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**ACT ON THE TRANSBOUNDARY MOVEMENT OF HAZARDOUS
WASTES AND THEIR DISPOSAL**

[Enforcement Date 19. Oct, 2017.] [Act No.14784, 18. Apr, 2017., Partial
Amendment]

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prevent any environmental pollution caused by the transboundary movement of wastes and to promote international cooperation, and to contribute to environmental conservation and qualitative improvement in the lives of people by implementing the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and bilateral, multilateral, or regional agreements based on the aforesaid Convention and by restricting the export or import of wastes, and the transit of wastes across the Republic of Korea.

[This Article Wholly Amended by Act No. 14784, Apr. 18, 2017]

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 14784, Apr. 18, 2017>

1. The term "wastes" means substances falling under any of the following:

- (a) Wastes subject to export or import restrictions: Substances prescribed by Presidential Decree, which are wastes provided for in the Annexes, etc. of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (hereinafter referred to as the "Convention") and substances stipulated in a bilateral, multilateral, or regional agreement under Article 11 of the Convention that it is necessary to restrict the export or import of such substances and the transit of such substances across the Republic of Korea (hereinafter referred to as "export, import, etc.");
- (b) Wastes subject to export or import control: Substances prescribed by Presidential Decree because the export or import control thereof is needed, which are wastes other than wastes subject to export or import restrictions among wastes under subparagraph 1 of Article 2 of the Wastes Control Act;

2. The term "parties to the Convention" means countries or international organizations which have acceded to the Convention;
3. The term "movement documents" means any document specifying information to be included in the notification prescribed in the Annexes to the Convention;
4. The term "disposal" means the transportation, storage, recycling and disposal of wastes.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 3 (Scope of Application) (1) This Act shall not apply to radioactive substances prescribed in subparagraph 5 of Article 2 of the Nuclear Safety Act and substances contaminated thereby.

(2) This Act shall not apply to wastes discharged in sea areas pursuant to the Marine Environment Management Act, and wastes discharged as a result of the navigation of ships.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 4 (Obligations of State) (1) The State shall recognize the risk of harm to human health and the environment caused by transboundary movement of wastes, and adopt a proper policy to control and manage the export, import, etc. of wastes for the protection of health of citizens and the prevention of environmental pollution. [<Amended by Act No. 14784, Apr. 18, 2017>](#)

(2) The State shall cooperate with parties to the Convention, etc. to develop technology, to collect, utilize, and disseminate information, and to establish a management system, etc. for the proper control of wastes.

(3) The State shall provide assistance to the development and transfer, etc. of technology related to wastes.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 5 (Obligations of Exporters, Importers, etc. of Wastes) (1) No person who exports, imports, or disposes of wastes shall cause any danger or harm to the environment and human health due to the export, import, etc. of wastes, and such person shall, in order to prevent such danger or harm, make positive efforts for the development of technology and mutual exchange of information.

[<Amended by Act No. 14784, Apr. 18, 2017>](#)

(2) If any danger or harm to the environment and human health is caused by the export, import, etc. of wastes, the person who exports, imports or disposes of wastes, shall take all measures necessary for the removal thereof. [<Amended by Act No. 14784, Apr. 18, 2017>](#)

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

CHAPTER II CONTROL AND MANAGEMENT OF EXPORTS, IMPORTS, ETC. OF WASTES

Article 6 (Permission to Export Wastes Subject to Export or Import Restrictions) (1) Any person who desires to export wastes subject to export or import restrictions shall obtain permission from the Minister of Environment as prescribed by Presidential Decree. The same shall also apply to cases where he/she desires to amend permitted matters. <Amended by Act No. 14784, Apr. 18, 2017>

(2) Where the Minister of Environment receives an application for permission to export wastes subject to export or import restrictions or an application for approval of the change of permission to export such wastes, he/she grant permission only in cases falling under any of the following:
<Amended by Act No. 14784, Apr. 18, 2017>

1. Where no technology or facility is available domestically to treat the relevant wastes in a sound and proper manner;
2. Where the relevant wastes are needed as raw materials for recycling industries of the State of import.

