

ENFORCEMENT DECREE OF THE NOISE
AND VIBRATION CONTROL ACT

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Wholly Amended by	Presidential Decree No.	20242, Sep.	6, 2007
Amended by	Presidential Decree No.	20680, Feb.	29, 2008

Article 1 (Purposes)

The purposes of this Decree are to provide for matters delegated by the Noise and Vibration Control Act and those necessary for enforcement thereof.

Article 2 (Permission, etc. for Installation of Emission Facilities)

(1) Any person who desires to make a report on the installation of emission facilities or receive permission therefor pursuant to Article 8 (1) of the Noise and Vibration Control Act (hereinafter referred to as the “Act”) shall submit to the head of *Si/Gun/Gu* (referring to the head of an autonomous *Gu*; hereinafter the same shall apply) a report on installation of emission facilities or an application for permission for installation of emission facilities, accompanied by the following documents:

1. Installation specifications of such emission facilities and their layout plans (layout plans shall only be accompanied by applications for permission);
2. Installation specifications of preventative facilities and their drawings (drawing shall not be accompanied by reports); and
3. When he/she intends to be exempted from installing preventative facilities since he/she falls under any subparagraph of Article 9 of the Act, authenticated documents to replace the documents described in subparagraph 2.

(2) The term “areas determined by Presidential Decree” in the proviso to Article 8 (1) of the Act means areas falling under any of the following subparagraphs:

1. Areas within a 50-meter radius of the boundary of a general hospital site referred to in Article 3 (3) of the Medical Service Act;
2. Areas within a 50-meter radius of the boundary of a public library site referred to in subparagraph 4 of Article 2 of the Libraries Act;
3. Areas within a 50-meter radius of the boundary of a school site referred to in Article 2 of the Elementary and Secondary Education Act and Article 2 of the Higher Education Act;
4. Areas within a 50-meter radius of the boundary of a collective housing site referred to in subparagraph 2 of Article 2 of the Housing Act; and
5. Residential areas referred to in Article 36 (1) 1 (a) of the National Land Planning and Utilization Act or Class-II district-unit planning zone (limited to dwelling zones) referred to in Article 51 (3) of the same Act.

(3) Where the head of *Si/Gun/Gu* receives a report on installation of emission facilities or grants permission therefor, he/she shall issue a certificate of report or permission to the reporting person or the applicant.

(4) Under Article 8 (3) of the Act, areas exempted from making a report on installation of emission facilities or permission therefor shall be as follows:

1. Industrial complexes under subparagraph 5 of Article 2 of the Industrial Sites and Development Act;
2. Exclusive industrial areas designated under Article 30 of the Enforcement Decree of the National Land Planning and Utilization Act;

3. Free trade zones designated under Article 4 of the Act on Designation and Management of Free Trade Zones; and
4. Areas similar to areas designated under subparagraphs 1 through 3, which are designated and publicly announced by the Special Metropolitan City Mayor, Metropolitan City Mayor or *Do* governor (hereinafter referred to as the “Mayor/*Do* governor”) with the approval of the Minister of Environment.

Article 3 (Exemption from Report on Commencement of Operations)

The term “alteration below the scale determined by Presidential Decree” in Article 13 of the Act means alteration below 30/100 of the size of emission facilities (referring to the total amount of alteration after a report on installation of emission facilities or a report on alteration thereof is made or permission therefor is granted).

Article 4 (Permissible Standards for Noises Produced by Manufactured Cars)

The permissible standard for noises produced by manufactured cars under Article 30 of the Act shall be determined in consideration of the emission characteristics of each kind of noise in the following subparagraphs and the permissible standard for each kind of noise shall be determined by Ordinance of the Ministry of Environment after considering the opinion of the head of the relevant central administrative agency:

1. Noise under acceleration;
2. Exhaust noise; and
3. Car horn noise.

Article 5 (Motor Vehicles Exempted or Omitted from Authentication)

(1) Motor vehicles which can be exempted from authentication pursuant to the proviso to Article 31 (1) of the Act shall be as follows:

1. Motor vehicles to be used for the purposes of special public use of the State, such as military, fire-fighting and escorting services;
2. Motor vehicles which are confirmed by the Minister of Foreign Affairs and Trade that a foreign diplomatic mission or a diplomat in Korea or a person who is given equivalent treatment brings them into Korea for the purposes of public use;
3. Motor vehicles which a member of any foreign forces stationed in Korea brings into Korea for the purposes of public use;
4. Motor vehicles for export or motor vehicles which a person participating in an exposition or an event equivalent thereto uses for the purposes of exhibition;
5. Motor vehicles which a traveler temporarily brings into Korea on the condition that they be taken out again;
6. Motor vehicles which a manufacturer or a research institution of motor vehicles uses for the purposes of development, exhibition, etc.; and
7. One motor vehicle which is brought into Korea by a person who has lived in a foreign country for at least one year as household goods in transit.

