



## MANAGEMENT OF DRINKING WATER ACT

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Wholly Amended by Act No. 8368, Apr. 11, 2007  
 Amended by Act No. 8629, Aug. 3, 2007  
 Act No. 8952, Mar. 21, 2008  
 Act No.10154, Mar. 22, 2010  
 Act No.10219, Mar. 31, 2010

### CHAPTER I GENERAL PROVISIONS

#### Article 1 (Purposes)

The purposes of this Act are to prevent drinking water from endangering public health and to contribute to the improvement of living conditions by rationally managing the quality and hygiene of drinking water.

#### Article 2 (Responsibility)

(1) The State and local governments shall develop appropriate policies 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 used in this Act shall be as follows: <Amended by Act No. 8629, Aug. 3, 2007>

1. The term "drinking water" means natural water commonly used for drinking purposes, and tap water, drinking spring water and deep sea drinking water, etc. which are treated natural water adequately for drinking;
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 the water that is processed to make spring water potable by means of physical treatment, etc.;
4. The term "deep sea drinking water" means the water that is processed to make deep sea water pursuant to subparagraph 1 of [Article 2 of the Development and Management of Deep Sea Water Act](#) potable by means of physical treatment, etc.;
5. 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;
6. The term "public facilities for drinking water" means mineral springs, fountain sites, wells, etc. developed or naturally formed for the purpose of providing a large number of people with drinking water;
7. 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 has the function of reducing contaminants contained in inflow water;
8. The term "quality test of water purifiers" means any test conducted to comprehensively examine structures, quality of materials, water- purification performance, etc.; and
9. The term "drinking water-related business" means a manufacturing business or import-sale business of drinking spring water, a manufacturing business of water treatment chemicals, or a manufacturing business or import-sale business of water purifiers.

#### Article 4 (Scope of Application)

Of the matters related to drinking water, the Water Supply and Water- works Installation Act shall apply to tap water and the Act on the Development and Management of Deep Sea Water shall apply to drinking deep sea water: *Provided*, That this Act shall apply to the standards for quality of drinking water under [Article 5 \(3\)](#).

*[This Article Wholly Amended by Act No. 8952, Mar. 21, 2008]*

## CHAPTER II QUALITY CONTROL OF DRINKING WATER

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

- (1) The Minister of Environment shall develop policies necessary for controlling the quality of drinking water, such as determining and propagating quality standards for drinking water.
- (2) The Minister of Environment, or the Special Metropolitan City Mayor, Metropolitan City Mayor, Do governor, or Special Self-Governing Province governor (hereinafter referred to as the "Mayor/Do governor") shall conduct the quality test of drinking water. *<Amended by Act No. 8952, Mar. 21, 2008>*
- (3) The standards for and the frequency of quality test of drinking water shall be prescribed by Ordinance of the Ministry of Environment.

### Article 6 (Methods of Officially Determined Quality Test for Drinking Water)

The Minister of Environment shall determine and publish an officially determined quality test for drinking water to ensure the accuracy and uniformity of test of drinking water.  
*<<The amended provisions of this Article shall be valid until Oct. 4, 2007 pursuant to the provisions of Article 2 of the Addenda of Act No. 8369, Apr. 11, 2007>>*

### Article 7 (Drinking Water Quality Supervisors)

- (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, drinking water quality supervisors shall be assigned to the Ministry of Environment, the Special Metropolitan City, Metropolitan Cities, *Dos, Sis, Guns*, and autonomous *Gus*.
- (2) The qualifications, appointment, scope of functions of drinking water quality supervisors as provided in paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

### Article 8 (Management of Public Facilities for Drinking Water)

- (1) The head of *Sil/Gun/Gu* (referring to the head of an autonomous *Gu*; hereinafter the same shall apply) in which the public facilities for drinking water are located shall take necessary measures for the proper management of public facilities for drinking water, such as conducting periodical inspection of the quality of drinking water in public facilities.
- (2) No person shall degrade the quality of drinking water in public facilities or cause damage to such facilities.
- (3) The object of management and the management methods of public facilities for drinking water and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

### Article 8-2 (Installation and Management of Cold and Hot Water Dispensers)

- (1) A person in charge of installation and management of the cold and hot water dispenser shall make a report to the head of a *Sil/Gun/Gu* on where and how many cold and hot water dispensers are installed, as prescribed by Ordinance of the Ministry of Environment. The same shall apply when making a change of the reported matters.
- (2) No person in charge of installation and management of the cold and hot water dispenser shall install the cold and hot water dispensers at places where the drinking water is vulnerable to contamination.
- (3) A person in charge of installation and management of the cold and hot water dispenser shall manage the cold and hot water dispensers hygienically by periodic cleaning, disinfection, etc.
- (4) Detail standards for prohibited places of installation under paragraph (2) and methods of management of the cold and hot water dispensers under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 10154, Mar. 22, 2010]*

## CHAPTER III ENVIRONMENTAL IMPACT SURVEY, ETC.

### Article 9 (Permission, etc. for Development of Spring Water)

Any person who intends to develop spring water above the scope prescribed by Presidential Decree shall obtain permission from the Mayor/Do governor under conditions prescribed by Ordinance of the Ministry of Environment. The same shall also apply to cases where he/she intends to change important matters prescribed by Presidential Decree from among the matters permitted. *<Amended by Act No. 8952, Mar. 21, 2008>*

#### Article 10 (Provisional Permission for Development of Spring Water)

- (1) The Mayor/Do governor may, before he/she grants permission for development of spring water in accordance with [Article 9](#), grant provisional permission to a person who intends to develop spring water that is subject to the environmental impact survey provided for in [Article 13](#) (1) on condition that he/she conduct an environmental impact survey and submit a document pertaining to the environmental impact survey (hereinafter referred to as a "survey document") within the period prescribed by Ordinance of the Ministry of Environment.
- (2) Where a person who has obtained provisional permission pursuant to paragraph (1) fails to submit a survey document within the prescribed period without justifiable grounds, the Mayor/Do governor shall revoke such provisional permission.

#### Article 11 (Restriction, etc. on Permission for Development of Spring Water)

- (1) Where it is deemed to threaten the development of other public groundwater resources or the quality, etc. of surface waters as a result of an environmental impact examination under [Article 18](#), the Mayor/Do governor may not grant permission for the development of spring water referred to in [Article 9](#).
- (2) Where the Mayor/Do governor grants permission for the development of spring water referred to in [Article 9](#), he/she may set necessary conditions, such as restricting the daily volume of water intake according to the results of examination in a survey document referred to in [Article 18](#).

#### Article 12 (Term of Validity of Permission for Development of Spring Water)

- (1) The term of validity of permission for development of spring water referred to in [Article 9](#) shall be five years.
- (2) The Mayor/Do governor may grant an extension of the term of validity on the application of a person who has obtained permission for the development of spring water. In such cases, the period of each extension shall be five years.
- (3) The procedures for application for an extension of the term of validity referred to in paragraph (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

#### Article 12-2 (Revocation of Permission for Development of Spring Water)

- (1) In cases where a person has obtained permission for development of spring water or has obtained extension of the term of validity of permission for development of spring water by deceitful or other unjust means, the Mayor/Do governor shall revoke such permission.
- (2) In cases where a person who has obtained permission for development of spring water pursuant to [Article 9](#) falls under any of the following subparagraphs, the Mayor/Do governor may revoke such permission:
1. In cases where he/she has failed to develop spring water or has failed to obtain permission for a drinking spring water manufacturing business without justifiable reasons within two years after having obtained permission: *Provided*, That this shall not apply in cases where he/she has obtained permission for development of spring water under [Article 9](#) due to change of the purpose of use of ground water, increase in water intake capacity, etc. under [Article 53](#); and
  2. In cases where he/she has failed to obtain permission for a drinking spring water manufacturing business again within two years after his/her permission for the drinking spring water manufacturing business was revoked.

