

## ENFORCEMENT DECREE OF THE ACT ON PROMOTION OF TRANSITION TO CIRCULAR ECONOMY AND SOCIETY

Presidential Decree No. 34004, Dec. 19, 2023

### CHAPTER I GENERAL PROVISIONS

#### Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the Act on Promotion of Transition to Circular Economy and Society and matters necessary for the enforcement thereof.

#### Article 2 (Circular Raw Materials)

"Substances or articles prescribed by Presidential Decree" in subparagraph 4 of Article 2 of the Act on Promotion of Transition to Circular Economy and Society (hereinafter referred to as the "Act") means the following:

1. Circular resources;
2. Recyclable resources defined in subparagraph 2 of Article 2 of the Act on the Promotion of Saving and Recycling of Resources;
3. Recycled raw materials defined in subparagraph 7-2 of Article 2 of the Act on the Promotion of Saving and Recycling of Resources;
4. Used goods exchanged at recycling centers under Article 13-2 of the Act on the Promotion of Saving and Recycling of Resources;
5. Recycled aggregates defined in subparagraph 7 of Article 2 of the Construction Waste Recycling Promotion Act;
6. Organic waste resources defined in subparagraph 1 of Article 2 of the Act on Facilitation of Production and Use of Biogas by Utilization of Organic Waste Resources;
7. Other substances that the Minister of Environment deems usable for circular use and publicly notifies.

#### Article 3 (Implementation of Entrusted Projects to Create and Disseminate Circular Economy Culture)

(1) "Institution or Organization prescribed by Presidential Decree" in Article 9 (2) of the Act means any of the following institutions or organizations:

1. A non-profit corporation incorporated pursuant to Article 32 of the Civil Act or other statutes;
2. A non-profit, non-governmental organization registered pursuant to Article 4 of the Assistance for Non-Profit, Non-Governmental Organizations Act;
3. A trade association established pursuant to Article 44 (1) of the Act.

(2) Where the Minister of Environment or the head of the relevant central administrative agency intends to entrust a project for creating and disseminating a circular economy culture pursuant to Article 9 (2) of the Act, the Minister or the head shall designate an

institution or organization entrusted with such project (hereafter in this Article referred to as "entrusted agency") through public recruitment.

- (3) Where the head of the relevant central administrative agency intends to publicly recruit an entrusted agency pursuant to paragraph (2), the head shall have a prior consultation with the Minister of Environment in order to prevent the redundant implementation of projects, etc.
- (4) A person who intends to be designated as an entrusted agency pursuant to paragraph (2) shall file an application for such designation with the Minister of Environment or the head of the relevant central administrative agency (hereafter in this Article referred to as the "head of an entrusting agency") who publicly recruits an entrusted agency, as prescribed by Ministerial Decree of Environment.
- (5) Upon receipt of applications for designation under paragraph (4), the head of an entrusting agency shall designate the most suitable person as an entrusted agency after comprehensively evaluating the practicality and feasibility of project plans, the business performance capabilities, etc. of the applicants.
- (6) Upon designation of an entrusted agency under paragraph (5), the head of an entrusting agency shall give public notice of the name and address of the entrusted agency, the details of the entrusted project, etc. in the Official Gazette and shall issue the entrusted agency with a certificate of designation of an entrusted agency in the Form prescribed by Ministerial Decree of Environment.
- (7) Subsidies that the head of an entrusting agency may provide to an entrusted agency pursuant to Article 9 (3) of the Act shall, in principle, include personnel expenses, operating expenses, and other project expenses incurred in implementing the entrusted project.

## CHAPTER II FORMULATION OF MASTER PLANS FOR CIRCULAR ECONOMY

### Article 4 (Formulation and Implementation of Master Plans for Circular Economy)

(1) "Matters prescribed by Presidential Decree" in Article 10 (2) 6 of the Act means the following:

1. Phased measures and project plans to promote a circular economy;
2. Expansion of resource circulation facilities and nurturing of the resource circulation industry;
3. Promotion of a circular economy for imported wastes;
4. Promotion of disseminating and using circular resources and recycled products;
5. Research, development, and utilization of circular economy technology;
6. Education, public relations, and culture creation to promote a transition to a circular economy and society.

(2) Upon formulating or amending a master plan for a circular economy under Article 10 (1) of the Act (hereinafter referred to as "master plan"), the Minister of Environment shall submit the master plan to the competent Standing Committee of the National Assembly without delay in writing or through an information and communications network pursuant to Article 10 (7) of the Act.

Article 5 (Formulation and Implementation of Action Plans and Implementation Plans)

- (1) The head of the relevant central administrative agency shall formulate an annual action plan for the relevant master plan under Article 11 (1) of the Act and submit it to the Minister of Environment by November 30 of the preceding year.
- (2) An annual action plan that the head of the relevant central administrative agency is required to formulate and implement pursuant to paragraph (1) shall include the following information:
  1. Assessment and analysis of the outcomes of performing the annual action plan for the preceding year;
  2. Annual strategies to promote a circular economy for the matters under the jurisdiction of the head;
  3. A detailed promotion plan for the relevant year to implement the strategies to promote a circular economy specified in subparagraph 2;
  4. A funding and investment plan to implement the strategies to promote a circular economy specified in subparagraph 2.
- (3) An action plan for the relevant master plan that the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") formulates and implements under Article 11 (2) of the Act shall include the following information:
  1. Assessment and analysis of the outcomes of performing the action plan formulated in the immediately preceding year;
  2. The quantity of each type of waste generated and an estimated quantity of such waste to be generated within the jurisdiction of the Mayor/Do Governor;
  3. The status of wastes disposed of and recycled within the jurisdiction of the Mayor/Do Governor;
  4. Annual strategies to promote a circular economy for the reduction of wastes, the facilitation of circular use, etc. within the jurisdiction of the Mayor/Do Governor;
  5. A detailed promotion plan to implement the strategies to promote a circular economy specified in subparagraph 4;
  6. A funding and investment plan to implement the strategies to promote a circular economy specified in subparagraph 4;
  7. The status of establishment of waste treatment facilities defined in subparagraph 8 of Article 2 of the Wastes Control Act (hereinafter referred to as "waste treatment facilities") and resource circulation facilities as well as plans to establish such facilities.
- (4) Where deemed necessary to formulate action plans under Article 11 (1) and (2) of the Act, the Minister of Environment shall prepare basic guidelines necessary to formulate the relevant plans and notify such guidelines to the heads of the relevant central administrative agencies and Mayors/Do Governors.
- (5) Where the Minister of Environment intends to approve an action plan or any modification thereto pursuant to Article 11 (2) of the Act, the Minister may hear opinions of the Korea

Environment Corporation established under the Korea Environment Corporation Act (hereinafter referred to as the "Korea Environment Corporation") and an institution specialized in research, technology development, education, etc. related to a circular economy (hereinafter referred to as "specialized institution for a circular economy").

- (6)The head of a Si/Gun/Gu (the head of a Gu means the head of an autonomous Gu; hereinafter the same shall apply) shall formulate an annual implementation plan for the relevant action plan formulated pursuant to Article 11 (3) of the Act (hereafter in this Article referred to as "implementation plan") and shall submit such plan to the competent Mayor/Do Governor by November 30 of the preceding year.
- (7)An implementation plan shall include the following information:
- 1.Assessment and analysis of the outcomes of performing the implementation plan for the preceding year;
  - 2.A detailed promotion plan for the relevant year of the competent Si/Gun/Gu (Gu means the competent autonomous Gu) to implement the strategies to promote a circular economy of the Special Metropolitan City, a Metropolitan City, a Do, or a Special Self-Governing Province to which the Si/Gun/Gu belongs;
  - 3.A funding and investment plan to implement the strategies to promote a circular economy specified in subparagraph 2;
  - 4.The quantity of each type of waste generated in the preceding year as well as an estimated quantity of such waste to be generated in the relevant year;
  - 5.The status of wastes treated and recycled in the preceding year;
  - 6.Matters regarding the promotion of a circular economy, such as the reduction of wastes and the facilitation of circular use;
  - 7.The status of establishment of waste treatment facilities and resource circulation facilities as well as plans to establish such facilities.
- (8)Where deemed necessary to formulate implementation plans, a Mayor/Do Governor shall prepare basic guidelines necessary to formulate the relevant plans and notify such guidelines to the heads of Sis/Guns/Gus.

### CHAPTER III POLICY MEASURES TO PROMOTE CIRCULAR ECONOMY

#### Article 6 (Measures in Response to Noncompliance with Order for Implementation)

"Necessary measures prescribed by Presidential Decree, such as disclosing the relevant failure" in Article 15 (6) of the Act means the following measures:

- 1.In cases of failure to submit the materials, compliance plan, etc. specified in Article 15 (4) of the Act: Disclosing a list of persons subject to the management of circular economy performance under Article 15 (1) of the Act (hereafter in this Article referred to as "persons subject to the management of circular economy performance") who have failed to submit the materials, compliance plan, etc.;
- 2.In cases of failure to comply with an order issued under Article 15 (5) of the Act: The following measures:
  - (a)Disclosing a list of persons subject to the management of circular economy performance who have failed to comply with the order and their performance record;

(b)Formulating a compliance plan which reflects technical diagnosis and guidance for, and the details of, the management of circular economy performance.

#### Article 7 (Promotion of Use of Circular Raw Materials)

"Projects prescribed by Presidential Decree" in subparagraph 5 of Article 16 of the Act means the following:

- 1.Support for facilities, funds, product design, market expansion, export, etc. necessary to commercialize technology to promote the use of circular raw materials;
- 2.Development of specialized institutions and professional human resources necessary to promote the use of circular raw materials;
- 3.Support for business entities that have outstanding performance in using circular raw materials;
- 4.Establishment of statistics on circular raw materials and disclosure of information;
- 5.Technical support for verification and certification of greenhouse gas reduction due to the use of circular raw materials;
- 6.Other projects that the Minister of Environment or the Minister of Trade, Industry and Energy deems necessary to promote the use of circular raw materials and publicly notifies.