(2) Motor vehicles which can be omitted from authentication pursuant to the proviso to Article 31

(1) of the Act shall be as follows: *<Amended by Presidential Decree No. 20680, Feb. 29, 2008>*

1. Motor vehicles which are confirmed by the Minister of Culture, Sports and Tourism as having been brought into Korea to be used for national athletes or training;
2. Motor vehicles which are brought into Korea from abroad as a gift free of charge to a public institution or a non-profit organization;

3. Motor vehicles which diplomats, foreign soldiers stationed in Korea or their family bring into Korea for personal use;
4. Motor vehicles which a person who fails to obtain authentication under Article 31 (1) of the Act, manufactures by purchasing motors and chassis of the same motor vehicles as those which have been authenticated;
5. Motor vehicles which are brought into Korea for ground operation of aircraft;
6. Motor vehicles which can be omitted from authentication under an international convention, etc.; and
7. Motor vehicles falling under any of the following items, which are determined and publicly announced by the Minister of Environment:
 - (a) Motor vehicles which are operated within limited places, such as iron foundries and shipbuilding yards;
 - (b) Motor vehicles which are used for specific purposes, such as snow clearing and broadcasting; and
 - (c) Motor vehicles sold by public auction pursuant to Article 326 of the Customs Act.

Article 6 (Kinds, etc. of Inspection according to Permissible Standards for Noises Produced by Manufactured Cars)

(1) Under Article 33 (1) of the Act, the Minister of Environment shall conduct inspections set forth in the following subparagraphs:

1. Occasional inspection:

Inspections conducted on cars undergoing the manufacturing process, on an occasional basis to the extent necessary to confirm whether they meet the permissible standards for noises produced by manufactured cars; and

2. Regular inspection:

Inspections conducted on cars undergoing the manufacturing process, on a regular basis in consideration of the number of each kind of motor vehicles in order to confirm whether they meet the permissible standards for noises produced by manufactured cars.

(2) Any person who is dissatisfied with the results of an inspection under paragraph (1) may apply for a reinspection as prescribed by Ordinance of the Ministry of Environment.

Article 7 (Omission from Inspection on Permissible Standards for Noises Produced by Manufactured Cars)

In cases where car manufacturers conduct inspections under Article 33 (2) of the Act, the Minister of Environment shall allow them to omit regular inspections under Article 6 (1) 2.

Article 8 (Permissible Standards for Noises Produced by Running Cars)

The permissible standards for noises produced by running cars under Article 35 of the Act shall be determined in consideration of the emission characteristics of each kind of noise in the following subparagraphs, and the permissible standard for each kind of noise shall be determined by Ordinance of the Ministry of Environment after considering the opinion of the head of the relevant central administrative agency:

1. Exhaust noise; and
2. Car horn noise.

Article 9 (Upper Limit, etc. of Aircraft Noises)

(1) The upper limit of aircraft noise described in Article 39 (1) of the Act shall be 90 WECPNL (Weighted Equivalent Continuous Perceived Noise Level) in the area around an airport, while 75 WECPNL in other areas.

- (2) The distinction between the area around an airport and other areas as prescribed by paragraph (1) shall be determined by Ordinance of the Ministry of Environment.
- (3) The airport described in Article 39 (2) of the Act shall be the airport under Article 40 (1) of the Enforcement Decree of the Aviation Act.

Article 10 (Standards for Designating Noise Inspection Agency)

Standards for designating a noise inspection agency under Article 45 (2) of the Act shall include the following:

- 1. Requirements for technical human resources, facilities and equipment in annexed Table; and
- 2. Requirements for recognition as a test and inspection agency in the field related to noise and vibration under Article 23 of the Framework Act on National Standards and Article 16 (2) of the Enforcement Decree of the same Act.

Article 11 (Cooperation of Related Agencies)

The term “other matters determined by Presidential Decree” in subparagraph 4 of Article 48 of the Act means matters falling under any of the following subparagraphs:

- 1. Improvement of road systems and maintenance of roads;
- 2. Matters necessary for reducing noise, such as improvement of traffic signal systems; and
- 3. Adjustment of noise and vibration standards related to type approval and quality certification under related Acts and subordinate statutes, such as the Quality Management and Safety Control of Industrial Products Act.