*[This Article Newly Inserted by Act No. 8952, Mar. 21, 2008]*

#### Article 13 (Environmental Impact Survey)

- (1) Any drinking spring water manufacturer and anyone who intends to develop spring water of which daily water-intake capacity conforms to the standards set by Presidential Decree from among those who intend to obtain permission for developing spring water pursuant to [Article 9](#) shall, by predicting and analyzing impacts on the surrounding environment due to the development of spring water and hazardous effects resulted from the surrounding environment, conduct an environmental impact survey on a plan which may reduce these effects, and shall prepare a survey document and submit it to the Mayor/Do governor when applying for permission under [Article 9](#).
- (2) The items of, methods of, and evaluation standards for the environmental impact survey, preparation of a survey document and other necessary matters as provided in paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

#### Article 14 (Vicarious Execution of Environmental Impact Survey)

Anyone who intends to develop the spring water that is subject to the environmental impact survey provided for in [Article 13](#) (1) from among those who intend to obtain permission for developing spring water pursuant to [Article 9](#) shall have an agent for the environmental impact survey as prescribed in [Article 15](#) perform a survey which is required to prepare the survey

document.

#### **Article 15 (Registration of Environmental Impact Survey Agent)**

Any person who intends to execute the environmental impact survey vicariously shall equip himself/herself with the technical capabilities, facilities and equipment as prescribed by Ordinance of the Ministry of Environment and register with the Minister of Environment. The same shall also apply to cases where he/she intends to change important registered matters, as prescribed by Ordinance of the Ministry of Environment.

#### **Article 16 (Disqualifications)**

No person who falls under any of the following subparagraphs shall register under the provisions of [Article 15](#):

1. An incompetent or quasi-incompetent person;
2. A person adjudged bankrupt and not yet reinstated;
3. A person who has been sentenced to imprisonment for a violation of this Act and for whom two years have not passed since the termination (including any case deemed terminated) of or exemption from the execution of such sentence;
4. A person who is still in the grace period after having been sentenced to suspended execution of imprisonment for violation of this Act;
5. A person for whom two years have not yet passed after the registration has been revoked under [Article 17](#); and
6. A juristic person with any officer falling under any of subparagraphs 1 through 5.

#### **Article 17 (Revocation, etc. of Registration of Survey Agent)**

(1) Where a person who registers under [Article 15](#) (hereinafter referred to as a "survey agent") falls under any of the following subparagraphs, the Minister of Environment may revoke the registration or issue an order for the suspension of business operations for a specified period of not more than six months: *Provided*, That where he/she falls under subparagraph 1, 2 or 9, the Minister of Environment shall revoke such registration: *<Amended by Act No. 8952, Mar. 21, 2008>*

1. In cases where he/she falls under each subparagraph of [Article 16](#): *Provided*, That this shall not apply in cases where any officer of a juristic person falls under subparagraph 6 of [Article 16](#), but is replaced within three months;
2. In cases where he/she has obtained registration by fraudulent or other unjust means;
3. In cases where he/she has lent a certificate of registration to or subcontracts in the lump the contracted agency business of the environmental impact survey to another person;
4. In cases where he/she has failed to meet the requirements of registration as prescribed in [Article 15](#);
5. In cases where he/she has been subject to the disposition of the suspension of business operations at least twice a year;
6. In cases where he/she has falsely performed the agency business of the environmental impact survey, such as neglecting a necessary field survey, intentionally or by gross negligence;
7. In cases where he/she has failed to commence the agency business of the environmental impact survey within five years after he/she registered that person as a survey agent or he/she has no record of the environment impact survey for at least five consecutive years;
8. In cases where he/she has run his/her agency business without registering any change to the important registered matters provided for in the latter part of [Article 15](#); and
9. In cases where he/she has run the agency business of the environmental impact survey in the period during which he/she is subject to a disposition taken to suspend the business operation.

(2) The standards for administrative dispositions as prescribed in paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 18 (Environmental Impact Examination)**

(1) The Mayor/*Do* governor shall forward the survey document submitted under [Article 13](#) (1) to the Minister of Environment for its technical examination.

(2) In conducting the technical examination of the survey document submitted under paragraph (1), the Minister of Environment may consider opinions of an expert as prescribed by Presidential Decree.

## **CHAPTER IV BUSINESS OPERATION**

#### Article 19 (Prohibition from Sales, etc.)

No person shall sell items falling under any of the following subparagraphs for the purpose of serving as a drink, or gather, manufacture, import, store, transport or display them for the purpose of selling: <Amended by Act No. 8952, Mar. 21, 2008>

1. Water other than drinking spring water, or the same in a container;
2. Drinking spring water without permission under [Article 21](#) (1), or the same in a container;
3. Drinking spring water imported without an import declaration under [Article 26](#) (1), or the same in a container; and
4. Drinking spring water without a mark verifying charges under [Article 34](#) (1): *Provided*, That the imported drinking spring water shall be excluded.

#### Article 20 (Standards for Facilities)

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

#### Article 21 (Permission, etc. for Business Operation)

(1) Any person who intends to carry on a drinking spring water manufacturing business shall obtain permission from the Mayor/Do governor as prescribed by Ordinance of the Ministry of Environment. The same shall apply to cases where he/she intends to change such important matters as prescribed by Ordinance of the Ministry of Environment.

(2) Any person who intends to carry on a water treatment chemical manufacturing business shall register with the Mayor/Do governor as prescribed by Ordinance of the Ministry of Environment. The same shall apply to cases where he/she intends to change such important matters as prescribed by Ordinance of the Ministry of Environment.

(3) Any person who intends to carry on an import-sale business of drinking spring water shall register with the Mayor/Do governor as prescribed by Ordinance of the Ministry of Environment. The same shall apply to cases where he/she intends to change such important matters as prescribed by Ordinance of the Ministry of Environment.

(4) Any person who intends to carry on a manufacturing business or an import-sale business of water purifiers shall make a report to the Mayor/Do governor as prescribed by Ordinance of the Ministry of Environment by undergoing an inspection by an institution as designated by the Minister of Environment pursuant to [Article 43](#) (1). The same shall apply to cases where he/she intends to change such important matters as prescribed by Ordinance of the Ministry of Environment.

(5) The Mayor/Do governor may, in granting permission as provided in paragraph (1), set a condition such as restricting the daily volume of water intake in accordance with the results of the examination of a survey document under [Article 18](#).

(6) In cases where the person who has obtained permission for business operation or has registered or reported under paragraphs (1) through (4) intends to suspend, reopen or discontinue his/her business operations, or alter minor matters from among the matters permitted, registered or reported, he/she shall report thereon to the Mayor/Do governor as prescribed by Ordinance of the Ministry of Environment.

#### Article 22 (After-Control of Drinking Spring Water Manufacturers)

(1) The Mayor/Do governor may require a spring drinking water manufacturer referred to in [Article 21](#) (1) to submit the results of measurement of the level, volume, quality, etc. of water (hereinafter referred to as the "results of measurement") as prescribed by Ordinance of the Ministry of Environment.

(2) The Mayor/Do governor may require a specialized ground water-related agency designated by the Minister of Environment to analyze the results of measurement submitted pursuant to paragraph (1).

(3) Where it is deemed that the spring drinking water falls short of the component standards for spring drinking water referred to in [Article 36](#) (1) as a result of an analysis of the results of measurement, the Mayor/Do governor may restrict or stop the spring drinking water manufacturer's water intake.

