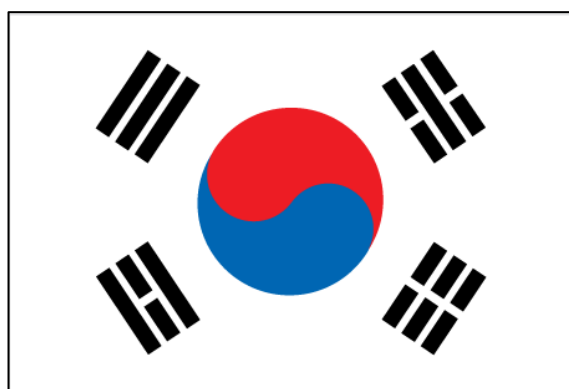


CLIMATE CHANGE LEGISLATION IN

SOUTH KOREA

AN EXCERPT FROM

The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries



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South Korea

Legislative Process

The legal system of South Korea is a civil law system that has its basis in the Constitution of the Republic of Korea, which is at the pinnacle of the country's hierarchy of laws. Korea's Acts and Subordinate Statutes form a consolidated system that is designed to prevent contradictions or conflicts.

The power to enact Acts belongs exclusively to the National Assembly, with the law-making power held by the Executive for subordinate statutes confined to matters delegated by Acts and other matters necessary to enforce Acts. Since such subordinate statutes are required to conform to Acts, the National Assembly is the supreme law-making organ. The most recent National Assembly elections took place in April 2012. The next elections are due to take place in 2016. The last Presidential Election took place in December 2012. The next Presidential election is due to take place in 2017.

The law-making process can be initiated by the national assembly or by government representatives. In the first case, a bill is proposed by 10 or more national assembly representatives. The proposed bill is deliberated by the standing committee. After the bill passes the committee, it is referred to the plenary session. Bills that pass the plenary session will then be sent to the government to be promulgated. Bills can also be submitted by a relevant ministry. Other ministries will be consulted and a public notice will be issued. The bill is then reviewed by the Ministry of Legislation (MOLEG), an independent and specialised self-legislative control agency within the government in order to exercise overall control of and co-ordinate the government's legislative activities and to review whether individual bills contravene higher laws or conflict with relevant laws. The bill is deliberated at the State Council and sent for presidential approval. After that it is submitted to the National Assembly for decision. Once it is passed in the National Assembly, it returns to MOLEG and is finally promulgated. Presidential decrees are promulgated directly after their approval by the President and do not go through the National Assembly.

Approach to Climate Change

All climate change-related laws, policies and regulations should be in harmony with the basic principles for the promotion of low-carbon, green growth under Korea's flagship legislation, the Framework Act on Low Carbon, Green Growth. The Framework Act, passed in 2009, builds on the National Strategy for Green Growth (2009-2050) and the Five-Year Plan for Green Growth (2009-2013).

The National Strategy for Green Growth aims to promote eco-friendly growth, enhance quality of life and contribute to international efforts to fight climate

change. The Five-Year Plan outlines government actions for implementation of the Strategy, and detailed tasks for ministries and local governing entities as well as specific budgets. Under the plan, the government will spend approximately 2% of annual GDP on green growth programmes and projects. Investments will initially be geared towards infrastructure systems in order to boost the economy.

During the COP 15 meeting held in Copenhagen in 2009, Korea announced its national GHG reduction goal of 30% below business-as-usual (BAU) projection by 2020. In order to accomplish this goal, in 2010 the government established the Greenhouse Gas Inventory & Research Centre of Korea (GIR). The GIR's main mission is to manage the national GHG inventory and analyse GHG reduction potential. It is also responsible for providing the guidelines for Measurement, Reporting, and Verification (MRV) for the National GHG Inventory, and supporting the operation of the ETS plan.

In 2010, the Framework Act on Low Carbon, Green Growth and its Enforcement Decree entered into force. These instruments create the legislative framework for mid- and long-term emissions reduction targets, cap-and-trade, carbon tax, carbon labelling, carbon disclosure and the expansion of new and renewable energy. They also set out the target to reduce national emissions by 30% in 2020 below the BAU scenario. The Framework Act includes a system of mandatory reporting of carbon emissions by all carbon- and energy-intensive industries and provides a basis for the creation of a carbon trading system. The Enforcement Decree mandates a cap on emissions, but leaves out the operational structure, how permits will be issued, the sectoral coverage and other details, for implementing laws to decide.

