

# ACT ON RESOURCE CIRCULATION OF ELECTRICAL AND ELECTRONIC EQUIPMENT AND VEHICLES

Act No. 8405, Apr. 27, 2007  
Amended by Act No. 8852, Feb. 29, 2008  
Act No. 9433, Feb. 6, 2009  
Act No. 9931, Jan. 13, 2010  
Act No. 10032, Feb. 4, 2010  
Act No. 10033, Feb. 4, 2010  
Act No. 10219, Mar. 31, 2010  
Act No. 10389, Jul. 23, 2010  
Act No. 10390, Jul. 23, 2010  
Act No. 10549, Apr. 5, 2011  
Act No. 10893, Jul. 21, 2011  
Act No. 11690, Mar. 23, 2013  
Act No. 11913, Jul. 16, 2013  
Act No. 13038, Jan. 20, 2015  
Act No. 13037, Jan. 20, 2015  
Act No. 14476, Dec. 27, 2016  
Act No. 15657, Jun. 12, 2018  
Act No. 15842, Oct. 16, 2018

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to establish a resource recycling system for the efficient use of resources and contribute to environmental conservation and the sound growth of the national economy by placing restrictions on the use of hazardous substances, encouraging manufacturers to produce products readily recyclable, and facilitating the optimum recycling of wastes thereof to ensure that recycling of electrical and electronic equipment, as well as vehicles, can be promoted appropriately.

## **Article 2 (Definitions)**

The terms used in this Act shall be defined as follows: *<Amended by Act No. 9931, Jan. 13, 2010; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>*

1. The term "electrical and electronic equipment" means machines and apparatuses (including components and parts) operated by electric current or electromagnetic field;
2. The term "vehicle" means an automobile (including components and parts thereof) as defined in subparagraph 1 of Article 2 of the Motor Vehicle Management Act;
3. The term "waste electrical and electronic equipment" means the electrical and electronic equipment identified as waste as defined in subparagraph 1 of Article 2 of the Wastes Control Act;
4. The term "end-of-life vehicle" means an automobile scrapped pursuant to subparagraph 5 of Article 2 of the Motor Vehicle Management Act;
5. The term "treatment" means treatment as defined in subparagraph 5-3 of Article 2 of the Wastes Control Act;
6. The term "recycling" means reusing waste electrical and electronic equipment or end-of-life vehicles, or renewing such wastes or vehicles for reuse, or converting such wastes or vehicles into a reusable or renewable state;
7. The term "energy recovery" means activities of recovering energy, as defined in subparagraph 1 of Article 2 of the Energy Act, in accordance with standards prescribed by Ordinance of the Ministry of Environment.

## **Article 3 (Relationship with Other Acts)**

This Act shall take precedence over other Acts in regard to the promotion of recycling electronic and electronic equipment and vehicles.

## **Article 4 (Responsibilities of State and Local Governments)**

- (1) The State shall establish policies on recycling of resources to promote the recycling of electrical and electronic equipment as well as vehicles.
- (2) The State shall develop and disseminate technologies applicable for inhibiting the use of hazardous substances on electrical and electronic equipment or vehicles, enabling the manufacturing of easily recyclable products, and enabling optimum recycling of the wastes thereof.
- (3) Local governments shall take measures necessary to facilitate the recycling of waste electrical and electronic equipment and end-of-life vehicles within their jurisdictions in compliance with the State's policies under paragraph (1), including increasing separate collection of recyclable resources, improving the collection system in such a way as to operate pickup points for and support loading/unloading of waste electrical and electronic equipment, and ensuring appropriate recycling or treatment of collected waste electrical and electronic equipment and end-of-life vehicles. *<Amended by Act No. 11913, Jul. 16, 2013; Act No. 15842, Oct. 16, 2018>*

## **Article 5 (Responsibilities of Business Operators)**

(1) A person who manufactures or imports electrical and electronic equipment or vehicles (hereafter referred to as “manufacturer or importer” in this Article) shall actively endeavor to promote recycling by taking the following measures and performing other activities related thereto:

1. Developing recycling technology;
2. Improving materials and structures for easy recycling;
3. Restraining the use of hazardous substances;
4. Manufacturing or importing products readily recyclable;
5. Preventing raw materials, products, etc. from being wasted and, if they become waste, collecting and recycling them as much as possible;
6. Establishing a collection system to recycle wastes from the products released by manufacturers or importers.

(2) Distributors of electrical and electronic equipment shall ensure that recyclable resources are circulated efficiently by endeavoring in earnest to collect waste electrical and electronic equipment.

(3) Recyclers under Article 12 shall ensure that as much recyclable resources are recycled as possible so as to save resources and that such resources are used in an efficient manner.

(4) Persons who run a business of treating environmental pollutants in waste electrical and electronic equipment or vehicles (hereafter referred to as “treatment business operator” in this Article) shall endeavor to minimize their impacts on the environment.

(5) Manufacturers or importers, distributors of electrical and electronic equipment, recyclers under Article 12 and treatment business operators shall cooperate in measures taken by the State or local governments to attain the purpose of this Act.

## **Article 6 (Citizens' Responsibility)**

Every citizen shall cooperate with the State and local governments in taking measures to accomplish the purposes of this Act such as discharge of waste electrical and electronic equipment or those of vehicles.

## **Article 7 (Enhancement of International Cooperation)**

The Minister of Environment and the Minister of Trade, Industry and Energy shall endeavor to secure reciprocal recognition between states concerning matters related to the outcomes of analysis of hazardous substances or the rates of recyclability, and shall take measures for international cooperation to minimize the use of substances highly harmful to the environment at the stage of manufacturing electrical and electronic equipment and vehicles, and to promote recycling of wastes. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

**Article 8 Deleted.** <by Act No. 10033, Feb. 4, 2010>

## CHAPTER II RESTRICTIONS ON USE OF HAZARDOUS SUBSTANCES ON ELECTRICAL AND ELECTRONIC EQUIPMENT AND VEHICLES, ETC.

### **Article 9 (Products Subject to Restriction on Use of Hazardous Substances, Maximum Levels of Contents thereof, etc.)**

(1) In order to facilitate recycling of electrical and electronic equipment and vehicles and to minimize their harmful impacts on the environment, every manufacturer or importer of electrical and electronic equipment specified by Presidential Decree (hereinafter referred to as "manufacturer or importer of electrical and electronic equipment") among such equipment used and distributed in large quantities and every manufacturer or importer of vehicles specified by Presidential Decree (hereinafter referred to as "manufacturer or importer of vehicles") shall comply with maximum levels of hazardous substances specified by Presidential Decree (hereinafter referred to as "hazardous substances") at the stage of manufacturing, including heavy metals and non-combustible materials highly harmful to the environment: Provided, That the foregoing shall not apply to products specified by Presidential Decree, because it is deemed impossible to remove hazardous substances due to the characteristics of the products or that no substitute is available, nor to products for research and development or for exportation. <Amended by Act No. 11913, Jul. 16, 2013>

(2) The Minister of Environment and the Minister of Trade, Industry and Energy may jointly determine and publicly notify the analysis method of hazardous substances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

### **Article 10 (Guidelines for Improvement of Materials and Structure, etc.)**

(1) Every manufacturer or importer of electrical and electronic equipment shall comply with the guidelines for improvement of materials and structure, as jointly determined and publicly notified by the Minister of Environment and the Minister of Trade, Industry and Energy, including matters concerning materials and structures for facilitating the recycling of products. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Every manufacturer or importer of vehicles shall attain the annual recyclability rates prescribed by Presidential Decree through the use of easily recyclable materials, uni-materialization, indication of materials information, improvements in the ease of separation and dismantlement, and other activities for improvement of materials and structures.

(3) If a manufacturer or importer of electrical and electronic equipment violates any provision of the guidelines under paragraph (1), the Minister of Environment and the Minister of Trade, Industry and Energy may recommend such manufacturer or importer to comply with the guidelines. <Amended by Act



*No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) The Minister of Environment and the Minister of Trade, Industry and Energy may jointly determine and publicly notify the method of assessing rates of recyclability. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

**Article 11 (Public Disclosure of Compliance with Restrictions on Use of Hazardous Substances, etc.)**

Every manufacturer or importer of electrical and electronic equipment and every manufacturer or importer of vehicles shall conduct direct examinations or assessments to ensure compliance with maximum levels of hazardous substances under Article 9 (1) or the annual rates of recyclability under Article 10 (2), and shall disclose the outcomes thereof to the public, as prescribed by Presidential Decree.

