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ELECTRICAL APPLIANCES AND CONSUMER PRODUCTS SAFETY CONTROL ACT

Wholly Amended by Act No. 15338, Dec. 30, 2017

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect the lives, health and property of people and promote the benefits and safety of consumers by providing for matters related to safety control of electrical appliances and consumer products.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "electrical appliances" means industrially manufactured products that can be used by connecting to an alternating or direct current power source and components or parts of such products;
2. The term "consumer products" means industrially manufactured products for consumer use without additional processing (excluding simple assembling) and components or parts of such products (excluding electrical appliances);
3. The term "production" means manufacturing, assembling, or processing electrical appliances or consumer products for the purpose of distributing or renting them;
4. The term "safety control of products" means activities of controlling the production, importation, distribution, etc. of products to prevent hazards to the lives or health of consumers or damage to property or to the natural environment, which might arise in the course of handling and using products;
5. The term "safety certification" means certifying the safety of a product after testing the product and assessing the factory of the product;
6. The term "safety verification" means verifying whether a product conforms to safety standards as a result of a safety verification test conducted by a testing agency for safety verification;
7. The term "supplier's declaration of conformity" means a supplier's declaration that any of its products conforms to safety standards by voluntarily testing the product or by requesting a third party to test the product;
8. The term "product testing" means testing a product to verify the safety of the product itself;
9. The term "factory assessment" means assessing manufacturing facilities, testing facilities, technical capacity and manufacturing systems necessary for manufacturing products;
10. The term "products subject to safety certification" means the following electrical appliances and consumer products:
 - (a) Electrical appliances subject to safety certification: Electrical appliances specified by and approved under Ordinance of the Ministry of Trade, Industry and Energy as those from which hazards can be prevented through safety certification, where it is highly

anticipated that the structure, usage, etc. of such electrical appliances will cause hazards, such as fire and electrocution;

(b)Consumer products subject to safety certification: Consumer products specified by and approved under Ordinance of the Ministry of Trade, Industry and Energy as those from which hazards can be prevented through safety certification, where it is highly anticipated that the structure, materials, usage, etc. of such consumer products will harm the lives and bodies of consumers or cause damage to property or to the natural environment;

11.The term "products subject to safety verification" means the following electrical appliances and consumer products:

(a)Electrical appliances subject to safety verification: Electrical appliances specified and approved by Ordinance of the Ministry of Trade, Industry and Energy as those from which hazards can be prevented through product testing by an institution designated by the Minister of Trade, Industry and Energy, where the structure, usage, etc. of such electrical appliances are likely to cause hazards, such as fire and electrocution;

(b)Consumer products subject to safety verification: Consumer products specified and approved by Ordinance of the Ministry of Trade, Industry and Energy as those from which hazards can be prevented through product testing by an institution designated by the Minister of Trade, Industry and Energy, where the structure, materials, usage, etc. of such consumer products are likely to harm the lives and bodies of consumers or cause damage to property or to the natural environment;

12.The term "products subject to the supplier's declaration of conformity" means the following electrical appliances and consumer products:

(a)Electrical appliances subject to the supplier's declaration of conformity: Electrical appliances specified and approved by Ordinance of the Ministry of Trade, Industry and Energy as those from which hazards can be prevented through product testing directly by a manufacturer or an importer or by a third party at the request of a manufacturer or an importer, where the structure, usage, etc. of such electrical appliances are likely to cause hazards, such as fire and electrocution;

(b)Consumer products subject to the supplier's declaration of conformity: Consumer products specified and approved by Ordinance of the Ministry of Trade, Industry and Energy as those from which hazards can be prevented through product testing directly by a manufacturer or an importer or by a third party at the request of a manufacturer or an importer, where such consumer products are likely to cause an accident or harm consumers, while consumers handle, use, carry or manage them otherwise or where it is difficult for consumers to identify the difference in ingredients, performance, specifications, etc.;

13.The term "consumer products subject to compliance with safety standards" means consumer products specified and approved by Ordinance of the Ministry of Trade, Industry and Energy as those from which hazards can be prevented through the compliance with safety standards by the manufacturer or importer, where it is difficult for consumers to identify the difference in ingredients, performance, specifications, etc., although such consumer products are less likely to cause an accident or harm consumers, while consumers handle, use, carry or manage them otherwise;

14.The term "child protective packaging" means packages and containers designed and

devised to make it difficult for children aged under five years to take out contents therein within a certain period of time, although it is not difficult for adults to open them;

15. The term "consumer products subject to child protective packaging" means consumer products specified by Ordinance of the Ministry of Trade, Industry and Energy as those subject to child protective packaging, from among consumer products that are likely to cause hazards, such as poisoning, if a consumer drinks or inhales them;
16. The term "buying services" means services provided by a person acting as an agent for a domestic consumer, upon the consumer's request for personal use, in the process of placing an order for a product sold overseas and paying the price for the product so as to make an arrangement with an overseas seller to dispatch the product directly to the consumer;
17. The term "parallel importation" means that a third party who is not the exclusive licensee for the market within the territory of the Republic of Korea imports products produced and distributed by the holder of an overseas trade mark (limited to commodities with a trade mark affixed and distributed by the person who has the legal right to use the trade mark in foreign countries) for the purpose of sales.