The Framework Act takes precedence over other Acts in application to low-carbon green growth. Other related Acts include Energy Use Rationalisation, the Electricity Business Act, the Act to Promote the Purchase of Environment-friendly Products, and the Energy Act. These Acts must conform to the purposes and basic principles of the Framework Act, and many of them emphasise the important role environmental technology has in the economy.

In January 2014 the Ministry of Environment launched the new National Greenhouse Gas Emissions Reduction Roadmap 2020, including emissions reductions targets for seven sectors, to be reached through a range of policies, including commencing the planned emissions trading system, development of low-carbon technologies, creating GHG reduction markets and jobs. The Roadmap allocates responsibility for developing detailed sectoral GHG reduction measures to responsible ministries, while the Office for Government Policy Co-ordination is responsible for co-ordinating ministries and making period assessments of government GHG reduction performance.

Energy supply

The First Energy Master Plan, a governmental plan introduced in 2008, sets a target of 11% renewable energy in the production portfolio by 2030, and allows all households to access affordable energy. It leans on three pillars (“the 3 Es”) to dictate the direction of the national energy policy until 2030: energy security, energy efficiency, and environment. The Second Energy Master Plan, launched in January 2014, re-affirms the 11% renewable energy deployment rate target, and calls for establishing 15% of power from distributed generation by 2015, for applying advanced GHG reduction technology to new power plants. In 2012 Korea introduced a renewable portfolio standard (RPS) for large energy providers, applying to the 13 public and private utilities with capacity in excess of 500MW. The RPS replaced the feed-in tariff that had previously been available for renewable energy. It required that these utilities purchase or generate energy at a rate equal to 10% of their share of total energy generation by 2022, with stepped increments every year up to 2022. The RPS system allows for trading in renewable energy certificates (RECs).

Energy demand

Energy efficiency is one of the three pillars of the First Energy Master Plan, and there is a goal of reducing energy intensity by 46% by 2030. However, a review of the First Energy Master Plan notes that energy consumption in the industrial sector and electricity demand have both increased faster than forecast from 2007-2012. The Second Energy Master Plan sets a target to reduce energy demand by 15% by 2035 through adjusting energy tax rates, electricity pricing, and ICT-based demand management systems.

Carbon pricing

According to the 2009 Framework Act on Low Carbon Green Growth, in order to accomplish its target of reduction of GHGs “the government may operate a system for trading emissions of GHGs by utilising market functions”. In 2011 the government enacted a GHG & Energy Target Management Scheme (TMS) as a precursor to the ETS. This scheme was designed to manage and impose specific GHG reductions and energy consumption standards on large businesses with high energy consumption and GHG emissions. Through this scheme, the government managed more than 90% of industrial GHG emissions and 70% of overall national GHG emissions. The implementation of this target management involved the development of a Measurement, Reporting, and Verification (MRV) scheme for the GHG emissions and energy consumption, which became the basis for the national ETS.

In 2012, the national assembly passed the Act on the Allocation and Trade of Greenhouse Gas Emissions Rights, establishing a domestic cap-and-trade ETS, which is closely modelled on the EU’s ETS. The motivations to promote the ETS included development of green industry technologies and pushing green businesses ahead of other countries. The ETS Act, however, only called for the government to operate a system for trading emissions of GHGs.

The Enforcement Decree of the Emissions Trading Act was approved by the Cabinet in 2012. It outlined the rules and governance structure of the ETS, which opened on 12 January 2015. It also establishes two plans to implement the ETS: the Master Plan and the Allocation Plan. The Master Plan, implemented in January 2014, provides the legal basis for the ETS, and will be revised every five years, providing a 10-year plan for the operation of the market. In January 2014 MOE designated the securities exchange KRX as the official emission permits exchange for the ETS. The Ministry of the Environment submitted the Allocation Plan to the Allocation Committee and the Green Growth Committee in June 2014, calling for three implementation phases from 2015 to 2025, starting with 100% allocated permits with increased phasing in of auctioned permits.

The plans for the ETS were reviewed in 2014 after concern from the Ministry of Strategy and Finance. The government has modified the plans to reduce emissions targets by 10% from previously planned levels for all industries covered by the ETS, to aim to keep the price at KRW10,000 (USD89.84) per ton of emissions by using stabilisation measures, to allow businesses to transfer to or borrow from past and future accounts, and to allow extra emissions rights for new facilities.