#### Article 8 (Methods and Procedures for Assessment of Circular Usability of Products, etc.)

- (1)To conduct a circular usability assessment of products, raw materials, materials, and containers (hereinafter referred to as "products, etc.") pursuant to Article 18 (1) of the Act, the Minister of Environment shall formulate a plan for the circular usability assessment of products, etc. (hereafter in this Article referred to as "assessment plan") every five years.
- (2)The Minister of Environment shall hear opinions of the heads of the relevant central administrative agencies prior to formulating an assessment plan pursuant to paragraph (1).
- (3)The Minister of Environment may amend an assessment plan if necessary due to domestic and overseas market conditions, technological development, etc. In such cases, the procedures under paragraph (2) shall apply mutatis mutandis thereto.
- (4)Where necessary to formulate and amend an assessment plan and conduct the assessment, the Minister of Environment may request the heads of the relevant central administrative agencies, the heads of local governments, and the heads of related institutions and organizations to submit related materials.
- (5)An assessment plan shall include the types of products, etc. subject to annual assessment selected in accordance with the standards prescribed by Ministerial Decree of Environment, in terms of the quantity of wastes generated from the products, etc., the status of circular use thereof, and other similar factors; and the assessment schedule.
- (6)The Minister of Environment shall select products, etc. subject to assessment under an assessment plan each year, shall notify such fact to the persons who produce, process, import, or sell the relevant products, etc. (hereinafter referred to as "producers, etc.") in writing, and shall post it on the website of the Ministry of Environment.
- (7)The methods for assessing the matters specified in the subparagraphs of Article 18 (2) of the Act shall be as specified in Appendix 1.

- (8)Where the Minister of Environment conducts a circular use assessment of products, etc. pursuant to paragraph (7), the Minister shall notify the assessment report to the producers, etc. of the relevant products, etc.
- (9)Except as provided in paragraphs (1) through (8), matters necessary for the procedures for selecting products, etc. subject to circular usability assessment, the methods and procedures for such assessment, etc. shall be determined and publicly notified by the Minister of Environment.

#### Article 9 (Recommendations to Improve Circular Usability)

- (1)To recommend an improvement of circular usability pursuant to Article 18 (3) of the Act, the Minister of Environment shall take into account the maintenance of functions of the relevant product, etc., the possibility of replacing raw materials and materials thereof, etc. and shall notify in advance the producer, etc. of the relevant product, etc. of an improvement recommendation which includes matters requiring improvements, the improvement period, etc.
- (2)A producer, etc. may submit their opinions on an improvement recommendation within 10 days from the date of receiving notification under paragraph (1). In such cases, the Minister of Environment shall notify the producer, etc. of the results of reviewing the opinions within 30 days from the date of receiving the opinions.
- (3)Where the Minister of Environment has decided to recommend an improvement after reviewing the opinions submitted pursuant to paragraph (2), the Minister shall notify the producer, etc. of the relevant product of the following information; in such cases, the improvement period shall be determined within the limit of one year; but the period may be separately determined if circumstances are deemed to exist which make it impracticable to make the improvement within one year, such as where the producer, etc. request an extension of the improvement period because the manufacturing process needs to be changed:
- 1.The name of the product, etc. subject to the improvement recommendation;
  - 2.The results of assessing circular usability;
  - 3.The improvement period;
  - 4.The details of the improvement recommendation and the reason for the improvement.
- (4)The Minister of Environment may require the producer, etc., who have received the improvement recommendation pursuant to paragraph (3), to submit a compliance plan prepared based on the improvement recommendation within three months from the date of receiving such recommendation.
- (5)Upon compliance with the improvement recommendation received pursuant to paragraph (3), the producer, etc. shall submit in writing the results of compliance to the Minister of Environment within 10 days after the expiration of the improvement period.

#### Article 10 (Disclosure following Noncompliance with Improvement Recommendations)

- (1)Where the Minister of Environment intends to disclose the results of assessing circular usability of a product, etc., for which the relevant producer, etc. have failed to comply with an improvement recommendation, pursuant to the main clause of Article 18 (4) of the Act,

the Minister shall notify in advance the details to be disclosed to the producer, etc. of the product, etc. subject to disclosure. In such cases, the producer, etc. may submit their opinions, including whether to comply with the improvement recommendation or the reason for noncompliance therewith, within 30 days from the date of receiving the notification.

(2)When disclosing the results of the assessment pursuant to the main clause of Article 18 (4) of the Act, the Minister of Environment shall include the following information:

- 1.The name, trade name, and address of the producer, etc.;
- 2.The name of the product, etc. subject to the improvement recommendation;
- 2.The results of assessing circular usability;
- 4.The details of the improvement recommendation.

(3)The results of the assessment under paragraph (2) shall be disclosed on the website of the following agencies or through the press, such as newspaper and broadcasting:

- 1.The Ministry of Environment (including the competent regional environmental agency);
- 2.An institution entrusted, pursuant to Article 46 (2), with a circular usability assessment of products, etc. under Article 18 (1) of the Act.

#### CHAPTER IV PROMOTION OF USE OF CIRCULAR RESOURCES AND PRODUCTS WITH CIRCULAR RESOURCE CERTIFICATION

Article 11 (Standards for Recognition of Circular Resources)

"Standards for circular resources prescribed by Presidential Decree" in Article 21 (1) 3 of the Act means the following standards:

- 1.The relevant substances or articles shall not be any of the following:
  - (a)Substances or articles to be incinerated or buried or to be discharged into sea areas;
  - (b)Substances or articles to be used for the activities specified in subparagraph 7 (b) of Article 2 of the Wastes Control Act: Provided, That the substances or articles used for manufacturing any of the following products shall be excluded herefrom:
    - (i)Solid fuels referred to in Article 25-4 (1) of the Act on the Promotion of Saving and Recycling of Resources (limited to those manufactured only with chaff, rice bran, and coffee grounds);
    - (ii)Biodiesel (referring to a fuel manufactured with waste vegetable oil or waste animal fat, limited to the one satisfying the quality standards for alternative fuels, which are publicly notified by the Minister of Trade, Industry and Energy pursuant to Article 31 (2) of the Petroleum and Alternative Fuel Business Act);
  - (c)Substances or articles to be used in contact with soil, underground water, or surface water, such as fill material, cover material, road base material or sub-base material, or backfill material;
- 2.The relevant substances or articles shall be used in compliance with the standards and the purpose determined and publicly notified by the Minister of Environment, in consideration of the properties of substances or articles in terms of circular use that are intended to be recognized as circular resources.

Article 12 (Procedures and Methods for Recognizing Circular Resources)

- (1) An individual, corporation, or organization that intends to obtain recognition of circular resources pursuant to Article 21 (2) or (3) of the Act shall submit an application for recognition of circular resources to the Minister of Environment, as prescribed by Ministerial Decree of Environment.
- (2) Upon receipt of an application for recognition of circular resources under paragraph (1), the Minister of Environment shall verify whether the relevant waste satisfies all of the criteria specified in the subparagraphs of Article 21 (1) of the Act, in consideration of the matters prescribed by Ministerial Decree of Environment.
- (3) The Minister of Environment shall conduct an on-site investigation for the verification under paragraph (2) by the following methods; in such cases, the Minister may request the Korea Environment Corporation or a specialized institution for a circular economy to review technical matters:
  1. A visual inspection of the shape and properties of the relevant waste, whether the waste contains any material other than that which is to be used as circular resources, and other similar matters;
  2. An inspection of the production processes, facilities, equipment, etc. for circular resources;
  3. An analysis of the contained amount of foreign substances and hazardous substances in the relevant waste: Provided, That this shall not apply where such amount is verifiable by the inspection specified in subparagraph 1.
- (4) The Minister of Environment may seek relevant experts' opinions about the findings from the on-site investigation and technical review under paragraph (3).
- (5) The Minister of Environment shall determine whether to grant recognition of circular resources within 60 days from the date of receiving an application for recognition of circular resources pursuant to paragraph (1), taking into account the findings from the on-site investigation and technical review under paragraph (3) and the opinions sought under paragraph (4).
- (6) Where it is impracticable to determine whether to grant recognition of circular resources within 60 days due to any unavoidable cause, such as where the technical review under paragraph (3) requires a substantial period, the Minister of Environment may extend the determination period only twice, with each extension not exceeding 30 days. In such cases, the Minister shall notify the relevant applicant of the extension of the determination period and the grounds therefor without delay.
- (7) Upon determining to grant recognition of circular resources pursuant to paragraph (5), the Minister of Environment shall issue the relevant applicant a certificate of recognition of circular resources, as prescribed by Ministerial Decree of Environment and shall notify such recognition to the head of a local government having jurisdiction over the applicant's place of business.
- (8) The Minister of Environment shall post the details of recognition, such as the types and use of the circular resources recognized pursuant to paragraph (5), on the website of the Circular Resource Information Center established pursuant to Article 39 of the Act (hereinafter referred to as the "Circular Resource Information Center").



(9) Except as provided in paragraphs (1) through (8), matters necessary for the procedures, methods, etc. for recognizing circular resources shall be publicly notified by the Minister of Environment, in consultation with the Minister of Trade, Industry and Energy.

#### Article 13 (Fees for Recognition of Circular Resources)

(1) Fees that a person intending to obtain recognition of circular resources shall pay pursuant to Article 21 (6) of the Act shall be as specified in Appendix 2.

(2) Fees under paragraph (1) may be paid by a revenue stamp or by electronic money, electronic payment, or other similar means through an information and communications network.

#### Article 14 (Simplification of Procedures and Methods for Recognizing Circular Resources)

(1) "Substances or articles prescribed by Presidential Decree, such as waste paper and waste metal" in Article 21 (8) of the Act means any of the following substances or articles, which fall under the detailed classification by type of wastes under Article 2-2 of the Wastes Control Act:

1. Waste paper;
2. Waste metals (excluding waste containers which contained any designated waste, such as waste oil or a spent organic solvent);
3. Waste glass or waste glass bottles;
4. Waste synthetic resin (limited to packing materials of synthetic resin specified in subparagraph 1 of Article 18 of the Enforcement Decree of the Act on the Promotion of Saving and Recycling of Resources or material of single synthetic resin);
5. Waste clothing;
6. Waste fabric scraps generated in the course of processing fabric, among waste fiber;
7. Vegetable residues (limited to those used to produce feed under the Control of Livestock and Fish Feed Act or fertilizers under the Fertilizer Control Act);
8. Chaff and rice bran;
9. Coffee grounds.

(2) When determining whether any substance or article specified in paragraph (1) is recognized as circular resources, the following procedures or methods shall be omitted pursuant to Article 21 (8) of the Act: Provided, That in the case of paragraph (1) 7, such omission shall be applicable only to procedures or methods specified in subparagraphs 2 and 3:

1. An inspection specified in Article 12 (3) 2;
2. An analysis of the contained hazardous substances among the analyses specified in Article 12 (3) 3: Provided, That this shall not apply where the relevant substance or article is suspected of containing any hazardous substance by an inspection specified in Article 12 (3) 1;
3. Seeking experts' opinions under Article 12 (4).