#### Article 23 (Conditional Permission for Business Operations)

(1) The Mayor/Do governor may grant a permit on condition that the facilities as prescribed in [Article 20](#) be installed within the period stipulated by Ordinance of the Ministry of Environment in granting a permit under [Article 21](#) (1).

(2) The Mayor/Do governor shall revoke a permit where any person who has obtained such permit under paragraph (1) fails to install, without justifiable grounds, the facilities within the stipulated period.

#### Article 24 (Limitation on Permit for Business Operations)

In cases where it falls under any of the following subparagraphs, no person shall be granted a permit or make registration under [Article 21](#) (1) through (3):

1. Where a person who intends to run a business (including its executive officers, in the case of a juristic person; hereafter the same shall apply in this Article) is a quasi-incompetent or an incompetent;
2. Where a person who intends to run a business has been declared bankrupt and has not yet been reinstated;
3. Where a person who intends to run a business has been sentenced to imprisonment for a violation of this Act and the execution of his/her sentence has not yet terminated (including any case deemed terminated) or exempted;
4. Where any person (including the representative in the case of a juristic person) for whom one year has not yet passed since a permit for or registration of his/her business operation was revoked under [Article 48](#) (1) through (3), desires to carry on the same category of business;
5. Where any person, for whom one year has not yet passed since a permit for or registration of his/her business operation was revoked under [Article 48](#) (1) through (3), intends to carry on a spring drinking water manufacturing business or a water treatment chemical manufacturing business at the same place as previously carried on; and
6. Where any environmental damages or any dangers, including ground subsidence and the depletion of water resources, which fall under the standards set by Ordinance of the Ministry of Environment, occur or are feared to occur (limited to a case of a spring drinking water manufacturing business).

#### **Article 25 (Succession of Business)**

(1) When any drinking water-related business operator transfers his/her business or dies or any drinking water-related business operators who are juristic persons merge, the transferee, the successor or the juristic person which survives the merger or incorporates due to the merger shall succeed to the status of the business operator.

(2) Any person who acquires all of the business facilities and equipment on any grounds falling under any of the following subparagraphs shall succeed to the status of the former business operator. In this case, the business permit and registration of the former business operator shall become void:

1. Auction pursuant to the [Civil Execution Act](#);
2. Realization pursuant to the [Debtor Rehabilitation and Bankruptcy Act](#);
3. Selling of confiscated property pursuant to the [National Tax Collection Act](#), the [Customs Act](#) or the [Local Tax Act](#); and
4. Procedures corresponding to the provisions of subparagraphs 1 through 3.

(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 one month, as prescribed by Ordinance of the Ministry of Environment.

#### **Article 26 (Report on Import, etc.)**

(1) Any person who intends to import spring drinking water, water treatment chemicals or containers therefor shall make a report to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment may, where he/she deems it necessary, have relevant public officials or relevant inspection institutes conduct necessary inspection of reported drinking spring water, etc. under paragraph (1) before the completion of the customs clearance.

(3) The Minister of Environment may refuse inspection referred to in paragraph (2) with respect to a drinking spring water import-sale business operator who has failed to pay water quality improvement charges under [Article 31](#) on at least two occasions.

#### **Article 27 (Quality Manager)**

(1) A drinking spring water manufacturer, a water treatment chemical manufacturer, or a water purifier manufacturer shall employ a quality manager: *Provided*, That where a drinking spring water manufacturer, a water treatment chemical manufacturer, or a water purifier manufacturer, who is a natural person, is qualified as a quality manager under paragraph (4) and directly conducts the business under paragraph (2), he/she may be exempt from employing another quality manager.

(2) A quality manager shall perform a quality control over drinking spring water, water treatment chemicals or water purifiers in the process of manufacturing and manage the manufacturing facilities in a sanitary manner.

(3) Any drinking spring water manufacturer, a water treatment chemical manufacturer, or a water purifier manufacturer shall not interfere with the duties of a quality manager under paragraph (2),

and shall comply with all requests necessary for the performance of his/her duties unless justifiable grounds exist to the contrary.

(4) The standards for qualifications of a quality manager shall be prescribed by Presidential Decree.

#### **Article 28 (Education for Quality Control)**

(1) Every drinking spring water manufacturer, water treatment chemical manufacturer and water purifier manufacturer shall receive training on quality control, as conducted by the Minister of Environment and shall cause quality managers provided for in [Article 27](#) (1) to receive training on water quality control.

(2) Any person who intends to be a quality manager in accordance with [Article 27](#) shall undergo training provided for in paragraph (1): *Provided*, That where any prospective quality manager is unable to receive such training in advance due to any unexpected event or other unavoidable grounds, he/she may receive such training after he/she becomes a quality manager.

(3) The execution institute, details, etc. of training on quality control under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

(4) The Minister of Environment may collect expenses incurred in the training referred to in paragraphs (1) and (2) from those subject to training or those who employ those subject to training.

#### **Article 29 (Medical Examination)**

(1) Employees engaged in drinking spring water manufacturing (including drinking spring water manufacturers in cases where they are directly engaged in such manufacturing) shall receive a medical examination: *Provided*, That where they have received the same medical examination as that under other Acts and subordinate statutes, they may be deemed to have received a medical examination under this Act.

(2) No drinking spring water manufacturer shall have a person who has failed to undergo a medical examination under paragraph (1) and a person who, as a result of a medical examination, is recognized to have a disease apprehended to do harm to others be engaged in such work.

*<Amended by Act No. 8952, Mar. 21, 2008>*

(3) The methods, etc. of conducting medical examinations under paragraph (1) and kinds of diseases which disqualify from employment under paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 30 (Matters to be Observed)**

Any drinking water-related business operator shall observe matters as prescribed by Ordinance of the Ministry of Environment in terms of the management of raw materials, production process, and quality control.

#### **Article 31 (Imposition and Collection of Charges for Water Quality Improvement)**

(1) In order to protect public ground water resources and contribute to the improvement of drinking water quality, the Minister of Environment may impose and collect charges for water quality improvement (hereinafter referred to as the "charges") from persons who have obtained permission for development of spring water pursuant to [Article 9](#), drinking spring water manufacturers and drinking spring water import-sale business operators.

(2) The Minister of Environment shall impose and collect the charges in an amount not exceeding three times the total sum of the following amount of money calculated on the basis of intake water volume for persons who have obtained permission for development of spring water pursuant to [Article 9](#) and drinking spring water manufacturers, and on the basis of import volume of drinking spring water for drinking spring water import-sale business operators:

1. Cost of tap water and cost of sewerage under [Article 21 of the Local Public Enterprises Act](#);
2. Charges of causers under [Article 71 of the Water Supply and Waterworks Installation Act](#);
3. Charges of causers under [Article 61 of the Sewerage Act](#);
4. Amount of money on an average of charges of water use of the following items:
  - (a) Charges of water use under [Article 19 \(1\) of the Act on the Improvement of Water Quality and Support for Residents of the Riverside of the Han River System](#);
  - (b) Charges of water use under [Article 32 \(1\) of the Act on Water Management and Resident Support in the Nakdong River Basin](#);
  - (c) Charges of water use under [Article 30 \(1\) of the Act on Water Management and Resident Support in the Geum River Basin](#); and
  - (d) Charges of water use under [Article 30 \(1\) of the Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins](#); and
5. Expenditure in the category of water supply and water conservation of the national environmental improvement project under [Article 4 \(1\) 1 of the Act on Special Accounts for](#)

### Environmental Improvement.

(3) A person who has obtained permission for development of spring water pursuant to [Article 9](#) shall install and maintain measuring instruments able to measure intake water volume, and submit the result of measurement to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(4) Persons subject to imposition of charges, amount of charges, method of and procedure for imposition and collection under paragraphs (1) and (2) and other necessary matters shall be prescribed by Presidential Decree.