Article 3 (Product Safety Deliberation Committee)

- (1) In order to deliberate on the following matters for safety control of electrical appliances and consumer products, the Product Safety Deliberation Committee (hereinafter referred to as the "Committee") shall be established as an organization affiliated to the Ministry of Trade, Industry and Energy:
 1. The designation of products subject to safety certification, products subject to safety verification, products subject to the supplier's declaration of conformity, consumer products subject to compliance with safety standards and consumer products subject to child protective packaging (hereinafter referred to as "products subject to safety control") and the amendment thereto;
 2. The establishment, amendment, etc. of safety standards for testing products subject to safety control;
 3. Matters on which the Minister of Trade, Industry and Energy requests the Committee to deliberate in connection with any action, measure, etc. taken against products subject to safety control but produced and distributed in violation of this Act;
 4. Examination of the safety of electrical appliances and consumer products;
 5. Comprehensive measures to be taken in response to accidents caused by electrical appliances and consumer products;
 6. Matters on which the other statutes require deliberation by the Committee;
 7. Other matters that the Minister of Trade, Industry and Energy refers to the Committee for deliberation as important matters involving the policy for safety control of products.
- (2) The Committee shall be composed of not more than 25 members, including one chairperson; and the chairperson shall be elected by and from among committee members, while committee members shall consist of the following persons:
 1. Persons appointed by the head of each administrative agency to which they belong, from among Grade-III public officials and public officials equivalent to Grade-III officials, who are in charge of affairs related to safety control of products in the Ministry

- of the Interior and Safety, the Ministry of Trade, Industry and Energy, the Ministry of Health and Welfare, the Ministry of Environment, the Ministry of Food and Drug Safety and the Fair Trade Commission, or public officials who are members of the Senior Executive Service;
2. Persons appointed by the President of the Korea Consumer Agency, established pursuant to Article 33 of the Framework Act on Consumers, from among employees who are in charge of affairs related to safety control of products in the Korea Consumer Agency;
 3. Persons commissioned by the Minister of Trade, Industry and Energy, considering gender, from among persons recommended by organizations related to safety control of products, among non-profit, non-governmental organizations under Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act;
 4. Other persons commissioned by the Minister of Public Safety and Security, considering gender, from among persons who have abundant knowledge and experience in safety control of products.
- (3) The term of office of each committee member appointed or commissioned under paragraph (2) 3 or 4 shall be three years and may be renewed consecutively only once.
- (4) The Committee may have special committees for each segment of products subject to safety control in order to examine special matters concerning the establishment, amendment, etc. of safety standards for product testing.
- (5) Except as otherwise expressly provided for in paragraphs (1) through (4), matters necessary for the composition and operation of the Committee and special committees shall be prescribed by Presidential Decree.

CHAPTER II SAFETY CONTROL OF PRODUCTS SUBJECT TO SAFETY CERTIFICATION

Article 4 (Designation, etc. of Safety Certification Agency)

- (1) The Minister of Trade, Industry and Energy may designate a corporation or an organization as an agency responsible for safety certification (hereinafter referred to as "safety certification agency"), from among corporations or organizations that engage in a business related to safety control of products, in order to ensure the safety of products subject to safety certification.
- (2) A corporation or an organization that intends to be designated as a safety certification agency shall meet the standards prescribed by Presidential Decree for designation, such as standards for testing facilities and human resources necessary for safety certification, and shall file an application for the designation with the Minister of Trade, Industry and Energy, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (3) A safety certification agency may enter into agreements with domestic and foreign institutions testing the safety of products subject to safety certification, under which the results of product testing or factory assessment shall be recognized mutually, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (4) Every safety certification agency shall enter and preserve records of safety certification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (5) The Minister of Trade, Industry and Energy may guide, supervise, and assist safety certification agencies to the extent necessary for ensuring the safety of products.

Article 5 (Safety Certification, etc.)

- (1) A manufacturer (including persons who export products produced in a foreign country to the Republic of Korea; hereinafter the same shall apply) or an importer of products subject to safety certification shall obtain safety certification for each model of such products (referring to the type of a product with its own name prescribed by Ordinance of the Ministry of Trade, Industry and Energy; hereinafter the same shall apply) from a safety certification agency, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (2) If a manufacturer or an importer of products subject to safety certification intends to have a safety certification amended, the manufacturer or importer shall obtain an amended certification from a safety certification agency, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That the foregoing shall not apply where a manufacturer or importer makes a modification with respect to any of the matters specified by Ordinance of the Ministry of Trade, Industry and Energy that are unrelated to the safety of the relevant product.
- (3) A safety certification agency shall certify the safety of a product subject to safety certification, if the product meets the safety standards for product testing and the standards for factory assessment prescribed and publicly notified by the Minister of Trade, Industry and Energy: Provided, That a safety certification agency may certify the safety of a product subject to safety certification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, if safety standards have not been publicly notified with respect to the product or the safety standards publicly notified are not applicable to the product.
- (4) When a safety certification agency certifies the safety of a product under paragraph (3), it may attach conditions to the certification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy. The conditions attached in such cases shall not impose an unreasonable obligation upon the relevant manufacturer.