#### Article 15 (Procedures and Methods for Designation and Public Notice of Circular Resources)

(1) The Minister of Environment shall take into account the following, in determining whether the requirements specified in the subparagraphs of Article 23 (1) of the Act are satisfied:

- 1.Current status of the generation, treatment, and use of the relevant waste;
  - 2.Current status of trade of, and supply and demand for, the relevant waste;
  - 3.Properties of the relevant waste and the contained amount of foreign substances and hazardous substances;
  - 4.Domestic or international standards related to the circular use of the relevant waste;
  - 5.The social and economic ripple effects of the designation or revocation of the designation of the relevant waste as circular resources;
  - 6.Other matters that the Minister of Environment deems necessary for determining whether not to be regarded as wastes would be more effective in promoting circular use.
- (2)The Minister of Environment may, if necessary, survey the matters specified in the subparagraphs of paragraph (1). In such cases, the Minister may request the Korea Environment Corporation or a specialized institution for a circular economy to review technical matters or to conduct such survey.
- (3)Public notice under Article 23 (1), (2), and (5) of the Act shall be given by publishing it in the Official Gazette.

#### Article 16 (Business Entities Designated to Use Circular Resources)

- (1)"Business entity conducting such type of business in excess of such scale as prescribed by Presidential Decree" in the former part of Article 24 (1) of the Act means the following business entities:
- 1.A business entity in the type of paper manufacturing business that produces at least 10,000 tons of paper annually;
  - 2.A business entity in the type of glass container manufacturing business that produces at least 20,000 tons of glass containers annually;
  - 3.A business entity in the type of iron or steel business that produces at least 100,000 tons of crude steel or pig iron annually.
- (2)"Circular resources prescribed by Presidential Decree" in the former part of Article 24 (1) of the Act means any of the following wastes, among substances or articles that are recognized as circular resources pursuant to Article 21 of the Act or designated and publicly notified as such resources pursuant to Article 23 of the Act:
- 1.Waste paper;
  - 2.Waste glass containers;
  - 3.Scrap iron.

#### Article 17 (Quality Certification Procedures)

- (1)A person who intends to obtain quality certification of circular resources under the former part of Article 25 (1) of the Act (hereinafter referred to as "quality certification") shall submit an application for quality certification to the head of a certifying body designated pursuant to Article 18 (1) (hereinafter referred to as "certifying body"), as prescribed by Ministerial Decree of Environment.
- (2)Upon receipt of an application for quality certification under paragraph (1), the head of a certifying body shall notify the relevant applicant for quality certification of the certification schedule, etc. within 10 days from the date of receiving the application.

- (3)The head of a certifying body shall determine whether to grant quality certification within 30 days from the date of receiving an application for quality certification under paragraph (1), after examining whether the subject of certification meets the quality certification standards under Article 19.
- (4)Where it is impracticable to determine whether to grant quality certification within 30 days due to any unavoidable cause, such as where the examination under paragraph (3) requires a substantial period, the head of a certifying body may extend the determination period by up to 30 days, only once. In such cases, the head shall notify the relevant applicant of the extension of the determination period and the grounds therefor without delay.
- (5)Where necessary for the examination under paragraph (3), the head of a certifying body may request the Minister of Environment to allow the inspection of an application for recognition of circular resources submitted pursuant to Article 12 (1) and documents on the results of the review thereof.
- (6)Where the head of a certifying body grants quality certification pursuant to paragraph (3), the head shall issue a quality certificate, as prescribed by Ministerial Decree of Environment and shall post such fact on the website of the body.
- (7)The valid period of a quality certificate issued pursuant to paragraph (6) shall be as follows:
- 1.Quality certification for circular resources recognized pursuant to Article 21 of the Act: From the date of issuance of the quality certificate to the expiration date of the valid period of recognition of circular resources granted quality certification pursuant to paragraph (3) of that Article;
  - 2.Quality certification for circular resources designated and publicly notified by the Minister of Environment pursuant to Article 23 of the Act: Three years from the date of issuance of the quality certificate.
- (8)A person who intends to obtain an extension of the valid period under paragraph (7) may file an application for such extension, as prescribed by Ministerial Decree of Environment: Provided, That in cases of quality certification of circular resources recognized pursuant to Article 21 of the Act, an application for the extension of the valid period may be filed only when the circular resources are re-recognized pursuant to paragraph (3) of that Article.
- (9)Upon receipt of an application for extension of the valid period under paragraph (8), the head of a certifying body may extend the valid period of the relevant quality certificate, if the subject of certification meets the quality certification standards under Article 19.
- (10)Upon issuing a quality certificate under paragraph (6), the head of a certifying body shall notify such fact to the head of the agency operating the Circular Resource Information Center.
- (11)The head of a certifying body may collect labor costs, technical fees, expenses, etc. incurred in conducting quality certification from a person who has submitted an application for quality certification under paragraph (1).

(12) Except as provided in paragraphs (1) through (11), necessary matters for the methods, procedures, etc. for quality certification shall be determined and publicly notified by the Minister of Environment.

#### Article 18 (Designation of Quality Certifying Bodies)

(1) The Minister of Environment may designate the following institutions as a quality certifying body pursuant to the latter part of Article 25 (1) of the Act to professionally conduct business affairs necessary for quality certification:

1. The Korea Environmental Industry and Technology Institute established under the Korea Environmental Industry and Technology Institute Act (hereinafter referred to as the "Korea Environmental Industry and Technology Institute");
2. An institution recognized by the Minister of Environment as having the expertise to conduct quality certification.

(2) Where an institution specified in paragraph (1) 2 intends to be designated as a certifying body, it shall file an application for such designation with the Minister of Environment after meeting the designation standards specified in Appendix 3, as prescribed by Ministerial Decree of Environment.

(3) Upon designating a certifying body pursuant to paragraph (1), the Minister of Environment shall issue the relevant institution with a certificate of designation and shall publicly announce the details thereof by publishing them in the Official Gazette or posting them on the website of the Ministry of Environment, etc.

#### Article 19 (Quality Certification Standards)

The standards for quality certification under Article 25 (1) of the Act shall be as follows:

1. The standards for the contained foreign substances shall be met among the standards determined and publicly notified by the Minister of Environment pursuant to subparagraph 2 of Article 11;
2. The standards for the contained hazardous substances shall be met which are publicly notified by the Minister of Environment jointly with the Minister of Trade, Industry and Energy for the recognition of circular resources;
3. Management measures shall be established to continuously maintain the quality of circular resources;
4. Other standards shall be met which the Minister of Environment deems necessary for the quality control of circular resources and publicly notifies.

#### Article 20 (Revocation of Quality Certification)

(1) "Ground prescribed by Presidential Decree, such as where a person granted quality certification ceases to meet the relevant standards" in Article 25 (2) of the Act means any of the following cases:

1. Where quality certification has been obtained by fraud or other improper means;
2. Where the recognition of circular resources is revoked pursuant to Article 22 (1) of the Act;
3. Where the designation of circular resources is revoked pursuant to Article 23 (5) of the Act;
4. Where it is verified that the quality certification standards under Article 19 ceases to be met;

5. Where circular resources for which quality certification has been granted have not been supplied for at least one consecutive year without good cause;
  6. Where the production of circular resources for which quality certification has been granted is virtually suspended due to bankruptcy, closure of business, or other similar causes.
- (2) Upon revoking quality certification pursuant to Article 25 (2) of the Act, the Minister of Environment shall without delay notify such fact to the following persons:
1. A person whose quality certification has been revoked;
  2. The head of a regional environmental agency having jurisdiction over the place of business of a person whose quality certification has been revoked;
  3. The head of the relevant certifying body.

#### Article 21 (Preferential Purchase of Products Made from Circular Resources)

"Public institutions prescribed by Presidential Decree" in Article 26 (2) of the Act means public institutions defined in subparagraph 2 of Article 2 of the Act on the Promotion of Purchase of Green Products.

### CHAPTER V REGULATORY EXCEPTIONS FOR NEW TECHNOLOGIES AND SERVICES FOR CIRCULAR ECONOMY

#### Article 22 (Composition of Deliberation Committee on New Technologies and Services for Circular Economy)

- (1) When commissioning persons specified in subparagraphs 1 and 3 of Article 27 (2) of the Act to serve as members of the Deliberation Committee on New Technologies and Services for a Circular Economy (hereinafter referred to as the "Deliberation Committee") pursuant to that paragraph, the Minister of Environment shall consider gender equality.
- (2) Members commissioned pursuant to Article 27 (2) 1 and 3 of the Act shall hold office for a term of two years and may be appointed consecutively only for one more term.
- (3) The Chairperson of the Deliberation Committee (hereinafter referred to as the "Chairperson") shall represent the Committee and have general supervision and control of its business affairs.
- (4) Where the Chairperson is unable to perform his or her duties due to any unavoidable cause, a member predesignated by the Chairperson shall act on his or her behalf.
- (5) The Chairperson shall, if deemed necessary, convene and preside over meetings of the Committee.
- (6) A majority of the members organized for each meeting of the Committee (including the Chairperson; hereafter in this paragraph, the same shall apply) shall constitute a quorum, and any resolution thereof shall require the concurring vote of a majority of those present.
- (7) The Deliberation Committee may establish a preliminary review committee by field (hereinafter referred to as "preliminary review committee") in the Committee to review and mediate matters subject to deliberation and resolution in advance or to efficiently perform and support the business affairs of the Committee.
- (8) Where a preliminary review committee is established pursuant to paragraph (7), each committee shall be comprised of up to 20 members, including one chairperson, and the

members of the committee shall be appointed or commissioned by the Chairperson from among the following persons, and at least one member specified in subparagraph 1 shall be included therein; in such cases, the chairperson of the preliminary review committee shall be appointed by the Chairperson from among the members of the committee:

1. A member of the Deliberation Committee;
  2. A public official of a central administrative agency or a local government (hereinafter referred to as "relevant agency") related to new technologies and services for a circular economy subject to review;
  3. A person recommended by the head of the relevant agency from among those who have extensive expertise and experience in new technologies and services for a circular economy.
- (9) The Deliberation Committee shall have one executive secretary to manage its business affairs, who shall be appointed by the Minister of Environment from among public officials who hold positions at the director-general level or higher under the jurisdiction of the Ministry of Environment.
- (10) Except as provided in paragraphs (1) through (9), matters necessary for the composition and operation of the Deliberation Committee and preliminary review committees shall be determined by the Chairperson after resolution by the Committee.
- (11) Allowances, travel expenses, and other necessary expenses may be paid or reimbursed to the members, relevant persons, etc. who have attended meetings of the Deliberation Committee or preliminary review committees within the budget: Provided, That this shall not apply where a public official attends a meeting of the Deliberation Committee or a preliminary review committee in direct connection with the business affairs under his or her jurisdiction.