Article 12 (Delegation of Authority)

(1) The Minister of Environment shall, in accordance with Article 54 (1) of the Act, delegate the president of the National Institute of Environmental Research with the following authority with respect to motor vehicles which are brought into Korea from abroad and with authority on noise testing under Article 44 (1) of the Act:

- 1. Granting authentication and authentication of modification on manufactured cars under Article 31 (1) and (2) of the Act;
- 2. Receiving reports on succession to rights and duties under Article 32 (2) of the Act;
- 3. Conducting inspections on noise of manufactured cars and granting omission from such inspections under Article 33 (1) and (2) of the Act;
- 4. Revoking authentication or issuing orders to improve cars and suspend sales under Article 34 (1) and (2) of the Act;
- 5. Issuing orders of reporting to and conducting inspections for car manufacturers under Article 47 (1) 4 of the Act;
- 6. Holding hearings under subparagraph 3 of Article 51 of the Act; and
- 7. Imposing and collecting fines for negligence under subparagraphs 9 and 10 of Article 59 of the Act.

(2) The Minister of Environment shall, in accordance with Article 54 (1) of the Act, delegate the following authority to the head of a basin environmental office or the head of a regional environmental office:

- 1. Installing noise and vibration measuring networks and conducting regular measurements under Article 3 (1) of the Act;
- 2. Issuing orders of reporting and conducting inspections under Article 47 (1) of the Act; and
- 3. Granting approval for areas exempted from reports on installation of emission facilities or permission therefor under Article 2 (4) 4.

Article 13 (Reporting)

(1) When the head of a basin environmental office, the head of a regional environmental office, or the president of the National Institute of Environmental Research conducts business delegated under Article 12, he/she shall report it to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(2) When the head of *Si/Gun/Gu* issues an order to suspend operation, or revokes permission under Articles 16 and 17 of the Act, he/she shall report it without delay to the Minister of Environment, the head of the relevant central administrative agency, and the Mayor/*Do* governor.

Article 14 (Entrustment of Business Affairs)

Under Article 54 (2) of the Act, the Minister of Environment shall entrust business affairs concerning the training of environment managers as prescribed by Article 46 of the Act to the president of the Korea Environmental Preservation Association set forth in Article 38 of the Framework Act on Environmental Policy.

Article 15 (Fines for Negligence)

(1) When the Minister of Environment, Mayor/*Do* governor, or head of *Si/Gun/Gu* (hereinafter referred to as an “imposing authority”) imposes a fine for negligence under Article 59 (2) of the Act, he/she shall issue a notice thereof to each person subject to a disposition taken to impose such fine for negligence, demanding him/her to pay the fine for negligence and expressly stating the fact of violation, the amount of the fine for negligence, the method for raising an objection and a period within which he/she can raise such objection, etc. in writing after investigating and confirming the act of violation.

(2) If an imposing authority desires to impose a fine for negligence under paragraph (1), he/she shall provide a person subject to a disposition taken to impose such fine for negligence an opportunity to state his/her opinion orally or in writing (including electronic documents) within the fixed period of at least ten days. In such cases, if the person fails to state his/her opinion by a given date, he/she shall be deemed not to have any opinion to state.

(3) In determining the amount of a fine for negligence, an imposing authority shall take the motives for the violation and consequences thereof into account.

(4) The collection procedures for fines for negligence shall be determined by Ordinance of the Ministry of Environment.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures for Continuous Acts)

When it comes to the matters delegated to the Mayor/*Do* governor under the amended provisions of Article 12 (1) and (2) of the Enforcement Decree of the Noise and Vibration Control Act (Presidential Decree No. 13680), any acts which have been taken in relation to or by the head of a regional environmental office as of July 1, 1992 pursuant to the former provisions (referring to the provisions prior to amendment under Presidential Decree No. 13680) shall be deemed as acts taken in relation to or by the Mayor/*Do* governor.

Article 3 (Transitional Measures for Continuous Acts)

Any acts which have been taken in relation to or by the president of the National Institute of Environmental Research as of September 8, 1997 pursuant to the former provisions (referring to the provisions prior

to amendment under Presidential Decree No. 15474) shall be deemed as acts taken in relation to or by the Minister of Environment.

Article 4 (Transitional Measures for Continuous Acts)

When it comes to the matters delegated to the president of the National Institute of Environmental Research under the amended provisions of Article 12 (1) of the Enforcement Decree of the Noise and Vibration Control Act (Presidential Decree No. 16796), any acts which have been taken in relation to or by the Minister of Environment as of April 22, 2000 pursuant to the former provisions (referring to the provisions prior to amendment under Presidential Decree No. 19796) shall be deemed as acts taken in regard to or by the president of the National Institute of Environmental Research.

Article 5 (Relationship with Other Acts and Subordinate Statutes)

Where the former Enforcement Decree of the Noise and Vibration Control Act or the provisions thereof have been cited in other Acts or their subordinate statutes at the time when this Decree enters into force, this Decree or the corresponding provisions in this Decree shall, if any, be deemed to have been cited in place of the former provisions.

ADDENDA <Presidential Decree No. 20680, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.