Article 6 (Exemption from Safety Certification)

Notwithstanding Article 5 (1), the Minister of Trade, Industry and Energy may fully or partially exempt a product subject to safety certification from safety certification in any of the following cases, as prescribed by Presidential Decree:

1. Where any of the products specified by Presidential Decree is confirmed by the Minister of Trade, Industry and Energy, from among products subject to safety certification, as a product manufactured or imported for the purpose of testing the product for research and development, exhibition, or safety certification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy;
2. Where any of the products specified by Presidential Decree is confirmed by the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), from among products subject to safety certification, as a product imported for the purpose of exportation, as prescribed by Ordinance of the relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do or Special Self-Governing Province (hereinafter referred to as "City/Do");
3. Where a product subject to safety certification is manufactured for the purpose of exportation;

4. Where the safety of a product is certified by any of foreign safety certification agencies specified and publicly notified by the Minister of Trade, Industry and Energy under reciprocal recognition agreements between nations;
5. Where a safety certification agency confirms conformity according to the results of a product test or factory assessment performed by a domestic or foreign institution with whom the safety certification agency has entered into a recognition agreement under Article 4 (3);
6. Where a manufacturer or an importer that has a testing capacity equal to or higher than the level specified by Ordinance of the Ministry of Trade, Industry and Energy tests a product, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, and the safety certification agency confirms the conformity of the product;
7. Where the safety of a product subject to safety certification has been confirmed and is imported through parallel importation, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy;
8. Where a product subject to safety certification is imported or manufactured only once, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy;
9. Other cases specified by Ordinance of the Ministry of Trade, Industry and Energy as those where safety has been approved under any other statute.

Article 7 (Periodic Inspections, Internal Inspections, etc.)

- (1) A safety certification agency shall conduct a periodic inspection on the following matters once every two years, as prescribed by Presidential Decree, in order to ascertain that the products subject to safety certification continue to remain safe after the safety of them was certified under Article 5 (1):
 1. Products subject to safety certification;
 2. Manufacturing facilities;
 3. Testing facilities;
 4. Technical capacity.
- (2) A manufacturer of products subject to safety certification shall conduct internal inspections on the products manufactured after the safety of such products was certified, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, and shall enter and preserve records of such inspections.

Article 8 (Safety Inspection of Used Imported Electrical Appliances subject to Safety Inspection)

- (1) A person who intends to import used electronic appliances subject to safety certification shall undergo a safety inspection to examine the safety of such electronic appliances subject to safety certification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That the foregoing shall not apply where a person has obtained the safety certification under Article 5 (1) or where any of the grounds for the exemption from safety certification under Article 6 exists.
- (2) The safety standards under Article 5 (3) shall apply mutatis mutandis to the standards for the safety inspections under paragraph (1).

Article 9 (Safety Certification Mark, etc.)

- (1) A manufacturer or an importer of products subject to safety certification shall put any of the following marks (hereinafter referred to as "safety certification mark or a similar

mark") on the products subject to safety certification or the packages of such products, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:

1. Products subject to safety certification with safety certified under Article 5 (1): The safety certification mark or the mark specified in the safety standards under Article 5 (3);
 2. Products subject to safety certification but exempted from safety certification under Article 6: The mark of exemption from safety certification;
 3. Electrical appliances subject to safety certification with safety tested under Article 8 (1): The safety inspection mark or the mark specified in the standards for safety inspections under Article 8 (2).
- (2) No person shall put the safety certification mark or a similar mark on a product subject to safety certification and its package, unless the person has obtained safety certification under Article 5 (1), is exempted from safety certification under Article 6, or has successfully passed a safety inspection under Article 8 (1).
- (3) Any of the following persons shall not alter or remove the safety certification mark or a similar mark from a product subject to safety certification, without permission:
1. The manufacturer, importer or import agent of a product subject to safety certification;
 2. The distributor, sales broker or buying agent of a product subject to safety certification;
 3. The rental business operator of a product subject to safety certification;
 4. The person who produces a product by using a product subject to safety certification as a component or part;
 5. Any of the following persons who use a product subject to safety certification:
 - (a) An electric utility business operator as defined in subparagraph 2 of Article 2 of the Electric Utility Act;
 - (b) A person who installs electric installations for private use as defined in subparagraph 19 of Article 2 of the Electric Utility Act;
 - (c) A constructor as defined in subparagraph 3 of Article 2 of the Electrical Construction Business Act;
 6. A person who uses a consumer product subject to safety certification for commercial purposes.
- (4) Where a person referred to in any subparagraph of paragraph (3) engages in the distribution, rental, sales brokerage (excluding cases where a mail order broker defined by the Act on the Consumer Protection in Electronic Commerce, Etc. removes a product without the safety certification mark or a similar mark immediately when he/she finds such product from the cyber mall operated by the person and requires persons requesting mail order brokerage to enter information about the safety certification mark or a similar mark when they register commodities, while taking technical measures to ensure that consumers can find such information) or import agency through the Internet, the person shall publish information about safety certification in the relevant website so that consumers can find such information, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 10 (Prohibition of Distribution, Use, etc. of Products subject to Safety Certification without Safety Certification Mark or Similar Mark)

- (1) A manufacturer, importer, distributor or rental service provider of products subject to

safety certification shall neither sell or rent any product subject to safety certification without the safety certification mark or a similar mark, nor import, display or store such product for the purpose of selling or renting the product.

(2) No sales broker, buying agent or import agent of products subject to safety certification shall act as a sales broker (excluding cases where a mail order broker defined by the Act on the Consumer Protection in Electronic Commerce, Etc. removes a product without the safety certification mark or a similar mark immediately when he/she finds such product from the cyber mall operated by the person and requires persons requesting mail order brokerage to enter information about the safety certification mark or a similar mark when they register commodities, while taking technical measures to ensure that consumers can find such information), buying agent or import agent for the products subject to safety certification without the safety certification mark or a similar mark.

(3) Any of the persons referred to in Article 9 (3) 4 through 6 shall not use a product subject to safety certification without the safety certification mark or a similar mark.