(3) Where the Minister of Environment intends to permit the export of wastes under paragraph (2), he/she shall obtain the consent from the importing country and the transit country of wastes subject to export or import restrictions which he/she desires to export: Provided, That where prescribed by Presidential Decree, he/she may grant permission without obtaining such consent.<Amended by Act No. 14784, Apr. 18, 2017>

(4) In granting the permission under paragraph (2), the Minister of Environment may attach any condition necessary to such permission.

(5) Where the Minister of Environment grants permission under paragraph (2), in which case a person exports wastes subject to export or import restrictions, which have the same physical and chemical properties, to the same person through the same Korean customs office and the same customs office of the importing country, he/she may grant permission at a time within a fixed period not exceeding 12 months.<Amended by Act No. 14784, Apr. 18, 2017>

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 7 (Preparation, etc. of Export Movement Documents) (1) A person who obtains permission to export wastes subject to export or import restrictions (including approval of the change

of permission; hereinafter the same shall apply) under Article 6 (1) shall formulate movement documents with respect to the relevant wastes subject to export or import restrictions (hereinafter referred to as "export movement documents") as prescribed by Presidential Decree. The foregoing shall also apply where he/she modifies the details of such export movement documents. <Amended by Act No. 14784, Apr. 18, 2017>

(2) Where a person who obtains permission to export wastes subject to export or import restrictions ceases to export the relevant wastes subject to export or import restrictions, he/she shall report to the Minister of Environment along with the relevant export movement documents as prescribed by Presidential Decree.<Amended by Act No. 14784, Apr. 18, 2017>

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 8 (Transportation of Wastes Subject to Export or Import Restrictions) (1) A person who transports wastes subject to export or import restrictions, permission for the export thereof has been obtained, shall carry the export movement documents with respect to the relevant wastes subject to export or import restrictions, and in cases where he/she delivers wastes subject to export or import restrictions, he/she shall enter the date of delivery and other matters prescribed by Presidential Decree into such documents and sign thereon. <Amended by Act No. 14784, Apr. 18, 2017>

(2) A person who transports wastes subject to export or import restrictions, permission for the export thereof has been obtained, shall observe the details described in the export movement document: Provided, That the same shall not apply to cases where he/she ships them in according to an order to ship in under Article 20 (1).<Amended by Act No. 14784, Apr. 18, 2017>

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 9 Deleted. <by Act No. 5872, Feb. 8, 1999>

Article 10 (Permission to Import Wastes Subject to Export or Import Restrictions) (1) Any person who desires to import wastes subject to export or import restrictions shall obtain permission from the Minister of Environment as prescribed by Presidential Decree. The same shall also apply where he/she desires to amend permitted matters. <Amended by Act No. 14784, Apr. 18, 2017>

(2) The Minister of Environment may, if he/she receives an application for permission to import wastes subject to export or import restrictions referred to in paragraph (1) or application for amendment to permitted matters, grant permission thereon only where such case falls under any of the following subparagraphs:<Amended by Act No. 14784, Apr. 18, 2017>

1. Where the technology and facilities necessary to treat the relevant wastes in a sound and proper manner are available;

2. Where the relevant wastes are used as raw materials for recycling industries.

(3) In granting permission for import as referred to in paragraph (2), the Minister of Environment shall not grant such permission for import unless the competent authority of the State of export makes any request for the consent to the import of wastes: Provided, That the same shall not apply where they are not provided for as wastes subject to control of transboundary movements pursuant to statutes of the State of export.

(4) When the competent authority of the State of export has made a request for consent to the import of wastes subject to export or import restrictions, the Minister of Environment shall decide whether to consent to the import of wastes subject to export or import restrictions and notify the exporting country thereof. <Amended by Act No. 14784, Apr. 18, 2017 >

(5) The Minister of Environment may, in granting permission under paragraph (2), attach necessary conditions thereto.