**Article 12 (Furnishing Information on Recycling, Proposals for Improvement of Materials, Structure, etc. and Other Matters)**

(1) When a manufacturer or importer of electrical and electronic equipment or a manufacturer or importer of vehicles is requested by a person permitted to engage in waste recycling business pursuant to Article 25 (5) 5 through 7 of the Wastes Control Act, a person who has filed a report on waste treatment pursuant to Article 46 of the said Act, or a person specified by Presidential Decree as qualified for carrying out efficient recycling work (hereinafter referred to as "recycler"), a motor vehicle scrapping business operator under Article 25 (1) 2, a person who engages in a business of recycling end-of-life vehicles as defined in the subparagraphs of Article 32 (2) (hereinafter referred to as "end-of-life vehicle recycler") and a person who has registered his/her waste gas treatment business under Article 32-2 (1) (hereinafter referred to as "waste gas treatment business operator") to furnish him/her with information about the composition of materials, recycling methods, etc. (hereinafter referred to as "information on recycling") to promote the recycling of waste electrical and electronic equipment or end-of-life vehicles, the manufacturer or importer shall furnish him/her with such information on recycling as long as furnishing information does not go against protection of trade secrets including leaking core technical information, as prescribed by Presidential Decree: Provided, That such information on recycling shall be deemed furnished, when the manufacturer or importer has furnished such information through a recycling information network, as a member of the information network, which shall be designated and publicly notified by the Minister of Environment in consultation with the Minister of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10389, Jul. 23, 2010; Act No. 11690, Mar. 23, 2013; Act No. 11913, Jul. 16, 2013; Act No. 15657, Jun. 12, 2018>*

(2) Any recycler, end-of-life vehicle recycler, or waste gas treatment business operator may suggest to the Minister of Environment or the Minister of Trade, Industry and Energy a proposal on the improvement of materials, structure, etc. of any product, which might be helpful for recycling waste electrical and electronic equipment or end-of-life vehicles economically, while conserving the environment. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11913, Jul. 16, 2013>*

(3) Upon receiving a proposal under paragraph (2), the Minister of Environment and the Minister of Trade, Industry and Energy shall examine safety and other characteristics of a product and the validity in light of the feasibility, the domestic technological level and other matters, and shall determine whether to adopt the proposal after deliberation by the Central Environmental Policy Committee under Article 58 (1) of the Framework Act on Environmental Policy, and if such proposal is adopted, the proposed improvement may be recommended to manufacturers or importers of electrical and electronic equipment or manufacturers or importers of vehicles. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10032, Feb. 4, 2010; Act No. 11690, Mar. 23, 2013; Act No. 15657, Jun. 12, 2018>*

**Article 13 (Reporting on Compliance with Recommendations for Promotion of Recycling, etc.)**

The Minister of Environment and the Minister of Trade, Industry and Energy may require the manufacturer or importer of electrical and electronic products or the manufacturer or importer of vehicles, to whom a recommendation has been given pursuant to Article 10 (3) or 12 (3), to report on whether he/she has followed the recommendation and on the outcomes of such compliance. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

**Article 14 (Efforts to Ensure Safety, Durability, etc. by Improvement of Materials and Structure)**

(1) When every manufacturer or importer of electrical and electronic equipment and every manufacturer or importer of vehicles intends to improve materials or structure of his/her products, he/she shall endeavor to make the products safe and durable so that such improvement of materials or structure shall not injure users of the products.

(2) Every manufacturer or importer of electrical and electronic equipment, manufacturer or importer of vehicles, waste recycler of such equipment, end-of-life vehicle recycler and waste gas treatment business operator shall endeavor to reduce the content of hazardous substances in recycled products when the wastes from such products and vehicles are processed into a recyclable state and make recycling of such products and vehicles easier. *<Amended by Act No. 11913, Jul. 16, 2013>*

## CHAPTER III RECYCLING OF WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT AND END-OF-LIFE VEHICLES

### SECTION 1 Waste Electrical and Electronic Equipment

**Article 15 (Duty of Electrical and Electronic Equipment Manufacturers Subject to Mandatory Recycling to Collect, Transfer, and Recycle)**

Manufacturers (including original equipment manufacturers) or importers of electrical and electronic equipment prescribed by Presidential Decree, among equipment producing a large quantity of wastes after

consumer use, who run a place of business the size of which is stipulated by Presidential Decree (hereinafter referred to as “electrical and electronic equipment manufacturer subject to mandatory recycling”) shall collect wastes from the equipment released thereby and transfer such wastes to a person granted permission to recycle wastes under Article 25 (5) 5 through 7 of the Wastes Control Act for recycling, or shall join a mutual aid association for recycling electrical and electronic equipment under Article 21 (hereinafter referred to as “mutual aid association”) to jointly collect, transfer, and recycle wastes. In such cases, all expenses incurred in collecting, transferring, and recycling waste electrical and electronic equipment shall be borne by electrical and electronic equipment manufacturers subject to mandatory recycling. <Amended by Act No. 15657, Jun. 12, 2018>

#### **Article 16 (Management of Recycling Targets and Mandatory Recycling Quantity of Electrical and Electronic Equipment Manufacturers Subject to Mandatory Recycling)**

(1) The Minister of Environment shall determine and publicly notify, every five years, a long-term target per head of population with respect to recycling electrical and electronic equipment (hereinafter referred to as “long-term recycling target”) in consideration of the following factors and shall publicly notify an annual recycling target per head of population (hereinafter referred to as “annual recycling target”) every year in consultation with the heads of related central administrative agencies in order to achieve such target:

1. The quantity of electrical and electronic equipment released by manufacturers or importers of electrical and electronic equipment;
2. Projected quantity of waste electrical and electronic equipment;
3. The quantity of separately-collected waste electrical and electronic equipment [*including the quantity of separately-collected recyclable resources published by the Special Metropolitan City Mayor, Metropolitan City Mayors, Do governors or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") pursuant to Article 13 (2) of the Act on the Promotion of Saving and Recycling of Resources*];
4. Result of recycling of waste electrical and electronic equipment and the size of recycling facilities;
5. Other circumstances for separate collection and recycling conditions, including the status of the development of recycling technology.

(2) If deemed necessary to revise a long-term recycling target due to changes in recycling circumstances, the Minister of Environment may revise and publicly notify the long-term recycling target.

(3) Guidelines for the calculation of the recycling quantity that electrical and electronic equipment manufacturers subject to mandatory recycling are required to meet to achieve their annual recycling targets (hereinafter referred to as “mandatory recycling quantity”) shall be determined by Presidential Decree, in consideration of the volume of electrical and electronic equipment delivered and other matters.

(4) Notwithstanding paragraphs (1) and (3), for the electrical and electronic equipment specified by Presidential Decree that is highly worth recycling or highly required to recycle, the Minister of

Environment may annually determine and publicly notify the recycling quantity allotted to each electrical and electronic equipment manufacturer subject to mandatory recycling, out of the annual delivery volume by product, in consultation with the heads of related central administrative agencies.

**Article 16-2 (Recycling Methods and Standards for Electrical and Electronic Equipment Manufacturers Subject to Mandatory Recycling)**

Electrical and electronic equipment manufacturers subject to mandatory recycling shall recycle wastes by electrical and electronic equipment class that needs to be recycled in a similar manner, in compliance with the methods and standards prescribed by Ordinance of the Ministry of Environment.

