

REPUBLIC OF KOREA
PERMANENT MISSION TO THE UNITED NATIONS

MUN/038/15

19 February 2015

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the Secretariat of the United Nations and, in reference to the Report of the International Law Commission (A/69/10) Chapter III (Specific issues on which comments would be of particular interest to the Commission), has the honour to transmit the enclosed comments of the Government of the Republic of Korea, including the relevant domestic laws and judicial precedents

The Permanent Mission of the Republic of Korea to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its highest consideration

Enclosed As stated

Secretariat of the United Nations
New York

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United Nations General Assembly Sixth Committee
New York



Comments (domestic laws and judicial precedents, etc.) of the Republic of Korea on specific issues requested by the International Law Commission

A. Protection of the atmosphere

The Republic of Korea has enforced several domestic laws relevant to the protection of the atmosphere. Enforced in August 1990, the "Clean Air Conservation Act" aims to prevent air pollution which causes harm to people and the environment, and manage and preserve the atmospheric environment in a proper and sustainable manner, thereby enabling all people to live in a healthy and comfortable environment

In accordance with this Act, the Minister of Environment shall install measuring networks and constantly/ monitor the levels of air pollution under conditions determined by Ordinance of the Ministry of Environment to ascertain the actual conditions of air pollution and climate/ecosystem-changing substances nationwide This Act also prescribes the role of the Government to participate positively in international efforts such as the exchange of environmental information and technologies with other nations, and establishment of policies for research and surveys, recovery and recycling, and development of substitutes among others to cut the emissions of climate/ ecosystem-changing substances.

Also, the Government shall make endeavors to cooperate with relevant nations for the prevention of damage caused by yellow dust in accordance with this Act This Act also deals with "the Regulation of Emissions of Air Pollutants in Places of Business", "the Regulation on Emission of Air Pollutants in Living Environment", and "the Regulation of Exhaust Gases from Automobiles, Ships."

Other relevant domestic legislations include "Special Act on the Improvement of Air Quality in Seoul Metropolitan Area" and its Enforcement Decree enacted in 2005, "Framework Act On Low Carbon, Green Growth" and its Enforcement Decree enacted in 2010, "Act on the Promotion of Development and Distribution of Environment-Friendly Automobiles" and its Enforcement Decree enacted 2014 In a broader framework, "Natural Environment Conservation Act" and its Enforcement Decree also have specific provisions regarding the protection of the atmosphere

In January, 1992, the Republic of Korea enacted "Act on the Control, Etc of Manufacture of Specific Substances for the Protection of the Ozone Layer", to enforce the Vienna Convention for

the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, in a bid to control the production and use of specific substances, promote the development and use of alternative substances, curb emission levels and promote rationalization in use of the specific substances

According to these relevant domestic legislations, domestic courts of the Republic of Korea promote the protection of the atmosphere through rigorous regulations on emission of air pollutants, which serves as a precondition for permission of business, and regard negligence as a violation of these regulations.