(5) The Minister of Environment shall impose and collect additional dues when a person liable to pay the charges under paragraph (1) fails to pay such charges by the given time limit. In such cases, [Articles 21](#) and [22 of the National Tax Collection Act](#) shall apply *mutatis mutandis* to additional dues.

(6) Charges and additional dues collected pursuant to paragraphs (1), (2) and (5) shall be revenue of the special accounts for environmental improvement under the Act on the Special Accounts for Environment Improvement.

(7) The Minister of Environment shall disburse an amount of money equivalent to 40/100 of the charges and additional dues collected from persons prescribed by Presidential Decree from among persons who have obtained permission for development of spring water and drinking spring water manufacturers out of revenue of the special accounts for environmental improvement under paragraph (6) to the *Si/Gun* or autonomous *Gun* where the relevant springs are located.

(8) In cases where the Minister of Environment delegates the authority of collection of charges and additional dues to the Mayor/*Do* governor pursuant to [Article 55](#), he/she may pay part of the collected charges and additional dues as the expense for collection as prescribed Presidential Decree.

(9) In cases where a person liable to pay the charges or additional dues fails to pay such charges or dues by the given time limit, the Minister of Environment or Mayor/*Do* governor under paragraph (8) shall collect them by referring to the practices of disposition on default of national taxes or local taxes.

(10) The Minister of Environment may request the head of a local government to provide him/her with the taxation information of local taxes pursuant to [Article 69 of the Local Tax Act](#) to collect the charges in arrear. In such cases, the head of the relevant local government shall comply with such request unless there are special reasons.

[This Article Wholly Amended by Act No. 8952, Mar. 21, 2008]

### Article 32 (Deferred Collection of Charges and Payment of Charges in Installments, etc.)

(1) In cases where anyone liable to pay the charges is deemed unable to pay such charges on grounds falling under any of the following subparagraphs before the deadline for the payments thereof, the Minister of Environment may defer the payment of such charges or allow him/her to pay such charges in installments:

1. Where any natural disaster or any other disaster causes considerable loss to property of manufacturer, etc.;
2. Where he/she is faced with a serious business management crisis after suffering a business loss; and
3. Where it is deemed inevitable to defer the payment of such charges or to pay them in installments on the grounds, etc. corresponding to those referred to in subparagraphs 1 and 2.

(2) In cases where the Minister of Environment defers the payment of charges pursuant to paragraph (1), he/she may ask the person liable to pay such charges to provide security equivalent to the amount deferred.

(3) In cases where anyone liable to pay charges falls under any of the following subparagraphs, the Minister of Environment may revoke the deferment of payment of the charges referred to in paragraph (1) and collect the charges in arrears in a lump sum. In this case, the Minister of Environment shall notify the person liable to pay the charges of the fact in advance:

1. Where he/she fails to pay the charges in arrears by the designated deadline;
2. Where he/she refuses to comply with a justifiable request of the Minister of Environment to replenish the security, including an exchange of such security, etc.; and
3. Where the deferment is deemed no longer necessary on the grounds of a favorable change in his/her asset situation or other changes in circumstances.

(4) Necessary matters concerning the deferred collection period, the frequency of the payments in installments and ways to file an application for deferring the payments, etc. referred to in the provisions of paragraph (1) shall be prescribed by Presidential Decree.

### Article 33 (Purposes for Water Quality Improvement Charges)

Water quality improvement charges collected pursuant to [Article 31](#) 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 31](#) (6) shall be expended for expenses required for the imposition and collection of 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 examination of spring water referred to in [Article 5](#) (2); and
3. Other purposes as prescribed by Presidential Decree to preserve public groundwater resources.

#### **Article 34 (Verifying Mark of Charges)**

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

(2) The size and methods for apply marks verifying charges and other matters necessary for the management of marks verifying charges shall be prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment may place restrictions on the use of marks verifying charges by the drinking spring water manufacturers who have failed to pay charges on at least two occasions.

#### **Article 35 (Manufacturers of Marks Verifying Charges)**

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

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

1. Where he/she has obtained designation by deceitful or other illegal means;
2. Where he/she fails to satisfy the prerequisites of designation under paragraph (1); and
3. Where he/she fails to meet the size for marks verifying charges, means of applying the marks verifying charges and other standards of management provided for in [Article 34](#) (2).

(3) Detailed standards for the administrative disposition provided for in paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

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

#### **Article 36 (Standards and Specifications)**

(1) The Minister of Environment may determine and publicly announce the standards for the type, performance, manufacturing method, method of storage, period of distribution and after-control, etc. of drinking spring water, water treatment chemicals, water purifiers or their containers (hereinafter referred to as "drinking spring water, etc.") and the specifications of constituents thereof.

(2) With respect to drinking spring water, etc. for which the standards and specifications as provided in paragraph (1) are not determined, the Minister of Environment may have the relevant manufacturer submit a report on standards and specifications, and may approve them, after the inspection by an inspection institution designated under [Article 43](#), as the standards and specifications for the relevant drinking spring water, etc.

(3) No drinking spring water, etc. which falls short of the standards and specifications under paragraphs (1) and (2) shall be sold, or manufactured, imported, stored, transported or displayed for the purpose of sale, nor be used for any other business purpose.

#### **Article 37 (Standards for Indication)**

(1) The Minister of Environment shall determine and publicly announce the necessary standards for the indication of containers or packing of drinking spring water, water treatment chemicals and water purifiers and for the use of name of products.

(2) No business operator related to drinking water shall sell, or, for the purpose of sale, produce, import, display or transport, or use on business, drinking spring water, water treatment chemicals or water purifiers without indication meeting the standards for indication under paragraph (1).

*[This Article Wholly Amended by Act No. 8952, Mar. 21, 2008]*

### **Article 38 (Standards, Specifications and Indication Criteria for Drinking Spring Water, etc. for Export)**

- (1) The standards, specifications and indication criteria for drinking spring water, etc. manufactured for export may be based upon the standards, specifications and indication criteria which are requested by the importer of drinking spring water, etc., notwithstanding the provisions of [Articles 36](#) (1) and (2) and [37](#).
- (2) Any drinking water-related business operator shall, where he/she intends to manufacture drinking spring water, etc. based upon the standards, specifications and indication criteria requested by the importer pursuant to paragraph (1), submit the documents, etc. attesting it to the Mayor/Do governor as prescribed by Ordinance of the Ministry of Environment.

### **Article 39 (Restriction on Advertisement)**

- (1) The Minister of Environment may prohibit or place restrictions on the advertisement of drinking spring water when recognizing as necessary for the public good, as prescribed by Presidential Decree.
- (2) Where any drinking spring water manufacturer or any import-sale business operator commits prohibited or restricted acts as provided for in paragraph (1), the Mayor/Do governor may issue an order or take measures necessary to rectify the situation, such as placing restrictions on the import or sale of drinking spring water, or the removal of such advertising materials.

### **Article 40 (Prohibition of False or Exaggerated Indications and Advertisements, etc.)**

- (1) No false or exaggerated indication or advertisement with respect to the name, manufacturing method, and quality of drinking spring water, water treatment chemicals, water purifiers, and their containers and packaging shall be allowed nor shall any indication or advertisement that may cause persons to mistake such products for medical and pharmaceutical products be allowed.
- (2) The scope of false or exaggerated indications and advertisements as provided in paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

### **Article 40-2 (Prohibition of Using Similar Name of Products)**

If it is not the drinking spring water, etc. as prescribed in this Act, no such names of products as "spring water (saemmul)" and "natural water (saengsu)", which are likely to be misunderstood as drinking spring water, etc., shall be used.