REDD+ and LULUCF

During Japanese rule and the Korean War, most of the forested area in Korea was destroyed by illegal logging and over-harvesting. In the late 1960s, policy and strict law enforcement on forest management were put in place. The comprehensive forest rehabilitation plan was established with the enactment of the forest law in 1961. The first (1973-1978) and second (1979-1987) National Forest Rehabilitation Plans focused on rehabilitation and restoration of devastated mountainous areas. The third National Forest Plan (1988-1997) shifted the forestry policy from greening the nation to achieving an environmentally healthy forest. The fourth National Forest Plan (1998-2007) introduced a new paradigm of sustainable forest management.

The current Fifth National Forest Plan (2008-2017) was designed to further expand the implementation of sustainable forest management in pursuit of maximising forest functions. The Plan especially highlights the importance of forest functions in response to climate change. The overall vision of the Fifth Plan is “to realise a green nation with sustainable welfare and growth” by sustainably managing forests as key resources for strengthening the nation's economic development, land conservation and an improved quality of life.

Transportation

The Ministry of Environment intends to support transport emissions reduction through promoting low carbon transport options. A low carbon vehicle fund had been set to commence in January 2015, but in September 2014 the implementation date was delayed until 2020. The fund system is intended to establish additional charges on purchases of high GHG emitting vehicles as well as subsidies on low GHG emitting vehicles.

Adaptation

The National Framework on Low Carbon Green Growth states that the government shall establish and implement every five years a basic 20-year plan for coping with climate change. This spurred the generation of several national and local plans dealing with climate change adaptation. In 2008 Korea published the National Climate Change Adaptation Master Plan (NCCAMP) for the years 2009-2030. This was followed by the National Strategic Plan for Climate Change Adaptation 2011-15 in 2010 and the establishment of the National Government Adaptation Committee (NGAC) to implement the Plan. The NGAC is composed of the representatives of 13 ministries. The Ministry of Environment is in charge of the NGAC and also of supporting local governments.

The National Strategic Plan for Climate Change Adaptation has 87 major projects, covering 10 sectors: public health, disaster management and infrastructure, agriculture, forestry, marine and fisheries, water, eco-system, climate change monitoring and projection, adaptation business and industry, and publication, education and international cooperation. The Plan includes provisions for local action planning. The 1st Adaptation Action Plan by local governments was expected to be set up in 2012. The national climate change scenario was updated in 2011, customised and adapted for the whole country, leading to a new vulnerability assessment and the publication of an updated National Strategic Plan in 2012.

South Korea: Legislative Portfolio

Name of law	Act on the Allocation and Trading of Greenhouse Gas Emissions Rights regulated by Enforcement Decree of Allocation and Trading of Greenhouse Gas Emissions Rights Act
Date	15 November 2012 (Enforcement Decree entered into force 15 November 2012)
Summary	<p>The Act aims to achieve the national targets for reducing GHGs by introducing a system for trading GHG allowances through market mechanisms. The first phase of the trading scheme is due to start in 2015, covering companies that emit 125,000 metric tonnes or more of CO₂ a year and factories, buildings and livestock farms that produce at least 25,000 tonnes of the gas annually.</p> <p>The basic plan for the emissions rights trading system shall be established every 5 years for a unit period of 10 years. An Emissions Rights Allocation Committee chaired by the Minister of Strategy and Finance will be established for deliberation and mediation of major issues regarding the emissions rights trading system. The competent authorities will allocate the total emissions rights for the unit period and for each year to relevant corporations. The emissions rights may be traded. Anyone who wants to trade their rights shall enter an account in the emissions rights register.</p> <p>The scheme determines that in the event that a corporation produces more GHGs than its allotted amount, the excess will be subject to a penalty of up to three times the average market price of the year, up to a limit of KRW100,000 (USD89.87) per one tonne of CO₂.</p> <p>The Enforcement Decree outlines the rules and governance structure for the ETS, planned to begin on 1 January 2015. The ETS requires each company or organisation to set the goal of emissions reduction and fulfill the required reduction goal by utilising a market</p>

mechanism. All six Kyoto Protocol GHGs are included, and the scheme covers direct and indirect emissions from individual facilities producing over 25ktCO₂e/yr, companies with multiple installations producing over 125ktCO₂e/yr, and any other firm that voluntarily wishes to join the ETS.

