.**

**Article 8 Deleted.** <by Act No. 5873, Feb. 8, 1999>

**Article 9 (Permission, etc. on Development of Spring Water)**

Any person who intends to develop spring water above the size as determined by the Presidential Decree shall obtain permission from the Mayor/*Do* governor under the conditions as determined by the Ordinance of the Ministry of Environment. The same shall also apply to the case where he intends to change the permitted matters. <Amended by Act No. 7042, Dec. 31, 2003>

[This Article Wholly Amended by Act No. 5394, Aug. 28, 1997]

**Article 9-2 (Provisional Permission on Development of Spring Water)**

(1) The Mayor/*Do* governor may grant provisional permission on the development of spring water on condition that an environmental impact investigation referred to in Article 10 (1) shall be carried out and a written investigation shall be submitted within the period as determined by the Ordinance of the Ministry of Environment, in granting permission referred to in Article 9. <Amended by Act No. 6103, Jan. 7, 2000; Act No. 7042, Dec. 31, 2003>

(2) Where a person who has obtained provisional permission pursuant to paragraph (1) fails to submit a written investigation within the period without any justifiable cause, the Mayor/*Do* governor shall cancel such provisional permission. <Amended by Act No. 7042, Dec. 31, 2003>

[This Article Newly Inserted by Act No. 5394, Aug. 28, 1997]

**Article 9-3 (Restriction, etc. on Permission on Development of Spring Water)**

(1) Where it is deemed to threaten to have an effect on the development of other public groundwater resources or the quality, etc. of surface waters as a result of an environmental impact examination referred to in Article 15, the Mayor/Do governor may not grant permission on the development of spring water referred to in Article 9. <Amended by Act No. 7042, Dec. 31, 2003>

(2) Where the Mayor/Do governor grants permission on the development of spring water referred to in Article 9, he may set necessary conditions such as restricting the volume of abstracting water per day according to the results of examination in a written investigation referred to in Article 15. <Amended by Act No. 7042, Dec. 31, 2003>

(3) Deleted. <by Act No. 5873, Feb. 8, 1999>

*[This Article Newly Inserted by Act No. 5394, Aug. 28, 1997]*

**Article 9-4 (Term of Validity of Permission on Development of Spring Water)**

(1) The term of validity of permission on development of spring water referred to in Article 9 shall be five years. <Amended by Act No. 5873, Feb. 8, 1999>

(2) The Mayor/Do governor may permit an extension of the term of validity on the application of a person who has obtained permission on the development of spring water. In this case, the period of each extension shall be five years. <Amended by Act No. 5873, Feb. 8, 1999; Act No. 7042, Dec. 31, 2003>

(3) The procedure of application for the extension of the term of validity referred to in paragraph (2) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 5394, Aug. 28, 1997]*

**Article 10 (Environmental Impact Investigation, etc.)**

(1) Any person who intends to obtain provisional permission on the development of spring water referred to in Article 9-2 shall, by predicting and analyzing effects on the surrounding environment due to the development of spring water, conduct an environmental impact investigation on a plan which may reduce these effects, and shall prepare a document on the environmental impact investigation (hereinafter referred to as "written investigation") and submit it to the Mayor/Do governor when applying for approval under Article 9. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>

(2) The items of, methods of, evaluation standards for the environmental impact investigation and other necessary matters as provided in paragraph (1), preparation of a written investigation shall be determined by the Ordinance of the Ministry of Environment. <Amended by Act No. 5394, Aug. 28, 1997>

**Article 11 (Vicarious Execution of Environmental Impact Investigation)**

Any person who intends to obtain permission on the development of spring water referred to in Article 9 shall have an agent for the environmental impact investigation as prescribed in Article 12 execute the investigation, in preparing a written investigation as prescribed in Article 10 (1).

*<Amended by Act No. 5394, Aug. 28, 1997>*

#### **Article 12 (Registration of Agents for Environment Impact Investigation)**

Any person who intends to execute the environmental impact investigation vicariously shall equip himself with the technical capabilities, facilities and equipment as prescribed by the Ordinance of the Ministry of Environment and register with the Minister of Environment. The same shall also apply to the case where he intends to change important registered matters, as prescribed by the Ordinance of the Ministry of Environment. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999>*

#### **Article 13 (Disqualifications)**

No person who falls under any of the following subparagraphs shall register under the provisions of Article 12:

1. A minor or a person of incompetence or quasi-incompetence;
2. A person adjudged bankrupt and not yet reinstated;
3. A person who was sentenced to imprisonment for a violation of this Act and for whom two years have not passed since the termination (including the case of being deemed terminated) of or exemption from the execution of the sentence;
4. A person who is still in the grace period after having been sentenced to a suspended sentence of imprisonment for a violation of this Act;
5. A person for whom two years have not yet passed after the registration is revoked under Article 14; and
6. A juristic person who has any of officers falling under subparagraphs 1 through 5.

*[This Article Wholly Amended by Act No. 7042, Dec. 31, 2003]*

#### **Article 14 (Revocation, etc. of Registration of Agent for Investigation)**

(1) Where a person who registers under Article 12 (hereinafter referred to as an "agent for investigation") falls under any of the following subparagraphs, the Minister of Environment may revoke the registration or order the suspension of business operations for a specified period of not more than six months: Provided, That where he falls under subparagraph 1 or 2, the Minister of Environment shall revoke the registration: *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999>*

1. In the case where he falls under one of the subparagraphs in Article 13: Provided, That this shall not apply in case where there is any of officers of a juristic person who falls under subparagraph 6 of Article 13, but he is replaced within one month;

2. In the case where he obtains the registration by fraud or other unjust means;
  3. In the case where he lends a certificate of registration to or subcontracts the contracted agency business on the environmental impact investigation to another person;
  4. In the case where he falls short of the conditions for the registration as prescribed in Article 12;
  5. In the case where he has been to disposition of the suspension of business operations not less than two times a year;
  6. In the case where he conducts an agency business for the environmental impact investigation such as neglecting a necessary field investigation, intentionally or by gross negligence; and
  7. In the case where he violates, this Act or an order issued under this Act.
- (2) The standards for administrative dispositions as prescribed in paragraph (1), and other necessary matters shall be determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 5394, Aug. 28, 1997>*

#### **Article 15 (Environmental Impact Examination)**

- (1) The Mayor/Do governor shall forward the written investigation submitted under Article 10 (1) to the Minister of Environment for its technical examination.
- (2) In making the technical examination of the written investigation submitted under paragraph (1), the Minister of Environment may take counsel with an expert as prescribed by the Presidential Decree.