#### Article 23 (Exclusion of, Challenge to, or Recusal of, Members of Deliberation Committee)

- (1) A member of the Deliberation Committee or a preliminary review committee shall be excluded from deliberation and resolution on the relevant case, in any of the following cases:
1. Where a member or the current or former spouse of such member is a party to the relevant case (where the party is a corporation, organization, etc., executive officers thereof shall be included; hereafter in this subparagraph and subparagraph 2, the same shall apply) or is a joint right holder or joint obligor with a party to such case;
  2. If a member is the current or former relative of a party to the relevant case;
  3. Where a member has provided any testimony, statement, or advice or has conducted any research, service, survey, or appraisal with respect to the relevant case;
  4. Where a member has worked for a corporation, organization, etc. to which a party to the relevant case belongs within the last three years;
  5. Where a member or a corporation, organization, etc. to which the member belongs is the current or former agent of a party to the relevant case.
- (2) Where there is any ground for exclusion under paragraph (1) or the circumstances indicate that it would be impracticable to expect a fair deliberation and resolution from a

member, a party to the relevant case may file a request for a challenge to such member with the Deliberation Committee or a preliminary review committee; and the Committee or the relevant committee shall determine whether to grant the request by resolution. In such cases, the member subject to the challenge shall not participate in the resolution.

(3) Where a member finds that he or she is subject to exclusion for any ground specified in the subparagraphs of paragraph (1), the member shall recuse himself or herself from deliberation and resolution on the relevant case.

(4) The Minister of Environment may dismiss a member commissioned pursuant to Article 27 (2) of the Act, in any of the following cases:

1. Where the member becomes incapable of performing his or her duties due to mental or physical weakness;
2. Where the member commits irregularities in relation to his or her duties;
3. Where the member is deemed unsuitable as a member due to neglect of duties, loss of dignity, or any other reason;
4. Where the member voluntarily declares that he or she finds it is impracticable for him or her to perform the duties;
5. Where the member fails to recuse himself or herself despite any ground specified in the subparagraphs of paragraph (1).

Article 24 (Application for Expedited Processing of New Technologies and Services for Circular Economy)

(1) A person who intends to file an application for expedited processing of new technologies and services for a circular economy pursuant to Article 28 (1) of the Act shall submit an application for such processing in the form prescribed by Ministerial Decree of Environment to the Minister of Environment, along with a description of the technologies and services for a circular economy.

(2) Where the Minister of Environment or the head of the relevant agency deems it necessary to supplement the details of an application, he or she may request the applicant to supplement such details for an appropriate and specified period necessary for supplementation. In such cases, the period required for such supplementation shall not be included in the period prescribed in Article 28 (3) of the Act.

(3) Notification under Article 28 (4) of the Act shall be made by a written notification of the results of expedited processing in the form prescribed by Ministerial Decree of Environment.

Article 25 (Application for Collective Processing)

(1) A person who intends to file an application for collective processing pursuant to Article 29 (1) of the Act shall submit an application for collective processing in the form prescribed by Ministerial Decree of Environment to the Minister of Environment.

(2) Pursuant to Article 29 (3) of the Act, the head of the relevant agency shall notify the Minister of Environment and the applicant under paragraph (1) of the fact of commencement of review and the period of review in writing.

Article 26 (Application for Regulatory Exceptions for Demonstration)

(1) A person who intends to file an application for a regulatory exception for demonstration of new technologies and services for a circular economy pursuant to Article 30 (1) of the Act (hereinafter referred to as "regulatory exception") shall submit an application for a regulatory exception in the form prescribed by Ministerial Decree of Environment to the Minister of Environment, along with the following documents:

1. A business implementation plan specified in Article 30 (6) 1 of the Act;
2. Materials explaining that the relevant new technology or service falls under the category of new technologies and services for a circular economy;
3. Materials explaining that any circumstance specified in the subparagraphs of Article 30 (1) of the Act is applicable to the relevant new technology or service for a circular economy;
4. Materials explaining the novelty of the relevant new technology or service for a circular economy and the provision of more benefits to users of such technology or service (hereinafter referred to as "users");
5. Future impacts and effects on the related markets;
6. Materials on damage that may be caused by the demonstration of the relevant new technology or service for a circular economy and measures to compensate for such damage;
7. Materials on potential harm to the lives, health, and safety of citizens, and to the environment; hindrances to balanced regional development; and the safe protection and processing of personal information.

(2) A business implementation plan specified in Article 30 (6) 1 of the Act shall include the following information:

1. The purpose and outline of the demonstration utilizing the relevant new technology or service for a circular economy;
2. Statutes and regulations related to the relevant new technology or service for a circular economy and matters requiring regulatory exceptions for demonstration;
3. Methods of testing and verifying the relevant new technology or service for a circular economy;
4. The zone, period, and scale of the relevant regulatory exception;
5. Other matters determined and publicly notified by the Minister of Environment.

(3) Where the Minister of Environment deems it necessary to supplement the details of an application filed pursuant to paragraph (1), the Minister may request the applicant to supplement such details for a specified period.

(4) The Minister of Environment may return an application filed pursuant to paragraph (1) (including where the application is supplemented pursuant to paragraph (3)) in any of the following cases:

1. Where it is obvious that the details of the application do not fall under any case specified in the subparagraphs of Article 30 (1) of the Act;
2. Where the applicant fails to submit the documents specified in the subparagraphs of paragraph (1) or to comply with a request for supplementation under paragraph (3);



3. Where it is obvious that the details of the application have been prepared by fraud or other improper means.

(5) Where the Deliberation Committee deliberates on the zone, period, scale, and permissibility of a regulatory exception under Article 30 (6) of the Act, the Committee shall comprehensively consider the following:

1. The completeness of the details of a business implementation plan under Article 30 (6) 1 of the Act and the feasibility of implementation;
2. Technical and financial capabilities of the applicant;
3. The novelty of the relevant new technology or service for a circular economy and benefits to users;
4. Possibility of market growth of the relevant new technology or service for a circular economy;
5. The appropriateness of countermeasures against damage that may occur in the course of demonstrating the relevant new technology or service for a circular economy and measures to protect victims;
6. The impact of the relevant new technology or service for a circular economy on the lives, health, and safety of citizens, the environment, balanced regional development, etc.;
7. Possible infringement of personal information due to the relevant new technology or service for a circular economy;
8. Other matters that the Chairperson deems necessary based on the characteristics of the relevant new technology or service for a circular economy.

(6) Where the Minister of Environment grants a regulatory exception pursuant to Article 30 (8) of the Act, the Minister shall issue a written confirmation of the regulatory exception in the form prescribed by Ministerial Decree of Environment and publicly announce such fact in the Official Gazette or on the website of the Ministry of Environment.

(7) The head of the relevant agency may provide the following assistance to a business entity granted a regulatory exception under Article 30 (8) of the Act (hereafter in this Article and Articles 27 and 28 referred to as "business entity") pursuant to Article 30 (12) of the Act:

1. Payment of subsidies;
2. Laying of a foundation necessary for the efficient conduct of testing, verification, etc. of new technologies and services for a circular economy;
3. Protection of intellectual property rights for of new technologies and services for a circular economy;
4. Other matters deemed necessary to achieve the purpose of regulatory exceptions.

(8) Except as provided in paragraphs (1) through (7), necessary matters for the application and notification of, and the detailed examination standards, etc. for, regulatory exceptions shall be determined and publicly notified by the Minister of Environment.

#### Article 27 (Purchase of Liability Insurance following Regulatory Exceptions)

(1) A person who has filed an application for a regulatory exception pursuant to Article 30 (1) of the Act (hereafter in this Article referred to as "applicant") shall submit to the Minister of Environment the materials evidencing that he or she has purchased liability insurance

pursuant to the main clause of Article 30 (2) of the Act before commencing business involving new technologies and services for a circular economy. In such cases, the insurance period of the liability insurance purchased by the applicant shall be the same as or longer than the effective period of the regulatory exception, and upon extension of the effective period, he or she shall renew the liability insurance and submit to the Minister of Environment the materials evidencing the renewal of such insurance within 30 days from the date of the renewal.

(2) The amount of liability insurance to be purchased by an applicant pursuant to the main clause of Article 30 (2) of the Act shall meet the following standards: Provided, That the amount of insurance payable shall not exceed the amount of actual damage, except as provided in the proviso of subparagraph 1:

1. In cases of death: 150 million won per person: Provided, That where the amount of actual damage is less than 20 million won, 20 million won shall apply;
2. In cases of injury: 30 million won per person;
3. Where, after treatment for an injury, further treatment is no longer expected to improve the underlying condition and, with symptoms persisting, the injury results in a physical disability (hereinafter referred to as "after-effect disability"): 150 million won per person;
4. In cases of destruction of, or damage to, property: One billion won per incident.

(3) Where one single incident has resulted in two or more cases specified in paragraph (2) 1 through 3, the insurance proceeds shall be paid as follows, to the extent not exceeding the amount of actual damage:

1. Where an injured person dies due to the injury during treatment: The aggregate of the amounts prescribed in paragraph (2) 1 and 2;
2. Where an injured person suffers from after-effect disability due to the injury: The aggregate of the amounts prescribed in paragraph (2) 2 and 3;
3. Where an injured person dies from the injury, following the payment of the amounts specified in paragraph (2) 3: The amount calculated by subtracting the amount of damage, applicable from the date of death, out of the amount paid pursuant to paragraph (2) 3, from the amount specified in paragraph (2) 1.

(4) Where an applicant is categorized as a small and medium enterprise defined in Article 2 of the Framework Act on Small and Medium Enterprises or as a middle-standing enterprise defined in subparagraph 1 of Article 2 of the Special Act on the Promotion of Growth and the Strengthening of Competitiveness of Middle-Standing Enterprises, the Minister of Environment may partially subsidize the applicant to cover expenses incurred in purchasing liability insurance pursuant to the main clause of Article 30 (2) of the Act.

(5) Where a business entity is unable to purchase liability insurance under the main clause of Article 30 (2) of the Act, the entity shall, pursuant to the proviso of that Article, submit to the Minister of Environment a written statement on the grounds for inability to purchase liability insurance in the form prescribed by Ministerial Decree of Environment by not later than 30 days before the commencement of the business involving the relevant new technology or service for a circular economy, along with the following materials, and shall

prepare measures to compensate for damage in consultation with the Minister of Environment before the commencement of such business:

1. Materials stating the reasons for inability to purchase liability insurance and evidentiary materials;
  2. A compensation plan that includes measures to compensate for damage, such as methods, standards, and procedures for compensation for damage that may be caused by a regulatory exception.
- (6) The amounts of compensation for damage in the measures to compensate for damage under paragraph (5) shall be equivalent to the amounts specified in paragraphs (2) and (3).
- (7) Where a business entity has caused personal injury or property damage in the course of providing a new technology or service for a circular economy, a victim (referring to a person who has succeeded to the right to claim damages arising from the relevant damage if the victim dies; hereafter in this Article referred to as "claimant for damages") may claim damages from the business entity by a written claim stating the following information:
1. The name and address of the claimant for damages;
  2. The relationship between the claimant for damages and the victim (only applicable to where the victim dies);
  3. Details of the damage;
  4. The amount claimed and the grounds for computing the amount.
- (8) Upon receipt of a claim for damages under paragraph (7), a business entity shall, without delay, inform the claimant of the fact of having purchased liability insurance or the details of a compensation specified in paragraph (5) 2 and shall notify the Minister of Environment of the receipt of such claim.
- (9) Where a business entity that has failed to purchase liability insurance receives a claim for damages under paragraph (7), the entity shall compensate the claimant for damages in accordance with a compensation plan specified in paragraph (5) 2.
- (10) Where a business entity compensates for damage pursuant to paragraph (9), the compensation shall be given in money: Provided, That where the damage is insignificant, the entity may compensate for the damage by means other than money with the consent of the victim.
- (11) Upon compensating for damage, a business entity shall notify the result of the compensation to the Minister of Environment. The same shall also apply where a business entity fails to compensate for damage.