(6) Where the Minister of Environment grants permission under paragraph (2), in which case the same person imports wastes subject to export or import restrictions, which have the same physical and chemical properties, through the same customs office of the exporting country and the same Korean customs office, he/she may grant permission at a time within a fixed a period not exceeding 12 months. <Amended by Act No. 14784, Apr. 18, 2017 >

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 11 (Preparation of Import Movement Documents)

Any person who has obtained permission to import wastes subject to export or import restrictions (including approval of the change of permission; hereinafter the same shall apply) under Article 10 (1) shall, if he/she imports wastes subject to export or import restrictions, prepare movement documents with respect to the relevant wastes subject to export or import restrictions, permission for the import thereof has been obtained, (hereinafter referred to as "import movement documents") as prescribed by Presidential Decree. The same shall also apply to an amendment to the details of import movement documents. <Amended by Act No. 14784, Apr. 18, 2017 >

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 12 (Obligations, etc. to Carry Import Movement Documents) (1) Any person who

disposes of wastes subject to export or import restrictions, permission for the import thereof has been obtained, shall carry with him/her import movement documents and movement documents issued

in accordance with the statutes of the State of export (applicable only to cases where such import wastes are prescribed by the statutes of the State of export as wastes subject to the control of transboundary movement; hereinafter referred to as "movement documents issued by the State of export") and printed documents related to the details of handover and takeover as referred to in Article 18 - 3 (2), and where he/she delivers the relevant wastes subject to export or import restrictions, he/she shall enter the date of delivery and other matters prescribed by Presidential Decree in the import movement documents and sign thereon. <Amended by Act No. 14784, Apr. 18, 2017>

(2) Any person who disposes of wastes subject to export or import restrictions, permission for the import thereof has been obtained, shall observe the details described in the relevant import movement documents: Provided, That this shall not apply where they are shipped out according to an order to ship out under Article 20 (1). <Amended by Act No. 14784, Apr. 18, 2017>

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 13 Deleted. <by Act No. 11980, Jul. 30, 2013>

Article 14 (Notice of Results, etc. of Disposal of Wastes Subject to Export or Import Restrictions)

Any person who has completed the disposal of wastes subject to export or import restrictions, permission for the import thereof has been obtained, shall send, without delay, documents describing the receipt of the relevant wastes subject to export or import restrictions and the results of the disposal of wastes subject to export or import restrictions to the competent authority of the exporting country and the exporter, and submit the copy thereof to the Minister of Environment, as prescribed by Presidential Decree. <Amended by Act No. 14784, Apr. 18, 2017>

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 15 (Revocation of Permission to Export or Import Wastes Subject to Export or Import Restrictions)

Where a person who has obtained permission to export or import wastes subject to export or import restrictions falls under any of the following subparagraphs, the Minister of Environment may revoke his/her permission: <Amended by Act No. 14784, Apr. 18, 2017>

1. Where he/she obtains permission by fraud or other improper means;
2. Where he/she fails to fulfill any condition provided for in Article 6 (4) or 10 (5);

3. Where new information reveals that wastes subject to export or import restrictions, permission for the export or import thereof has been obtained, cause any environmental pollution not anticipated at the time the permission was granted;
4. Where he/she fails to prepare an export movement document (including amendments to the details entered in such document), in violation of Article 7 (1), or prepares such document in a false manner;
5. Where he/she fails to observe the details described in an export movement document, in violation of Article 8 (2);
6. Where he/she fails to prepare an import movement document (including amendments to the details entered in such document), in violation of Article 11 or prepares such document in a false manner;
7. Where he/she fails to observe the details described in an import movement document, in violation of Article 12 (2);
8. Where he/she violates the restrictions referred to in Article 18 (1) or (2);
9. Where he/she violates an order to ship in, etc. under Article 20 (1);
10. When he/she refuses, obstructs, or evades access and inspection referred to in Article 22 (1).

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 16 (Agreements, etc. on Transit of Wastes Subject to Export or Import

Restrictions) (1) Where the competent authority of the exporting country makes a request for consent to transit wastes subject to export or import restrictions an exporter intends to export through Korea, the Minister of Environment shall determine whether he/she consents to the transit thereof and notify the exporting country thereof. <Amended by Act No. 14784, Apr. 18, 2017>

(2) Where a person who desires to export wastes subject to export or import restrictions to another country passing through Korea does not obtain the consent referred to in paragraph (1), he/she may not pass the wastes through Korea.<Amended by Act No. 14784, Apr. 18, 2017>

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 17 (Packaging, etc. of Wastes Subject to Export or Import Restrictions)

Any person who intends to export or import wastes subject to export or import restrictions shall use packaging, labeling, etc., as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 14784, Apr. 18, 2017]

Article 18 (Designation of Export or Import Port, etc.) (1) In granting permission to export or import wastes subject to export or import restrictions, the Minister of Environment may designate any

port for the shipment or loading and unloading or restrict any zone for the shipment or loading and unloading after consulting with the Minister of Oceans and Fisheries. <Amended by Act No. 14784, Apr. 18, 2017>

