

(1) Korea: Situation of Development of Legal systems for EIA

In Korea, the environmental impact assessment system has been developed as follows:

- 1) Introduction phase: The first provision related to environmental impact assessment in Korea was the provision on the creation of the environmental impact assessment report by Environment Conservation Act in 1981. However, at this stage, no provisions existed on public participation and the Draft Environmental Impact Statement (EIS), and only the holding of discussions with the Ministry of Environment was specified. In 1990, procedures for public participation and the Draft EIS were introduced, and the minimum formality as a procedural law was prepared.
- 2) Development phase: In 1993, Environmental Impact Assessment Act was enacted as an individual law. Korea Environment Institute (KEI) became a specialized review body following the amendment of Environmental Impact Assessment Act in 1997.
- 3) Transition phase: In 2006, Prior Environment Review System (PERS) was introduced following the amendment of Basic Environment Policy Act. PERS was the predecessor of Strategic Environmental Impact Assessment (SEIA). However, this turned out to be a binary structure, in which EIA is grounded in Environmental Impact Assessment Act and PERS is grounded in Basic Environment Policy Act.
- 4) Present: PERS was incorporated into Environmental Impact Assessment Act as SEIA following the amendment of Environmental Impact Assessment Act in 2012.
- 5) Korean Ministry of Environment is aimed at the amendment of Environmental Impact Assessment Act by the end of 2018. The amendment includes:
 - (i) Information disclosure
The opinions of the review body (KEI) have been undisclosed so far but will be disclosed. There is a social demand that the opinions of the review body and Ministry of Environment should be disclosed to enable the comparisons of both opinions in response to the criticism that Ministry of Environment makes political decisions without reflecting expert opinions of the review body.
 - (ii) Expansion of public participation
Only citizens in the applicable administrative district have been able to participate so far, but the extent will be expanded. The Act is being amended so that experts and the public other than local residents can express their opinions in districts where Ministry of Environment is specified as environmentally important districts such as ecosystem conservation districts.
 - (iii) Nominal report, untrue report
For the nominal report and untrue report, a system in which Ministry of Environment returns the assessment report to the project proponent will be introduced. The nominal report is used when nominal data, etc. that are not facts is included while the untrue report is used when

necessary data are not listed, but no definite criteria have been determined. Therefore, a committee will be established to make decisions on the use of the nominal or untrue report.

(iv) Diversification of consideration bodies

KEI has reviewed the environmental impact assessment report as the specialized review body so far, but the opinions of specialized bodies that are dedicated to particular projects can be heard. (e.g. National Institute of Ecology for natural environmental investigations, Korea Environment Corporation and National Institute of Environmental Research for air quality)