#### Article 28 (Management and Supervision of Regulatory Exceptions)

- (1) The Minister of Environment and the head of the relevant agency shall authorize public officials under their jurisdiction to manage and supervise the following pursuant to Article 31 (1) of the Act:
1. Current status of implementation of business implementation plans specified in Article 30 (6) 1 of the Act;

2. Whether the conditions attached pursuant to Article 30 (7) of the Act are complied with;
  3. Whether the criteria for review notified pursuant to Article 30 (9) of the Act are satisfied and whether an incident has occurred;
  4. Other matters necessary for the management and supervision of regulatory exceptions.
- (2) The head of the relevant agency and a business entity shall notify users of the following pursuant to Article 31 (2) of the Act:
1. The name and details of a new technology or service for a circular economy under a regulatory exception;
  2. The zone, period, and scale of a regulatory exception;
  3. Conditions attached to ensure safety, etc. pursuant to Article 30 (7) of the Act (only applicable to where conditions are attached);
  4. Details of liability insurance or measures to compensate for damage.
- (3) Before notifying users of the information specified in the subparagraphs of paragraph (2), the head of the relevant agency and a business entity may determine, through mutual consultation, the methods of easily notifying users of information and details thereof, based on the characteristics of a new technology or service for a circular economy to be demonstrated under a regulatory exception and based on the zone, period, scale, etc. of the regulatory exception.
- (4) Where a business entity falls under the category specified in Article 31 (4) 2 or 3 of the Act, the Minister of Environment may order the entity to take corrective measures for a specified period up to six months: Provided, That where there is any unavoidable reason, the period may be extended only once by up to three months.
- (5) When the Minister of Environment intends to issue a corrective order to a business entity pursuant to paragraph (4), the Minister shall do so in writing specifying the following information:
1. Statement that the business entity falls under the category specified in Article 31 (4) 2 or 3 of the Act;
  2. Details of the corrective order;
  3. Period of correction;
  4. Procedures for raising an objection to the corrective order.
- (6) The Minister of Environment shall provide a business entity subject to a corrective order with an opportunity to submit explanatory materials or to state his or her opinion in advance.
- (7) Upon revoking the application of a regulatory exception pursuant to Article 31 (4) of the Act, the Minister of Environment shall publicly announce such fact in the Official Gazette or on the website of the Ministry of Environment.

#### Article 29 (Extension of Regulatory Exceptions)

- (1) A person who intends to obtain an extension of the effective period of a regulatory exception pursuant to Article 32 (1) of the Act shall submit an application for extension of the effective period of a regulatory exception in the form prescribed by Ministerial Decree of Environment to the Minister of Environment, along with the following documents:

1. A copy of a certificate of the relevant regulatory exception;
  2. Current status of implementation of a business implementation plan specified in Article 30 (6) 1 of the Act;
  3. Whether any safety-related accident, compensation for damage, etc. has occurred in relation to the relevant new technology or service for a circular economy;
  4. A plan to extend the period of liability insurance or to revise compensation for damage;
  5. Other materials deemed necessary to extend the effective period of the relevant regulatory exception and requested by the Minister of Environment to be submitted.
- (2) Where the Minister of Environment extends the effective period of a regulatory exception pursuant to Article 32 (1) of the Act, the Minister shall issue a certificate of extension of the regulatory exception in the form prescribed by Ministerial Decree of Environment.
- (3) A person who intends to request legislative arrangements related to a regulatory exception pursuant to Article 32 (3) of the Act shall submit a request for legislative arrangements in the form prescribed by Ministerial Decree of Environment to the Minister of Environment and the head of the relevant administrative agency, along with the following documents:
1. Documents on the application of the relevant regulatory exception and the business results, including the following information:
    - (a) Current status of implementation of a business implementation plan specified in Article 30 (6) 1 of the Act;
    - (b) Whether the business entity has complied with the conditions attached to ensure safety, etc. under Article 30 (7) of the Act (only applicable to where conditions are attached);
    - (c) Whether any safety-related accident has occurred in relation to the relevant new technology or service for a circular economy; and whether damage, if any, has been compensated for;
    - (d) Other materials for determining the necessity for legislative arrangements and the directions of such arrangements;
  2. A plan for extending the period of liability insurance or modifying the compensation for damage (only applicable to where it is intended to continue the project for demonstration while the effective period of the relevant regulatory exception is deemed not to have expired pursuant to Article 32 (7) of the Act).
- (4) Where it is deemed necessary to supplement a request for legislative arrangements received pursuant to paragraph (3), the Minister of Environment and the head of the relevant administrative agency may request the person who has requested the legislative arrangements (hereafter in this Article referred to as "person requesting legislative arrangements") to submit additional materials.
- (5) Where a document specified in paragraph (3) 2 is attached to a request for legislative arrangements received pursuant to that paragraph, the Minister of Environment shall issue the person requesting legislative arrangements with a written confirmation of the extension of a regulatory exception pursuant to paragraph (2), stating to the effect that

the effective period of the regulatory exception is deemed, pursuant to Article 32 (7) of the Act, not to have expired during the period under paragraph (11) of this Article.

(6)When reviewing the necessity for legislative arrangements pursuant to Article 32 (4) of the Act, the head of the relevant administrative agency shall give the following factors comprehensive consideration:

- 1.The level of user benefits derived from the demonstration of the relevant new technology or service for a circular economy;
- 2.Whether any safety-related accident has occurred in relation to the relevant new technology or service for a circular economy, and whether damage, if any, has been compensated for;
- 3.Industrial ripple effects and expected effects of the introduction of the relevant new technology or service for a circular economy;
- 4.Whether conflicts arise among interested parties involved in the relevant new technology or service for a circular economy and such conflicts are handled;
- 5.Other matters deemed necessary by the head of the relevant administrative agency to review the necessity for legislative arrangements.

(7)Where the Minister of Environment requests the Regulatory Reform Committee to make legislative arrangements or submits his or her opinion thereon pursuant to Article 32 (5) of the Act, the head of the relevant administrative agency shall immediately report the results of processing submitted to the Committee pursuant to Article 14 (2) of the Framework Act on Administrative Regulations, which applies *mutatis mutandis* pursuant to Article 18 (2) of that Act to the Deliberation Committee.

(8)The Minister of Environment shall prepare a notification of the result of determination on the legislative arrangements in the form prescribed by Ordinance of Ministry of Environment, stating the result of reporting to the Deliberation Committee by the head of the relevant administrative agency under Article 32 (4) of the Act and paragraph (7) of this Article, and shall provide such notification to the person requesting the legislative arrangements. In such cases, the notification shall contain the details about whether the legislative arrangements are necessary and whether the relevant new technology or service for a circular economy is subject to an application for temporary permission under Article 33 of the Act.

(9)Where a person requesting legislative arrangements is notified that the relevant new technology or service for a circular economy is subject to an application for temporary permission pursuant to paragraph (8), the person may file an application for temporary permission with the Minister of Environment pursuant to Article 33 of the Act by the following dates, whichever is later:

- 1.The date on which three months have passed since the date of receipt of a notification of the result of determination on the legislative arrangements under paragraph (8);
- 2.The expiration date of the effective period under Article 30 (10) of the Act (referring to the extended effective period, if the effective period is extended pursuant to Article 32 (1) of the Act).

- (10) Where a person requesting legislative arrangements files an application for temporary permission pursuant to paragraph (9), the Minister of Environment may grant the person the full or partial exemption from the submission of documents required to be attached to such application pursuant to Article 30 (1), taking into account the overlap with the documents submitted at the time of filing an application for a regulatory exception pursuant to Article 26 (1) and other similar factors.
- (11) An extension of the effective period of regulatory exceptions, which is necessary for the procedures under Article 32 (4) through (6) of the Act as prescribed in paragraph (7) of that Article, shall be the period from the date the request for the legislative arrangements is made pursuant to paragraph (3) of that Article to the following dates:
1. Where it is determined that the legislative arrangements are unnecessary: The date on which a notification of the result of determination on the legislative arrangements under paragraph (8) is received;
  2. Where it is determined that legislative arrangements are necessary: The following dates:
    - (a) Where the relevant new technology or service for a circular economy is not subject to an application for temporary permission: The date on which a notification of the result of determination on legislative arrangements under paragraph (8) is received;
    - (b) Where the relevant new technology or service for a circular economy is subject to an application for temporary permission: The following dates:
      - (i) Where no application for temporary permission is filed: The expiration date of the period for filing an application for temporary permission under paragraph (9);
      - (ii) Where an application for temporary permission is filed: The date on which the result of processing the application for temporary permission is notified.
- (12) Where the head of the relevant administrative agency has commenced the legislative arrangements pursuant to Article 32 (4) of the Act (including where the head of the relevant agency has commenced the legislative arrangements after review by the Regulatory Reform Committee under paragraph (5) of that Article) and where the head has completed the legislative arrangements notified to be necessary pursuant to paragraph (8), the head shall immediately notify such fact to the Minister of Environment and the Minister of Government Legislation.
- (13) Where the Minister of Environment is notified that the legislative arrangements have been completed pursuant to paragraph (12), the Minister shall immediately notify the person requesting the legislative arrangements of the details thereof.
- (14) Paragraphs (3) 1 and (4) shall apply mutatis mutandis to the submission and supplementation of the results of applying the regulatory exception and business results under the former part of Article 32 (9) of the Act.