(2) In giving his/her consent to any transit of wastes subject to export or import restrictions through Korea, the Minister of Environment may restrict the transit port or transit area, after consulting with the Minister of Oceans and Fisheries.<Amended by Act No. 14784, Apr. 18, 2017 >

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 18 - 2 (Declaration, etc. for Export or Import of Wastes Subject to Export or Import Control)

(1) Any person who intends to export or import wastes subject to export or import control shall make a declaration for export or import to the Minister of Environment along with the type, quantity and plan of disposal of such wastes, as prescribed by Presidential Decree.

(2) Where any person intends to alter important matters prescribed by Presidential Decree among matters reported pursuant to paragraph (1), he/she shall file a report on the alteration thereof with the Minister of Environment.

(3) Where a person who intends to make a declaration for export or import pursuant to paragraph (1) intends to export or import wastes subject to export or import control, which have the same physical shape and the same chemical properties, to or from the same person at least twice through the same customs office of the exporting country and the same Korean customs office, he/she may make a declaration for export or import at a time within a fixed period not exceeding 12 months.

[This Article Newly Inserted by Act No. 14784, Apr. 18, 2017]

Article 18 - 3 (Disposal, etc. of Imported Wastes)

(1) A person who has obtained permission to import wastes pursuant to Article 10 (1) and a person who has made a declaration for import pursuant to Article 18 - 2 (1) shall dispose of wastes he/she has imported (hereinafter referred to as "imported wastes") for himself/herself or by entrusting the disposal thereof to a person falling under any of the following:

1. A person who has installed or operates a waste disposal facility under Article 4 or 5 of the Wastes Control Act;
2. A person has obtained permission to conduct waste disposal business under Article 25 (3) of the Wastes Control Act;
3. A person who has reported the disposal of wastes pursuant to Article 46 (1) of the Wastes Control Act.

(2) Whenever a person falling under any of the following imports or disposes of imported wastes, he/she shall enter matters concerning the transfer and takeover of such wastes into an electronic data processing program under Article 18 - 4 (1), as prescribed by Presidential Decree:

1. A person who has obtained permission to import wastes pursuant to Article 10 (1);
2. A person who has made a declaration for import pursuant to Article 18 - 2 (1);
3. A person who disposes of imported wastes pursuant to paragraph (1).

(3) A person who transports imported wastes shall be well informed of the transfer number so that he/she can confirm the details of the transfer and takeover of wastes entered into an electronic data processing program under Article 18 - 4 (1) during the transportation of such wastes, and where a relevant administrative agency or a public official belonging thereto makes a request, he/she shall inform it or him/her of the transfer number.

(4) A person who disposes of imported wastes pursuant to paragraph (1) shall dispose of imported wastes in accordance with standards for and methods of disposal of wastes under Article 13 of the Wastes Control Act and the principle of recycling of wastes and matters to be observed under Article 13 - 2 of the aforesaid Act.

(5) No person shall export imported wastes in the same nature and state of wastes at the time of the import thereof.

(6) In addition to matters provided for in paragraphs (1) and (5), except as otherwise provided by this Act, the Wastes Control Act or the Act on the Promotion of Saving and Recycling of Resources shall apply to the disposal of wastes exported or imported.

[This Article Newly Inserted by Act No. 14784, Apr. 18, 2017]

Article 18 - 4 (Electronic Processing of Details, etc. of Transfer and Takeover of Imported Wastes)

(1) The Minister of Environment shall establish and operate an electronic data processing program (hereinafter referred to as "electronic data processing program") that may electronically process details, etc. concerning the transfer and takeover of imported wastes.

(2) The Minister of Environment may collect all or some of expenses incurred in using an electronic data processing program from persons who use the electronic data processing program.

(3) Where a person, etc. who intends to import wastes enters details concerning affairs prescribed by Presidential Decree, such as a declaration for import, by using an electronic data processing program, he/she shall be deemed to have implemented the relevant affairs.