*[This Article Wholly Amended by Act No. 7042, Dec. 31, 2003]*

### **CHAPTER IV BUSINESS OPERATION**

#### **Article 16 (Prohibition of Sales, etc.)**

No person shall sell things falling under any of the following subparagraphs for the purpose of serving as drinking, or gather, manufacture, import, store, transport or display them for the purpose of selling: *<Amended by Act No. 6103, Jan. 7, 2000>*

1. Water other than drinking spring water, or the same in a container;
2. Such drinking spring water without a permission under Article 18 (1), or the same in a container;
3. The drinking spring water imported without import declaration under Article 23 (1), or the same in a container; and
4. The drinking spring water without a verifying mark of charges under Article 28-3: Provided, That the imported drinking spring water is excepted.

#### **Article 17 (Standards for Facilities)**

Any person who intends to carry on drinking water-related business shall be furnished with the facilities which measure up to the standards as prescribed by the Ordinance of the Ministry of

Environment. *<Amended by Act No. 5394, Aug. 28, 1997>*

**Article 18 (Permission, etc. of Business Operations)**

(1) Any person who intends to carry on drinking spring water manufacturing business shall obtain permission from the Mayor/*Do* governor as determined by the Ordinance of the Ministry of Environment. The same shall apply to the case where he intends to change such important matters as determined by the Presidential Decree. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(2) Any person who intends to carry on water treatment chemicals manufacturing business shall register with the Mayor/*Do* governor as determined by the Ordinance of the Ministry of Environment. This provision shall also apply to the case where he intends to change such important matters as prescribed by the Presidential Decree. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(3) Any person who intends to carry on import and sales business of the drinking spring water shall register with the Mayor/*Do* governor as determined by the Ordinance of the Ministry of Environment. This provision shall apply to the case where he intends to change such important matters as determined by the Presidential Decree. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(4) Any person who intends to carry on a manufacturing business or water purifier import-sale business shall make a report to the Mayor/*Do* governor as determined by the Ordinance of the Ministry of Environment by undergoing an inspection by an agency as designated by the Minister of Environment pursuant to Article 35 (1). The same shall apply where he intends to change such important matters as determined by the Presidential Decree. *<Newly Inserted by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(5) The Mayor/*Do* governor may, in granting permission as provided in paragraph (1), set a condition such as restricting the amount of water collected a day in accordance with the results of the examination of the written investigation under Article 15. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(6) In case where the person who has obtained a permission for business operation or registered or reported under paragraphs (1) through (4) intends to suspend, reopen or discontinue his business operations, or alter minor matters from among the permitted, registered or reported matters, he shall report thereon to the Mayor/*Do* governor as prescribed by the Ordinance of the Ministry of Environment. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan. 7, 2000; Act No. 7042, Dec. 31, 2003>*

**Article 19 Deleted.** *<by Act No. 5873, Feb. 8, 1999>*

**Article 19-2 (After-Control of Drinking Spring Water Manufacturers)**

(1) The Mayor/*Do* governor may have a drinking spring water manufacturer referred to in Article 18 (1) submit the results of measurement of the level, volume, quality, etc. of water (hereinafter referred to as the "results of measurement") under the conditions as determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 7042, Dec. 31, 2003>*

(2) The Mayor/*Do* governor may have a specialized ground water-related agency designated by the Minister of Environment analyze the results of measurement submitted pursuant to paragraph (1). *<Amended by Act No. 7042, Dec. 31, 2003>*

(3) Where it is deemed that the drinking spring water falls short of the component standards of drinking spring water referred to in Article 29 (1) as a result of an analysis of the results of measurement, the Mayor/*Do* governor may have the drinking spring water manufacturer restrict or stop impounding the water. *<Amended by Act No. 7042, Dec. 31, 2003>*

*[This Article Newly Inserted by Act No. 5394, Aug. 28, 1997]*

#### **Article 20 (Conditional Permission on Business Operations)**

(1) The Mayor/*Do* governor may grant permission on condition that the facilities as prescribed in Article 17 shall be installed within the period stipulated by the Ordinance of the Ministry of Environment in granting permission under Article 18 (1). *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(2) The Mayor/*Do* governor shall revoke the permission where any person who has obtained it under paragraph (1) fails to install, without any justifiable reason, the facilities within the stipulated period. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

#### **Article 21 (Limitation on Permission for Business Operations)**

(1) Where there is a cause falling under any of the following subparagraphs, no person shall be granted permission or make registration under Article 18 (1) through (3): *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999; Act No. 7042, Dec. 31, 2003>*

1. Where a person who intends to conduct business (including the executive officers in case of a juristic person; hereinafter in this Article the same shall apply) is a minor, a quasi-incompetent or an incompetent;
2. Where a person who intends to conduct business has been declared bankrupt and has not yet been reinstated;
3. Where a person who intends to conduct business was sentenced to imprisonment for a violation of this Act and his execution of the sentence has not yet been terminated (including the case of being deemed terminated) or exempted;
4. Where any person (including the representative in case of a juristic person) for whom one year has not yet passed after the permission for or registration of his business operation was revoked under Article 40 (1) through (3), desires to carry on the same category of business;



5. Where any person, for whom one year has not yet passed after permission for or registration of his business operation was revoked under Article 40 (1) or (3) intends to carry on drinking spring water manufacturing business or water treatment chemicals manufacturing business at the same place as before;
  6. Deleted; and <by Act No. 5873, Feb. 8, 1999>
  7. Where serious environmental damages such as subsidence of ground or exhaustion of water resources are predicted, or when this Act is violated or it is deemed to damage public interests (limited to the drinking spring water manufacturing business).
- (2) and (3) Deleted. <by Act No. 5873, Feb. 8, 1999>

#### **Article 22 (Succession of Business)**

- (1) When any drinking water-related business operator transfers his business or dies or juristic persons merge, the transferee, the successor or the juristic person which continues to exist after the merger or incorporates due to the merger shall succeed to the status of the business operator.
- (2) The person who takes over all the business facilities and equipment through such procedures as auction under the Civil Execution Act, realization under the Bankruptcy Act, selling of confiscated property under the National Tax Collection Act, the Customs Act or the Local Tax Act, or other equivalent procedures, shall succeed to the status of the business operator. In this case, the permission on business operations for, or registration of the business for, the previous owner shall lose its effect. <Amended by Act No. 6627, Jan. 26, 2002>
- (3) Any person who has succeeded to the status of the business operator under paragraph (1) or (2) shall report to the Mayor/Do governor within a month, as prescribed by the Ordinance of the Ministry of Environment. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan. 7, 2000; Act No. 7042, Dec. 31, 2003>