*[This Article Newly Inserted by Act No. 10154, Mar. 22, 2010]*

## **CHAPTER VI INSPECTIONS**

### **Article 41 (Duty of Quality Self-Inspection)**

- (1) Any manufacturer of drinking spring water, etc. shall conduct a self- inspection in accordance with Ordinance of the Ministry of Environment as to whether his/her products conform to the standards and specifications as prescribed in [Article 36](#) (1) or (2), and then keep a record of such inspection.
- (2) In cases where the Mayor/Do governor deems that a manufacturer of drinking spring water, etc. is unfit to conduct a self-inspection as provided for in paragraph (1), he/she may entrust the inspection to an institution designated under [Article 43](#).

### **Article 42 (Entry, Inspection, Collection, etc.)**

(1) The Minister of Environment or the Mayor/Do governor may take measures in the following subparagraphs in cases where it is deemed necessary to investigate environmental impact caused by development of spring water or to prevent harm to the national health due to drinking water-related business and to ascertain whether inspection institutions are properly operated:

*<Amended by Act No. 8952, Mar. 21, 2008>*

1. To order persons who have obtained permission for development of spring water, drinking water-related business operators, and inspection institutions designated pursuant to [Article 43](#) or other related persons to submit a necessary report;
  2. To have relevant public officials enter business places, offices, warehouses, factories, places of storage, shops (hereinafter referred to as the "places of business"), or other similar places to inspect raw materials, products, containers, packaging facilities, manufacturing facilities or business facilities used for the purposes of sale or other business purposes;
  3. To collect minimum amount of raw materials, products, containers, or packaging necessary for inspection under subparagraph 2 without compensation; and
  4. To have relevant public officials inspect business-related books, documents and materials related to the inspection.
- (2) Any public official who intends to enter, inspect, collect, or peruse under paragraph (1) shall

produce a certificate indicating his/her authority to the relevant persons.

#### Article 43 (Designation of Inspection Institutions)

(1) The Minister of Environment may designate institutions charged with the inspection of raw materials, products, containers, etc. that are collected pursuant to Article 42 (1) 3 and the examination of drinking water pursuant to Article 5 (2). The designated institutions (hereinafter referred to as "inspection institutions") shall, when they change important designated matters that are prescribed by Ordinance of the Ministry of Environment, make a report thereon to the Minister of Environment.

(2) The inspection institutions shall be classified into institutions charged with the examination of drinking water quality, institutions charged with the inspection of water treatment chemicals, institutions charged with the quality testing of water purifiers and institutions charged with the performance testing of water purifiers.

(3) A person falling under any of the following subparagraphs shall not be designated as an inspection institution under paragraph (1): <Newly Inserted by Act No. 8952, Mar. 21, 2008>

1. An incompetent or a quasi-incompetent;
2. A person in whose case two years have not passed since his/her imprisonment, as declared by a court by reason of violating this Act, was completely executed (including cases where it is deemed that the execution has been completed) or exempted;
3. A person who is under the suspension of the execution of imprisonment as declared by a court by reason of violating this Act;
4. A person in whose case two years have not passed since the designation has been revoked pursuant to paragraph (6); and
5. A corporation or an institution in which there is a person falling under any of subparagraphs 1 through 4 from among executives or the representative of an institution.

(4) The Minister of Environment may, when he/she receives an application filed for designating any inspection institution or designates it pursuant to paragraphs (1) and (2), assess its capacity to measure and analyze water quality.

(5) The institutions charged with quality testing of water purifiers, which are designated pursuant to paragraphs (1) and (2), may each set up a deliberative committee on the quality of water purifiers in order to ensure the fair quality testing of water purifiers.

(6) In cases where any inspection institution falls under any of the following subparagraphs, the Minister of Environment may revoke its designation or take a disposition to suspend its business for the fixed period of not more than six months: *Provided*, That in cases where the institution falls under subparagraphs 1, 1-2, 2 and 3, the Minister of Environment shall revoke the designation thereof: <Amended by Act No. 8952, Mar. 21, 2008>

1. In cases where the institution has been designated by fraudulent or other unlawful means;
- 1-2. In cases where the institution falls under any of the subparagraphs of paragraph (3):  
*Provided*, That in cases where there is a person falling under paragraph (3) 1 through 4 from among executives or representatives of a juristic person or an institution, such designation shall not be revoked if such executive or representative is replaced with newly appointed executive or representative within three months;
2. In cases where the institution has issued any false written inspection record deliberately or by gross negligence;
3. In cases where the institution has performed the inspection and testing by proxy in the period during which a disposition is taken to suspend the inspection and testing;
4. In cases where the institution has failed to commence its agency business of inspection and testing within one year after it is designated and has no record of inspection and testing for at least one year;
5. In cases where the institution has failed to make a report on a change to any important matter referred to in paragraph (1);
6. In cases where the institution is found to fall short of the assessment standards set by the provisions of paragraph (7) as a result of the assessment provided for in paragraph (4); and
7. In cases where the institution falls short of the standards for technical manpower and facilities under paragraph (7).

(7) Necessary matters concerning the standards for technical manpower and facilities that are required to obtain the designation of inspection institutions pursuant to paragraphs (1) through (4), the applications filed for designation of the inspection institutions, the designation of the inspection institutions, the assessment standards, etc. shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8952, Mar. 21, 2008>

(8) Necessary matters concerning the functions of the institutions charged with the quality testing of water purifiers provided for in paragraph (5) and the composition, the terms of office of

members, the function, etc. of the deliberative committee on the quality of water purifiers shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8952, Mar. 21, 2008>

(9) Detailed standards for the administrative disposition referred to in paragraph (6) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8952, Mar. 21, 2008>

#### **Article 44 (Consumer Protection)**

Water purifier manufacturers and water purifier import-sale business operator (hereafter referred to as the "manufacturer, etc." in this Article) shall open and operate a consumer protection center as prescribed by Ordinance of the Ministry of Environment in order to protect consumers:

*Provided*, That in cases where any cooperative that is organized by the manufacturers, etc. pursuant to the provisions of [Article 32 of the Small and Medium Enterprise Cooperatives Act](#) (hereafter referred to as the "Cooperative" in this Article) sets up and operates a consumer protection center, it shall be deemed that the manufacturers, etc. who are affiliated with the Cooperative have each opened and operates such consumer protection center.

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

#### **Article 45 (Order for Guidance and Improvement)**

(1) The Minister of Environment or the Mayor/*Do* governor may guide or order drinking water-related business operators where it is deemed to cause or threaten serious injury and damage to environmental preservation or national health.

(2) In cases where the manufacturing facilities fail to meet the standards for facilities as prescribed in [Article 20](#) or where a drinking water-related business operator or a manufacturer of marks verifying 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.

#### **Article 46 (Measures of Closure, etc.)**

(1) Where any business is operated without a permit, registration or report violating the provisions of [Article 21](#) (1) through (4) or where any business continues to be operated after its permit or registration has been revoked or a business suspension order has been issued under the provisions of [Article 48](#) (1) through (3), the Mayor/*Do* governor may have the relevant public official take the following measures in order to close down such place of business:

1. Removal and clearing of the signboard at the place of business and other business signs;
2. Displaying a notice indicating that the place of business is non-compliant; and
3. Attaching a stamped seal which prevents use of the facilities and other business equipment at the place of business.