#### Article 30 (Application for Temporary Permission)

- (1) A person who intends to file an application for temporary permission pursuant to Article 33 (1) of the Act shall submit an application for temporary permission in the form

prescribed by Ministerial Decree of Environment to the Minister of Environment, along with the following documents:

- 1.A business implementation plan specified in Article 33 (6) 1 of the Act;
- 2.Materials explaining that the relevant new technology or service falls under the category of new technologies and services for a circular economy;
- 3.Materials explaining that the relevant new technology or service for a circular economy falls under any case specified in the subparagraphs of Article 33 (1) of the Act;
- 4.Materials explaining the novelty of the relevant new technology or service for a circular economy and the provision of more benefits to users;
- 5.Materials on damage that may be caused by temporary permission for the relevant new technology or service for a circular economy and on measures to compensate for damage;
- 6.Materials on potential harm to the lives, health, and safety of citizens, and to the environment; hindrances to balanced regional development; and the safe protection and processing of personal information.

(2)A business implementation plan specified in Article 33 (6) 1 of the Act shall include the following information:

- 1.Objectives and outline of temporary permission;
- 2.Statutes or regulations relating to the relevant new technology or service for a circular economy, which require arrangements and the details thereof;
- 3.Materials verifying the safety of the relevant new technology or service for a circular economy;
- 4.Major users of the relevant new technology or service for a circular economy and the period for temporary permission;
- 5.Other matters determined and publicly notified by the Minister of Environment.

(3)Where the Minister of Environment deems it necessary to supplement the details of an application filed pursuant to paragraph (1), the Minister may request the applicant to supplement such details for a specified period.

(4)The Minister of Environment may return an application filed pursuant to paragraph (1) (including where the application is supplemented pursuant to paragraph (3)) in any of the following cases:

- 1.Where it is obvious that the details of the application do not fall under any case specified in the subparagraphs of Article 33 (1) of the Act;
- 2.Where the applicant fails to submit the documents specified in the subparagraphs of paragraph (1) or to comply with a request for supplementation under paragraph (3);
- 3.Where it is obvious that the details of the application have been prepared by fraud or other improper means.

(5)Article 27 (1) shall apply mutatis mutandis to the verification of the purchase of liability insurance that an applicant for temporary permission under Article 33 (1) of the Act (hereafter in this Article referred to as "applicant for temporary permission") is required to purchase pursuant to the main clause of Article 33 (2) of the Act and the period of such



insurance. In such cases, "regulatory exceptions" shall be construed as "temporary permission".

(6)Article 27 (1) through (3) shall apply mutatis mutandis to the amount of liability insurance that an applicant for temporary permission is required to purchase pursuant to the main clause of Article 33 (2) of the Act, details necessary for the purchase and operation of liability insurance, etc., and other relevant matters.

(7)Article 27 (4) shall apply mutatis mutandis to the subsidization of expenses incurred by an applicant for temporary permission to purchase liability insurance, and Article 27 (5) through (11) shall apply mutatis mutandis to the measures to compensate for damage that a business entity granted temporary permission is required to prepare pursuant to the proviso of Article 33 (2) of the Act where such entity is unable to purchase liability insurance, the procedures for compensation for damage, etc. In such cases, "regulatory exceptions" shall be construed as "temporary permission".

(8)When deliberating on whether to grant temporary permission pursuant to the former part, with the exception of the subparagraphs, of Article 33 (6) of the Act, the Deliberation Committee shall comply with the internal standards for review established by itself, giving comprehensive consideration to the following factors:

- 1.The completeness of the details of a business implementation plan under Article 33 (6) 1 of the Act and the feasibility of implementation;
- 2.Technical and financial capabilities of an applicant for temporary permission;
- 3.The novelty of the relevant new technology or service for a circular economy and benefits to users;
- 4.The appropriateness of countermeasures against damage that may occur in relation to the relevant new technology or service for a circular economy and measures to protect victims;
- 5.The impact of the relevant new technology or service for a circular economy on the lives, health, and safety of citizens, the environment, balanced regional development, etc.;
- 6.Possible infringement of personal information due to the relevant new technology or service for a circular economy;
- 7.Other matters that the Chairperson deems necessary based on the characteristics of the relevant new technology or service for a circular economy.

(9)The expenses incurred in conducting a test or inspection under the latter part, with the exception of the subparagraphs, of Article 33 (6) of the Act shall be borne by an applicant for temporary permission.

(10)Where the Minister of Environment grants temporary permission pursuant to Article 33 (7) of the Act, the Minister shall issue a certificate of temporary permission in the form prescribed by Ministerial Decree of Environment and publicly announce such fact in the Official Gazette or on the website of the Ministry of Environment.

(11)A person who intends to obtain an extension of the effective period of temporary permission pursuant to the proviso of Article 33 (9) of the Act shall submit an application for extension of the effective period of temporary permission in the form prescribed by

Ministerial Decree of Environment to the Minister of Environment, along with the following documents:

1. Copy of a certificate of temporary permission issued for the relevant new technology or service for a circular economy;
  2. Current status of implementation of a business implementation plan specified in Article 33 (6) 1 of the Act;
  3. Whether any safety-related accident, compensation for damage, etc. has occurred in relation to the relevant new technology or service for a circular economy;
  4. A plan to extend the period of liability insurance or to revise compensation for damage;
  5. Materials necessary to determine the necessity for legislative arrangements relating to the relevant new technology or service for a circular economy and the directions of such arrangements;
  6. Other materials deemed necessary to extend temporary permission and requested by the Minister of Environment to be submitted.
- (12) Where the Minister of Environment extends the effective period of temporary permission pursuant to the proviso of Article 33 (9) of the Act, the Minister shall issue a certificate of extension of the temporary permission in the form prescribed by Ministerial Decree of Environment.
- (13) Upon completing the legislative arrangements pursuant to Article 33 (12) of the Act, the head of the relevant administrative agency shall notify such completion to the Minister of Environment, who shall notify a person granted temporary permission pursuant to Article 33 (7) of the Act of the fact that the statutes or regulations governing permission, approval, registration, authorization, verification, etc. of the relevant new technology or service for a circular economy have been prepared.

#### Article 31 (Revocation of Temporary Permission)

- (1) Where a person granted temporary permission pursuant to Article 33 (7) of the Act falls under the category specified in Article 34 (1) 2 of the Act, the Minister of Environment may order the person to take corrective measures for a specified period not exceeding six months: Provided, That where there is any unavoidable reason, the period may be extended by up to three months only once.
- (2) When the Minister of Environment intends to issue a corrective order pursuant to paragraph (1), the Minister shall do so in writing specifying the following information:
1. Statement that the relevant person falls under the category specified in Article 34 (1) 2 of the Act;
  2. Details of the corrective order;
  3. Period of correction;
  4. Procedures for raising an objection to the corrective order.
- (3) The Minister of Environment shall provide a person granted temporary permission pursuant to Article 33 (7) of the Act who is subject to a corrective order with an opportunity to submit explanatory materials or to state his or her opinion in advance.

(4) Upon revoking temporary permission pursuant to Article 34 (1) of the Act, the Minister of Environment shall publicly announce such fact in the Official Gazette or on the website of the Ministry of Environment.

Article 32 (Assistance in Business Affairs regarding Expedited Processing and Regulatory Exceptions)

(1) The Minister of Environment may require the Korea Environmental Industry and Technology Institute and a specialized institution for a circular economy to assist in conducting the following business affairs:

1. Business affairs for operating the Deliberation Committee and preliminary review committees, related to expedited processing, collective processing, regulatory exceptions, temporary permission, etc. for demonstration;
2. Management and supervision under Article 31 (1) of the Act;
3. Review of a request for legislative arrangements and attached documents, which are submitted pursuant to Article 29 (3);
4. Other business affairs that the Minister of Environment deems necessary to efficiently conduct business affairs related to expedited processing, collective processing, regulatory exceptions, temporary permission, etc. for demonstration.

(2) Where the Minister of Environment requires an institution to conduct business affairs pursuant to paragraph (1), the Minister shall publish such institution and business affairs to be conducted on the website of the Ministry Environment or in the Official Gazette.

(3) The Minister of Environment may fully or partially subsidize the relevant institution to cover expenses incurred in conducting the business affairs specified in the subparagraphs of paragraph (1).

## CHAPTER VI LAYING OF FOUNDATION FOR CIRCULAR ECONOMY AND PROVISION OF ASSISTANCE

Article 33 (Standards for Partial or Full Exemption from Waste Disposal Charges)

The standards for partial or full exemptions from waste disposal charges under Article 36 (1) of the Act (hereinafter referred to as "waste disposal charges") as prescribed in paragraph (2) of that Article shall be as specified in Appendix 4.

Article 34 (Calculation and Imposition of Waste Disposal Charges)

(1) The computation standards for waste disposal charges prescribed in Article 36 (3) of the Act shall be as specified in Appendix 5.

(2) The calculation index for waste disposal charges under Article 36 (3) of the Act shall be 1 for the first year of introducing waste disposal charges; and shall be the number, which is calculated by multiplying the calculation index for waste disposal charges for the preceding year by the price fluctuation index publicly notified by the Minister of Environment considering both the producer inflation rate and the consumer inflation rate of the preceding year, for each year following the first year.

(3) Waste disposal charges to be imposed on a person who falls under the category specified in Article 36 (2) 1 of the Act and subparagraph 1 of Appendix 4 shall be imposed for the following periods:

- 1.The year following the year wastes are landfilled: An amount equivalent to 50 percent of the amount calculated pursuant to Article 36 (3) of the Act for wastes which remain without being recycled until December 31 of the year the wastes are landfilled;
- 2.The year following the year in which the two-year anniversary of the date of landfilling wastes falls: An amount equivalent to 50 percent of the amount calculated pursuant to Article 36 (3) of the Act for wastes which remain without being recycled until December 31 of the year in which the two-year anniversary of the date of landfilling wastes falls.

Article 35 (Time and Procedures for Paying Waste Disposal Charges)

- (1)A Special Self-Governing City Mayor, a Special Self-Governing Province Governor (referring to the Governor of a Special Self-Governing Province that does not have a Si/Gun which is a local government within its jurisdiction; hereafter in this Article and Article 46, the same shall apply), the head of a Si/Gun/Gu, or an industrial waste discharger who is required to pay waste disposal charges pursuant to Article 36 (1) of the Act (hereinafter referred to as "person liable to pay charges") shall submit materials on the quantity of each type of wastes incinerated or landfilled in the preceding year to the Minister of Environment by March 31 each year, as prescribed by Ministerial Decree of Environment.
- (2)Where a person liable to pay charges intends to obtain a partial or full exemption from waste disposal charges pursuant to Article 36 (2) of the Act, the person shall also submit materials verifying his or her eligibility for such partial or full exemption and materials necessary to calculate the amount of the partial or full exemption when submitting the materials under paragraph (1), as prescribed by Ministerial Decree of Environment. In such cases, a person falling under the category specified in Article 36 (2) 1 of the Act and subparagraph 1 of Appendix 4 shall submit recycling performance for landfilled wastes each year for three years from the year the wastes are landfilled.
- (3)Upon receipt of materials under paragraph (1) or (2), the Minister of Environment shall give a payment notice of waste disposal charges to the relevant person liable to pay charges by April 30 each year, as prescribed by Ministerial Decree of Environment. In such cases, the waste disposal charges may be paid in installments, as prescribed by Ministerial Decree of Environment.
- (4)Upon receipt of a payment notice of waste disposal charges under paragraph (3), a person liable to pay charges shall pay the waste disposal charges by May 20 each year: Provided, That a person who pays waste disposal charges in installments under the latter part of paragraph (3) shall pay the charges by the deadline prescribed by Ministerial Decree of Environment.
- (5)Where any waste disposal charges exist that a person liable to pay charges is required to pay or the amount such person has already paid is less than the amount that shall be paid as a result of inspecting the relevant report or materials or conducting an inspection as prescribed in Article 45 (1) of the Act, the Minister of Environment shall notify the person of the liability to pay the unpaid waste disposal charges or the difference. In such cases, the payment deadline for the relevant amount shall be the 20th day from the date the payment notice is given.