**Article 16-3 (Collection, etc. of Substances Inducing Changes in Climate or Ecosystem by Electrical and Electronic Equipment Manufacturers Subject to Mandatory Recycling)**

Electrical and electronic equipment manufacturers subject to mandatory recycling shall collect, separate, store, and treat climate/ecosystem-changing substances under subparagraph 2 of Article 2 of the Clean Air Conservation Act as prescribed by Presidential Decree (hereinafter referred to as “climate/ecosystem-changing substances”), which are generated from waste electrical and electronic equipment, in accordance with standards prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 15657, Jun. 12, 2018>*

**Article 16-4 (Duty of Distributors of Electrical and Electronic Equipment to Collect, Transfer, etc.)**

(1) Distributors of electrical and electronic equipment prescribed by Presidential Decree, among electrical and electronic equipment that produces large quantities of wastes after consumer use, who run a place of business, the size of which is prescribed by Presidential Decree (hereinafter referred to as “distributor of electrical and electronic equipment”) may directly collect waste electrical and electronic equipment that falls under the class to which the equipment they distributed belongs, or may join a mutual aid association and have the association fulfill the duty to collect on behalf thereof.

(2) Standards for calculating the quantity of mandatory collection of waste electrical and electronic equipment under paragraph (1) (hereinafter referred to as “mandatory collection quantity”) shall be prescribed by Presidential Decree, in consideration of the following matters: *<Amended by Act No. 13037, Jan. 20, 2015; Act No. 15657, Jun. 12, 2018>*

1. Sales volume of electrical and electronic equipment;
2. Mandatory recycling quantities allotted to electrical and electronic equipment manufacturers subject to mandatory recycling;
3. The net purchasing amount of distributors of electrical and electronic equipment;
4. Other matters of collection, including the quantity separately collected and the separate collection system.

(3) Distributors of electrical and electronic equipment shall transport and transfer collected waste of electrical and electronic equipment to regional collection depots installed by electrical and electronic equipment manufacturers subject to mandatory recycling or a mutual aid association: Provided, That the foregoing shall not apply where distributors of electrical and electronic equipment reuse, within the Republic of Korea, waste electrical and electronic equipment collected pursuant to paragraph (1) in compliance with the methods prescribed by Ordinance of the Ministry of Environment.

(4) Electrical and electronic equipment manufacturers subject to mandatory recycling or a mutual aid association shall designate the collection depots under paragraph (3) and notify distributors of electrical and electronic equipment thereof.

(5) Electrical and electronic equipment manufacturers subject to mandatory recycling and distributors of electrical and electronic equipment shall gratuitously collect packaging of a new product as well as the same kind of product as the new one disposed of as waste by a new product purchaser (including the same kind of product supplied by other electrical and electronic equipment manufacturers), as prescribed by Ordinance of the Ministry of Environment.

#### **Article 17 (Submission of Plan, etc. to Recycle, or Collect)**

(1) Every electrical and electronic equipment manufacturer subject to mandatory recycling and every distributor of electrical and electronic equipment (excluding a person who redirects a mutual aid association to fulfill the duty to collect, transfer, and recycle or the duty to collect on his/her behalf) shall submit a plan classified as follows, to the Minister of Environment for approval, as prescribed by Presidential Decree: *<Amended by Act No. 10549, Apr. 5, 2011; Act No. 11913, Jul. 16, 2013>*

1. An electrical and electronic equipment manufacturer subject to mandatory recycling: A plan of mandatory recycling;
2. A distributor of electrical and electronic equipment: A plan of mandatory collection.

(2) A person who obtains approval of a plan of mandatory recycling or of a plan of mandatory collection pursuant to paragraph (1) shall submit a report on the results of his/her recycling or collection, along with evidentiary materials to the Minister of Environment, as prescribed by Presidential Decree. *<Amended by Act No. 10549, Apr. 5, 2011; Act No. 11913, Jul. 16, 2013>*

#### **Article 18 (Collection of Recycling Charges of Electrical and Electronic Equipment)**

(1) If an electrical and electronic equipment manufacturer subject to mandatory recycling fails to perform his/her duty to collect, transfer, and recycle under Article 15, or a mutual aid association fails to perform the duty to collect, transfer, and recycle on behalf of its members, the Minister of Environment shall impose an amount of money calculated from aggregating the expenses incurred in recycling wastes not recycled out of the mandatory recycling quantity with an amount calculated in accordance with standards prescribed by Presidential Decree not exceeding 30/100 of such expenses (hereinafter referred to as "charges for recycling electrical and electronic equipment") on the electrical and electronic equipment

manufacturer subject to mandatory recycling or the mutual aid association and collect the charge from him/her or the mutual aid association. *<Amended by Act No. 11913, Jul. 16, 2013>*

(2) Standards for expenses incurred in recycling waste electrical and electronic equipment under paragraph (1) and the timing and procedures for the payment thereof shall be prescribed by Presidential Decree.

(3) through (6) Deleted. *<by Act No. 11913, Jul. 16, 2013>*

#### **Article 18-2 (Collection of Charges for Collecting Electrical and Electronic Equipment)**

(1) Where a distributor of electrical and electronic equipment fails to perform his/her duty to collect and transfer under Article 16-4 or a mutual aid association fails to perform the duty to collect on behalf of its members, the Minister of Environment shall impose an amount incorporating the expenses incurred in collecting wastes not collected out of the mandatory collection quantity and an amount calculated in accordance with standards prescribed by Presidential Decree not exceeding 30/100 of such expenses (hereinafter referred to as "charges for collecting electrical and electronic equipment") on the distributor of electrical and electronic equipment or the mutual aid association and collect such charges.

(2) Standards for the expenses incurred in collecting waste electrical and electronic equipment under paragraph (1) and the timing and procedures for the payment thereof shall be prescribed by Presidential Decree.

#### **Article 18-3 (Handling of Charges for Recycling Electrical and Electronic Equipment, Charges for Collecting Electrical and Electronic Equipment, etc.)**

(1) The Minister of Environment shall issue a written reminder, within 10 days after the due date for payment, to a person who fails to pay charges for recycling or collecting electrical and electronic equipment by the due date to pay the charges. In such cases, a surcharge amounting to 3/100 of the overdue charges for recycling or collecting electrical and electronic equipment shall be added thereto, but where the payment is made within one week after the due date, the surcharge to be imposed shall amount to 1/100 of the overdue charges for recycling or collecting electrical and electronic equipment. *<Amended by Act No. 15657, Jun. 12, 2018>*

(2) If a person who receives a reminder pursuant to paragraph (1) fails to pay the charges for recycling or collecting electrical and electronic equipment (including a surcharge, respectively; the same shall apply hereinafter), the charges shall be collected in the same manner as national taxes in arrears.

(3) The Minister of Environment may request the Commissioner of the National Tax Service and the head of a local government to provide information about the national and local taxes imposed on a person who fails to pay the charges so as to collect overdue charges for recycling or collecting electrical and electronic equipment.

(4) Charges for recycling and collecting electrical and electronic equipment shall become revenue in the special account for the improvement of the environment under the Framework Act on Environmental Policy.

(5) Where the Minister of Environment entrusts related specialized institutions, including the Korea Environment Corporation under the Korea Environment Corporation Act (hereinafter referred to as the “Corporation”) pursuant to Article 42 (2), with the collection of recycling or collection charges of electrical and electronic equipment, he/she may provide a portion of the collected charges for recycling or collecting electrical and electronic equipment to the entrusted institution as a collection fee, as prescribed by Presidential Decree.

#### **Article 18-4 (Payment of Charges by Credit Card, etc.)**

(1) A person liable to pay any charges for recycling or collecting electrical and electronic equipment or any surcharges under Article 18-3 (1) (hereafter referred to as “charges” in this Article) may pay such charges by credit card or debit card (hereafter referred to as “credit card” in this Article) via an agency prescribed by Presidential Decree for vicarious payment of charges (hereafter referred to as “charge payment agency” in this Article).

(2) Where charges are paid by credit card under paragraph (1), the date of approval by a charge payment agency shall be deemed a payment date.

(3) A charge payment agency may receive a fee from a person liable to pay charges in exchange for paying the charges on his/her behalf.

(4) Matters necessary for designation and operation of charge payment agencies and for fees shall be prescribed by Presidential Decree.