(2) Where it falls under any of the following subparagraphs after displaying a notice or attaching a seal pursuant to paragraph (1) 2 and 3, the Mayor/*Do* governor may remove the notice or the seal:

1. Where it is deemed unnecessary to continue displaying the notice or leaving the seal attached;
2. Where the person who runs the relevant business or an agent thereof has promised to close down the place of business; and
3. Where he/she requests that the notice or the seal be removed, stating justifiable grounds.

(3) The Mayor/*Do* governor shall, where he/she intends to take the measures as prescribed in paragraph (1), notify his/her intention in writing to the business operator or his/her agent in advance: *Provided*, That this shall not apply in cases of urgency.

(4) The measures taken under paragraph (1) shall be limited to the minimal extent necessary to make the business unavailable.

(5) The relevant public official who takes the measures pursuant to paragraph (1) shall produce a certificate indicating his/her authority to the persons concerned.

#### **Article 47 (Measures for Destruction, etc.)**

(1) The Mayor/*Do* governor may have the relevant public official seize or destroy drinking spring water, water treatment chemicals or water purifiers, and their containers or packaging which are manufactured or imported in violation of [Article 36](#) (3) or [40](#) (1), or may order business operators, etc. to take necessary measures by designating treatment methods, etc.

(2) Where products fall under any of the following subparagraphs, the Mayor/*Do* governor may have the relevant public official seize or destroy the relevant products:

1. Drinking spring water, water treatment chemicals, or containers, packaging, etc. thereof which are manufactured or imported without a permit, registration, or report under [Article 21](#) (1) through (4) or [26](#); and
  2. Drinking spring water without marks verifying charges.
- (3) When the relevant public officials seize or destroy such products under the provisions of paragraph (1) or (2), they shall produce certificates indicating their authority to the persons concerned.

#### **Article 47-2 (Orders to Issue Declarations)**

- (1) When the national health is deemed to be in hazard due to a violation of [Article 36](#) (3), the Minister of Environment or the Mayor/Do Governor shall order the relevant drinking water-related business operator to issue a declaration of such fact.
- (2) Necessary matters for declarations such as methods, etc. of issuing declarations under paragraph (1) shall be prescribed by Presidential Decree.
- [This Article Newly Inserted by Act No. 10154, Mar. 22, 2010]*

#### **Article 48 (Revocation, etc. of Permission)**

- (1) The Mayor/Do governor may, when any drinking water-related business operator falls under any of the following subparagraphs, revoke his/her business permit or registration or order the closure of his/her place of business or the suspension of his/her business for the period for up to six months: *Provided*, That in cases where he/she falls under subparagraphs 4 and 8, his/her business permit or registration shall be revoked or he/she shall be ordered to close his/her place of business: *<Amended by Act No. 8952, Mar. 21, 2008>*
1. When he/she has violated the provisions of subparagraphs 1 through 3 of [Article 19](#);
  2. When he/she has sold drinking spring water that does not carry a mark verifying charges, in violation of subparagraph 4 of [Article 19](#);
  3. When he/she has failed to meet the standards for facilities provided for in [Article 20](#);
  4. When he/she has obtained such permit or amended permit provided for in [Article 21](#) (1) or has effected the registration or amended registration or has made a report or an amended report provided for in paragraphs (2) through (4) of the same Article by fraudulent or other unlawful means;
  5. When he/she has violated the latter part of [Article 21](#) (1), the latter part of paragraph (2) of the same Article, the latter part of paragraph (3) of the same Article, the latter part of paragraph (4) of the same Article, [Article 27](#) (1) or (3), [28](#) (1), [29](#) (2), [30](#), [31](#) (3), [40](#) (1) or [41](#) (1);
  6. When he/she has failed to meet the conditions provided for in [Article 21](#) (5);
  7. When he/she has failed to submit the results of water quality measurement or has submitted falsified results of water quality measurement in violation of [Article 22](#);
  8. When he/she falls under any of subparagraphs 1 through 3 of [Article 24](#): *Provided*, That the same shall not apply to cases where he/she falls under any of the following items:
    - (a) When a corporation replaces an executive falling under any of subparagraphs 1 through 3 of [Article 24](#) with any other officer within two months from the date on which he/she is found to fall under any of such subparagraphs; and
    - (b) When anyone who inherits the status of the business operator pursuant to [Article 25](#) (1) transfers the business within three months from the date on which the inheritance commences;
  - 8-2. When he/she has failed to indicate certification mark of the charges under [Article 34](#) (1) on containers of drinking spring water;
  9. When he/she has committed a prohibited or restricted act provided for in [Article 39](#) (1) or violated the order or the measures provided for in [Article 39](#) (2);
  10. When he/she has obstructed, rejected or evaded any report, access, testing, removal or perusal provided for in [Article 42](#);
  11. When he/she has been found not to be in conformity with the water quality standards provided for in [Article 5](#) (3) or has violated [Article 36](#) (3) or [37](#) (2) as a result of the inspection provided for in [Article 42](#) (1); and
  12. When he/she has violated an order given pursuant to [Article 45](#) or [47](#) (1).
- (2) Where a drinking water-related business operator continues to carry on such business against an order of business suspension under paragraph (1), the Mayor/Do governor may revoke the permit or registration of such business or order the closure of his/her place of business.
- (3) Where a drinking water-related business operator suspends his/her business operation for not less than six months without justifiable grounds, the Mayor/Do governor may revoke the permit or registration of such business or order the closure of his/her place of business.
- (4) Detailed standards for the administrative dispositions taken under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment in consideration of the kinds, degree,

etc. of offense.

#### **Article 49 (Succession to Effects of Administrative Dispositions)**

Where a drinking water-related business operator transfers his/her business to another person or where juristic persons merge, the effect of an administrative disposition taken against the previous drinking water-related business operator for violating any subparagraph of [Article 48](#) (1) or (2) shall be succeeded to by the transferee or the juristic person surviving such merger for one year after the completion of the disposition period and where the procedures of any administrative disposition are underway, the procedures for the administrative disposition may proceed with the transferee or the juristic person surviving such merger: *Provided*, That the same shall not apply to cases where the transferee or the juristic person surviving such merger proves that he/she was unaware of the relevant disposition or offense at the time the relevant transfer or merger.

#### **Article 50 (Hearing)**

The Minister of Environment or the Mayor/Do governor shall hold a hearing where he/she intends to take a disposition falling under any of the following subparagraphs: *<Amended by Act No. 8952, Mar. 21, 2008>*

1. Revocation of permission for development of spring water under [Article 12-2](#);
2. Revocation of registration referred to in [Article 17](#) (1) or revocation of the designation referred to in [Article 43](#) (6);
3. Revocation of the designation of a manufacturer of marks verifying charges under [Article 35](#) (2); and
4. Revocation of a business permit or registration or the closure of a place of business, under [Article 48](#) (1) through (3).

#### **Article 51 (Dispositions of Penalty Surcharges)**

(1) Where any drinking water-related business operator falls under [Article 48](#) (1), the Mayor/Do governor may impose a penalty surcharge not exceeding fifty million won as prescribed by Presidential Decree in lieu of the suspension of business operation.

(2) The amount of the penalty surcharge in accordance with the kinds and degree, etc. of offense for which the penalty surcharge is imposed under paragraph (1) and other necessary matters shall be prescribed by 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 pursuant to the precedents for dispositions for local taxes in arrears.

#### **Article 51-2 (Publication of Violations)**

Where the Minister of Environment or the Mayor/Do Governor has taken an administrative disposition under [Article 46](#), [47](#), [48](#) or [51](#), he/she shall make a publication of information regarding the disposition for the drinking water-related business operator such as relevant business operator's name, product name, etc. as prescribed by Presidential Decree.