Article 11 (Revocation, etc. of Safety Certification)

(1) In any of the following cases, a safety certification agency may revoke the certification of a product of a manufacturer or an importer or may issue the manufacturer or an importer an order to forbid a manufacturer or an importer from using the safety certification mark or a similar mark for a period of not more than six months or an order to take measures for improvement: Provided, That safety certification shall be revoked in cases falling under subparagraph 1; and safety certification may be revoked or an order may be issued to prohibit the use of the safety certification mark or a similar mark in cases falling under subparagraph 10:

1. If a person is found to have obtained a safety certification by fraud or other improper means;
2. If a product subject to safety certification, which shall be manufactured after obtaining safety certification, fails to meet the safety standards under Article 5 (3);
3. If a person fails to put the safety certification mark or a similar mark or puts a false mark;
4. If a person fails to fulfill the conditions under Article 5 (4);
5. If a person rejects, interferes with, or evades a periodic inspection conducted under Article 7 (1);
6. If manufacturing facilities, testing facilities or technical capacity referred to in Article 7 (1) fails to meet the standards for factory assessment;
7. If a person fails to conduct internal inspections under Article 7 (2);
8. If a person fails to enter and preserve records of internal inspections under Article 7 (2) or enters and preserves false records of such inspections;
9. If a person violates an order issued under Article 40 (1) or (8);
10. If a person fails to comply with an order issued to forbid the person from using the safety certification mark or a similar mark or to require the person to make improvements in cases falling under subparagraphs 2 through 9.

(2) When a safety certification agency revokes a safety certification or issues an order to prohibit the use of the safety certification mark or a similar mark or an order for

improvement, it shall publicly announce such fact, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(3) If a safety certification agency revokes safety certification under paragraph (1), it shall not certify the safety of any identical model subject to safety certification during one year from the date of revocation.

Article 12 (Revocation, etc. of Designation of Safety Certification Agency)

(1) If a safety certification agency falls under any of the following cases, the Minister of Trade, Industry and Energy may fully or partially revoke the designation of the agency or may issue an order to fully or partially suspend its business operations for a specified period of not more than one year: Provided, That such designation shall be revoked in cases falling under subparagraph 1 or 2:

1. If it has been designated as a safety certification agency by fraud or other improper means;
2. If a safety certification agency continues safety certifications or safety inspections during the period of suspension of business operations after it is ordered to suspend business operations;
3. If a safety certification agency fails to conduct safety certifications or safety inspections with no justification;
4. If a safety certification agency violates any of methods, procedures, etc. of safety certifications or safety inspections in performing safety certifications or safety inspections;
5. If a safety certification agency ceases to meet the standards for designation under Article 4 (2);
6. If a safety certification agency fails to enter and keep records of safety certifications or enters and keeps false records, in violation of Article 4 (4);
7. If a safety certification agency violates safety standards or standards for factory assessment under Article 5 (3) in performing safety certifications;
8. If a safety certification agency fails to take the measure prescribed in Article 11 (1), with no justification;
9. If a safety certification agency issues a safety certification, in violation of Article 11 (3);
10. If a safety certification agency charges a fee at a rate higher or lower than the rate specified under Article 43.

(2) The Minister of Trade, Industry and Energy shall not designate a person as a safety certification agency again within one year from the date the person has its designation revoked under paragraph (1).

(3) Detailed criteria for the administrative actions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 13 (Penalty Surcharges Imposed in Lieu of Suspension of Business Operations for Safety Certification)

(1) Where the Minister of Trade, Industry and Energy shall order a person to suspend business operations under any subparagraph of Article 12 (1) but finds that the suspension of business operations will cause severe inconvenience to users of the business, he/she may impose a penalty surcharge of not more than 300 million won upon the person, in lieu of the suspension of business operations.

- (2) Matters necessary for the amount of a penalty surcharge to be imposed under paragraph (1) for each type of violation according to the degree of violation, etc., the method of collecting such penalty surcharge, etc. shall be prescribed by Presidential Decree.
- (3) If a person who is obligated to pay a penalty surcharge under paragraph (1) fails to pay the penalty surcharge by payment deadline, the Minister of Trade, Industry and Energy shall collect the penalty surcharge in the same manner as delinquent national taxes are collected.

CHAPTER III SAFETY CONTROL OF PRODUCTS SUBJECT TO SAFETY VERIFICATION

Article 14 (Designation, etc. of Testing Agencies for Safety Verification)

- (1) In order to ensure the safety of products subject to safety verification, the Minister of Trade, Industry and Energy may designate any of corporations and organizations that engage in a business related to product safety management as an agency (hereinafter referred to as "testing agency for safety verification") testing products for safety verification (hereinafter referred to as "tests for safety verification").
- (2) Any corporation or organization that intends to be designated as a testing agency for safety verification shall meet the standards prescribed by Presidential Decree for designation, including testing facilities and personnel for performing tests for safety verification, and shall apply for designation to the Minister of Trade, Industry and Energy, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (3) Any testing agency for safety verification may enter into an agreement with domestic and overseas institutions engaging in tests for the safety of products subject to safety verification for mutual recognition of the results of product tests, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (4) Every testing agency for safety verification shall enter and preserve records of tests for safety verification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (5) In order to ensure the safety of products, the Minister of Trade, Industry and Energy may guide, supervise, and assist testing agencies for safety verification to the necessary extent.