#### **Article 18-5 (Deferment of Collection and Installment Payments of Charges for Recycling Electrical and Electronic Equipment)**

(1) The Minister of Environment may defer the collection of charges for recycling or collecting electrical and electronic equipment or allow the payment of such charges in installments, as prescribed by Presidential Decree, if a person liable to pay such charges is deemed to be unable to pay them by the payment deadline on any of the following grounds:

1. Where a serious loss has occurred to property of the person liable to pay charges due to a natural disaster or any other catastrophe;
2. Where the person liable to pay charges faces a serious crisis in management due to a loss of business;
3. Where deferment of collection or installment payment is deemed inevitable on any grounds equivalent to those provided for in subparagraph 1 or 2.

(2) If the Minister of Environment determines the deferment of collection under paragraph (1), he/she may request the person liable to pay charges to provide security equivalent to the amount so deferred.

(3) The Minister of Environment may decide not to collect charges for recycling or collecting electrical and electronic equipment calculated pursuant to Articles 18 (1) and 18-2 (1) if the amount of the charges is less than that prescribed by Presidential Decree.

(4) The Minister of Environment may collect charges for recycling or collecting electrical and electronic equipment already imposed even before the payment deadline if the person liable to pay the charges falls under any of the following:

1. Where a disposition on default is made for any of his/her national taxes, local taxes, and public charges;
2. Where compulsory execution is made;
3. Where he/she is declared bankrupt;
4. Where auction is commenced;
5. Where the corporation is dissolved.

(5) When collecting charges for recycling or collecting electrical and electronic equipment before the payment deadline pursuant to paragraph (4), the Minister of Environment shall set a new payment deadline and notify the person liable to pay the charges of such fact and the new payment deadline, as prescribed by Presidential Decree.

(6) Articles 23 and 24 of the Framework Act on National Taxes shall apply mutatis mutandis to succession to the liability to pay charges for recycling or collecting electrical and electronic equipment.

#### **Article 19 (Uses of Charges for Recycling Electrical and Electronic Equipment, etc.)**

Charges for recycling and collecting electrical and electronic equipment shall be appropriated for the following purposes: *<Amended by Act No. 10549, Apr. 5, 2011; Act No. 11913, Jul. 16, 2013>*

1. Granting aid for projects for recycling or collecting wastes (referring to wastes defined in subparagraph 1 of Article 2 of the Wastes Control Act; hereinafter the same shall apply) or facilities installed for treatment of wastes;
2. Research on and development of technology for efficient recycling, collection or reduction of wastes;
3. Granting aid to local governments for collecting, recycling, and disposing of wastes;
4. Purchasing and stockpiling recyclable resources;
5. Granting aid for projects for facilitating recycling of resources;
6. Paying expenses incurred in collecting charges for recycling and collecting electrical and electronic equipment.

#### **Article 20 (Support for Facilitating Recycling of Waste Electrical and Electronic Equipment, etc.)**

(1) To facilitate recycling of waste electrical and electronic equipment, the State may provide administrative or technical support for business operators collecting waste electrical and electronic equipment to recycle and use in manufacturing products, etc. or local governments endeavoring to establish a system for collecting waste electrical and electronic equipment.

(2) To facilitate recycling of waste electrical and electronic equipment, the State may provide administrative, technical, or financial support including reducing charges for business operators such as recyclers under Article 12 (1), specified by Ordinance of the Ministry of Environment.



(3) Matters regarding administrative, technical, and financial support under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

**Articles 20-2 and 20-3 Deleted** <by Act No. 11913, Jul. 16, 2013>

**Article 21 (Establishment of Mutual Aid Association for Recycling Electrical and Electronic Equipment)**

(1) In order to fulfill the duties classified as follows, electrical and electronic equipment manufacturers subject to mandatory recycling and distributors of electrical and electronic equipment may establish a mutual aid association for recycling electrical and electronic equipment to recycle and collect electrical and electronic equipment: <Amended by Act No. 10549, Apr. 5, 2011; Act No. 11913, Jul. 16, 2013>

1. Electrical and electronic equipment manufacturers subject to mandatory recycling: Duty to collect, transfer, and recycle as prescribed in Article 15;
2. Distributors of electrical and electronic equipment: Duty to collect and transfer as prescribed in Article 16-4.

(2) A mutual aid association shall be a legal entity.

(3) A mutual aid association shall be duly formed upon completion of the registration for incorporation thereof at the registry office having jurisdiction over its principal place of business.

**Article 22 (Authorization, etc. of Mutual Aid Association)**

(1) Any person who intends to establish a mutual aid association shall file an application for authorization with the Minister of Environment, stating the following matters contained therein: <Amended by Act No. 10549, Apr. 5, 2011; Act No. 11913, Jul. 16, 2013; Act No. 13037, Jan. 20, 2015>

1. The articles of association of the legal entity (which shall contain provisions concerning purposes, scope of business, membership, allotted contributions, and other matters relating to management of the association);
2. A business plan to fulfill the duty to collect, transfer, and recycle or the duty to collect and transfer as an agency;
3. Agreements on participation signed by electrical and electronic equipment manufacturers subject to mandatory recycling and distributors of electrical and electronic equipment who join a mutual aid association;
4. The quantities of mandatory recycling and collection, allotted to each member;
5. Details of its own recycling facilities (applicable only to associations that own recycling facilities);
6. Resumes of the executive officer and written acknowledgement of their inauguration;
7. Other matters necessary for the establishment and operation of a mutual aid association prescribed by Ordinance of the Ministry of Environment.

(2) When the Minister of Environment grants authorization pursuant to paragraph (1), he/she shall give a public announcement thereof.

(3) If those authorized as a mutual aid association under paragraph (1) have replaced any of their executive officers, they shall report to and be approved by the Minister of Environment without delay by submitting documents under subparagraphs 1 through 6 of paragraph (1) and minutes containing resolutions of such replacement by the board of directors. *<Newly Inserted by Act No. 13037, Jan. 20, 2015>*

(4) Whenever a person who has obtained authorization for the relevant mutual aid association pursuant to paragraph (1) intends to amend any provision of the articles of association or any matter specified by Ordinance of the Ministry of Environment, he/she shall obtain approval for such amendment. *<Amended by Act No. 13037, Jan. 20, 2015>*

#### **Article 22-2 (Corrective Orders, etc.)**

(1) The Minister of Environment may issue corrective orders or request other necessary measures if it is found from the report, materials submitted, and inspection under Article 37 (1) that a mutual aid association violates statutes or regulations, or articles of association, in its operation or execution of business, etc.

(2) The Minister of Environment may demand disciplinary action or dismissal of an executive officer or employee if he/she fails to fulfill corrective orders or measures under paragraph (1).

#### **Article 22-3 (Revocation of Authorization)**

The Minister of Environment may revoke authorization if a mutual aid association falls under any of the following cases: Provided, That the Minister of Environment must revoke authorization in cases of subparagraph 1:

1. Where the mutual aid association obtained the authorization by false or other wrongful means;
2. Where the purpose of the establishment of the mutual aid association is no longer achievable due to changes in circumstances such as amendment of statutes or regulations;
3. Where the mutual aid association uses its revenue for purposes other than its own business;
4. Where the mutual aid association fails to fulfill corrective orders under Article 22-2 (1) upon receipt of such orders, as specified by Ordinance of the Ministry of Environment.

#### **Article 23 (Allotted Contributions, etc.)**

(1) When electrical and electronic equipment manufacturers subject to mandatory recycling and distributors of electrical and electronic equipment join a mutual aid association, they shall pay contributions levied on each of them, based on the standards for expenses classified as follows: *<Amended by Act No. 10549, Apr. 5, 2011; Act No. 11913, Jul. 16, 2013>*

1. Electrical and electronic equipment manufacturers subject to mandatory recycling: Standards for expenses incurred in recycling waste electrical and electronic equipment pursuant to Article 18 (2);

2. Distributors of electrical and electronic equipment: Standards for expenses incurred in collecting waste electrical and electronic equipment pursuant to Article 18-2 (2).
- (2) Guidelines for calculation of allotted contributions payable to an association under paragraph (1), procedures for payment of such contributions, and other matters shall be stipulated by the articles of association.
- (3) Where a mutual aid association fulfills its duty to collect, transfer, and recycle as an agent, Articles 16-2, 16-3, 16-4 (3), and 17 shall apply mutatis mutandis to the methods and standards for recycling, the collection, separation, storage, and treatment of climate/ecosystem-changing substances, transfer of waste electrical and electronic equipment, the submission of a plan of mandatory recycling and of mandatory collection, etc. <Amended by Act No. 11913, Jul. 16, 2013; Act No. 15657, Jun. 12, 2018>

#### **Article 24 (Application Mutatis Mutandis of the Civil Act)**

Except as expressly provided for otherwise by this Act, the provisions relevant to incorporated associations in the Civil Act shall apply mutatis mutandis to mutual aid associations.