The Minister of Environment is responsible for controlling and operating the ETS. It operates the quota evaluation commission and the emissions certification committee, and encourages the participation of relevant ministries such as the Ministry of Industry, Trade and Energy, the Ministry of Agriculture, Food and Rural Affairs, and Ministry of Land, Infrastructure and Transport. The Minister of Strategy and Finance must set up the plan so that influential factors such as commodity price are taken into account.

During the first phase of the ETS (2015-2017), liable entities will be allocated 100% of their emissions permits for free based on their average emissions. Therefore demand for units will only be generated by entities exceeding their predicted emission levels. This free allocation level will drop to 97% during the second phase (2018 to 2020) and below 90% in the third phase (2021-2025). By easing the cost burden of allowable emissions at an initial stage, it minimises the burden on industry; by expanding the range of paid quota in the mid- to long-term, it lays the foundation for cost-effective GHG reduction.

Offsets are allowed for up to 10% of compliance obligations. International offsets can be used from Phase III, and shall be set within the range of less than 50% of the maximum offsets for the efficient reduction of domestic GHG. The specific criteria and procedures for the approval and certification of international offsets are yet to be established.

The government agency in charge can receive applications from qualified organisations and may select the emissions trading system's exchange among them through the evaluation of the Committee on Green Growth. In order to stabilise the market at an initial stage, companies will be subject to quota assignment through Phases I and II. When necessary, the government agency in charge, through the quota committee, will take measures to stabilise the market: adding up to 25% of the allowance reserve, specifying the minimum and maximum of emissions rights to be held, restricting borrowing and carry-over, and restricting the limit of offset emissions right's offers.

Financial support measures are allowed to industries whose competitiveness is negatively affected by the scheme. Financial and taxation incentives or subsidies can be provided for GHG reduction, technological development and distribution projects in relation to new and renewable energy.

Name of law	Act on the Creation and Facilitation of Use of Smart Grids
Date	24 November 2011
Summary	The Act aims to create smart grids and to facilitate them to create green growth and to deal with climate change. The government is to develop and implement a 5-year plan for creating and facilitating the use of smart grids. Research and development resources are to be provided for. The Act also details requirements to establish smart grids, and deals with information use and protection. The Act is Supported by a presidential decree from 2011 (Enforcement Decree of Act on the Creation and Facilitation of Use of Smart Grids).

Name of law	National Strategic Plan for Climate Change Adaptation 2011-2015
Date	August 2010
Summary	The National Strategic Plan for Climate Change Adaptation involves the co-ordination and co-operation of 13 government agencies to implement 87 major projects across 10 sectors:

public health, disaster management and infrastructure, agriculture, forestry, marine and fisheries, water, eco-system, climate change monitoring and projection, adaptation business and industry, and publication, education and international cooperation.

Key actions for sectors include:

- Public health: establish counter measures to protect the citizen’s lives and health environment from heat wave and air pollution
 - Disaster management and infrastructure: establish plans for disaster prevention and enforcement of stability of social infrastructure
 - Agriculture: adaptation of agricultural production system to climate change
 - Forestry: establish plans for forest health improvement and prevention of the forest disasters such as forest fires
 - Marine and fisheries: secure stable marine & food product resources and minimize damages from climate change
 - Water: establish water response system for the flood and drought
 - Ecosystem: secure biodiversity through the identification of climate change sensitive species.
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Name of law	Framework Act on Low Carbon Green Growth, regulated by Enforcement Decree of the Framework Act on Low Carbon Green Growth
Date	14 April 2010 (Enforcement Decree entered into force 14 April 2010; last amended June 2011)
Summary	South Korea’s Framework Act on Low Carbon Green Growth creates the legislative framework for mid- and long-term emissions reduction targets, cap-and-trade, carbon tax, carbon labelling, carbon disclosure, and the expansion of new and renewable energy.

The Framework Act requires the government to establish and implement a national strategy, action plans, and a detailed 5-year plan for a planning period of 20 years, which will deal with various aspects of climate change mitigation and adaptation. The framework defines the main principles of a green economy, including green growth via environmental technologies and industries, and the balance between environment and economy. The Committee on Green Growth is established to deliberate on the State’s major policies and plans related to low carbon green growth. Since 2013 this Committee has operated under the Prime Minister’s Office.