#### **Article 23 (Import Declaration, etc.)**

- (1) Any person who intends to import drinking spring water, water treatment chemicals or their containers shall make a declaration at the Minister of Environment as prescribed by the Ordinance of the Ministry of Environment. <Amended by Act No. 5394, Aug. 28, 1997>
- (2) The Minister of Environment may, where he deems it necessary, have relevant public officials or inspection institutes conduct necessary inspection of declared drinking spring water, etc. under paragraph (1) before the completion of the customs formalities. <Amended by Act No. 5394, Aug. 28, 1997>
- (3) With respect to a drinking spring water import-sale businessman who has not paid the water-quality improvement charges under Article 28 not less than twice, the Minister of Environment may refuse such inspection as referred to in paragraph (2). <Newly Inserted by Act No. 7042, Dec. 31, 2003>

#### **Article 24 (Quality Manager)**

(1) A drinking spring water manufacturer, a water treatment chemicals manufacturer or a water purifier manufacturer shall hire a quality manager: Provided, That where a drinking spring water manufacturer, a water treatment chemicals manufacturer or a water purifier manufacturer, who is an individual, satisfies the qualifications for the quality manager under paragraph (5) and conducts directly the business under paragraph (2), he may be exempt from hiring a separate quality manager. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>

(2) A quality manager shall control the quality of drinking spring water, water treatment chemicals or water purifiers in the process of their manufacturing and manage their manufacturing facilities in a sanitary manner. <Amended by Act No. 7042, Dec. 31, 2003>

(3) Any drinking spring water manufacturer, water treatment chemicals manufacturer or water purifier manufacturer shall not interfere with the duties of the quality manager as provided in paragraph (3), and shall, if a request necessary for the execution of his duties is made, comply with it unless there exist justifiable causes. <Amended by Act No. 5394, Aug. 28, 1997>

(4) Deleted. <by Act No. 5873, Feb. 8, 1999>

(5) The qualification standards for a quality manager shall be determined by the Presidential Decree. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999>

#### **Article 25 (Education for Quality Managers)**

(1) Drinking spring water manufacturers, water treatment chemicals manufacturers, water purifier manufactures and quality managers shall undergo the education on quality management conducted by the Minister of Environment. <Amended by Act No. 5394, Aug. 28, 1997>

(2) Any person who intends to be a quality manager in accordance with the provisions of Article 24 shall, undergo the education as provided in paragraph (1) in advance: Provided, That where any prospective quality manager is unable to receive the education in advance because of an unexpected accident or other unavoidable reasons, he may receive the education after he becomes a quality manager.

(3) Deleted. <by Act No. 5873, Feb. 8, 1999>

(4) The execution institute, and contents etc. of the quality management education under paragraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Environment. <Amended by Act No. 5394, Aug. 28, 1997>

(5) The Minister of Environment may collect expenses required for education referred to in paragraphs (1) and (2) from those subject to education or those who employ those subject to education. <Newly Inserted by Act No. 5394, Aug. 28, 1997>

#### **Article 26 (Medical Examination)**

(1) Employees engaged in the drinking spring water manufacturing (including the drinking spring

water manufacturers where he is directly engaged in the manufacturing) shall receive a medical examination: Provided, That where they receive the same kind of medical examination pursuant to other Acts and subordinate statutes, they may substitute it for a medical examination as provided in this Act. *<Amended by Act No. 5873, Feb. 8, 1999>*

(2) Any person who has not received a medical examination referred to in paragraph (1), or who has turned out, as a result of a medical examination, to have been infected with a disease which threatens to do harm to the health of others, shall not be engaged in his work. *<Amended by Act No. 5873, Feb. 8, 1999>*

(3) Deleted. *<by Act No. 5873, Feb. 8, 1999>*

(4) The method, etc. of conducting a medical examination under paragraph (1) and kinds of diseases which prohibit his employment under paragraph (2) shall be determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 5394, Aug. 28, 1997>*

#### **Article 27 (Matters to be Observed)**

(1) Any drinking water-related business operator shall observe matters as determined by the Ordinance of the Ministry of Environment in respect of the management of raw materials, production processes, and quality control. *<Amended by Act No. 5394, Aug. 28, 1997>*

(2) Deleted. *<by Act No. 5873, Feb. 8, 1999>*

#### **Article 28 (Imposition and Collection of Water Quality Improvement Charges)**

(1) With a view to protecting public groundwater resources and contributing to the development of the quality of drinking water, the Minister of Environment may impose and collect water-quality improvement charges (hereinafter referred to as "charges") on and from drinking spring water manufacturers, drinking spring water importers-sales businessmen or other persons who have permission on business referred to in Article 9, under the conditions as determined by the Presidential Decree: Provided, That charges shall be imposed on and collected from drinking water manufacturers and importers-sales businessmen at rates as determined by the Presidential Decree within the limit of 20/100 of the average selling prices, and charges shall be imposed on and collected from other persons referred to in Article 9 under the conditions as determined by the Presidential Decree within the limit of 20/100 of spring water costs in the selling prices of products using spring water. *<Amended by Act No. 5394, Aug. 28, 1997>*

(2) Those subject to charges, average selling prices, calculation method of the amount of charges, methods, and procedures, of imposition and collection of improvement charges and other necessary matters under paragraph (1) shall be determined by Presidential Decree. *<Amended by Act No. 5394, Aug. 28, 1997>*

(3) The Minister of Environment shall impose and collect a late additional dues when any person liable to pay improvement charges under paragraph (1) fails to pay within a specific time limit. In

this case, the provisions of Articles 21 and 22 of the National Tax Collection Act shall apply mutatis mutandis to additional dues. <Amended by Act No. 5394, Aug. 28, 1997>

(4) The improvement charges and additional dues collected under paragraphs (1) through (3) shall be the revenues of the Special Account on Environmental Improvement as provided in the Act on the Special Accounts for Environment Improvement. <Amended by Act No. 5394, Aug. 28, 1997>

(5) The Minister of Environment shall grant an amount equivalent to 50/ 100 of charges and additional dues collected from drinking spring water manufacturers or other persons who have obtained permission on the development of spring water referred to in Article 9, who are determined by the Presidential Decree, from the revenues of Special Account on Environment improvement to the *Si*, *Gun* or autonomous *Gu* where a catchment spring is located. <Newly Inserted by Act No. 5394, Aug. 28, 1997>