### SECTION 2 End-of-Life Vehicles

#### **Article 25 (Observance of Rate for Recycling End-of-Life Vehicles, etc.)**

(1) Any of the following persons shall observe the recycling rate prescribed by Presidential Decree (hereinafter referred to as "recycling rate"), when they scrap the vehicles specified in the main sentence of Article 9 (1): <Amended by Act No. 11913, Jul. 16, 2013; Act No. 15657, Jun. 12, 2018>

1. Manufacturers or importers of vehicles;
2. A person who runs a motor vehicle scrapping and recycling business as defined in subparagraph 9 of Article 2 of the Motor Vehicle Management Act (hereinafter referred to as "motor vehicle scrapping business operator");
3. A person who runs a business recycling vehicle scraps as defined in Article 32 (2) 1 (hereinafter referred to as "automotive scrap recycler");
4. A person who runs a business of recycling residual scraps as defined in Article 32 (2) 2 (hereinafter referred to as "automotive shredder residue recycler");
5. Waste gas treatment business operators.

(2) Persons who fall under any subparagraph of paragraph (1) shall perform the following obligations so as to attain the recycling rate: <Amended by Act No. 15657, Jun. 12, 2018>

1. Every manufacturer or importer of vehicles shall develop technologies applicable to recycling of end-of-life vehicles, and shall also provide technical assistance to motor vehicle scrapping business operators, automotive scrap recyclers, etc.;
2. Every motor vehicle scrapping business operator shall ensure that he/she recycles as much resources from end-of-life vehicles as possible, and shall transfer residues of end-of-life vehicles, after collecting

recyclable resources, to automotive scrap recyclers for further recycling. In such cases, every motor vehicle scrapping business operator shall ensure that the transferred scraps do not contain any wastes other than those generated from end-of-life vehicles;

3. Every automotive scrap recycler shall dismantle residues of end-of-life vehicles transferred pursuant to the former part of subparagraph 2 to collect as much metals or similar therefrom as possible, and then transfer recyclable shredder residue to automotive shredder residue recyclers for still further recycling;

4. Every automotive shredder residue recycler shall collect as much metals or recover as much energy from shredder residue as possible;

5. Every waste gas treatment business operator shall treat climate/ecosystem-changing substances for recycling or safe treatment thereof.

(3) If the aggregate (hereinafter referred to as "expenses for treatment and recycling of end-of-life vehicles") of expenses required for treatment of an end-of-life vehicle under Article 65 (2) of the Motor Vehicle Management Act, including treatment of climate/ecosystem-changing substances, and the expenses required for recycling of shredder residue therefrom (excluding shredder residue generated from imported end-of-life vehicles) exceeds the price of the vehicle subject to dismantling (hereinafter referred to as "price of end-of-life vehicles"), the manufacturer or importer of the vehicle concerned shall gratuitously collect the vehicle from the person who requests dismantling of the vehicle under a contract or similar made with the motor vehicle scrapping business operator, automotive scrap recycler, automotive shredder residue recycler, or waste gas treatment business operator involved, as prescribed by Presidential Decree: Provided, That the foregoing shall not apply where a motor vehicle scrapping business operator collects such excess amount of expenses for treatment or recycling of the end-of-life vehicle from the owner of the end-of-life vehicle in accordance with the proviso to Article 65 (2) of the Motor Vehicle Management Act. *<Amended by Act No. 15657, Jun. 12, 2018>*

(4) When a manufacturer or importer of vehicles scraps a vehicle gratuitously collected in accordance with the main sentence of paragraph (3) from a person who wants it scrapped, he/she shall observe the recycling rate applicable to the collected vehicle.

#### **Article 26 (Recycling Method of End-of-Life Vehicles)**

The persons who fall under any subparagraph of Article 25 (1) shall recycle, or facilitate recycling, end-of-life vehicles in accordance with the methods and guidelines for recycling of end-of-life vehicles as prescribed by Presidential Decree.

#### **Article 27 (Collection, Storage, etc. of Climate/Ecosystem-Changing Substances)**

(1) Every motor vehicle scrapping business operator shall transfer climate/ecosystem-changing substances remaining in end-of-life vehicles to a waste gas treatment business operator for treatment after collecting and storing them as prescribed by Presidential Decree. *<Amended by Act No. 15657, Jun. 12, 2018>*

(2) Every automotive scrap recycler shall separate and discharge automotive shredder residue generated from end-of-life vehicles after collecting metals.

(3) Deleted. <By Act No. 15657, Jun. 12, 2018>

#### **Article 28 (Appropriation for Expenses for Treatment and Recycling of End-of-Life Vehicles)**

If the price of an end-of-life vehicle exceeds the expenses required for treatment and recycling of the vehicle, the motor vehicle scrapping business operator, automotive scrap recycler, automotive shredder residue recycler, and waste gas treatment business operator concerned may deduct the expenses for such treatment and recycling of the vehicle from its price to appropriate the deduction for the expenses, as prescribed by Presidential Decree. In such cases, the motor vehicle scrapping business operator concerned may deduct the expenses for automotive scrap recycler, automotive shredder residue recycler, and waste gas treatment business operator to treatment and recycle from the price of the end-of-life vehicle.

<Amended by Act No. 15657, Jun. 12, 2018>

#### **Article 29 (Formation of Business Association)**

(1) The persons under subparagraphs of Article 25 (1) may form an association of business operators (hereinafter referred to as a "business association") in order to achieve recycling rates in carrying out their related business affairs.

(2) Each business association shall be a legal entity.

(3) Each business association shall be duly formed upon completion of the registration for incorporation thereof at the registry office having jurisdiction over its principal place of business.

(4) Unless otherwise expressly provided for in this Act, the provisions relevant to incorporated associations in the Civil Act shall apply mutatis mutandis to associations of business operators.

#### **Article 30 (Procedure for Authorization of Business Associations, etc.)**

(1) Any person who intends to form a business association shall file an application for authorization of formation, stating the objectives of formation of the legal entity, scope of business, articles of association, and other matters specified by Presidential Decree, with the Minister of Environment, and obtain approval therefor.

(2) When the Minister of Environment grants an authorization under paragraph (1), he/she shall give public notice thereof.

(3) When a business association authorized pursuant to paragraph (1) intends to amend any provision of its articles of association or any matter specified by Ordinance of the Ministry of Environment, it shall obtain approval for such amendment.

#### **Article 31 (Report on Recycling of End-of-Life Vehicles, etc.)**

(1) Each motor vehicle scrapping business operator shall submit, to the Minister of Land, Infrastructure and Transport, a quarterly report on the results of recycling, containing the following details, as prescribed by Presidential Decree, within 15 days after the end of each quarter, and the Minister of Land, Infrastructure and Transport shall, in turn, inform the Minister of Environment of such report within three days: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15657, Jun. 12, 2018>*

1. The quantity of scrap recycled from end-of-life vehicles;
2. The quantity of scrap transferred to automotive scrap recyclers or similar;
3. The quantity of climate/ecosystem-changing substances transferred to a waste gas treatment business operator.

(2) Each automotive scrap recycler shall submit to the Minister of Environment a quarterly report on the results of recycling, containing the following details, as prescribed by Presidential Decree, within 15 days after the end of each quarter:

1. The quantity of scrap recycled from end-of-life vehicles;
2. The quantity of shredder residue transferred to automotive shredder residue recyclers.

(3) Each automotive shredder residue recycler shall submit to the Minister of Environment a quarterly report on his/her performance of recycling of shredder residue and energy recovery, as prescribed by Presidential Decree, within 15 days after the end of each quarter.

