Partial Revision of the Enforcement Decree of the Financial Investment Services and Capital Market Act

Grounds for Revision
As the revision of the Capital Market Act at the end of last December introduced penalty sanctions on market order disruptions, this revision aims to prescribe exception cases and penalty standards, etc.

Major Revision
A. To prescribe exception cases of penalty sanctions
With regard to activities based on the use of material, nonpublic information and thus currently classified disruptions, if a disruption causes no damage to the soundness of the market order and consumer protection, it is exempt from penalty sanctions. Such cases include:
   a) The follow-up activities of previously concluded contracts
   b) Inevitable transactions under current laws
   c) Transactions according to the government’s approval or permission
   d) Other cases announced by the Financial Services Commission.
B. To stipulate penalty sanction standards
The degree of penalty is decided taking into account such factors as the amount of benefits created through disruptive activities or avoided losses, and the severity of disruptions, provided that penalty details are decided by the Financial Services Commission.
C. The Financial Services Commission’s rights to request information related to the market order disruption activities of financial investors and other related details are prescribed.

Partial Revision of the Enforcement Decree of the Housing Site Development Promotion Act

Grounds for Revision
Current laws limit the resale of public housing sites until the registration of ownership transfer but exceptionally allow resale for special cases. The revision aims to stipulate an exception to allow the resale of apartment housing constructors who own public housing sites when their construction businesses are based on trust investment or project financing vehicles (PFV.)

Major Revision
Allow a resale in the following cases:
   a) When an apartment housing constructor who owns a public housing site signs a trust contract with a trust business operator* to develop the site; provided, however, that it should be the constructor who submits a business operation plan for permission
   b) When an apartment housing constructor who owns a public housing site resells the site to a special purpose corporation established through a joint investment with the constructor for a housing construction business and meets the requirements specified in the Corporate Tax Act; provided, however, that the constructor should be the biggest shareholder of the special purpose corporation.

* A “trust business” is specified under the Financial Investment Services and Capital Markets Act.

Partial Revision of the Occupational Safety and Health Act

Grounds for Revision
The revision aims to allow those permitted to sell prohibited substances by the Ministry of Environment to supply and transfer the substances to those permitted according to Article 18-1 of the Chemicals Control Act or to those permitted by the Ministry of Employment and Labor.

Major Revision
The Chemicals Control Act allows the sale of prohibited substances if certain requirements are met, but the Occupational Safety and Health Act bans the manufacture, import, transfer, supply and use of such substances. In accordance with Article 18-1 under the Chemicals Control Act, those with sales permission from the Ministry of Environment will be able to transfer or supply prohibited substances to those who have the same permission or to those with usage approval from the Ministry of Employment and Labor.