The Framework declares that the government will foster new green industries with high growth potential, by formulating means to transform traditional industries into green ones, setting targets and adapting infrastructure to an environmentally friendly structure; green investment companies shall be established and may be supported by the government; and the Framework also calls for facilitation of research, development and commercialisation of green technology.

The Framework prescribes mandatory annual GHG emission reporting to the government, and the establishment of an Integrated Information Management System for GHGs.

The Framework instructs the government to prepare and enforce a basic plan for energy every 5 years for a planning period of 20 years. The plan should include aspects of energy security and independence, as well as targets for energy supply from renewable sources and energy demand management via saving and efficiency.

The Framework calls for the preparation of REDD/Land Use policies and transportation policies – including the establishment of standards for emissions from different classes of automobiles. It prescribes an assessment of impacts of climate change and the implementation of measures for adaptation.

The Enforcement Decree is designed to provide for matters delegated by the Act and matters necessary for enforcement thereof including establishment of central and local action plans, operation of the Presidential Committee on Green Growth, establishment of and support for green industries investment companies and control of quantity of GHGs emitted and the quantity of energy consumed in each area including transportation and architecture, etc.

The Decree sets a target of a reduction in total national GHG emissions in 2020 by 30% from the business-as-usual projection for 2020.

Regarding transportation policies, the Decree addresses the management of the standards for corporate-average energy consumption efficiency of automobiles and compatible corporate-average allowable exhaust emissions of GHGs from automobiles. The Decree deals with the establishment of green industries investment companies. It also provides that the Minister of Environment shall establish and implement, every 5 years, measures for adaptation to climate change based on consultation with the heads of the central administrative agencies concerned. The Decree establishes the national integrated information management system for GHGs.

Name of law	Act to Promote the Purchase of Environmentally Friendly Products
Date	Wholly amended February 2010, last amended July 2013
Summary	<p>The purpose of the Act is to promote the purchase of environmentally friendly products, as defined in the Framework Act on Low Carbon Green Growth. The Act obliges public institutions to purchase environmentally friendly products whenever possible to do so without jeopardising quality or without conflict with other specified prioritised matters.</p> <p>A data management system to provide information about environmentally friendly products will be set up. There is no specific reference to climate change in the Act.</p>

Name of law	Sustainable Transportation Logistics Development Act
Date	December 2009, last amended in July 2013
Summary	<p>This act, under the responsibility of the Ministry of Land, Infrastructure and Transport, promotes the development of a sustainable transportation logistics system, in accordance with several basic principles: promoting a low-carbon transportation logistics system by reducing emission of GHGs; promoting an environment-friendly, energy and resource saving transportation logistics system; improving the mobility, accessibility and safety of the transportation logistics system; securing a balance between modes of transportation, classes and regions; effectively connecting the use of land and a transportation logistics system.</p> <p>The state and the local authorities are to formulate basic plans (for 10 years) and implementation plans (annually) and to allocate necessary budgets for the development of a sustainable transportation logistics system. These plans should be consistent with South Korea's 2007 Sustainable Development Act (amended 2010).</p> <p>Necessary measures shall be taken by the state and local governments to reduce GHG emissions in order to implement the UNFCCC. The Ministry will develop a coefficient for calculating emissions per unit of transportation logistics, and utilise the data collected in policy development.</p>

Other provisions deal with calculation and management of socio-economic costs, traffic

management, transportation sharing structures, promotion of mass transportation and carbon free transportation, development of environment friendly facilities and technology, linking with urban planning, education etc.