(4) The Minister of Environment shall keep details concerning the transfer and takeover of imported wastes entered into an electronic data processing program for three years.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

[Moved from Article 11 - 3 by Act No. 14784, Apr. 18, 2017]

Article 19 (Prohibition on Export and Import) (1) Where there arises any of the following causes to take emergency measures for the protection of human health and conservation of environment, the Minister of Environment may ban or limit export or import of wastes by fixing a period, as prescribed by Presidential Decree: <Amended by Act No. 13887, Jan. 27, 2016>

1. Where it is intended to import wastes from areas, import from which is banned or restricted by the Minister of Environment, including areas where nuclear accidents occurred;
2. Where the wastes contain toxic substances specified by Presidential Decree, the level of which is equal to or higher than the standards announced by the Minister of Environment.

(2) Any wastes that are feared to pose risks to human health and the environment shall be prohibited from being exported or imported.

(3) Any wastes shall be prohibited from being exported to any nation that lacks proper capacity to treat such wastes.

(4) The wastes subject to prohibition of import or export under paragraph (2) and the nations subject to prohibition of export under paragraph (3) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 20 (Order to Ship in, etc.) (1) Where a person who has exported or import wastes falls under any of the following subparagraphs, the Minister of Environment may order him/her to ship in or out the relevant wastes for a fixed period of time, or order him/her to manage them by proper means: <Amended by Act No. 13887, Jan. 27, 2016; Act No. 14784, Apr. 18, 2017>

1. Where he/she exports or imports such wastes without obtaining permission provided for in Article 6 (1) or 10 (1);
 2. Where he/she exports or imports such wastes without fulfilling the conditions provided for in Article 6 (4) or 10 (5);
 3. Where the contents of the request for consent to import by the State of export under Article 10 (4) do not agree with the details of the movement documents issued by the State of export;
- 3 - 2. Where he/she exports or imports wastes without making a declaration for export or import under Article 18 - 2 (1) or filing a report on the alteration thereof under paragraph (2) of the aforesaid Article, or exports or imports wastes different from the declaration for export or import or the report on the alteration thereof;

4. Where exported or imported wastes cause or are likely to cause harm to the health of people or environmental pollution unexpected at the time permission is granted or a declaration for export or import is made;

5. Where it is found in the inspections under Article 22 (1) that the toxic substances under Article 19 (1) 2 are contained in levels equal to or higher than the standards.

(2) Where the head of an administrative agency concerned finds that a person who has exported or import wastes falls under any subparagraph of paragraph (1), he/she may request the Minister of Environment to take any necessary measures, such as issuance of an order to ship in or out such wastes.

(3) The Minister of Environment shall, upon receiving a request referred to in paragraph (2), take proper measures thereon and notify the head of the relevant administrative agency of the outcome of such measures.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 21 (Vicarious Execution)

Where a person who has received an order under Article 20 (1) fails to carry out such order for the prescribed period, the Minister of Environment shall execute it vicariously as prescribed by the Administrative Vicarious Execution Act, and may collect the expenses for such execution from the person who has exported or imported the relevant wastes.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 21 - 2 (Recording and Preservation of Books)

A person falling under any of the following subparagraphs shall prepare the books, as prescribed by Presidential Decree, record the import, export, disposal, etc. of wastes, and preserve them for three years: Provided, That this shall not apply where the relevant matters have been entered into the electronic data processing program: <Amended by Act No. 14784, Apr. 18, 2017>

1. A person who has obtained permission for export under Article 6 (1);
2. A person who has obtained permission for import under Article 10 (1);
3. A person who has made a declaration for export or import pursuant to Article 18 - 2 (1);
4. A person who disposes of imported wastes pursuant to Article 18 - 3 (1).

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 21 - 3 (Submission of Reports) (1) Any person who falls under any of the subparagraphs of Article 21 - 2 shall annually submit a report on the export, import and disposal of wastes to the head

of an agency who has granted permission to export, import and dispose of the relevant wastes or to whom a declaration for export or import of the relevant wastes has been made (hereinafter referred to "head of an agency who has granted permission or to whom a declaration for export or import has been made") by the end of February of the following year.

(2) Where a person who should submit a report pursuant to paragraph (1) fails to submit the report by the deadline, the head of an agency who has granted permission or to whom a declaration for export or import has been made may order him/her to submit the report within a fixed period.

(3) A person who should submit a report pursuant to paragraph (1) may request a person to whom he/she has entrusted the disposal of wastes in writing to provide him/her with data necessary to prepare the report under paragraph (1) by January 15 every year, and the person requested to provide such data shall submit the data by January 31.