Article 15 (Reporting, etc. of Products subject to Safety Verification)

- (1) A manufacturer or an importer of products subject to safety verification shall have each model of the products subject to safety verification tested by a testing agency for safety verification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, have the relevant products confirmed by the agency as those that meet the safety standards under paragraph (3), and then report the confirmation to the Minister of Trade, Industry and Energy.
- (2) When a manufacturer or an importer of products subject to safety verification intends to make a change in regard to any of the facts described in the report submitted on safety verification under paragraph (1) (hereinafter referred to as "safety verification report"), he/she shall file a revised report with the Minister of Trade, Industry and Energy, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That the foregoing shall not apply where a change is made with respect to any of the facts specified by Ordinance of the Ministry of Trade, Industry and Energy as those irrelevant to the safety of products.

- (3) Every testing agency for safety verification shall apply the standards determined and publicly notified by the Minister of Trade, Industry and Energy for the safety of products subject to safety verification when it conducts tests for safety verification: Provided, That a testing agency for safety verification may conduct tests for safety verification on products subject to safety verification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, if there are no safety standards publicly notified for a specific product subject to safety verification or if it is impracticable to apply the safety standards publicly notified to a specific product subject to safety verification.
- (4) When a manufacturer or an importer of products subject to safety verification files a report or a revised report pursuant to paragraph (1) or (2), he/she shall keep documents demonstrating that the relevant products subject to safety verification conform to the safety standards under paragraph (3), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 16 (Exemption from Duty to Report Safety Verification)

Notwithstanding Article 15 (1), in any of the following cases the Minister of Trade, Industry and Energy may fully or partially exempt a person from the duty to report safety verification of products subject to safety verification, as prescribed by Presidential Decree:

1. Where a person has obtained confirmation from the Minister of Trade, Industry and Energy on the products specified by Presidential Decree, among those subject to safety verification, and produced or imported for the purpose of research and development, exhibition, or testing of products for reporting safety verification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy;
2. Where a person has obtained confirmation from a Mayor/Do Governor on the products specified by Presidential Decree, among those subject to safety verification, and produced or imported for the purpose of exportation, as prescribed by municipal ordinance of the relevant City/Do;
3. Where products subject to safety verification are produced for the purpose of exportation;
4. Where the relevant products have been confirmed by a domestic or overseas institution, with whom a testing agency for safety verification has an agreement for mutual recognition under Article 14 (3), as conforming products as a result of a product test conducted by the institution;
5. Where a testing agency for safety verification verifies the relevant products as conforming products according to the results of a test conducted by the manufacturer or an importer with a testing capacity at a level equivalent to or higher than the level specified by Ordinance of the Ministry of Trade, Industry and Energy, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy;
6. Where the safety of a product subject to safety certification has been confirmed and is imported through parallel importation, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy;
7. Other cases specified by Ordinance of the Ministry of Trade, Industry and Energy as those where safety is approved under any other statute.

Article 17 (Safety Inspections on Imported Used Electrical Appliances subject to Safety Verification)

- (1) A person who intends to import used electrical appliances subject to safety verification

from a foreign country shall undergo a safety inspection conducted in order to verify the safety of the relevant electrical appliances subject to safety verification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That the foregoing shall not apply where there is a ground to exempt a person from the duty to file a safety verification report under any subparagraph of Article 16.

(2)The safety standards under Article 15 (3) shall apply mutatis mutandis to the standards for safety inspections under paragraph (1).

Article 18 (Marking of Products subject to Safety Verification)

(1)A manufacturer or an importer of products subject to safety verification shall put any of the marks specified in the following subparagraphs (hereinafter referred to as "safety verification mark or a similar mark") on the products subject to safety verification or packages of such products, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:

- 1.Products subject to safety certification for which a safety verification report has been filed: The safety verification mark or the mark specified in the safety standards under Article 15 (3);
- 2.Products subject to safety verification, for which a person is exempted from the duty to file a safety verification report under Article 16: The mark of exemption from the duty to report safety verification;
- 3.Electrical appliances subject to safety verification, which have passed a safety inspection conducted under Article 17 (1): The safety inspection mark or the mark specified in the standards for safety inspection under Article 17 (2).

(2)No person shall put the safety verification mark or a similar mark on a product subject to safety verification and packages of such product, unless the person has filed a safety verification report, is exempted from the duty to file a safety verification report under Article 16, or has successfully passed a safety inspection under Article 17 (1).

(3)Any of the following persons shall not alter or remove the safety verification mark or a similar mark of products subject to safety verification, without permission:

- 1.A manufacturer, an importer or an import agent of products subject to safety verification;
- 2.A distributor, a sales broker or a buying agent of products subject to safety verification;
- 3.A rental business operator of products subject to safety verification;
- 4.A person who produces a product by using a product subject to safety verification as a component or part;
- 5.The following persons who use electrical appliances subject to safety verification:
 - (a)An electric utility business operator defined in subparagraph 2 of Article 2 of the Electric Utility Act;
 - (b)A person who builds electric installations for private use as defined in subparagraph 19 of Article 2 of the Electric Utility Act;
 - (c)A constructor defined in subparagraph 3 of Article 2 of the Electrical Construction Business Act;
- 6.A person who uses consumer products subject to safety verification for commercial purposes.