Name of law	Energy Act (Act No. 7860)
Date	September 2006, last amended July 2011
Summary	<p>The Act aims to present long-term and comprehensive vision to clarify basic principles of energy policy.</p> <p>Under the Act, local governments must formulate and implement 5-year energy plans, which will include matters regarding stable supply of energy, measures for using renewable energy, rationalisation of energy use and reduction of GHG emissions, development of energy sources etc.</p> <p>The Act calls for the formulation of a national energy supply contingency plan, as well as Energy Technology Development Plans.</p> <p>An Energy Committee will be created to deliberate on matters concerning major energy policies and energy-related plans. The Act also establishes the Korea Institute of Energy Technology Evaluation and Planning, to efficiently support the planning, evaluation, management, etc. of the energy technology development-related projects. The Act includes provisions to establish a state supported technology development fund.</p>

Name of law	Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy
Date	2004, significantly amended in April 2010, last amended in July 2011
Summary	<p>The Ministry of Trade, Industry and Energy is to promote the diversification of energy sources through the promotion of technological development, use and distribution of new energy and renewable energy, and the activation of the new energy industry and the renewable energy industry. The Act allows for establishing renewable portfolio standards (RPS) for minimum shares of renewable energy generation, and for trading of renewable energy certificates.</p> <p>It also promotes the stable supply of energy, environment-friendly conversion of the energy structure, and the reduction of GHG emissions. Forms of renewable energy included are, among other solar, bio-energy, wind, water, fuel cells, hydrogen, marine, geothermal and other forms other than coal, nuclear or natural gas.</p>

Name of law	Act on the promotion of Development and Distribution of Environmentally Friendly Automobiles
Date	2004, last amended in May 2011
Summary	<p>The Minister of Trade, Industry and Energy is to establish a master plan and implementation plans to promote the development and distribution of environmentally friendly automobiles (electric cars, solar powered cars, hybrid cars, fuel cell vehicles, natural gas vehicles or clean diesel vehicles). General provisions declare that the state may provide assistance to developers and consumers of environmentally friendly automobiles.</p>

Name of law	Integrated Energy Supply Act
Date	1991, last amended April 2010
Summary	The Act's purpose is to promote energy conservation in line with the UNFCCC principles. It calls for the development of a master plan for integrated energy (heat or heat and electricity) supply, and prescribes the matters concerning the construction, operation and safety of integrated energy facilities.

Name of law	Electricity Business Act
Date	Wholly amended 1990, most recently amended 12 April 2010
Summary	The Electricity Business Law mandates both the purchase and the fixed price of electricity generated from renewable sources. Any renewable energy generator that is connected to the grid is eligible to sell electricity to the grid at fixed prices. Korea Electric Power Corporation (KEPCO) is responsible for purchasing electricity from renewables. The government compensates for the difference between nuclear and renewable energy and fossil fuel generation prices. The Act requires the Ministry of Knowledge Economy (MKE) to prepare and announce the Basic Plan of Long-term Electricity Supply and Demand (BPE) on a biennial basis. The BPE stipulates electricity policy directions on supply and demand, long-term outlook, construction plans, Demand Side Management, etc. The 4th Basic Plan of Long-Term Electricity Supply and Demand (2008–2022) was announced in 2008.

Name of law	Energy Use Rationalisation Act
Date	January 1980, amended in 2007, 2011 and July 2013
Summary	The purpose of this Act is to promote green growth while contributing to international efforts to tackle climate change. The Act requires the government to consider the measures to attain effectively the goal of the national energy policy on the stability of demand and supply of the energy required for the sound development of the national economy, the minimisation of the factors of environmental damage caused by energy consumption, and the rationalisation of the energy utilisation. According to the Act, the government is to establish and enforce a comprehensive GHG mitigation policy, and local governments are to establish local plans accordingly.

A Basic National Energy Plan and the Basic Plan for Rational Use of Energy are to be drafted by the Minister of Trade, Industry and Energy, addressing demand-side and supply-side issues of energy efficiency, substitution between energy sources, measures to reduce GHG emissions by rational use of energy, education and publicity. The Plan should also include "matters concerning the implementation of the system for price indication for the rationalisation of energy use". A national energy saving committee is formed under the provisions of the Act.

Based on previous versions of the Act, the government has provided long-term and low interest rate loans from the Fund for Efficient Use of Energy for energy efficiency and conservation investments since 1980. Every fiscal year, a given amount from the Fund is allotted to the eligible loan applications from a government financial source named the Special Accounts for Energy and Resources.

Based on the Act, Korea's energy conservation programmes and activities are planned and put into action by the Republic of Korea Energy Management Corporation (KEMCO), established in 1980 based on the Act. KEMCO functions as the national energy efficiency centre responsible for the implementation of the national energy efficiency and conservation programmes. The Act continues to detail issues which need to be addressed, such as standby-power standards, utilisation of waste heat, management of equipment, support to enterprises specialising in energy savings, etc.

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