[This Article Newly Inserted by Act No. 14784, Apr. 18, 2017]

Article 22 (Reports, Inspections, etc.) (1) The Minister of Environment may require any of the following persons to file a report, or may request him/her to submit materials, or may have any related public official enter any office, business place, bonded area, etc. under Article 154 of the Customs Act in order to inspect the relevant documents, facilities, equipment, etc., as prescribed by Presidential Decree: <Amended by Act No. 14784, Apr. 18, 2017>

1. A person who has obtained permission for export under Article 6 (1);
2. A person who transports export wastes under Article 8 (1);
3. A person who has obtained permission for import under Article 10 (1);
4. A person who has made a declaration for export or import pursuant to Article 18 - 2 (1);
5. A person who disposes of imported wastes pursuant to Article 18 - 3 (1).

(2) Any public official who intends to conduct an inspection under paragraph (1) shall notify a business operator subject to the inspection of the inspection plan, including date and time, purpose of inspection, subject - matters to be inspected, etc., by not later than seven days before the inspection: Provided, That this shall not apply where it is deemed that the purpose of the inspection cannot be achieved if the notification is given in advance.

(3) Any public official who enters to conduct an inspection under paragraph (1) shall carry a certificate indicating his/her authority and produce it to the related persons.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

CHAPTER III SUPPLEMENTARY PROVISIONS

Article 23 (Fees) (1) Any person who desires to obtain permission for export prescribed in Article 6 (1), or permission for import prescribed in Article 10 (1) shall pay a fee.

(2) The methods of calculation and payment, and the procedure for payment, of the fee referred to in paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

(3) The fee collected pursuant to paragraph (1) shall be paid to the revenue of the special accounts on environment improvement under the Framework Act on Environmental Policy.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 24 (Cooperation with Related Agency)

Where it is deemed necessary to attain the purpose of this Act, the Minister of Environment may request the head of any related administrative agency to furnish necessary materials. In such case, the head of the related administrative agency shall comply with such request, unless there is a compelling reason not to do so.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 25 (Designation of Competent Authority, etc.)

For the purpose of fulfilling the contents of the Convention, the Government shall designate the competent authority and liaison officer, and notify the Secretariat of the Convention thereof.

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 26 Deleted. <by Act No. 5453, Dec. 13, 1997 >

Article 27 (Delegation and Consignment of Authority) (1) The authority of the Minister of Environment vested under this Act may be delegated partially to the head of any agency under his/her jurisdiction or to the head of any related administrative agency, or may be entrusted to any corporation or organization prescribed by Presidential Decree, as prescribed by Presidential Decree.

(2) The Minister of Environment may order any person to whom his/her authority is delegated or entrusted to make a necessary report with regard to the affairs delegated or entrusted under paragraph (1).

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

CHAPTER IV PENALTY PROVISIONS

Article 28 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won: <Amended by Act No. 12465, Mar. 18, 2014; Act No. 14784, Apr. 18, 2017>

1. A person who exports or imports wastes without obtaining permission under Article 6 (1) or 10 (1);
2. A person who violates any order under Article 20 (1) (only applicable to a person who has exported or imported wastes subject to export or import restrictions).

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 29 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than three years or a by fine not exceeding 30 million won: Provided, That in cases under subparagraphs 5 and 6, he/she may be punished by imprisonment with labor as well as a fine. <Amended by Act No. 12465, Mar. 18, 2014; Act No. 14784, Apr. 18, 2017>

1. A person who fails to prepare an export movement document (including amendments to the details entered into such documents) or prepares such document in a false manner, in violation of Article 7 (1);
2. A person who fails to observe the details described in the export movement document, in violation of Article 8 (2);
3. A person who fails to prepare an import movement document (including amending to the details entered into such documents) or prepares such document in a false manner, in violation of Article 11;
4. A person who fails to observe the details described in the import movement document, in violation of Article 12 (2);
5. A person who disposes of imported wastes, in violation of Article 18 - 3 (1);
6. A person who disposes of imported wastes in landfills, in violation of Article 18 - 3 (4);
7. A person who exports imported wastes in the same nature and state of wastes at the time of the import thereof, in violation of Article 18 - 3 (5);

8. A person who violates an order under Article 20 (1) (only applicable to a person who has exported or imported wastes subject to export or import control).