(4)Where a person referred to in any subparagraph of paragraph (3) engages in the

distribution, rental, sales brokerage (excluding cases where a mail order broker defined by the Act on the Consumer Protection in Electronic Commerce, Etc. removes a product without the safety verification mark or a similar mark immediately when he/she finds such product from the cyber mall operated by the person and requires persons requesting mail order brokerage to enter information about the safety verification mark or a similar mark when they register commodities, while taking technical measures to ensure that consumers can find such information) or import agency through the Internet, such person shall post information related to safety verification in the relevant website so that consumers can find such information, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 19 (Prohibition of Distribution, Use, etc. of Products subject to Safety Verification Without Safety Verification Mark or Similar Mark)

- (1) A manufacturer, importer, distributor or rental business operator of products subject to safety verification shall neither sell or rent any product subject to safety verification without the safety verification mark or a similar mark, nor import, display, or store such product for the purpose of selling or renting such product.
- (2) No sales broker, buying agent or import agent of products subject to safety verification shall handle such products without the safety verification mark similar mark as a sales broker (excluding cases where a mail order broker defined by the Act on the Consumer Protection in Electronic Commerce, Etc. removes a product without the safety verification mark or a similar mark immediately when he/she finds such product from the cyber mall operated by the person and requires persons requesting mail order brokerage to enter information about the safety verification mark or a similar mark when they register commodities, while taking technical measures to ensure that consumers can find such information), buying agent, or import agent.
- (3) Any person referred to in any subparagraph of Article 18 (3) 4 through 6 shall not use a product subject to safety verification without the safety verification mark or a similar mark.

Article 20 (Invalidation of Safety Verification Reports, etc.)

- (1) In any of the following cases, the Minister of Trade, Industry and Energy may invalidate the safety verification report filed by a manufacturer or importer of products subject to safety verification or may issue an order to forbid the use of the safety verification mark or a similar mark or to make improvements within a specified period of not more than six months, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That a safety verification report shall be invalidated in cases falling under subparagraph 1:
 1. If it is found that a manufacturer or importer of products subject to safety verification files a safety verification report by fraud or other improper means;
 2. If the product subject to safety verification fails to conform to the safety standards under Article 15 (3);
 3. If a manufacturer or importer of products subject to safety verification has not put the safety verification mark or a similar mark or fraudulently put any mark;
 4. If a manufacturer or importer of products subject to safety verification violates an order issued under Article 40 (2) or (8).
- (2) When the Minister of Trade, Industry and Energy invalidates a safety verification report

or issues an order to prohibit the use of the safety verification mark or a similar mark or to make improvements under paragraph (1), he/she shall publicly announce such fact, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(3) If a safety verification report is invalidated under paragraph (1), no testing agency for safety verification shall test any model identical to the relevant project for safety verification during one year after the date on which the report is invalidated.

Article 21 (Revocation of Designation of Testing Agencies for Safety Verification, etc.)

(1) If a testing agency for safety verification falls under any of the following cases, the Minister of Trade, Industry and Energy may fully or partially revoke the designation of the testing agency for safety verification or order it to fully or partially suspend its business operations for a specified period of up to one year: Provided, That the designation shall be revoked in cases falling under subparagraph 1 or 2:

1. If it has been designated as a testing agency for safety verification by fraud or other improper means;
2. If a testing agency for safety verification continues tests for safety verification or safety inspections during the period of suspension of business operations after it is ordered to suspend business operations;
3. If a testing agency for safety verification fails to conduct tests for safety verification or safety inspections, without good cause;
4. If a testing agency for safety verification violates any of methods, procedures, etc. of tests for safety verification or safety inspections in performing tests for safety verification or safety inspections;
5. If a testing agency for safety verification ceases to meet the standards for designation under Article 14 (2);
6. If a testing agency for safety verification fails to enter and preserve records of tests for safety verification or enter and preserve false records, in violation of Article 14 (4);
7. If a testing agency for safety verification violates safety standards under Article 15 (3) in performing tests for safety verification;
8. If a testing agency for safety verification violates Article 20 (3) in conducting tests for safety verification;
9. If a testing agency for safety verification charges a fee at a rate higher or lower than the rate specified under Article 43.

(2) The Minister of Trade, Industry and Energy shall not designate a person as a testing agency for safety verification again within one year from the date the person has its designation revoked under paragraph (1).

(3) Detailed criteria for the administrative actions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 22 (Penalty Surcharges Imposed in Lieu of Suspension of Business Operations for Testing for Safety Verification)

(1) If the Minister of Trade, Industry and Energy has to order a person to suspend business operations under any subparagraph of Article 21 (1) but finds that the suspension of business operations will cause severe inconvenience to users of the business, he/she may impose a penalty surcharge of up to 300 million won upon the person, in lieu of the suspension of business operations.

(2)

Matters necessary for the amount of a penalty surcharge to be imposed under paragraph (1) for each type of violation according to the degree of violation, etc., the method of collecting such penalty surcharge, etc. shall be prescribed by Presidential Decree.

- (3) If a person who is obligated to pay a penalty surcharge under paragraph (1) fails to pay the penalty surcharge by payment deadline, the Minister of Trade, Industry and Energy shall collect the penalty surcharge in the same manner as delinquent national taxes are collected.

CHAPTER IV SAFETY CONTROL OF PRODUCTS SUBJECT TO SUPPLIER'S DECLARATION OF CONFORMITY

Article 23 (Supplier's Declaration of Conformity, etc.)