## Article 36 (Special Cases on Imposition and Collection of Waste Disposal Charges)

(1) Notwithstanding Article 35 (1), any of the following persons shall submit materials on the quantity of each type of wastes incinerated or landfilled in the year the discharge of the relevant wastes is completed, to the Minister of Environment within 30 days after completing discharging the wastes; in such cases, a person falling under the categories specified in subparagraphs 5 through 9 of Appendix 4 who intends to obtain a partial or full exemption from waste disposal charges under Article 36 (2) of the Act may, when submitting the materials under the former part, submit materials verifying his or her eligibility for such partial or full exemption and materials necessary to calculate the amount of the partial or full exemption, as prescribed by Ministerial Decree of Environment:

1. A person liable to pay charges who discharges wastes from a place of business defined in subparagraph 8 or 9 of Article 2 of the Enforcement Decree of the Wastes Control Act;
2. A person liable to pay charges who completes discharging wastes for such reasons as business closure.

(2) Upon receipt of materials under paragraph (1), the Minister of Environment shall give a payment notice of waste disposal charges (referring to the waste disposal charges from which a person is fully or partially exempt where he or she submits materials pursuant to the latter part, with the exception of the subparagraphs, of paragraph (1)) to the relevant person liable to pay charges within 30 days after receipt of the materials, as prescribed by Ministerial Decree of Environment.

(3) Upon receipt of a payment notice of waste disposal charges under paragraph (2), a person liable to pay charges shall pay the waste disposal charges within 20 days from receipt of the payment notice.

(4) Where a person who has paid waste disposal charges under paragraph (3) intends to obtain a partial or full exemption from waste disposal charges pursuant to Article 36 (2) of the Act (excluding where a person has submitted materials pursuant to the latter part, with the exception of the subparagraphs, of paragraph (1)), such person shall submit materials verifying his or her eligibility for such partial or full exemption and materials necessary to calculate the amount of the partial or full exemption to the Minister of Environment by March 31 of the year following the year in which the discharge of the relevant wastes is completed, as prescribed by Ministerial Decree of Environment.

(5) Upon receipt of materials under paragraph (4), the Minister of Environment shall return the amount of the partial or full exemption, calculated pursuant to Article 33.

## Article 37 (Deferment of Collection of Waste Disposal Charges and Payments in Installments)

(1) Where a person liable to pay charges is deemed unable to pay waste disposal charges by the payment deadline due to any of the following grounds, the Minister of Environment may defer collection of such charges, in which case the Minister may allow the relevant amount to be paid in installments during the period for deferment of collection:

1. Where the person liable to pay charges suffers serious damage to property due to a natural disaster or any other disaster;
  2. Where the person liable to pay charges suffers a serious management crisis due to a loss to business;
  3. Other cases where the Minister of Environment deems it inevitable to defer the collection of the waste disposal charges or to allow the waste disposal charges to be paid in installments due to a ground similar to that specified in subparagraph 1 or 2.
- (2) The period for deferment of collection under paragraph (1) shall not exceed six months from the day following the expiry date of the payment period; and the number of installments during the period for deferment of collection shall be three or less.
- (3) Where it is deemed impracticable to collect waste disposal charges even within the period for deferment of collection because any ground specified in the subparagraphs of paragraph (1) still exists, the Minister of Environment may extend such period only once. In such cases, an extension shall not exceed six months after the day following the expiry date of the period for deferment of collection.
- (4) Where the Minister of Environment intends to defer collection pursuant to paragraph (1) or extend the period for deferment of collection pursuant to paragraph (3), the Minister may require the relevant person liable to pay charges to provide security equivalent to the amount of deferment.
- (5) A person who seeks to be granted the deferment of collection or to pay charges in installments pursuant to paragraph (1) or to obtain an extension of the period for deferment of collection pursuant to paragraph (3) shall file an application for deferment of collection, payment in installments, or extension of the period for deferment of collection with the Minister of Environment, as prescribed by Ministerial Decree of Environment.
- (6) The Minister of Environment may revoke the deferment of collection and collect the deferred waste disposal charges in any of the following cases:
1. Where a person liable to pay charges is granted the deferment of collection by means of installment payment but fails to make any installment payment by a designated deadline;
  2. Where a person liable to pay charges fails to comply with an order issued by the imposing authority which is necessary to alter or preserve security;
  3. Where the deferment of collection is deemed unnecessary for a person liable to pay charges due to changes in his or her property conditions or other situations.
- (7) Upon revoking the deferment of collection pursuant to paragraph (6), the Minister of Environment shall notify the relevant person liable to pay charges of such revocation and a new payment deadline.

#### Article 38 (Payment of Waste Disposal Charges by Credit Card)

- (1) Waste disposal charges may be paid by credit card, debit card, etc. (hereafter in this Article referred to as "credit card, etc.") via any of the following institutions (hereafter in this Article referred to as "payment service provider"):

- 1.The Korea Financial Telecommunications and Clearings Institute established under Article 32 of the Civil Act upon approval from the Financial Services Commission;
- 2.An institution designated and publicly notified by the Minister of Environment taking into account facilities, business performance capabilities, the amount of capital, etc., among institutions that provide payment services by credit card, etc. through information and communications networks.
- (2)Where waste disposal charges are paid by credit card, etc. pursuant to paragraph (1), the date of approval by a payment service provider shall be deemed the date of payment.
- (3)Where a payment service provider specified in paragraph (1) 2 falls under any of the following, the Minister of Environment may revoke its designation as a payment service provider:
  - 1.Where it is deemed impracticable for the provider to provide normal payment services involving waste disposal charges due to the reduction of facilities, a decrease in capital, etc.;
  - 2.Where the provider is deemed to have problems with its business performance capabilities, such as failing to provide normal payment services involving waste disposal charges by credit card, etc.
- (4)A payment service provider may collect payment service fees from a payer within the limits of not exceeding 10/1000 of the amount paid in return for the payment service by credit card, etc.
- (5)A payment service provider shall obtain approval from the Minister of Environment for payment service fees under paragraph (4). In such cases, the Minister of Environment shall approve such fees, giving comprehensive consideration to the operating expenses, etc. of the relevant provider.
- (6)Except as provided in paragraphs (1) through (5), matters necessary for the payment of waste disposal charges by credit card, etc. shall be determined by the Minister of Environment.

#### Article 39 (Refund of Waste Disposal Charges)

- (1)Where any waste disposal charges are overpaid or erroneously paid, or any partial or full exemption is to be returned pursuant to Article 36 (5); the Minister of Environment shall determine the amount overpaid or erroneously paid or the amount of the partial or full exemption as a refund of waste disposal charges; shall without delay notify the relevant payer of such refund; and shall refund the amount to the payer.
- (2)Where the Minister of Environment makes a refund of waste disposal charges pursuant to paragraph (1), the Minister shall determine as an additional refund the amount calculated based on the interest rate under Article 43-3 (2) of the Enforcement Decree of the Framework Act on National Taxes for the period beginning on the date following the payment date of the waste disposal charges and ending on the date a decision on the refund is made; shall notify the relevant payer of such additional refund; and shall make a refund.

#### Article 40 (Provision of Waste Disposal Charges as Grants)

(1)Where the Minister of Environment delegates or entrusts his or her authority to collect waste disposal charges or late payment penalties to a Mayor/Do Governor or to a specialized institution, such as the Korea Environment Corporation, pursuant to Article 47 of the Act, the Minister shall pay the following amounts pursuant to Article 36 (9) of the Act:

1.A Mayor/Do Governor: The following amounts:

(a)Where the quantity of wastes incinerated or landfilled per capita has decreased compared with that for the previous year: 90/100 of the waste disposal charges or late payment penalties collected;

(b)Where the quantity of wastes incinerated or landfilled per capita has increased compared with that for the previous year: 50/100 of the waste disposal charges or late payment penalties collected;

2.A specialized institution, such as the Korea Environment Corporation: 10/100 of the waste disposal charges or late payment penalties collected.

(2)The Minister of Environment may adjust the percentage of grants to the extent obtained by adding or deducting 10/100 from the percentage of grants under the items of paragraph (1) 1, in consideration of the ratio of incineration, etc. of the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, and a Special Self-Governing Province: Provided, That the percentage of the grant obtained by adjusting the percentage specified in paragraph (1) 1 (a) shall not exceed 90/100.

(3)Matters necessary for the calculation of the quantity of wastes incinerated or landfilled and the adjustment of the percentages of grants under paragraphs (1) and (2) shall be prescribed by Ministerial Decree of Environment.

(4)The Minister of Environment shall settle the amounts under paragraph (1) out of the waste disposal charges or late payment penalties transferred to the Special Account for Environmental Improvement established under Article 45 of the Framework Act on Environmental Policy each quarter and shall pay the relevant amount to the relevant Mayor/Do Governor or a specialized institution, such as the Korea Environment Corporation, by the end of the month in which the following quarter ends.

#### Article 41 (Uses of Waste Disposal Charges)

"Projects prescribed by Presidential Decree to promote the transition to a circular economy and society" in subparagraph 7 of Article 37 of the Act means the following projects:

1.A project to assist local governments with separate discharge, collection, and recycling of wastes;

2.A project to assist persons who produce, distribute, or use circular resources;

3.A project to support a wider use of recycled products.

#### Article 42 (Provision of Information by Circular Resource Information Center)

(1)The Circular Resource Information Center shall manage and provide the following information:

1.Information on the development and dissemination of technology for circular use;

2.Information on use of circular raw materials;



- 3.Information on the recognition, designation, and public notice of circular resources;
- 4.Information on quality certification;
- 5.Information on distribution, such as demand for and supply of circular resources, recycled products, and wastes;
- 6.Information on the resource circulation industry and resource circulation facilities;
- 7.Other information that the Minister of Environment deems necessary to promote circular use.