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 29 - 2 (Penalty Provisions)

Any person who falls under any of the following shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won:

1. A person who fails to make a declaration for export or import or makes a false declaration for export or import, in violation of Article 18 - 2 (1);
2. A person who pollutes the surrounding environment because he/she disposed of imported wastes (excluding cases falling under subparagraph 6 of Article 29), in violation of Article 18 - 3 (4).

[This Article Newly Inserted by Act No. 14784, Apr. 18, 2017]

Article 30 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won: <Amended by Act No. 12465, Mar. 18, 2014; Act No. 14784, Apr. 18, 2017>

1. A person who violates the restriction prescribed in Article 18 (1) or (2);
- 1 - 2. A person who fails to enter details concerning the transfer and takeover of imported wastes (only applicable to wastes subject to export or import restrictions) into an electronic data processing program or enters such details into the electronic data processing program by deception or fraudulent means, in violation of Article 18 - 3 (2);
2. A person who refuses, interferes with, or avoids any access or inspection referred to in Article 22 (1).

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

Article 31 (Joint Penalty Provisions)

Where a representative of a corporation, or an agent, employee, or any other servant of a corporation or individual commits any offense under Articles 28 through 30 in connection with the business of the corporation or individual, in addition to the punishment of such offender, the corporation or individual shall be punished by a fine under the relevant provisions: Provided, That where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense, this shall not apply.

[This Article Wholly Amended by Act No. 10153, Mar. 22, 2010]

Article 32 (Administrative Fines) (1) Any person who falls under any of the following shall be punished by an administrative fine not exceeding ten million won. <Amended by Act No. 14784, Apr. 18, 2017>

1. A person who fails to enter details concerning the transfer and takeover of imported wastes (only applicable to wastes subject to export or import restrictions) into an electronic data processing program or enters such details into the electronic data processing program by deception or fraudulent means, in violation of Article 18 - 3 (2);
2. A person who disposes of imported wastes (excluding cases where he/she falls under subparagraph 6 of Article 29 and subparagraph 2 of Article 29 - 2), in violation of Article 18 - 3 (4).

(2) Any person who falls under any of the following shall be punished by an administrative fine not exceeding three million won.: <Newly Inserted by Act No. 14784, Apr. 18, 2017>

1. A person who alters important matters without reporting the alteration thereof under Article 18 - 2 (2);
2. A person who fails to inform the transfer number despite a request made by a relevant administrative agency or a public official belonging thereto, in violation of Article 18 - 3 (3);
3. A person who fails to comply with an order to submit a report under Article 21 - 3 (2).

(3) A person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding one million: <Amended by Act No. 14784, Apr. 18, 2017>

1. A person who fails to file a report, in violation of Article 7 (2);
2. A person who fails to carry with him/her an export movement document or to enter pertinent matters in the said document or sign thereon, in violation of Article 8 (1);
3. A person who fails to carry with him/her an import movement document or a movement document issued by the State of export or to enter the pertinent matters into the said document or sign thereon, in violation Article 12 (1);
4. A person who fails to send the document describing the receipt of import wastes and the results of their disposal to the competent authority of the State of export and the exporter of the said wastes, or to submit the copy thereof to the Minister of Environment;
5. A person who fails to pack the wastes or apply marks, etc. thereto in violation of Article 17;
6. A person who fails to make a record of the books or keep them as prescribed in Article 21 - 2, or who makes a false record thereof;

6 - 2. A person who fails to submit a report under Article 21 - 3 (1) by the deadline or submits a false report;

7. A person who fails to file a report or present materials as prescribed in Article 22 (1), or who files a false report or presents false materials.

(4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, as prescribed by Presidential Decree. <Amended by Act No. 14784, Apr. 18, 2017>

[This Article Wholly Amended by Act No. 11980, Jul. 30, 2013]

ADDENDA <No. 14784, 18. Apr, 2017>

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measures)

In cases of dispositions, procedures, and other acts under the former Wastes Control Act (referring to the Wastes Control Act before it was partly amended by Act No. 14784) before this Act enters into force, in which case this Act contains any provisions corresponding thereto, dispositions, procedures, and other acts shall be deemed to have been made pursuant to this Act.