*[This Article Newly Inserted by Act No. 10154, Mar. 22, 2010]*

## **CHAPTER VIII SUPPLEMENTARY PROVISIONS**

#### **Article 52 (Subsidy from National Treasury)**

The Minister of Environment may subsidize, within the limits of the budget, the whole or part of the expenses prescribed in any of the following subparagraphs:

1. Expenses necessary for the employment of the quality supervisors of drinking water under [Article 7](#) (1);
2. Expenses for the inspection by the relevant inspection institute as prescribed in [Article 26](#) (2) or for inspection or testing by the institution charged with inspection and testing designated under [Article 43](#);
3. Expenses for the collection as prescribed in [Article 42](#) (1); and
4. Expenses for the destruction as prescribed in [Article 47](#).

#### **Article 53 (Relation to Other Acts)**

In cases where any person who has obtained a permit for the development and utilization of groundwater or has made a report thereon under [Articles 7 and 8 of the Groundwater Act](#) must obtain a permit for the development of spring water under [Article 9](#) due to a change of usage of groundwater or an increase of capability of water intake, he/she shall be considered to have obtained a provisional permit for the development of spring water when he/she files, as prescribed by Presidential Decree, an application for a provisional permit for the development of spring water

to the Mayor/Do governor under [Article 10](#).

#### **Article 54 (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 governments, or other public organizations to submit necessary data.
- (2) Any person who is requested to submit data pursuant to paragraph (1) shall comply with such request unless justifiable grounds exist to the contrary.

#### **Article 55 (Delegation and Entrustment, etc.)**

- (1) Part of the powers of the Minister of Environment endowed by this Act may be delegated, as prescribed by Presidential Decree, to the head of any regional environmental office, the President of the National Institute of Environmental Research, the Mayor/Do governor or the head of *Sil/Gun/Gu*.
- (2) Under the conditions prescribed by Presidential Decree, the Minister of Environment may entrust a relevant professional agency with part of the inspection as prescribed in [Article 26](#) (2) or [42](#) and part of the training on quality control as specified in [Article 28](#).
- (3) The employees of the relevant professional agency carrying out the task entrusted pursuant to paragraph (2) shall be regarded as public officials in the application of [Articles 129 through 132 of the Criminal Act](#).

#### **Article 56 (Fees)**

Any person who intends to obtain a permit, etc. falling under any of the following subparagraphs shall pay fees as prescribed by Ordinance of the Ministry of Environment:

1. A permit or modified permit for the development of spring water referred to in [Article 9](#) or permit for an extension under [Article 12](#) (2);
2. A registration or modified registration of an agent for the environmental impact survey under [Article 15](#);
3. A permit or modified permit for a drinking spring water manufacturing business under [Article 21](#) (1);
4. A registration or modified registration of a water treatment chemical manufacturing business under [Article 21](#) (2);
5. A registration or modified registration of a drinking spring water import-sale business under [Article 21](#) (3);
6. A report or modified report on a manufacturing business and import-sale business of water purifiers under [Article 21](#) (4); and
7. An inspection under [Articles 21](#) (4), [36](#) (2) and [41](#) (2).

## **CHAPTER IX PENAL PROVISIONS**

#### **Article 57 (Penal Provisions)**

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than five years or by a fine not exceeding fifteen million won. In such cases, imprisonment and a fine may be imposed concurrently:

1. A person who violates subparagraph 1 or 2 of [Article 19](#);
2. A person who carries on a drinking spring water manufacturing business without obtaining a permit or modified permit under [Article 21](#) (1) or who obtains a permit or modified permit by deceitful or other unjust means;
3. A person who counterfeits, alters or reuses any mark verifying charges, or carries, uses or delivers to others a counterfeit mark; and
4. A person who manufactures a mark verifying charges without obtaining designation as a manufacturer of marks verifying charges under [Article 35](#).

#### **Article 58 (Penal Provisions)**

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding ten million won. In such cases, imprisonment and a fine may be imposed concurrently: <Amended by Act No. 8952, Mar. 21, 2008>

1. A person who violates [Article 8](#) (2);
2. A person who violates subparagraph 3 or 4 of [Article 19](#);
3. A person who carries on a water treatment chemical manufacturing business without obtaining a registration under [Article 21](#) (2) or who obtains such registration by fraudulent or other unjust means;

4. A person who carries on a drinking spring water import-sale business without making a registration under [Article 21](#) (3) or who makes a registration by fraudulent or other unjust means;
5. A person who carries on a manufacturing business or import-sale business of water purifiers without making a report referred to in [Article 21](#) (4) or makes a report by fraudulent or other unjust means;
6. A person who imports drinking spring water or containers therefor without making a report as prescribed in [Article 26](#) (1) or by making a false report;
7. A person who sells, manufactures, imports, stores, transports, or displays for purposes of sale, or uses for business, drinking spring water or containers therefor in violation of [Article 36](#) (3);
- 7-2. A person who has been designated as an inspection institution under [Article 43](#) (1) by deceitful or other unjust means;
- 7-3. A person who has issued a false inspection result by intention at an inspection institution under [Article 43](#) (1);
- 7-4. A person who has conducted inspection during the period of business suspension under [Article 43](#) (6);
8. A person who fails to fulfill an order issued under [Article 45](#) (1) or [47](#) (1); and
9. A person who carries on a drinking spring water manufacturing business in violation of the order of business suspension as prescribed in [Article 48](#) (1).

#### **Article 59 (Penal Provisions)**

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding three million won: <Amended by Act No. 8952, Mar. 21, 2008>

1. A person who develops spring water without obtaining a permit or modified permit under [Article 9](#) or develops it with a permit or modified permit obtained by fraudulent or other unjust means;
2. A person who fails to meet the conditions referred to in [Article 11](#) (2) or [21](#) (5);
3. A person who prepares a survey document referred to in [Article 13](#) (1) by deceit;
4. A person who conducts an agency business for environmental impact surveys without having been registered as a survey agent under [Article 15](#);
5. A person who carries on a water treatment chemical manufacturing business without obtaining a modified registration under [Article 21](#) (2);
6. A person who carries on the import-sale business of drinking spring water without effecting the modified registration pursuant to [Article 21](#) (3);
7. A person who carries on a manufacturing business and import-sale business of water purifiers without making a modified report thereon referred to in [Article 21](#) (4);
8. A person who imports water treatment chemicals or containers therefor without making a report referred to in [Article 26](#) (1) or by making a false report thereon;
9. A person who violates [Article 27](#) (1) or (3), or [40](#) (1);
10. A person who violates [Article 27](#) (2);
- 10-2. A person who has failed to install measuring instruments under [Article 31](#) (3) or a person who has failed to submit a result of measurement or has submitted a false result of measurement.
11. A person who sells, manufactures, imports, stores, transports, displays for the purposes of sale, or uses for business, water treatment chemicals or containers therefor in violation of [Article 36](#) (3);
12. A person who sells water purifiers or manufactures, imports, stores, transports, or displays for the purposes of sale, or uses them in business in violation of [Article 36](#) (3);
13. A person who violates the prohibition or restriction of advertisement referred to in [Article 39](#) (1);
14. A person who fails to fulfill an order referred to in [Article 39](#) (2);
15. A person who fails to conduct the quality self-inspection referred to in [Article 41](#) (1);
16. A person who refuses, obstructs, or evades entry, inspection, or collection referred to in [Article 42](#);
- 16-2. A person who has issued an inspection result different from the fact by gross negligence at an inspection institution under [Article 43](#) (1);
17. A person who refuses, obstructs or evades the closure, seizure or destruction referred to in [Article 46](#) or [47](#) (2);
18. A person who carries on a water treatment chemical manufacturing business in violation of the order of business suspension under [Article 48](#) (1); and

19. A person who carries on a manufacturing business or an import-sale business of water purifiers in violation of an order for suspension of business referred to in [Article 48](#) (1).

