

Korea

Country: [South Korea \(ROK\)](#) [1]

EIA Law: Environmental Impact Assessment Act, 2013 (English translation), as amended

Law Link: [Link](#) [2]

EIA Regulations: Presidential Decree No. 28211: Enforcement Decree of the Environmental Impact Assessment Act

Regulations Link: [Link](#) [3]

EIA Guidelines or Other Guidance: Korea Environmental Policy Bulletin - Environmental Impact Assessment

Guidance Link: [Link](#) [4]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: A project implementer obliged to obtain approval, etc. shall prepare a brief environmental impact assessment report and submit it to the head of the approving agency before obtaining approval, etc. with regard to a project subject to brief environmental impact assessment. EIA Act, Art. 44(1); see also Presidential Decree 28211, sec. 60 (describing requirements for small-scale EIA).

Best Practices in Lieu of EIA: No

Who Conducts Screening: Developer

Who Conducts Screening Detail: Art. 22 of the EIA Act lists the projects that are subject to environmental impact assessment. See also Table 3 of Enforcement Decree 28211 for the specific scope of projects subject to environmental impact assessment.

Criteria for Screening: List or appendix of project or activity types

Other

Criteria for Screening Detail: Screening is achieved primarily by reference to a list of project types. Article 22 of the EIA Act explicitly lists the projects that are subject to environmental impact assessment. See also Table 3 of Enforcement Decree 28211 for the specific scope of projects subject to environmental impact assessment. In addition, projects that fall outside of EIA Act may be subject to environmental impact assessment under Municipal Ordinance of City/Do. EIA Act, Art. 42.

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: "A project implementer shall prepare a draft environmental impact assessment report on the items, etc. for environmental impact assessment, determined in accordance with Article 24, and shall gather consensus thereon from residents. . . ." EIA Act, Art. 25(1)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: Neither the EIA Act nor Presidential Decree specify who is responsible for paying the cost of preparing the EIA. The project proponent prepares the draft EIA (EIA Act, Art. 25(1)); therefore, it is assumed that the project proponent also pays for the full assessment.

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: Environmental Impact Assessors must "successfully pass a qualification examination conducted by the Minister of Environment." EIA Act, Art. 63(1). The Act also lists several conditions that disqualify an individual from holding the position of Environmental Impact Assessor. See EIA Art. 63(2).

Conflict of Interest: Yes

Conflict of Interest Detail: "No person shall make a false or inadequate document in preparing an environmental impact assessment report and basic data for such report." It is also forbidden to copy details from one EIA to another. EIA Act, Art. 53(2)

Terms of Reference: Yes

Terms of Reference Detail: A project implementor must prepare a "preparatory statement for assessment" prior to conducting EIA. This assessment is reviewed by the head of the approving agency to determine the scope of the EIA and what topics will be addressed. EIA Act, Art. 24.

Days for Decision Maker Review: 30 days

Automatic Approval: No

Automatic Approval Detail: There are no provisions in the EIA Act or Presidential Decree addressing this issue.

Written Decision: No

Written Decision Detail: Neither the EIA Act nor the Presidential Decree require a written decision to be issued.

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: "[T]he Minister of Environment may notify the head of the competent

administrative agency of agreed terms and conditions on condition that the terms and conditions be reflected in the relevant plan: 1) Where any matter to be amended or adjusted is insignificant; 2) Where it is possible to amend or adjust the relevant plan before formulating or finalizing the plan." EIA Act, Art. 18

Expiry of Decision: Not specified

Financial Assurances or Bond: No

Interdisciplinary Team: No

Interdisciplinary Team Detail: There are no provisions addressing this issue in the EIA Act or Presidential Decree

Range of Alternatives: Yes

Range of Alternatives Detail: "A draft environmental impact assessment report . . . shall include . . . [f]ormulation and evaluation of alternatives[.]" Presidential Decree No. 28211, sec. 34(1)6(d)

No Action Alternative: No

No Action Alternative Detail: There are no provisions addressing this issue in the EIA Act or Presidential Decree

Type(s) of Impact Analysis: Direct environmental impacts

Social impacts

Economic impacts

Mitigation: Yes

Mitigation Detail: The EIA must include a discussion of "inevitable environmental impacts and countermeasures against such impacts." Presidential Decree 28211, sec. 34(1)

Monitoring Plans: Yes

Monitoring Plans Detail: The EIA must include a "plan for follow-up survey of environmental impacts."

