
LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ON THE ENVIRONMENTAL IMPACT ASSESSMENT

Adopted by Decree No. 1367 of the Presidium of the Supreme People's Assembly on November 9, 2005
and amended by Decree No. 2195 of the Presidium of the Supreme People's Assembly on March 27, 2007

Chapter 1 Fundamentals

Article 1 (Objective)

This Law is enacted for the purpose of providing strict guidelines for the preparation, submission and examination of document of environmental impact assessment (EIS), and the execution of the decisions concerning the EIS, thereby contributing to preventing environmental destruction and damage resulting therefrom and preserving a clean environment.

Article 2 (Definition)

Assessing environmental impact is an important work of forecasting and assessing the impact on the environment of preparation of plan, and development and construction and removing or reducing the negative impact to the minimum.

The plan shall include national land plan and master plan for construction, development include development of resources and energy, and construction include new construction, technical renovation, rehabilitation and reconstruction.

Article 3 (Principle of submission of application for EIS)

Submission of an application for EIS is the first process of the work of assessing the environmental impact.

The State shall ensure that procedures for the submission of an application is properly set and strictly observed.

Article 4 (Principle of examining document of EIS)

Examination in a responsible manner of the EIS document is an important requirement of identifying and preventing the elements that are likely to cause environmental destruction.

The State shall ensure that scientific accuracy, objectivity and impartiality are maintained in the examination of the EIS document.

Article 5 (Principle of carrying into effect EIS decisions)

Carrying into effect the EIS decisions constitutes a fundamental guarantee for the protection of the environment.

The State shall ensure that the ESI decisions are strictly complied with in the formulation of a plan, and development and construction.

Article 6 (Principle of investment)

The State shall ensure that material and technical foundations of the EIS sector are consolidated and the EIS work is placed on modern and scientific basis, and informatized as required by the era of information industry.

Article 7 (Exchange and cooperation)

The State shall promote exchange and cooperation with foreign countries and international organizations in the field of environmental impact assessment.

Article 8 (Applicability)

This Law shall be applicable to the institutions, enterprises, organizations and citizens that are engaged in formulation of plans, or development and construction projects.

This Law shall also be applicable to the foreign-invested enterprises and foreigners that undertake development and construction projects in the territory of the DPRK.

Chapter 2 Preparation of Document of Environmental Impact Assessment, Submission of Application

Article 9 (Basic requirements of preparation and application of EIS document)

Preparation and submission in a proper manner of an EIS application constitute important conditions for accurately assessing the environmental impact.

Institutions, enterprises and organizations that are engaged in the preparation of a plan, or development and construction shall truthfully prepare and submit the EIS document.

Article 10 (Institutions responsible for preparation of EIS document)

The EIS document shall be prepared by the planning institution, and the owner institutions, enterprises or organizations of a building.

Preparation of the EIS document may, if deemed necessary, be requested to a scientific and research institution or a relevant specialized institution.

Article 11 (Survey for preparation of EIS document)

Institutions, enterprises, organizations and individuals that are engaged in the preparation of the EIS document shall conduct an exhaustive and extensive survey of the environmental conditions of the region concerned, specific features of planning, development and construction, and the environmental change that may entail therefrom.

Article 12 (Method of preparation of EIS document)

The EIS document in respect of planning shall be prepared by creating the section of environmental protection in the plan concerned, and the document concerning development and construction shall be prepared by categories in consideration of the specific features and scope of the project concerned.

Article 13 (Contents of EIS document)

The following contents shall be specified in the EIS document:

1. Specific features of planning, development and construction;
 2. Actual conditions of the area in which the planning, development and construction are to be carried out;
 3. Forecasts of the impact on environment of planning, development and construction;
- and
4. Measures for preventing or reducing negative impact.

Article 14 (Time of submission of EIS document)

The EIS document in respect of planning shall be filed before submitting the draft plan for examination, and the document concerning development and construction before making application for the issuance of a written designation of construction location and comprehensive plan for the construction concerned.

Article 15 (Submission of application)

The EIS document shall be submitted to the land and environmental protection organ for examination.

Foreign-invested enterprises and foreigners carrying on development and construction in the territory of the DPRK shall submit the EIS document prepared in Korean language to the land and environmental protection organ via their agencies. In this case the agencies shall produce a letter of delegation.

Chapter 3 Examination of the Document of Environmental Impact Assessment

Article 16 (Basic requirement of examination of EIS document)

Examination of the EIS document is an important work of reviewing and dealing with submitted documents.

Examination of the EIS document shall be conducted by the land and environmental protection organ.

The land and environmental protection organ may organize an environmental impact assessment committee composed of experts in the relevant fields for the examination of the EIS document concerning important projects or the projects with a serious environmental impact.