(6) Where delegates, authority to collect of the improvement charges and additional dues to the Mayor/*Do* governor under Article 45 the Minister of Environment he may grant part of collected improvement charges and additional dues as collection fees in accordance with the Presidential Decree. <Amended by Act No. 5394, Aug. 28, 1997>

(7) Where any person liable to pay improvement charges or additional dues fails to pay them within a specified time limit, the Minister of Environment or the Mayor/*Do* governor as referred to in paragraph (6) shall collect them, following the example of the disposition for the failure to pay national or local taxes. <Amended by Act No. 5394, Aug. 28, 1997>

#### **Article 28-2 (Purposes for Water-Quality Improvement Charges)**

Water-quality improvement charges collected pursuant to Article 28 shall be used only for purposes falling under any of the following subparagraphs: Provided, That the amount granted as the collection expenses pursuant to Article 28 (6) shall be spent for expenses required for the imposition and collection of the water-quality improvement charges:

1. Support for working expenses for water quality management policies of spring water referred to in Article 5 (1);
2. Support for expenses for the quality examination of spring water; and
3. Other purposes as determined by the Presidential Decree to preserve public groundwater resources.

*[This Article Newly Inserted by Act No. 5394, Aug. 28, 1997]*

#### **Article 28-3 (Verifying Mark of Charges)**

(1) The Minister of Environment may have the drinking spring water manufacturer indicate the mark verifying that it is subject to the payment of or exemption from the charges (hereinafter referred to as "verifying mark of charges") on the containers of drinking spring water which are taken out of the warehouse, under the conditions as prescribed by the Presidential Decree.

(2) The size and methods of indication of the verifying mark of charges and other matters necessary for the management of verifying mark of charges shall be determined by the Ordinance of the Ministry of Environment.

(3) The Minister of Environment may put restrictions on the use of the verifying mark of charges by a drinking spring water manufacturer who has not paid charges not less than twice. *<Newly Inserted by Act No. 7042, Dec. 31, 2003>*

*[This Article Newly Inserted by Act No. 6103, Jan. 7, 2000]*

#### **Article 28-4 (Manufacturer of Verifying Mark of Charges)**

(1) The Minister of Environment may designate those who satisfy the facilities and qualifications as determined by the Ordinance of the Ministry of Environment as a manufacturer of verifying mark of charges.

(2) The Minister of Environment may, in case where the manufacturer of verifying mark of charges designated under paragraph (1) falls under any of the following subparagraphs, revoke the relevant designation: Provided, That if he falls under subparagraph 1, his designation shall be revoked:

1. Where he has obtained a designation by deceit or other illegal means;
2. Where he fails to satisfy the designation requisites under paragraph (1); and
3. Where he violates this Act or the orders issued under this Act.

*[This Article Newly Inserted by Act No. 6103, Jan. 7, 2000]*

### **CHAPTER V STANDARDS AND INDICATIONS, ETC.**

#### **Article 29 (Standards and Standardization)**

(1) The Minister of Environment may determine and announce publicly the standards of the type, performance, manufacturing method, storing method, distribution period and after-control, etc. of the drinking spring water, water treatment chemicals, water purifiers or their containers (hereinafter referred to as the "drinking spring water, etc.") and the standards of constituents thereof. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan 7, 2000>*

(2) For drinking spring water, etc. which the criteria and standards as provided in paragraph (1) are not decided on, the Minister of Environment may have the relevant manufacturer submit his own criteria and standards, and authorize them, after the inspection by an inspection agency designated under Article 35, as the criteria and standards for the relevant drinking spring water, etc. *<Amended by Act No. 5394, Aug. 28, 1997>*

(3) Deleted. *<by Act No. 6103, Jan 7, 2000>*

(4) Drinking spring water etc. which falls short of the criteria and standards under paragraphs (1) and (2) shall neither be sold, manufactured, imported, stored, transported or displayed for the purpose of sale, nor be used for other business purpose.

### **Article 30 (Standards for Indication)**

(1) The Minister of Environment may determine the necessary standards for the indication on the containers or packings for drinking spring water, water treatment chemicals or water purifiers, and for the use of names of products. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan. 7, 2000>*

(2) Deleted. *<by Act No. 5873, Feb. 8, 1999>*

### **Article 30-2 (Criteria, Standards and Indication Criteria for Drinking Spring Water for Export)**

(1) The criteria, standards and indication criteria for the drinking spring water manufactured for exports may be based upon the criteria, standards and indication criteria which are requested by the importer of drinking spring water, etc., notwithstanding the provisions of Articles 29 (1) and (2), and 30.

(2) The business operator related to drinking water shall, where he intends to manufacture the drinking spring water, etc. based upon the criteria, standards and indication criteria requested by the importer, submit the documents, etc. attesting it to the Mayor/*Do* governor under the conditions as determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 7463, Mar. 31, 2005>*

*[This Article Newly Inserted by Act No. 6103, Jan. 7, 2000]*

### **Article 31 (Restriction on Advertisement)**

(1) The Minister of Environment may prohibit or put restrictions on the advertisement of drinking spring water when recognizing its necessity for the public good as prescribed by the Presidential Decree. *<Amended by Act No. 5394, Aug. 28, 1997>*

(2) Where any drinking spring water manufacturers or import and sales businessman violates the prohibition or restriction as prescribed in paragraph (1), the Mayor/*Do* governor may issue an order or take measures necessary for the correction of the situation such as putting restriction on the import or sale of drinking spring water, or the removal of the advertising materials. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7463, Mar. 31, 2005>*

### **Article 32 (Prohibition of False or Exaggerated Indications and Advertisements, etc.)**

(1) No false or exaggerated indications and advertisements with respect to the name, manufacturing method, and quality of drinking spring water, water treatment chemicals, water purifiers, and their containers and packing shall be allowed nor shall indications and advertisements that may cause persons to mistaken them for medical and pharmaceutical products be allowed. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999>*

(2) The scope of false or exaggerated indications and advertisements as provided in paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Environment.

<Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999>

## CHAPTER VI INSPECTION

### **Article 33 (Duty of Quality Self-Inspection)**

(1) Any drinking spring water, etc. manufacturer shall conduct a selfinspection in accordance with the Ordinance of the Ministry of Environment about whether his products conform to the standards and standardizations as prescribed in Article 29 (1) and (2), and then keep the record of the inspection. <Amended by Act No. 5394, Aug. 28, 1997>

(2) In the case where the Mayor/Do governor deems that a drinking spring water, etc. manufacturer is unfit for conducting the self-inspection as provided in paragraph (1), he may entrust the inspection to an inspection agency designated under Article 35. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>

### **Article 34 (Entry, Inspection, Collection, etc.)**

(1) The Minister of Environment or the Mayor/Do governor, where it is deemed necessary to prevent harm to the people's health caused by business related to drinking water, may have any drinking water-related business operator or other related persons make necessary reports, or have any relevant public official enter business sites, offices, warehouses, factories, storage places, shops (hereinafter referred to as the "business places"), or other similar places to inspect the raw materials, products, containers, packings, or manufacturing and business facilities used for the purpose of sale or other business purposes; or collect free the smallest amount of the raw materials, products, containers, or packings necessary for the inspection; and, if necessary, peruse the business-related books and documents. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999>

(2) Any public official who intends to enter, inspect, collect, or peruse under paragraph (1) shall produce a certificate indicating authority to the persons concerned.

### **Article 35 (Designation of Inspection Agency)**

(1) The Minister of Environment may designate an inspection agency equipped with the necessary facilities and manpower for the inspection of the raw materials, products, containers, etc. collected under Article 34 (1) and for the inspection of the quality of drinking water under Article 5 (2).

<Amended by Act No. 5394, Aug. 28, 1997>

(2) The Minister of Environment may, in case where he intends to designate an inspection agency under paragraph (1), evaluate the capability of an agency applying for the designation concerning the measurement and analysis of quality of drinking water. <Newly Inserted by Act No. 6103, Jan. 7, 2000>

(3) Where an inspection agency designated under paragraph (1) violates this Act or an order issued

under this Act, the Minister of Environment may cancel its designation. <Newly Inserted by Act No. 5394, Aug. 28, 1997>

(4) Matters on the designation, evaluation and cancellation of an inspection agency referred to in paragraphs (1) through (3) shall be determined by the Ordinance of the Ministry of Environment. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan. 7, 2000>

## **CHAPTER VII GUIDANCE TO AND SUPERVISION OVER OPERATORS**

### **Article 36 (Order for Guidance and Improvement)**

(1) The Minister of Environment and the Mayor/Do governor may guide or order drinking water-related business operators where it is deemed to cause or threat to cause serious injury and damage to the environmental preservation or the national health. <Amended by Act No. 5394, Aug. 28, 1997>

(2) In case where the manufacturing facilities do not come up to the standards for facilities as prescribed in Article 17 or where a drinking water-related operator or a manufacturer of verifying mark of charges violates this Act or an order under this Act, the Minister of Environment or the Mayor/Do governor may issue an order for the improvement of the facilities within a certain period or an order to take other necessary measures. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan. 7, 2000; Act No. 7042, Dec. 31, 2003>

**Article 37 Deleted.** <by Act No. 5394, Aug. 28, 1997>

### **Article 38 (Measures of Closure, etc.)**

(1) Where business is operated without permission, registration or report notwithstanding the provisions of Article 18 (1) through (4) or when the business operation continues after the permission or registration has been revoked or the business closure order has been issued under the provisions of Article 40 (1) or (3), the Mayor/Do governor may have relevant public official take one of the following measures in order to shut down the business place: <Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>

1. Removal and clearing of the signboard at the place of business and other business signs;
2. Putting up a notice indicating the business place is not a legal one; and
3. Putting a stamped seal which makes it impossible to use the facilities and other business equipment at the business place.

(2) The Mayor/Do governor may have the stamped seal removed where it is deemed not necessary to keep the stamped seal as provided in paragraph (1) 3 or where the businessman or his representative asks for the removal of the stamped seal by promising the closure of the business place or providing other reasonable excuses. This provision shall apply to the case of the notice put



up as prescribed in paragraph (1) 2. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(3) The Mayor/*Do* governor shall, where he intends to take one of the measures as prescribed in paragraph (1), notify his intention in writing to the businessman or his representative, except in case of urgency. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(4) The measures taken under paragraph (1) shall be limited to the minimal extent necessary to make the business not available.

(5) Any relevant public official shall produce a certificate indicating his authority to the persons concerned pursuant to paragraph (1).

#### **Article 39 (Measure of Destruction, etc.)**

(1) The Mayor/*Do* governor may have a relevant public official seize or destroy drinking spring water, water treatment chemicals or water purifiers, and their containers or packings violating Article 29 (4) or 32 (1), or may order operators, etc. to take necessary measures by designating treatment methods, etc. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999; Act No. 7042, Dec. 31, 2003>*

(2) The Mayor/*Do* governor may have a relevant public official seize or destroy drinking spring water, water treatment chemicals, or their containers or packings which are manufactured or imported without getting permission or without making a registration or report under Article 18 (1) through (4), or 23 and drinking spring water without a verifying mark of charges. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan. 7, 2000; Act No. 7042, Dec. 31, 2003>*

(3) When the relevant public officials seize or destroy them under the provisions of paragraph (1) or (2), they shall produce a certificate indicating authority to the persons concerned.

(4) Deleted. *<by Act No. 6103, Jan. 7, 2000>*

#### **Article 40 (Revocation, etc. of Permission)**

(1) Where a drinking water-related business operator falls under any of the following subparagraphs, the Mayor/*Do* governor may revoke the business permission or registration or order the closure of business place or the suspension of business operations for not exceeding six months under the conditions as determined by the Presidential Decree: Provided, That the provisions of subparagraphs 1, 4 and 5 shall not apply to the person who conducts a manufacturing business or importing and selling business of water purifiers, and those of subparagraphs 4 through 6 to the person who conducts a manufacturing business of water treatment chemicals: *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999; Act No. 6103, Jan. 7, 2000; Act No. 7042, Dec. 31, 2003>*

1. Where he falls under any of subparagraphs 1 through 3 of Article 21: Provided, That this shall not apply where he falls under any of the following items:

- (a) A juristic person has any officers falling under any of subparagraphs 1 through 3 of Article 21 and has replaced the relevant officer within 2 months; and
  - (b) A successor who has succeeded to the status of an operator under Article 22 (1) transfers his business within three months since the date of beginning the succession;
2. Where he obtains permission or modified permission under Article 18 (1) or makes a registration or a modified registration and a report or a modified report under Article 18 (2) through (4) by deceit or other unjust methods;
  3. Where he violates the latter sentences of Article 18 (1) through (4), or Article 24 (1) and (3), 25 (1), 26 (1), 27, 29 (4), 32 (1), or 33 (1);
  4. Where he violates the condition as specified in Article 18 (5);
  5. Where he sells drinking spring water without a verifying mark of charges;
  6. Where he violates the prohibition or restriction as prescribed in Article 31 (1) or violates the order or measures issued or taken under Article 31 (2);
  7. Where he has proved to the water quality standard as prescribed in Article 5 (3) or the standards and standardization as provided in Article 29 (1) and (2), as result of the examination carried out under Article 34 (1);
  8. Where he violates an order issued under Article 36 or 39 (1); and
  9. Where he violates this Act or an order issued under this Act.
- (2) Where a drinking water-related business operator continues to carry on his business against the order of the business suspension under paragraph (1), the Mayor/*Do* governor may revoke the permission or registration of his business or order the closure of his business place. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan. 7, 2000; Act No. 7042, Dec. 31, 2003>*
- (3) Where a drinking water-related business operator suspends his business operations continuously for more than six months without any justifiable reason, the Mayor/*Do* governor may revoke the permission or registration of his business or order the closure of his business place. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan. 7, 2000; Act No. 7042, Dec. 31, 2003>*
- (4) The minute details of administrative dispositions taken under paragraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Environment in consideration of the kinds and degree of an offense. *<Amended by Act No. 5394, Aug. 28, 1997>*

**Article 41 (Succession to Effects of Administrative Dispositions)**

Where a drinking water-related business operator transfers his business to another person or where juristic persons merges, the effect of an administrative disposition taken against the previous drinking waterrelated business operator for occasion of the violating each subparagraph of Article 40 (1) or (2) shall be succeeded to by the transferee or the juristic person existing after the merger for one year after the completion of the disposition period and where the procedures of any administrative disposition are under way, the procedures of the administrative disposition may

proceed with the transferee or the juristic person existing after the merger: Provided, That this provision shall not apply, to the case where the transferee or the juristic person existing after the merger proves that he did not know the fact of any disposition or offense at the time of a transfer or a merger.

#### **Article 42 (Hearing)**

Where the Minister of Environment or the Mayor/Do governor intends to take a disposition falling under any of the following subparagraphs, he shall hold a hearing: *<Amended by Act No. 6103, Jan. 7, 2000; Act No. 7042, Dec. 31, 2003>*

1. Revocation of the registration referred to in Article 14 (1) or of the designation referred to in Article 35 (3);
  - 1-Revocation of the designation of a manufacturer of verifying mark of charges under Article 2. 28-4 (2); and
2. Revocation of the business permission and registration or the closure of business place under Article 40 (1) though (3).

*[This Article Wholly Amended by Act No. 5453, Dec. 13, 1997]*

#### **Article 43 (Penalty Surcharge Disposition)**

(1) Where any drinking water-related business operator falls under Article 40 (1), the Mayor/Do governor may impose a penalty surcharge not exceeding fifty million won as determined by the Presidential Decree in lieu of the suspension of business operation. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(2) The amount of the penalty surcharge in accordance with the kinds and degree of an offense for which the penalty surcharge is imposed under paragraph (1) and other necessary matters shall be determined by the Presidential Decree.

(3) Where the penalty surcharge imposed under paragraph (1) is not paid within the time limit, the Mayor/Do governor may collect it following the example of dispositions for local taxes in arrears. *<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>*

(4) Deleted. *<by Act No. 7042, Dec. 31, 2003>*

### **CHAPTER VIII SUPPLEMENTARY PROVISIONS**

#### **Article 44 (Subsidy from National Treasury)**

The Minister of Environment may subsidize, within the limits of the budget, the whole or part of the expenses as prescribed in any of the following subparagraphs: *<Amended by Act No. 5394, Aug. 28, 1997>*

1. Expenses necessary for the employment of the quality supervisors of drinking water under Article 6 (1);

2. Expenses for the examination by the relevant examination institute as prescribed in Article 23 (2) or by the examination institute as provided in Article 35;
3. Expenses for the collection as prescribed in Article 34 (1); and
4. Expenses for the destruction as prescribed in Article 39.

#### **Article 44-2 (Relation to Other Acts)**

In case where the person who has obtained or reported the permission on the development and utilization of groundwater under Articles 7 and 8 of the Groundwater Act has to obtain a permission on the development of spring water under Article 9 due to a change of usage of groundwater or an increase of capability of impounding water, he shall be considered to have obtained a provisional permission on the development of spring water when he files, under the conditions as prescribed by the Presidential Decree, an application for a provisional permission on the development of spring water to the Mayor/*Do* governor under Article 9-2. <Amended by Act No. 7042, Dec. 31, 2003>

*[This Article Newly Inserted by Act No. 6103, Jan. 7, 2000]*

#### **Article 44-3 (Request for Data)**

- (1) Where it is necessary to efficiently operate a drinking water control system, the Minister of Environment may request the relevant central administrative agency, local government, or other public organizations to submit necessary data.
- (2) Any person who is requested to submit data pursuant to paragraph (1) shall comply with it unless there exist justifiable causes.

*[This Article Newly Inserted by Act No. 7042, Dec. 31, 2003]*

#### **Article 45 (Delegation and Entrustment, etc.)**

- (1) Part of the powers of the Minister of Environment endowed by this Act may be delegated, as determined by the Presidential Decree, to the head of any regional environmental government office, the Director of the National Institute of Environmental Research, the Mayor/*Do* governor or the head of *Si/Gun/Gu*. <Amended by Act No. 5394, Aug. 28, 1997>
- (2) As determined by the Presidential Decree, the Minister of Environment may entrust a relevant professional agency to carry out part of the examination task as prescribed in Article 23 (2) or 34 and part of the education on quality management as specified in Article 25 to any relevant professional agency. <Amended by Act No. 5394, Aug. 28, 1997>
- (3) The employees of the relevant professional agency carrying out the task entrust pursuant to paragraph (2) shall be regarded as public officials in the application of Articles 129 through 132 of the Criminal Act is concerned.

#### **Article 46 (Fees)**

Any person who intends to obtain permission, etc. falling under any of the following matters shall

pay fees as determined by the Ordinance of the Ministry of Environment: <Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999>

1. Permission or modified permission on the development of spring water referred to in Article 9 or permission on an extension referred to in Article 9-4 (2);
2. The registration or modified registration of an agent for the environmental impact investigation as provided in Article 12;
3. The permission or modified permission on the drinking spring water manufacturing business under Article 18 (1);
4. The registration or modified registration of water treatment chemicals manufacturing business under Article 18 (2);
5. The registration or modified registration of drinking spring water import and sales business as provided in Article 18 (3); and
6. The report or modified report on manufacturing business and import and selling business of water purifiers referred to in Article 18 (4).