(4) Each waste gas treatment business operator shall submit to the Minister of Environment a quarterly report on his/her performance of recycling and treatment of climate/ecosystem-changing substances, as prescribed by Presidential Decree, within 15 days after the end of each quarter. *<Amended by Act No. 15657, Jun. 12, 2018>*

(5) Each manufacturer or importer of vehicles who recycles scrap of a vehicle gratuitously collected from persons who request dismantling of the vehicle in accordance with Article 25 (3) shall submit to the Minister of Environment a quarterly report on the performed recycling and treatment thereof, as well as energy recovery, as prescribed by Presidential Decree, within 15 days after the end of each quarter.

(6) The submission of reports on performance of recycling under paragraphs (1) through (5) may be commissioned to a business association.

## CHAPTER IV REGISTRATION OF RECYCLING BUSINESS, ETC.

### **Article 32 (Registration of End-of-Life Vehicle Recycling Business)**

(1) A person who intends to engage in a business recycling residual scraps, etc. of end-of-life vehicles under Article 25 (2) 2 (hereinafter referred to as an "end-of-life vehicle recycling business") shall be equipped with the facilities, equipment, etc. pursuant to the registration standards prescribed by Presidential Decree and complete registration with the Minister of Environment in accordance with the business categorization under paragraph (2). Any change in registered essential details specified by

Presidential Decree shall be registered, while a change in any registered non-essential details shall be reported. *<Amended by Act No. 15657, Jun. 12, 2018>*

(2) End-of-life vehicle recycling businesses shall be divided into the following business categories according to business activities as stated below: *<Amended by Act No. 15657, Jun. 12, 2018>*

1. Automotive scrap recycling business: Dismantling and recycling of residual scraps of end-of-life vehicles transferred by motor vehicle scrapping business operators;
2. Automotive shredder residue recycling business: Recycling of shredder residue transferred by automotive scrap recyclers and energy recovery therefrom;
3. Deleted. *<by Act No. 11913, Jul. 16, 2013>*

(3) A person who intends to register an end-of-life vehicle recycling business or to change any of the registered details under paragraph (1) shall file an application therefor with the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 15657, Jun. 12, 2018>*

(4) The Minister of Environment shall accept an application for registration under paragraph (3) unless it falls under any of the following: *<Newly Inserted by Act No. 15657, Jun. 12, 2018>*

1. Where it fails to meet the registration standards under paragraph (1);
2. Where the applicant for registration falls under any of the grounds for disqualification referred to in the subparagraphs of Article 33;
3. Where it violates any of the restrictions under this Act or other statutes and regulations.

#### **Article 32-2 (Registration of Waste Gas Treatment Business)**

(1) A person who intends to operate a business treating climate/ecosystem-changing substances (hereinafter referred to as “waste gas treatment business”) shall complete registration with the Minister of Environment after installing facilities, equipment, etc. pursuant to the registration standards prescribed by Presidential Decree. *<Amended by Act No. 15657, Jun. 12, 2018>*

(2) Where a waste gas treatment business operator intends to amend any important matter prescribed by Presidential Decree, he/she shall register such amendment, and where he/she intends to amend other matters, he/she shall file a report on such amendment.

(3) Article 32 (3) and (4) shall apply mutatis mutandis to the registration, and any change in registration, of the waste gas treatment business under paragraphs (1) and (2). In such cases, “end-of-life vehicle recycling business” shall be read as “waste gas treatment business”. *<Newly Inserted by Act No. 15657, Jun. 12, 2018>*

#### **Article 33 (Disqualifications)**

A person who falls under any of the following subparagraphs is not qualified for registration of an end-of-life vehicle recycling business or waste gas treatment business. The foregoing shall also apply to a legal entity, if one of its executive officers falls under any of the following: *<Amended by Act No. 11913, Jul. 16, 2013; Act No. 15657, Jun. 12, 2018>*

1. A person under the adult guardianship or person under the limited guardianship;
2. A person for whom two years have not passed since imprisonment with labor or any heavier punishment for violation of this Act, has been completely executed or finally and conclusively discharged;
3. A person who has been sentenced to a suspended sentence of imprisonment with labor or heavier punishment for violation of this Act, who is still within the period of suspension;
4. A person for whom two years have not passed since the registration of his/her previous end-of-life vehicle recycling business or waste gas treatment business was cancelled (excluding where the registration was canceled on the grounds provided for in subparagraph 1) under Article 34 (1).

#### **Article 33-2 (Issuance of Registration Certificates)**

- (1) Upon registration of an end-of-life vehicle recycling business pursuant to Article 32 (1), the Minister of Environment shall enter it in the register and issue a registration certificate, as prescribed by Ordinance of the Ministry of Environment.
- (2) If a registration certificate is lost or an entry in a registration certificate is to be changed, the end-of-life vehicle recycler shall be issued a replacement registration certificate, as prescribed by Ordinance of the Ministry of Environment.
- (3) No end-of-life vehicle recycler shall allow another person to treat the residues or shredder residues of end-of-life vehicles using his/her name or trade name, or lend his/her registration certificate to another person.
- (4) Paragraphs (1) through (3) shall apply mutatis mutandis to the issuance of registration certificates or replacement registration certificates to waste gas treatment business operators and to the prohibition against lending of registration certificates. In such cases, “end-of-life vehicle recycling business” shall be read as “waste gas treatment business”, “end-of-life vehicle recycler” as “waste gas treatment business operator”, and “residues or shredder residues of end-of-life vehicles” as “climate/ecosystem-changing substances”.

#### **Article 33-3 (Report on Suspension, Closure and Resumption of Business)**

- (1) If an end-of-life vehicle recycler or a waste gas treatment business operator intends to suspend, close or resume his/her business, he/she shall report such fact to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.
- (2) A person who intends to report the suspension or closure of his/her business pursuant to paragraph (1) shall formulate a plan for treating waste in storage and treat all such waste, as prescribed by Ordinance of the Ministry of Environment.

#### **Article 34 (Cancellation of Registration, etc.)**



(1) If an end-of-life vehicle recycler or a waste gas treatment business operator falls under any of the following subparagraphs, the Minister of Environment may either cancel the registration or issue an order to fully or partially suspend his/her business for a period of time not exceeding six months: Provided, That the registration shall be cancelled without exception if the person falls under subparagraph 1, 2 or 5: <Amended by Act No. 11913, Jul. 16, 2013>

1. If it is found that he/she has filed for the registration by fraud or improper means;
2. If he/she falls under any of subparagraphs 1 through 4 of Article 33: Provided, That the foregoing shall not apply where any executive officer of a legal entity falls under any of the above-stated provisions but such executive officer is replaced within six months;
3. If he/she fails to commence the business within two years after registration or keeps the business closed for at least two consecutive years without justifiable reasons;
4. If he/she fails to install facilities and equipment under Article 32 (1) or 32-2 (1);
5. If he/she continues the business even during a period of business suspension.