- (1) A manufacturer or an importer of products subject to the supplier's declaration of conformity shall directly conduct product tests for each model of the products subject to the supplier's declaration of conformity or shall request a third party to conduct product tests on its behalf and shall verify for itself that the relevant products conform to the safety standards under paragraph (3), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (2) When a manufacturer or an importer of products subject to the supplier's declaration of conformity declares the conformity of a specific product, as the supplier of the product, under paragraph (1), such manufacturer or importer shall report the details of verification (hereinafter referred to as "report on the supplier's declaration of conformity") to the Minister of Trade, Industry and Energy. The same procedure shall also apply where it is intended to make a change in any of the reported matters.
- (3) The supplier's declaration of conformity under paragraph (1) shall be made in accordance with the safety standards determined and publicly notified by the Minister of Trade, Industry and Energy for products subject to the supplier's declaration of conformity: Provided, That the supplier's declaration of conformity may be made, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, if there are no safety standards publicly notified for a specific product subject to the supplier's declaration of conformity or if it is impracticable to apply the safety standards publicly notified to a specific product subject to the supplier's declaration of conformity.
- (4) A manufacturer or an importer who declares the conformity of a product subject to the supplier's declaration of conformity under paragraph (1) shall keep documents demonstrating that the product conforms to the safety standards under paragraph (3), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 24 (Exemption from Supplier's Duty to Declare Conformity)

Notwithstanding Article 23 (1) and (2), in any of the following cases the Minister of Trade, Industry and Energy may exempt a person from the supplier's duty to declare the conformity of products subject to the supplier's declaration of conformity or to report the supplier's declaration of conformity of such products:

1. Where a person obtains confirmation from the Minister of Trade, Industry and Energy on the products specified by Presidential Decree, from among those subject to the supplier's declaration of conformity, and produced or imported for the purpose of research and development, exhibition, or testing of products for the supplier's

- declaration of conformity, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy;
2. Where a person obtains confirmation from a Mayor/Do Governor on the products specified by Presidential Decree, from among those subject to the supplier's declaration of conformity, and produced or imported for the purpose of exportation, as prescribed by municipal ordinance of the relevant City/Do;
 3. Where products subject to the supplier's declaration of conformity are produced for the purpose of exportation;
 4. Where the safety of a product subject to the supplier's declaration of conformity has been confirmed and is imported through parallel importation, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy;
 5. Other cases specified by Ordinance of the Ministry of Trade, Industry and Energy as those the safety of which is approved by any other statute.

Article 25 (Marking of Products subject to Supplier's Declaration of Conformity)

- (1) A manufacturer or an importer of products subject to the supplier's declaration of conformity shall put the mark specified in either of the following subparagraphs (hereinafter referred to as "mark of the supplier's declaration of conformity or a similar mark") on the products subject to the supplier's declaration of conformity or packages of such products, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:
1. Where a product is subject to the supplier's declaration of conformity and the supplier declares the conformity of the product or has filed a report on the supplier's declaration of conformity: The mark of the supplier's declaration of conformity or the mark specified in the safety standards under Article 23 (3);
 2. Where a product is subject to the supplier's declaration or reporting of conformity but the supplier is exempted from the duty to declare the conformity of such product or to report the conformity of such product under Article 24: The mark of exemption.
- (3) Any of the following persons shall not alter or remove the mark of the supplier's declaration of conformity on a product subject to the supplier's declaration of conformity, without permission:
1. A manufacturer, an importer, or an import agent of products subject to the supplier's declaration of conformity;
 2. A distributor or a sales broker of products subject to the supplier's declaration of conformity;
 3. A rental business operator of products subject to the supplier's declaration of conformity;
 4. A person who produces a product by using a product subject to the supplier's declaration of conformity as a component or part;
 5. The following persons who use electrical appliances subject to the supplier's declaration of conformity:
 - (a) An electric utility business operator defined in subparagraph 2 of Article 2 of the Electric Utility Act;
 - (b) A person who builds electric installations for private use as defined in subparagraph 19 of Article 2 of the Electric Utility Act;

(c)A constructor defined in subparagraph 3 of Article 2 of the Electrical Construction Business Act;

6.A person who uses consumer products subject to the supplier's declaration of conformity for commercial purposes.

(4)Where a person referred to in any subparagraph of paragraph (3) engages in the distribution, rental, sales brokerage (excluding cases where a mail order broker defined by the Act on the Consumer Protection in Electronic Commerce, Etc. removes a product without the mark of the supplier's declaration of conformity or a similar mark immediately when he/she finds such product from the cyber mall operated by the person and requires persons requesting mail order brokerage to enter information about the mark of the supplier's declaration of conformity or a similar mark when they register commodities, while taking technical measures to ensure that consumers can find such information) or import agency through the Internet, the person shall publish information about the supplier's declaration of conformity in the relevant website so that consumers can find such information, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 26 (Prohibition against Distribution, Use, etc. of Products subject to Supplier's Declaration of Conformity Without Mark of Supplier's Declaration of Conformity or Similar Mark)

(1)Any manufacturer, importer, distributor or rental business operator of products subject to the supplier's declaration of conformity shall neither sell or rent any product subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark, nor import, display, or store such product for the purpose of selling or renting such product.

(2)Any sales broker or import agent of products subject to the supplier's declaration of conformity shall not act as a sales broker (excluding cases where a mail order broker defined by the Act on the Consumer Protection in Electronic Commerce, Etc. removes a product without the mark of the supplier's declaration of conformity or a similar mark immediately when he/she finds such product from the cyber mall operated by the person and requires persons requesting mail order brokerage to enter information about the mark of the supplier's declaration of conformity or a similar mark when they register commodities, while taking technical measures to ensure that consumers can find such information) or import agent of products subject to safety verification without the mark of the supplier's declaration of conformity or a similar mark.