#### **Article 60 (Joint Penal Provisions)**

(1) When the representative, agent, employee or any other worker of a corporation commits violation provided for in the provisions of [Articles 57 through 59](#) regarding business of the corporation, the corporation shall be punished by a fine provided for in the corresponding Article in addition to the punishment of the offender.

(2) When an agent, employee or any other worker of an individual commits violation provided for in the provisions of [Articles 57 through 59](#) regarding business of the individual, the individual shall be punished by a fine provided for in the corresponding Article in addition to the punishment of the offender.

#### **Article 61 (Fines for Negligence)**

(1) Any person who has failed to open or operate the consumer protection center pursuant to [Article 44](#) shall be punished by a fine for negligence not exceeding 3 million won.

(2) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won:

1. Anyone who fails to make a report under [Article 21](#) (6) or who makes a change in permitted or registered matters by making a false report;
2. Anyone who fails to make a report in violation of [Article 25](#) (3) or who makes a false report;
3. Anyone who violates [Article 28](#) (1) or [29](#) (1);
4. Anyone who fails to keep a record under [Article 41](#) (1) or who makes a false record;
5. Anyone who fails to make a report under [Article 42](#) (1) or who makes a false report; and
6. Anyone who fails to fulfill an order under [Article 45](#) (2).

(3) Under the conditions as prescribed by Presidential Decree, fines for negligence as prescribed in paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment or the Mayor/*Do* governor.

(4) Any person who is dissatisfied with the disposition of any fine for negligence imposed under paragraph (3), may raise an objection against it to the Minister of Environment or the Mayor/*Do* governor within thirty days from the date on which notice of the disposition is received.

(5) Where any person who has been subject to a disposition to a fine for negligence under paragraph (3) raises an objection against it pursuant to paragraph (4), the Minister of Environment or the Mayor/*Do* governor shall notify, without delay, the fact to the competent court and the competent court so notified shall place the case on trial in accordance with the [Non-Contentious Case Litigation Procedure Act](#).

(6) Where no fine for negligence is paid without raising any objection under paragraph (4), it shall be collected pursuant to the precedents of the disposition for national or local taxes in arrears.

### **ADDENDA**

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

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

#### **Article 2 (Validity Period)**

The amended provisions of [Article 6](#) shall be valid until October 4, 2007.

#### **Article 3 (Transitional Measures on Registration, Report, etc. of Water Treatment Chemical Manufacturing Business)**

The person who has made registration, report, modified registration, or modified report of water treatment chemical manufacturing business pursuant to Article 14-2 of the [Public Health Act](#) on May 1, 1995 when the [Management of Drinking Water Act](#), Act No. 4908, entered into force shall be deemed as having made such registration, report, modified registration or modified report of water treatment chemical manufacturing business pursuant to the amended provisions of [Article 21](#) (2) or (6).

#### **Article 4 (Transitional Measures on Environmental Impact Survey Agent)**

The person who has been designated as environmental impact survey agent or who has been revoked designation of environmental impact survey agent pursuant to the previous provisions on February 8, 1999 when the amendment to the [Management of Drinking Water Act](#), Act No. 5873, entered into force shall be deemed as an environmental impact survey agent registered pursuant to the amended provisions of Article 15 or as an environmental impact survey agent whose registration has been revoked pursuant to the amended provisions of [Article 17](#).

#### **Article 5 (Applicable Examples on Mark Verifying Charges)**

The amended provisions of [Articles 19](#) and [34](#) shall apply beginning with the first spring drinking water that is manufactured after July 8, 2000 on which the amendment to the [Management of Drinking Water Act](#), Act No. 6103, entered into force.

**Article 6 (Applicable Examples on Imposition of Water Quality Improvement Charges)**

The amended provisions of [Article 31](#) (1) shall apply beginning with the first portion that is sold by spring drinking water manufacturers, spring drinking water import-sale business operators and the persons who have been permitted to develop spring water pursuant to the amended provisions of [Article 9](#) after June 30, 2006 on which the amendment to the [Management of Drinking Water Act](#), Act No. 7780, entered into force.

**Article 7 (Transitional Measures on Designation of Institutions Charged with Inspection and Testing)**

The persons designated as institutions charged with inspection and testing of drinking water and water treatment chemicals, and persons designated as institutions charged with quality testing of water purifiers pursuant to the previous [Article 35](#) on June 30, 2006 when the amendment to the [Management of Drinking Water Act](#), Act No. 7780, entered into force shall be respectively deemed as having been designated as the institutions charged with inspection and testing of drinking water quality and water treatment chemicals and as the institutions charged with quality testing of water purifiers pursuant to the amended provisions of [Article 43](#).

**Article 8 (General Transitional Measures on Disposition, etc.)**

Acts by administrative agencies or acts with regard to administrative agencies pursuant to the previous provisions at the time when this Act enters into force shall be deemed as acts by administrative agencies or acts with regard to administrative agencies pursuant to this Act corresponding thereto.

**Article 9 (Transitional Measures on Penal Provisions or Fines for Negligence)**

The application of penal provisions and of fines for negligence to an act performed before this Act enters into force shall be pursuant to the previous provisions.

**Article 10 Omitted.**

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

Where the previous [Management of Drinking Water Act](#) or provisions thereof are cited in other Acts and subordinate statutes at the time when this Act enters into force, this Act or the corresponding provisions in this Act, if any, shall be deemed to have been cited in lieu of the previous provisions.

**ADDENDA <Act No. 8629, Aug. 3, 2007>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

**ADDENDA <Act No. 8952, Mar. 21, 2008>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the amended provisions of [Article 4](#) shall enter into force on the date of its promulgation.

**Article 2 (Applicability concerning Imposition of Charges for Water Quality Improvement)**

The amended provisions of [Article 31](#) shall apply starting from spring water firstly drawn by persons who have obtained permission for development of spring water or drinking spring water manufacturers, and drinking spring water firstly imported by drinking spring water import-sale business operators after this Act enters into force.

**Article 3 (Transitional Measure concerning Penal Provisions)**

The previous provisions shall apply to the penal provisions on conducts before this Act enters into force.

**ADDENDA <Act No. 10154, Mar. 22, 2010>**

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Article 2 (Transitional Measures on Report on Installation and Management of Cold and Hot Water Dispenser)**

A person who has been in charge of installation and management of the cold and hot water

dispenser as at the time this Act enters into force shall make a report to the head of a *Sil/Gun/Gu* under the amended provisions of [Article 8-2](#) within six months after this Act enters into force.

**Article 3 (Transitional Measures for Environmental Impact Survey Agent on Change of Registration Agency)**

A person who has been registered with the Minister of Environment as an environmental impact survey agent under the previous provisions as at the time this Act enters into force shall be deemed to have been registered under the amended provisions of [Article 15](#).

**Article 4 (Transitional Measures on Change of the Administrative Agency Where Import shall be Reported)**

A person who has reported the import of drinking spring water, water treatment chemicals or the containers therefor to the Minister of Environment under the previous provisions as at the time this Act enters into force shall be deemed to have reported thereon under the amended provisions of [Article 26](#).

**Article 5 Omitted.**

**ADDENDA <Act No. 10219, Mar. 31, 2010>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2011.

**Articles 2 through 12 Omitted.**

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