## **CHAPTER IX PENAL PROVISIONS**

### **Article 47 (Penal Provisions)**

Any person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than five years or a fine not exceeding fifteen million won. In this case, an imprisonment and a fine may be jointly imposed: <Amended by Act No. 6103, Jan. 7, 2000>

1. Any person who violates subparagraph 1 or 2 of Article 16;
2. Any person who carries on a drinking spring water manufacturing business without obtaining permission or modified permission under Article 18 (1) or who obtains permission or modified permission by deceit or other unjust methods;
3. Any person who counterfeits, alters or reuses a verifying mark of charges, or carries, uses or delivers to others a verifying mark of charges; and
4. Any person who manufactures a verifying mark of charges without obtaining the designation as the manufacturer of verifying mark of charges under Article 28-4.

### **Article 48 (Penal Provisions)**

Any person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine not exceeding ten million won. In this case imprisonment and a fine may be imposed cumulative: <Amended by Act No. 5394, Aug. 28, 1997; Act No. 6103, Jan. 7, 2000>

1. Any person who violates Article 7 (2);
2. Any person who violates subparagraph 3 or 4 of Article 16;

3. Any person who carries on water treatment chemicals manufacturing business without making a registration under Article 18 (2) or who makes a registration by fraud or other unjust methods;
4. Any person who carries on drinking spring water import and sales business without making a registration under Article 18 (3) or who makes a registration by fraud or other unjust methods;
5. Any person who carries on manufacturing business and import and selling business of water purifiers without making a report referred to in Article 18 (4) or makes a report by fraud or other unjust means;
6. Any person who imports drinking spring water and/or its containers without making a declaration as prescribed in Article 23 (1) or by making a false declaration;
7. Any person who sells, for purpose of sale, manufactures, imports, stores, transports, displays, or use for business, drinking spring water and/ or its containers in violation of the provisions of Article 29 (4);
8. Any person who falls to fulfill an order issued under Article 36 (1) or Article 39 (1); and
9. Any person who manufactures drinking spring water manufacturing business in violation of the order of business suspension as prescribed in Article 40 (1).

**Article 49 (Penal Provisions)**

Any person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than one year or a fine not exceeding three million won: <Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999>

1. Any person who develops spring water without obtaining permission or modified permission under Article 9 or by develops it obtaining permission or modified permission by fraud or other unjust methods;
2. Deleted; <by Act No. 5394, Aug. 28, 1997>
3. A person who violates conditions referred to in Article 9-3 (2) or 18 (5);
4. A person who prepares a written investigation referred to in Article 10 (1);
5. Any person who conducts agency business for the environmental impact investigation without having been registered as an agent for investigation under Article 12;
6. Any person who carries on water treatment chemicals manufacturing business without making a modified registration under Article 18 (2);
7. Any person who carries on manufacturing business and import and selling business of water purifiers without making a modified report on manufacturing business and import and selling business of water purifiers referred to in Article 18 (4);
8. Deleted; <by Act No. 7042, Dec. 31, 2003>
9. Any person who imports water treatment chemicals or their containers without making a declaration as prescribed in Article 23 (1) or by making declaration;
10. Any person who violates Article 24 (1) and (3), or 32 (1);

11. Any person who violates Article 24 (2);
12. Deleted; <by Act No. 7042, Dec. 31, 2003>
13. Any person who sells or, for the purpose of sales, manufactures, imports, stores, transports, displays, or uses for business, water treatment chemicals or their containers in violation of Article 29 (4);
14. Any person who sells water purifiers or manufactures, imports, stores, transports, displays for the purpose of selling them or uses them on business in violation of Article 29 (4);
15. Any person who violates the prohibition or restriction of advertisement as prescribed in Article 31 (1);
- 15-Any person who fails to fulfill an order referred to in Article 31 (2);
- 2.
16. Any person who fails to conduct the quality self-inspection as prescribed in Article 33 (1);
17. Any person who refuses, obstructs, or evades entry, inspection, or collection as prescribed in Article 34;
18. Any person who refuses, obstructs or evades the closure, seizure or destruction as prescribed in Article 38 or 39 (2);
19. Any person who carries on water treatment chemicals manufacturing business in violation of the order of business suspension under Article 40 (1); and
20. Any person who carries on manufacturing business and import and selling business of water purifiers in violation of an order for suspension of business referred to in Article 40 (1).

#### **Article 50 (Joint Penal Provisions)**

When the representative of a juristic person, or an agent, servant, or any other employee of a juristic person or an individual commits an offense as prescribed in Articles 47 through 49, in relation to the business work of the juristic person or the individual, a fine as prescribed in each relevant Article shall be imposed on the juristic person or individual in addition to the punishment of the offender.

#### **Article 51 (Fine for Negligence)**

(1) Any person who falls under one of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won: <Amended by Act No. 5394, Aug. 28, 1997; Act No. 5873, Feb. 8, 1999; Act No. 7042, Dec. 31, 2003>

1. Any person who fails to make a report as prescribed in Article 18 (6) or who makes a change in permitted or registered matters by making a false report;
2. Any person who fails to make a report in violation of Article 22 (3) or who makes a false report;
3. Any person who violates Article 25 (1) or 26 (1);

4. Any person who fails to make a report as prescribed in Article 34 (1) or who makes a false report;
  5. Any person who fails to keep a record as prescribed in Article 33 (1) or who keeps a false record; and
  6. Any person who fails to fulfill an order as prescribed in Article 36 (2).
- (2) As determined by the Presidential Decree, a fine for negligence as prescribed in paragraph (1) shall be imposed and collected by the Minister of Environment or the Mayor/Do governor.  
<Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>
- (3) Any person who has an objection to the disposition to the fine for negligence imposed under paragraph (2), may make an objection against it with the Minister of Environment or the Mayor/Do governor within thirty days from the date on which notice of the disposition is received. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>
- (4) Where any person who had been subject to a disposition to the fine for negligence under paragraph (2) makes an objection against it pursuant to paragraph (3), the Minister of Environment or the Mayor/Do governor shall notify, without any delay, the fact to the competent court and the competent court notified shall put the case on trial in accordance with the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 5394, Aug. 28, 1997; Act No. 7042, Dec. 31, 2003>
- (5) Where no fine for negligence is paid without making any objection under paragraph (3), it shall be collected following the example of the disposition for national or local taxes in arrears.  
<Amended by Act No. 7042, Dec. 31, 2003>

## **ADDENDA**

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

This Act shall enter into force on May 1, 1995.