(2) Matters necessary for standards for administrative dispositions under paragraph (1), etc. shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 35 (Succession to Status of End-of-Life Vehicle Recycler or Waste Gas Treatment Business Operator, etc.)**

(1) Where an end-of-life vehicle recycler or waste gas treatment business operator transfers his/her business to a third party, dies, or merges his/her business with another legal entity, the transferee, heir, or legal entity surviving, or newly established upon, such merger shall succeed to the status of the business operator. <Amended by Act No. 11913, Jul. 16, 2013>

(2) Any person who acquires all business facilities and equipment of a business operator through auction under the Civil Execution Act, realization under the Debtor Rehabilitation and Bankruptcy Act, sale of seized assets under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act, or any other similar procedure shall succeed to the status of the business operator. In such cases, the registration of the preceding business operator shall become void. <Amended by Act No. 10219, Mar. 31, 2010; Act No. 14476, Dec. 27, 2016>

(3) Where any person succeeds to the status of a business operator in accordance with paragraph (1), an administrative disposition made against the preceding end-of-life vehicle recycler or waste gas treatment business operator on account of a violation of any subparagraph of Article 34 (1) shall remain in effect for one year after the lapse of the period during which such preceding recycler or treatment business operator is subject to the disposition of business suspension and thus shall be transferred to the transferee or the legal entity surviving, or newly established upon, a merger, while where proceedings for administrative disposition are pending, such proceedings may be continued against the transferee or the legal entity surviving, or newly established upon, such merger: Provided, That the effects of such disposition shall not be transferred nor shall proceedings for such disposition be continued, if the transferee or the legal entity

surviving, or newly established upon, a merger proves that he/she or it was unaware of such disposition or violation as at the time the business was transferred or merged. <Amended by Act No. 11913, Jul. 16, 2013>

(4) Any person who succeeds to the status of an end-of-life vehicle recycler or waste gas treatment business operator in accordance with paragraph (1) or (2) shall file a report thereon with the Minister of Environment within one month, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11913, Jul. 16, 2013>

## CHAPTER V SUPPLEMENTARY PROVISIONS

### **Article 36 (Keeping and Preservation of Books of Account)**

Any person who falls under any of the following subparagraphs shall keep, maintain, and preserve books of account as prescribed by Presidential Decree: Provided, That the data transmitted electronically to the operation management information system under Article 38 shall be deemed books of account properly kept and preserved: <Amended by Act No. 11913, Jul. 16, 2013; Act No. 15657, Jun. 12, 2018>

1. An electrical and electronic equipment manufacturer subject to mandatory recycling or a manufacturer or importer of vehicles;
2. A recycler of waste electrical and electronic equipment under Article 12 (1);
3. A distributor of electrical and electronic equipment;
4. A mutual aid association;
5. A motor vehicle scrapping business operator and an end-of-life vehicle recycler;
- 5-2. A waste gas treatment business operator;
6. A business association under Article 30 (1);
7. A person who transports waste electrical and electronic equipment or end-of-life vehicles under Article 39.

### **Article 37 (Reporting, Inspections, etc.)**

(1) The Minister of Environment, the Minister of Trade, Industry and Energy (only where a manufacturer or importer of electrical and electronic equipment under Article 9 (1) or a manufacturer or importer of vehicles is involved), or the Minister of Land, Infrastructure and Transport (only where a motor vehicle scrapping business operator under Article 25 (1) 2 is involved) may require a person who falls under any subparagraph of Article 36 to submit a report or explanatory materials as prescribed by Presidential Decree to the extent necessary for the enforcement of this Act, or may assign related public officials to enter such person's facilities, office, or place of business to inspect relevant documents, facilities, equipment, or similar. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15657, Jun. 12, 2018>

(2) When an inspection is planned pursuant to paragraph (1), the inspection plan, which includes the date, time, objectives and scope of such inspection, shall be notified to the business operator subject to the

inspection at least seven days prior to the planned inspection: Provided, That the foregoing shall not apply where an urgent inspection is required or where it is considered impossible to achieve the objectives of the inspection because of anticipated destruction of evidence if prior notice is given.

(3) Public officials who inspect under paragraph (1) shall carry a certificate indicating their authority, and present it to relevant persons.

#### **Article 38 (Establishment and Operation of Business Management Information System)**

(1) The Minister of Environment may establish and operate an operation management information system necessary for the management of affairs specified by Presidential Decree (hereinafter referred to as "operation management information system"), such as the management of information about performance of the duties owed by electrical and electronic equipment manufacturers subject to mandatory recycling, distributors of electrical and electronic equipment or manufacturers or importers of vehicles and transfers of waste electrical and electronic equipment or end-of-life vehicles. *<Amended by Act No. 10549, Apr. 5, 2011; Act No. 11913, Jul. 16, 2013>*

(2) Where the Minister of Environment may considers it necessary, he/she may commission the Corporation or any other competent specialized institution to conduct business affairs relating to the establishment and operation of the operation management information system vicariously. *<Amended by Act No. 9433, Feb. 6, 2009>*

(3) Where the Minister of Environment commissions business affairs under paragraph (2), he/she may provide subsidies for expenses incurred in relation to such vicarious execution.

(4) Where electronic data pursuant to Article 69 (2) of the Motor Vehicle Management Act are required to identify the details of acquisition of end-of-life vehicles by a motor vehicle scrapping business operator, the Minister of Environment may obtain such data through the operation management information system without approval under the same paragraph. *<Newly Inserted by Act No. 15657, Jun. 12, 2018>*

#### **Article 39 (Duty of Transporters or Recyclers to Prepare and Submit Control Records)**

Any person who transports or recycles waste electrical and electronic equipment or end-of-life vehicles shall prepare and submit control records about transfers of such wastes or scrap (hereinafter referred to as "control records") in compliance with guidelines publicly notified by the Minister of Environment, in consultation with the Minister of Land, Infrastructure and Transport: Provided, That such information about transfers of such wastes or scrap transmitted electronically to the operation management information system shall be deemed control records duly prepared and submitted. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 40 (Cooperations of Institutions Concerned)**

(1) If necessary for accomplishing the purposes of this Act, the Minister of Environment, the Minister of Trade, Industry and Energy, or the Minister of Land, Infrastructure and Transport may request the head of

an administrative agency to furnish him/her with explanatory materials relevant to the establishment of policies on recycling of waste electrical and electronic equipment or end-of-life vehicles. In such cases, the head of the administrative agency so requested shall comply with such request, except in extraordinary circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 15657, Jun. 12, 2018>

(2) The Minister of Environment may request the Commissioner of the National Tax Service to provide information on taxation necessary to ascertain whether a business operator is subject to Articles 15 and 16-4, specifying the following: <Newly Inserted by Act No. 15657, Jun. 12, 2018>

1. Identity of the taxpayer;
2. Purpose of use;
3. Data on turnover used as a criterion for determining the size of a place of business.

#### **Article 41 (Hearings)**

The Minister of Environment shall hold a hearing in any of the following cases:

1. Where the Minister of Environment intends to revoke authorization under Article 22-3;
2. Where the Minister of Environment intends to cancel registration or order suspension of business under Article 34 (1).

#### **Article 42 (Delegation and Entrustment of Authority)**

(1) The authority of the Minister of Environment, the Minister of Trade, Industry and Energy, or the Minister of Land, Infrastructure and Transport under this Act may be partially delegated to the heads of regional environmental offices or Mayors/Do governors, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Environment, the Minister of Trade, Industry and Energy, or the Minister of Land, Infrastructure and Transport may entrust the Corporation or any other competent specialized institutions with some of his/her business affairs under this Act, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9433, Feb. 6, 2009; Act No. 11690, Mar. 23, 2013>

## **CHAPTER VI PENALTY PROVISIONS**

#### **Article 43 (Penalty Provisions)**

Any person who submits a false report or material or refuses, interferes with, or evades access or an inspection, in violation of Article 37 shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won.

#### **Article 44 (Joint Penalty Provisions)**

If the representative of a corporation or an agent, employee of, or any other person employed by, a corporation or an individual commits an offence under Article 43 in connection with the business affairs of the corporation or individual, not only shall such offender be punished, but also the corporation or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such offence.

#### **Article 45 (Administrative Fines)**

(1) Any person who distributes a product containing any hazardous substance in excess of its maximum level, in violation of Article 9 (1), shall be punished by an administrative fine not exceeding 30 million won.