(2)The Minister of Environment may provide information related to the information specified in the subparagraphs of paragraph (1) among the information managed and provided by the following systems, etc. via the Circular Resource Information Center:

- 1.The electronic information processing program under Article 45 (2) of the Wastes Control Act;
- 2.The comprehensive waste-to-energy information management system under Article 25-14 (1) of the Act on the Promotion of Saving and Recycling of Resources, the information system for facilitating saving and recycling of resources under Article 34-7 (2) of that Act, or the operation and management information system under Article 36-2 (1) of that Act;
- 3.The operation and management information system under Article 38 (1) of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles.

(3)To help the Circular Resource Information Center efficiently conduct business affairs regarding the management and provision of the information specified in the subparagraphs of paragraph (1), the Minister of Environment may request the heads of the relevant central administrative agencies, local governments, or public institutions under Article 4 of the Act on the Management of Public Institutions, which have information related to circular raw materials, circular resources, etc. to provide such information.

Article 43 (Assistance in International Cooperation for Transition to Circular Economy and Society)

- (1)The Minister of Environment may require the Korea Environmental Industry and Technology Institute and a specialized institution for a circular economy to assist in conducting the business affairs specified in the subparagraphs of Article 43 (2) of the Act.
- (2)The Minister of Environment may fully or partially subsidize the relevant institution to cover expenses incurred in conducting the business affairs under paragraph (1).

#### CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 44 (Consultative Body)

Where necessary to discuss the following matters, etc. for the development of a circular economy and society, the Minister of Environment may organize and operate a consultative body in which the relevant central administrative agencies, interested parties in the relevant industries, experts, civic groups, etc. participate:

- 1.Matters regarding the enforcement of the circular economy performance management system for business entities under Article 15 of the Act;

2. Matters regarding the subject matter, methods, etc. of assessments of circular usability of products, etc. under Article 18 of the Act;
3. Matters regarding the standards, etc. for recognition of circular resources under Article 21 of the Act;
4. Matters regarding the promotion of the use of circular resources under Article 24 of the Act;
5. Matters regarding the standards, etc. for calculation of waste disposal charges under Article 36 of the Act;
6. Other matters that the Minister of Environment deems necessary for promoting a circular economy.

Article 45 (Delegation of Authority)

(1) The Minister of Environment shall delegate the following authority to a Mayor/Do Governor pursuant to Article 47 (1) of the Act:

1. The following authority regarding waste disposal charges imposed on a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu pursuant to Article 36 (1) 1 of the Act or such charges imposed on a person falling under the category specified in subparagraph 2 of that paragraph (only applicable to wastes generated from the waste treatment facilities that a Mayor/Do Governor or the head of a Si/Gun/Gu establishes or operates pursuant to Article 4 (1) or 5 (1) of the Wastes Control Act):
    - (a) Imposing and collecting waste disposal charges pursuant to Article 36 (1) of the Act and granting a partial or full exemption from such charges pursuant to paragraph (2) of that Article;
    - (b) Issuing demand notices for payment of delinquent waste disposal charges or imposing late payment penalties pursuant to Article 36 (6) of the Act;
    - (c) Compulsorily collecting waste disposal charges or late payment penalties pursuant to Article 36 (7) of the Act;
    - (d) Requesting the submission of relevant materials pursuant to Article 36 (10) of the Act;
    - (e) Deferring collection of waste disposal charges and allowing installment payments of such charges pursuant to Article 37;
  2. Requiring reporting or the submission of materials or an investigation pursuant to Article 45 (1) of the Act (limited to the extent necessary to exercise the authority delegated);
  3. Imposing and collecting administrative fines under Article 52 (2) of the Act (limited to imposing and collecting administrative fines against a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu who falls under subparagraph 1 or 2 of that paragraph).
- (2) The Minister of Environment shall delegate the following authority to the head of a regional environmental agency pursuant to Article 47 (1) of the Act:
1. Recognizing circular resources pursuant to Article 21 (1) or (3) of the Act and collecting fees pursuant to paragraph (6) of that Article;

- 2.Revoking recognition of circular resources and notifying such revocation pursuant to Article 22 (1) and (2) of the Act and receiving the results of measures taken pursuant to paragraph (3) of that Article;
- 3.Requiring reporting or the submission of materials or an investigation pursuant to Article 45 (1) of the Act (limited to the extent necessary to exercise the authority delegated);
- 4.Holding hearings pursuant to subparagraph 1 of Article 46 of the Act;
- 5.Imposing and collecting administrative fines pursuant to Article 52 (2) 2 of the Act (limited to imposing and collecting administrative fines for persons specified in Article 52 (2) 2 of the Act).

#### Article 46 (Entrustment of Business Affairs)

(1)The Minister of Environment shall entrust the following business affairs to the Korea Environment Corporation pursuant to Article 47 (2) of the Act:

- 1.Conducting statistical surveys on a circular economy pursuant to Article 12 of the Act;
- 2.Establishing and managing the targets for a circular economy for each person subject to the management of circular economy performance, resetting such targets, and receiving materials, such as implementation plans and the outcomes of implementation thereof, pursuant to Article 15 (1) through (4) of the Act; and evaluating the outcomes of implementation pursuant to paragraph (5) of that Article;
- 3.Conducting the business affairs specified in the items of Article 45 (1) 1 regarding waste disposal charges (excluding waste disposal charges for which authority is delegated to a Mayor/Do Governor under Article 45 (1) 1) imposed on industrial waste dischargers pursuant to Article 36 (1) 2 of the Act;
- 4.Establishing and operating the Circular Resource Information Center and managing and providing information on circular resources pursuant to Article 39 of the Act;
- 5.Establishing and operating the circular economy information system and disclosing information pursuant to Article 40 (1) and (2) of the Act;
- 6.Requiring the submission of materials pursuant to Article 45 (1) of the Act (limited to the extent necessary to conduct entrusted business affairs).

(2)The Minister of Environment shall entrust the following business affairs to the Korea Environmental Industry and Technology Institute pursuant to Article 47 (2) of the Act:

- 1.Assessing the circular usability of products, etc. under Article 18 (1) of the Act;
- 2.Conducting business affairs regarding the labeling of products made from circular resources under Article 26 (1) of the Act;
- 3.Receiving an application for expedited processing of new technologies and services for a circular economy and notifying the results thereof under Article 28 (1) and (4) of the Act;
- 4.Receiving an application for collective processing under Article 29 (1) of the Act;
- 5.Receiving an application for a regulatory exception under Article 30 (1) of the Act;
- 6.Receiving an application for extension of the effective period of a regulatory exception under Article 32 (2) of the Act;
- 7.Receiving a request for legislative arrangements under Article 32 (3) of the Act;

- 8.Receiving documents on the results of applying a regulatory exception and business results under the former part of Article 32 (9) of the Act;
- 9.Receiving an application for temporary permission or an application for extension of the effective period of such permission under Article 33 (1) and (10) of the Act;
- 10.Requiring the submission of materials under Article 45 (1) of the Act (limited to the extent necessary to conduct entrusted business affairs);
- 11.Receiving materials evidencing the purchase of liability insurance under Articles 27 (1) and 30 (5);
- 12.Receiving a written statement of the grounds for inability to purchase liability insurance and attached materials under Articles 27 (5) and 30 (7);
- 13.Receiving additional materials under Article 29 (4) (including where such provision applies mutatis mutandis in paragraph (14) of that Article).

#### Article 47 (Accounting Agency on Waste Disposal Charges)

- (1)The president of the Korea Environment Corporation shall appoint a charge revenue collector from among its full-time directors and a person taking partial charge of collecting charge revenues from among its employees to assign them to conduct the entrusted business affairs of collecting waste disposal charges under Article 46 (1) 3.
- (2)Upon appointing a charge revenue collector and a person taking partial charge of collecting charge revenues pursuant to paragraph (1), the president of the Korea Environment Corporation shall notify such appointment to the Minister of Environment, the Chairperson of the Board of Audit and Inspection of Korea, and the Governor of the Bank of Korea.

#### Article 48 (Management of Personally Identifiable Information)

The Minister of Environment (including a person delegated with the authority of the Minister pursuant to Article 45 or entrusted with his or her business affairs pursuant to Article 46) may manage materials that contain resident registration numbers or foreign registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act if it is essential for conducting the following business affairs:

- 1.Imposing and collecting waste disposal charges pursuant to Article 36 (1) of the Act;
- 2.Issuing demand notices for payment of delinquent waste disposal charges or imposing late payment penalties pursuant to Article 36 (6) of the Act;
- 3.Compulsorily collecting waste disposal charges or late payment charges pursuant to Article 36 (7) of the Act;
- 4.Deferring collection of waste disposal charges and allowing installment payments of such charges pursuant to Article 37.

#### Article 49 (Re-Examination of Regulation)

The Minister of Environment shall examine the appropriateness of the following every three years, counting from January 1, 2024 (referring to the period that ends on the day before the third-year anniversary of the base date) and shall take measures, such as making improvements:

- 1.Measures in response to a failure to submit an implementation plan, etc. or noncompliance with an order of implementation under Article 6;
- 2.Methods and procedures for assessment of the circular usability of products, etc. under Article 8 (2) through (7) and Appendix 1;
- 3.Standards for recognition of circular resources under Article 11;
- 4.The business type and scale of business entities designated to use circular resources under Article 16 (1);
- 5.Quality certification procedures under Article 17;
- 6.Computation standards for waste disposal charges under Article 34 (1) and Appendix 5.

#### CHAPTER VIII PENALTY PROVISIONS

##### Article 50 (Criteria for Imposing Administrative Fines)

The criteria for imposing administrative fines under Article 52 (1) and (2) of the Act shall be as specified in Appendix 6.

ADDENDA <Presidential Decree No. 34004, Dec. 19, 2023>

##### Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2014: Provided, That the amended provisions of subparagraph 3 of Article 2 shall enter into force on March 29, 2024.

##### Article 2 (Applicability to Reasons for Partial or Full Exemption from Waste Disposal Charges)

The amended provisions of subparagraphs 2 and 4 of Appendix 4 shall begin to apply to wastes discharged after this Decree enters into force.

##### Article 3 (Applicability to Computation Standards for Waste Disposal Charges)

The amended provisions of subparagraph 5 of Notes of Appendix 5 shall begin to apply to wastes discharged after this Decree enters into force.

##### Article 4 (Transitional Measures regarding Quality Mark Certifying Bodies)

An entity that has been designated as a quality mark certifying body pursuant to the previous provisions as at the time this Decree enters into force shall be deemed an entity that has been designated as a quality certifying body pursuant to the amended provisions of Article 18.

Article 5 Omitted.

PC Version