### **Article 2 (Transitional Measures concerning Permission on Business Operation)**

- (1) Any person who has already obtained permission for drinking spring water manufacturing business under Article 22 of the Food Sanitation Act when this Act enters into force, shall be regarded as having obtained a permission for the drinking spring water manufacturing business as prescribed by this Act: Provided, That within one year since the date of enforcement of this Act, the above mentioned person shall be equipped with the facilities meeting the facility standards as prescribed in Article 17 and shall, at the same time, prepare and submit an written investigation as provided in Article 10.
- (2) The Minister of Environment may set the necessary condition as prescribed in Article 18 (4) when necessitated as a result of the evaluation of a written investigation submitted under the proviso



of paragraph (1) of this Article, and, at the same time, may order the supplement to the facilities within the specified period of no less than six months when the facilities are not equipped.

(3) Any person, who has already made, when this Act enters into force, the registration/report or the modified registration/modified report for water treatment chemicals manufacturing business under Article 14 (2) of the Public Health Act, shall be regarded as having made the registration/report or the modified registration/modified report under Article 18 (2) or (5).

**Article 3 (Transitional Measures concerning Permission on Development of Fountainhead)**

Any person who has already developed or is developing fountainhead in order to carry on drinking spring water manufacturing business when this Act enters into force, shall obtain permission as prescribed in Article 9 (1) within thirty days from the enforcement date of this Act. Any person who has not obtained the permission within this period of time shall not obtain permission as prescribed in Article 18 (1).

**Article 4 (Transitional Measures concerning Continuing Actions)**

The public notices, administrative dispositions, or actions by an administrative agency or various applications, reports, or agency towards the administrative authorities carried out, before the enforcement of this Act, under the Food Sanitation Act or the Public Health Act, shall be regarded as actions by or against any administrative agency carried out under this Act where this Act includes provisions corresponding to them.

**Article 5 (Transitional Measures concerning Application of Penal Provisions)**

The application of penal provisions to any offense of the Food Sanitation Act or the Public Health Act committed before the enforcement of this Act shall be governed by the former provisions of the Food Sanitation Act or the Public Health Act.

**Article 6** *Omitted.*

**Article 7 (Relationship with Other Acts)**

In case where the Food Sanitation Act or the Public Health Act or their provisions are cited by any other Act and if this Act includes provisions corresponding to those quoted ones, this Act or the corresponding provisions of this Act shall be regarded as having been cited by other Acts.

**ADDENDA <Act No. 5394, Aug. 28, 1997>**

**Article 1 (Enforcement Date)**

This Act shall enter into force at the expiration of three months after the date of its promulgation: Provided, That matters on the type, performance and manufacturing methods of drinking spring water of the amended provisions of subparagraphs 2 and 3 of Article 3 and Article 29 shall enter into force on the date of its promulgation.

**Article 2 (Transitional Measures on Permission, etc. on Development of Spring Water)**

(1) Any person who has obtained permission on the development of fountainhead under the previous provisions at the time of the entry into force of this Act shall be deemed to have obtained permission on the development of spring water under the amended provisions of Article 9.

(2) Any person who has obtained permission on the development and use of groundwater pursuant to Article 7 of the Groundwater Act at the time of the entry into force of this Act shall be deemed to have obtained permission on the development of spring water under the amended provisions of Article 9.

(3) Any person who has been deemed to have obtained permission of the development of spring water pursuant to paragraphs (1) and (2) shall prepare and submit a written investigation under the amended provisions of Article 10 not later than two years from the date of the entry into force of this Act.

(4) The Minister of Environment shall set necessary conditions under the amended provisions of Article 9-3 (2) according to the result of a written investigation submitted pursuant to paragraph (3).

**Article 3 (Transitional Measures on Report on Manufacturing Business and Import and Selling Business of Water Purifiers)**

Any person who carries on a manufacturing business or import and selling business of water purifiers at the time of the entry into force of this Act shall make a report on manufacturing business or import and selling business of water purifiers referred to in Article 18 (4) not later than six months from the date of the entry into force of this Act.

**Article 4 (Transitional Measures on Continued Acts)**

Notification, administrative dispositions or other acts or applications, reports by administrative agencies or other acts to administrative agencies made under the Groundwater Act prior to the entry into force of this Act shall be deemed to be acts by or to administrative agencies under this Act if this Act includes the provisions corresponding to them.

**Article 5 (Transitional Measures on Penal Provisions)**

The application of penal provisions to acts committed prior to the entry into force of this Act shall be governed by the previous provisions.

**ADDENDA <Act No. 5453, Dec. 13, 1997>**

**Article 1 (Enforcement Date)**

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

**Article 2 Omitted.**

**ADDENDA <Act No. 5873, Feb. 8, 1999>**

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures concerning Term of Validity of Permission on Development of Spring Water)**

The term of validity of permission on development of spring water granted under the previous provisions at the time of the entry into force of this Act shall be governed by the previous provisions notwithstanding the amended provisions of Article 9-4.

**Article 3 (Transitional Measures concerning Agent for Environmental Impact Investigation)**

A person who has been designated as an agent for environmental impact investigation or subject to disposition of revocation of the designation under the previous provisions at the time of the entry into force of this Act shall be deemed to have been registered as an agent for environmental impact investigation or subject to disposition of revocation of the registration under the amended provisions of Article 12.

**Article 4 (Transitional Measures concerning Penal Provisions)**

The application of penal provisions to acts committed prior to the entry into force of this Act shall be governed by the previous provisions.

**ADDENDA <Act No. 6103, Jan. 7, 2000>**

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) (Application Example of Provisions concerning Verifying Mark of Charges) The amendments to Articles 16 and 28-3 shall be applicable to the drinking spring water first produced after the enforcement of this Act.
- (3) (Transitional Measures concerning Penal Provisions) In application of the penal provisions to the offences prior to the enforcement of this Act, the previous provisions shall govern.

**ADDENDA <Act No. 6627, Jan. 26, 2002>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2002.

**Articles 2 through 7 Omitted.**

**ADDENDA <Act No. 7042, Dec. 31, 2003>**

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) (Transitional Measures concerning Application of Penal Provisions) The application of penal provisions to acts committed prior to the entry into force of this Act shall be governed by the previous provisions.

**ADDENDUM <Act No. 7463, Mar. 31, 2005>**

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