(2) Any of the following persons shall be punished by an administrative fine not exceeding 20 million won: <Amended by Act No. 11913, Jul. 16, 2013; Act No. 15657, Jun. 12, 2018>

1. A person who fails to observe the recyclability rate, in violation of Article 10 (2), in distributing a product;

2. A person who fails to gratuitously collect wastes, in violation of Article 25 (3);

3. A person who fails to observe the relevant recycling rate, in violation of Article 25 (4);

4. A person who fails to recycle in accordance with the methods and standards for recycling, in violation of Article 26;

5. A person who runs an end-of-life vehicle recycling business without registration, in violation of Article 32 (1);

5-2. A person who runs a business treating waste gas without registration, in violation of Article 32-2 (1);

5-3. A person who allows another person to treat the residues or shredder residues of end-of-life vehicles using his/her name or trade name or lends his/her registration certificate to another person, in violation of Article 33-2 (3);

5-4. A person who allows another person to treat climate/ecosystem-changing substances using his/her name or trade name or lends his/her registration certificate to another person, in violation of Article 33-2 (3) that applies mutatis mutandis under paragraph (4) of the same Article;

6. A person who continues his/her business during a period of business suspension under Article 34 (1).

(3) Any of the following persons shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 11913, Jul. 16, 2013; Act No. 15657, Jun. 12, 2018>

1. A person who distributes a product without checking restrictions on the use of hazardous substances or assessing the rate of recyclability thereof, in violation of Article 11 (excluding those who fall under paragraph (1) or (2) 1);

2. A person who fails to provide information on recycling, in violation of Article 12 (1);

2-2. A person who fails to separate, store, and treat climate/ecosystem-changing substances, in violation of Article 16-3;

3. A person who fails to collect, store or transfer climate/ecosystem-changing substances, in violation of Article 27 (1);

4. A person who fails to separately discharge scrap residues, in violation of Article 27 (2).

(4) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 10549, Apr. 5, 2011; Act No. 11913, Jul. 16, 2013; Act No. 15657, Jun. 12, 2018>

1. A person who fails to fulfill his/her duty to transfer, as a distributor of electrical and electronic equipment, as prescribed in Article 16-4 (3);

2. A person who fails to fulfill his/her duty to collect, as an electrical and electronic manufacturer subject to mandatory recycling or a distributor of electrical and electronic equipment, as prescribed in Article 16-4 (5);

3. A person who fails to register or report a change, in violation of the latter part of Article 32 (1);

4. A person who fails to register or report a change, in violation of Article 32-2 (2);

5. A person who fails to file a report in violation of Article 33-3 (1) or to treat all such waste in violation of paragraph (2) of the same Article;

6. A person who fails to file a report on succession, in violation of Article 35 (4).

(5) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 10549, Apr. 5, 2011; Act No. 11913, Jul. 16, 2013>

1. A person who fails to disclose whether restrictions on the use of hazardous substances or rates of recyclability are observed or discloses untrue information, in violation of Article 11;

2. A person who fails to file a report, in violation of Article 13;

3. A person who fails to designate a collection depot or fails to notify distributors of electrical and electronic equipment thereof, in violation of Article 16-4 (4);

4. A person who fails to submit a plan of mandatory recycling or a report on fulfillment of such duty or a plan of mandatory collection or a report on fulfillment of such duty as prescribed in Article 17 (including cases applied mutatis mutandis pursuant to Article 23 (3));

5. A person who fails to submit a report on recycling performed or a report on result of recycling, energy recovery, and treatment, in violation of any provision of Article 31 (1) through (5);

6. A person who fails to keep, maintain, and preserve books of account, in violation of Article 36 or makes a false entry in books of account;

7. A person who fails to submit a report or explanatory materials, in violation of Article 37;

8. A person who fails to prepare and submit control records, in violation of Article 39.

#### **Article 46 (Imposition and Collection of Administrative Fines)**

Administrative fines under Article 45 shall be imposed and collected by the Minister of Environment, the Minister of Trade, Industry and Energy, or the Minister of Land, Infrastructure and Transport, as

prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

#### ADDENDA

##### **Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2008.

##### **Article 2 (General Transitional Measures)**

If any provision of Articles 16 through 21 of the Act on the Promotion of Saving and Recycling of Resources in force before this Act enters into force corresponds to any provision of this Act, a disposition or any other action made in relation to electrical and electronic equipment pursuant to such provision shall be deemed made pursuant to the corresponding provision of this Act.

##### **Article 3 (Transitional Measures for Mutual Aid Association for Recycling Business)**

A mutual aid association for recycling business established pursuant to Article 27 of the Act on the Promotion of Saving and Recycling of Resources as at the time this Act enters into force (only for electrical and electronic equipment) shall be deemed a mutual aid association for recycling business established pursuant to Article 21 of this Act.

##### **Article 4 (Transitional Measures for End-of-Life Vehicle Recycling Business)**

A person who has obtained permission for interim waste treatment operator or has filed a report on wastes recycling in accordance with the Wastes Control Act as at the time this Act enters into force and who intends to continue a business that falls within the end-of-life vehicle recycling business shall complete the registration under Article 32 within one year from the enforcement date of this Act.

##### **Article 5 (Transitional Measures for Penal Provisions)**

For the purposes of applying penal provisions or administrative fines (only for electrical and electronic equipment) for an offence committed before this Act enters into force, such act shall be governed by the relevant provisions of the former Act on the Promotion of Saving and Recycling of Resources or the Wastes Control Act.

##### **Article 6 Omitted.**

##### **Article 7 (Relationship with Other Acts)**

A citation of any provision (applicable only to electrical and electronic equipment) of the Act on the Promotion of Saving and Recycling of Resources by any other statute enforceable as at the time this Act enters into force, if any, shall be deemed a citation of this Act or a corresponding provision of this Act in lieu of the former provision, if there is such corresponding provision herein.

#### ADDENDA <Act No. 8852, Feb. 29, 2008>

##### **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9433, Feb. 6, 2009>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2010.

**Articles 2 through 11 Omitted.**

ADDENDA <Act No. 9931, Jan. 13, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 10032, Feb. 4, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation.

**Articles 2 and 3 Omitted.**

ADDENDUM <Act No. 10033, Feb. 4, 2010>

This Act shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 10219, Mar. 31, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2011.

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 10389, Jul. 23, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**



ADDENDUM <Act No. 10390, Jul. 23, 2010>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 10549, Apr. 5, 2011>

This Act shall enter into force nine months after the date of its promulgation.

ADDENDA <Act No. 10893, Jul. 21, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11913, Jul. 16, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2014: Provided, That the amended provisions of subparagraph 1 of Article 33 and Article 5 of the Addenda shall enter into force on the date of its promulgation.

**Article 2 (Applicability to Reduction of Surcharges)**

The amended provisions of the latter part of Article 18-3 (1) shall apply beginning with cases where a person on whom the recycling or collection charges of electrical and electronic equipment have been imposed under the previous provisions at the time when this Act enters into force pays such charges within one week after the due date for payment.

**Article 3 (Applicability to Cancellation of Registration, etc.)**

The amended provisions of Article 34 (1) shall apply beginning with the first violation committed after this Act enters into force.

**Article 4 (Transitional Measures concerning Registration of Waste Gas Treatment Business)**

(1) A waste gas treatment business operator who has obtained permission for waste treatment business or has filed a report on treatment of waste under the Wastes Control Act at the time this Act enters into

force shall complete registration under the amended provisions of Article 32-2 (1) within three months from the date this Act enters into force.

(2) A person who completes registration of waste gas treatment business under the previous provisions at the time this Act enters into force shall be deemed registered under the amended provisions of Article 32-2 (1).

**Article 5 (Transitional Measures concerning Incompetents, etc.)**

A person who remains under the effects of a judicial declaration of incompetence or quasi-incompetence under Article 2 of the Addenda to the Civil Act (Act No. 10429) shall be deemed included among those who constitute an incompetent under the adult guardianship or quasi-incompetent under the limited guardianship under the amended provisions of subparagraph 1 of Article 33.

**Article 6 Omitted.**

ADDENDUM <Act No. 13037, Jan. 20, 2015>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 13038, Jan. 20, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

ADDENDA <Act No. 14476, Dec. 27, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 15657, Jun. 12, 2018>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Article 2 (Applicability to Report on Suspension, Closure, etc. of Business)**

The amended provisions of Article 33-3 shall apply beginning with cases where an end-of-life vehicle recycler or a waste gas treatment business operator intends to suspend, close or resume his/her business after this Act enters into force.

### **Article 3 (Transitional Measures concerning Surcharges)**

With respect to charges for recycling or collecting electrical and electronic equipment for which the notice of payment is made pursuant to the former Article 18-3 before this Act enters into force, the surcharges shall be imposed pursuant to the previous provisions, notwithstanding the amended provisions of Article 18-3.

ADDENDUM <Act No. 15842, Oct. 16, 2018>

This Act shall enter into force on the date of its promulgation.

Last updated : 2020-10-13