Article 17 (Time limit for examination of EIS document)

The land and environmental protection organ shall examine the EIS document within 30 days of receipt thereof.

In the case of important projects or the projects with a serious environmental impact the time limit for examination may be extended for another 15 days.

Article 18 (Obligations of land and environmental protection organ in environmental impact assessment)

The land and environmental protection organ shall examine whether the EIS document is prepared in line with the State's policy on environmental protection and the prescribed criteria.

Article 19 (Examination competence of central land and environmental protection guidance organ)

The following objects shall be subject to examination by the central land and environmental protection guidance organ:

1. National master plan for land development, master plan for land development in principal areas and master plan for construction subject to the approval of the Cabinet and the State construction supervision organ;

2. Development and construction projects undertaken by national institutions, projects whose designs are to be subject to the approval of the State construction supervision organ, equity or contractual joint venture enterprises and wholly foreign-owned enterprises; and

3. Projects with serious environmental impact even though they are the objects of examination of the provincial (or municipality directly under the central authority) land and environmental protection organ.

Article 20 [Examination competence of provincial (or municipality directly under central authority) land and environmental protection organ]

1. Master plan for land development of province (or municipality directly under the central authority), municipality (or district) and county, and sector-specific construction plan; and

2. Projects of development and construction under the charge of province (or municipality directly under the central authority), municipality (or district) and county.

Article 21 (Provision of conditions for examination of EIS document)

The land and environmental protection organ may require the institutions, enterprises and organizations to provide information and conditions for the examination of the EIS document.

Institutions, enterprises and organizations shall timely provide the required information and conditions.

Article 22 (Decision concerning examination of EIS document)

The land and environmental protection organ shall examine the EIS document, either approve or reject it and notify the result in writing to the institution, enterprise and organization concerned. In this case the reason for rejection shall be specified

Article 23 (Remedying of errors in document)

Institutions, enterprises and organizations shall, upon being notified of the rejection, remedy the errors and submit the document for re-examination.

The land and environmental protection organ shall examine the document and notify the result to the applicant.

Article 24 (Revocation of approval of EIS document)

Where the plan in question is changed or is not put into practice within 3 years of obtaining the approval for development and construction, the land and environmental protection organ may revoke the approval thereof. In this case the institution, enterprise or organization concerned shall have the EIS document examined again.

Chapter 4 Execution of Decision concerning Environmental Impact Assessment

Article 25 (Basic requirement of execution of EIS decision)

Execution of the EIS decision is compulsory upon institutions, enterprises, organizations and citizens.

Institutions, enterprises, organizations and citizens shall formulate the plans or undertake development and construction upon obtaining notice of approval of environmental impact assessment.

Article 26 (Designing)

The designing institution concerned shall reflect in the technical design the suggestions made in the EIS decision.

Article 27 (Countermeasures for negative impact)

Where negative environmental impact is detected in the course of the preparation of a plan, development and construction, the land and environmental protection organ shall suspend the process. In this case countermeasures shall be taken to remove the negative impact.

Article 28 (Inspection of execution of EIS decision)

The land and environmental protection organ shall carry out inspection of the execution of EIS decision concerning the projects subjected to inspection on completion of construction work.

The development and construction projects that fail to meet the requirements of the EIS decision shall not pass the completion inspection.

Article 29 (Disapproval of projects not subjected to EIS)

The State construction supervision organ, land and environmental protection organ, State planning organ, financial institution and the institutions concerned shall not grant approval to the planning, development and construction of the projects that have not been subjected to the EIS.

Chapter 5 Guidance and Control of the Environmental Impact Assessment Work

Article 30 (Guidance of work concerning EIS)

Guidance of the work concerning EIS shall be undertaken by the central land and environmental protection guidance organ under the unified direction of the Cabinet.

The central land and environmental protection guidance organ shall establish a proper EIS system and provide guidance and control thereof on a regular basis.

Article 31 (Supervision and control)

Supervision and control of the work concerning EIS shall be undertaken by the land and environmental protection organ and the supervisory and control organ concerned.

The land and environmental protection organ and the supervisory and control organ concerned shall carry out on a regular basis the supervision and control of the EIS and status of execution of the decision concerned.

Article 32 (Suspension, compensation for damage)

Where EIS has not been conducted, plan was formulated, or development and construction undertaken in violation of the EIS decision, the projects concerned shall be suspended or any damage caused shall be compensated.

Article 33 (Administrative or penal liability)

Officials of the institutions, enterprises and organizations, and individual citizens who are responsible for grave consequences in environmental protection caused through their violation of this Law shall, depending on the gravity of the offence, be liable to administrative or penal responsibility.