Presidential Decree 28211, sec. 34(1), see also EIA Act, sec. 36

Public Notice of Draft EIA: Yes

Draft EIA Available: Yes

Draft EIA Available Detail: The head of the competent Si/Gun/Gu shall publish notice of the availability of the draft EIA in a daily newspaper and local newspaper. Presidential Decree No. 28211, sec. 36.

Draft EIA Locations: Internet

Other

Public Notice of Final EIA: No

Public Notice of Final EIA Detail: There do not appear to be provisions in the EIA Act or Presidential Decree requiring notice of the final EIA to be publicized.

Final EIA Available: No

Final EIA Available Detail: There do not appear to be provisions in the EIA Act or Presidential Decree requiring the final EIA to be made public. It is possible that it would be published on the EIASS website.

Final EIA Locations: Internet

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: "The environmental impact assessment report . . . shall include . . . [l]iterature and references cited in making the environmental impact assessment..." Presidential Decree No. 28211, sec. 46(5)(a)

Public Notice of Final Decision: No

Public Notice of Final Decision Detail: There are no provisions in the EIA Act or Presidential Decree specifically requiring officials to disclose "details of consultation" (their examination of the EIA + decision) to the public.

Public Scoping: No

Public Review of TOR: No

Public Participation Opportunities: Review of draft EIA

Public Meetings and/or public hearings

Public Meetings: Yes

Public Meetings Detail: The project proponent must conduct a presentation during the period of time the draft EIA is available to the public. Presidential Decree No. 28211, sec. 39. Public hearings may be held if enough people request a hearing through public comment. Id., Art. 40.

Public Input at Meeting: Yes

Public Input at Meeting Detail: Presidential Decree No. 28211, sec. 40. See also, Korea Environmental Policy Bulletin, p. 13 ("[R]esident opinions need to be collected through public notice, public inspection, presentation, and public hearing.")

Criteria to Hold Public Meeting: Members of the public must request a meeting and/or hearing

Days for Public to Review Final EIA: Not specified

Public Comments on Draft EIA: Yes

Public Comments on Draft EIA Detail: "Residents may present their opinions on the environmental impact anticipated as a consequence of the implementation of the relevant project[.]" Presidential Decree No. 28211, sec. 38(1).

Public Comments on Final EIA: No

Response to Public Comments: Yes

Response to Public Comments Detail: "Upon completion of the procedures for collecting opinions and for consultation . . . a project implementer obliged to obtain approval, etc. shall prepare a new environmental impact assessment report, which shall contain the opinions presented and agreed terms and conditions, and shall submit it to the head of the approving agency[.]" EIA Act, Art. 52(2).

Facilitation of Public Participation: No

Citizen Administrative Review: No

Citizen Administrative Review Detail: It appears this option is only available to the project developer. EIA Act, Art. 31 (project implementor may file objection to terms and conditions)

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: Possibly through the Administrative Litigation Act. (available at <http://www.moleg.go.kr/english/korLawEng?pstSeq=52671>).

Project Monitoring: Yes

Project Monitoring Detail: "If the head of the consulting agency deems it necessary for ascertaining the outcomes from taking measures taken under Article 19 (1) or the performance of a plan for such measures, he/she may check the performance of agreed terms and conditions, the progress of performance, etc. with the head of the competent administrative agency." Presidential Decree No 28211, sec. 27. See also, EIA Act, Art. 41(1), which contemplates re-assessment of a project if it severely impacts the surrounding environment as a consequence of causes unforeseen at the time of the original EIA.

Enforceability of EIA: Yes

Enforceability of EIA Detail: If officials fail to diligently monitor compliance with the details of consultation, it may be possible to bring a claim under the Administrative Litigation Act for affirmation of illegality of an omission. See Administrative Litigation Act (available at <http://www.moleg.go.kr/english/korLawEng?pstSeq=52671>)

Enforceability of Permit: Yes

Enforceability of Permit Detail: If officials fail to diligently monitor compliance with the details of consultation, it may be possible to bring a claim under the Administrative Litigation Act for affirmation of illegality of an omission. See Administrative Litigation Act (available at <http://www.moleg.go.kr/english/korLawEng?pstSeq=52671>)

Days for Public to Review Draft EIA: 20-40 days

Modified: June 8th, 2020

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Links

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[3] https://elaw.klri.re.kr/eng_service/lawView.do?hseq=45070&lang=ENG

[4] <https://elaw.org/korea-environmental-policy-bulletin-environmental-impact-assessment>