(3)No person referred to in any subparagraph of Article 25 (3) 4 through 6 shall use a product subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark.

Article 27 (Prohibition against Use of Mark of Supplier's Declaration of Conformity or Similar Mark)

(1)In any of the following cases, the Minister of Trade, Industry and Energy may issue an order to forbid a manufacturer or an importer of the products subject to the supplier's declaration of conformity from using the mark of the supplier's declaration of conformity or a similar mark for a specified period of up to six months or to take measures for improvement, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That an order shall be issued to forbid such

manufacturer or importer from using the mark of the supplier's declaration of conformity or a similar mark in cases falling under subparagraph 1:

- 1.If it is found that a manufacturer or an importer has made or reported the supplier's declaration of conformity by fraud or other improper means;
- 2.If a product subject to the supplier's declaration of conformity fails to conform to the safety standards under Article 23 (3);
- 3.If a manufacturer or an importer fails to put the mark of the supplier's declaration of conformity or a similar mark or fraudulently puts such mark;
- 4.If a manufacturer or an importer violates an order issued under Article 40 (3) or (8).

(2)When the Minister of Trade, Industry and Energy issues an order to forbid a person from using the mark of the supplier's declaration of conformity or a similar mark or to take measures for improvement under paragraph (1), he/she shall publicly announce such fact, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

CHAPTER V SAFETY CONTROL OF CONSUMER PRODUCTS SUBJECT TO COMPLIANCE WITH SAFETY STANDARDS

Article 28 (Consumer Products subject to Compliance with Safety Standards)

A manufacturer or an importer of products subject to compliance with safety standards shall comply with the safety standards determined and publicly notified by the Minister of Trade, Industry and Energy in manufacturing or importing consumer products subject to compliance with safety standards: Provided, That safety standards may be applied, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, if there are no safety standards publicly notified for a specific consumer product subject to compliance with safety standards or if it is impracticable to apply the safety standards publicly notified to a specific consumer product subject to compliance with safety standards.

Article 29 (Marking of Products subject to Compliance with Safety Standards)

- (1)A manufacturer or an importer of consumer products subject to compliance with safety standards shall put the mark specified in the safety standards under Article 28 on the products subject to compliance with safety standards or packages of such products, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (2)A person referred to in either of the following subparagraphs shall not alter or remove the mark of a consumer product subject to compliance with safety standards under paragraph (1), without permission:
 - 1.A manufacturer, an importer or an import agent of consumer products subject to compliance with safety standards;
 - 2.A distributor or a sales broker of consumer products subject to compliance with safety standards.

Article 30 (Prohibition of Distribution, Use, etc. of Consumer Products subject to Compliance with Safety Standards with No Proper Marking)

A manufacturer, importer or distributor of consumer products subject to compliance with safety standards shall neither sell or rent any consumer product subject to compliance with safety standards without the mark specified in Article 29 (1), nor import, display, or store such product for the purpose of selling or renting such product.

Article 31 (Order to Improve Marking of Consumer Products subject to Compliance with Safety Standards)

- (1)In either of the following cases, the Minister of Trade, Industry and Energy may order a

manufacturer or an importer of consumer products subject to compliance with safety standards to make improvements within a specified period of not more than six months, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:

- 1.If any consumer product subject to compliance with safety standards does not meet the safety standards under Article 28;
 - 2.If a manufacturer or an importer fails to put the mark specified in Article 29 (1) or fraudulently puts such mark.
- (2)When the Minister of Trade, Industry and Energy issues an order for improvement under paragraph (1), he/she shall publicly announce such fact, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

CHAPTER VI SAFETY CONTROL OF CONSUMER PRODUCTS SUBJECT TO CHILD PROTECTIVE PACKAGING

Article 32 (Reporting of Consumer Products subject to Child Protective Packaging, etc.)

- (1)A manufacturer or an importer who produces or imports consumer products subject to child protective packaging shall use child protective packaging materials for such products: Provided, the foregoing shall not apply to the products approved by the Minister of Trade, Industry and Energy, from among the following products:
- 1.Products produced or imported for the purpose of selling them to manufacturers;
 - 2.Products produced or imported for the purpose of research and development or exportation.
- (2)When a manufacturer or an importer of consumer products subject to child protective packaging uses child protective packaging materials in accordance with the main sentence of paragraph (1), it shall report the details thereof for each model of consumer products subject to child protective packaging to the Minister of Trade, Industry and Energy. The same procedure shall also apply where it is intended to make a change in any of the reported matters.
- (3)The Minister of Trade, Industry and Energy shall determine and publicly notify safety standards applicable to consumer products subject to child protective packaging.

Article 33 (Marking, etc. of Child Protective Packaging)

- (1)If a manufacturer or an importer of consumer products subject to child protective packaging has filed a report in accordance with Article 32 (2), it shall put a mark indicating that child protective packaging materials are used on the relevant consumer products subject to child protective packaging and packaging materials of such products (hereinafter referred to as "mark of child protective packaging"), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (2)No person shall put the mark of child protective packaging or any similar mark or label on any consumer product subject to child protective packaging and packages of such product without filing a report in accordance with Article 32 (2).

Article 34 (Restriction on Sales, etc.)

A manufacturer, importer or distributor of consumer products subject to child protective packaging shall neither sell any consumer product subject to child protective packaging without the mark of child protective packaging, nor import, display or store such product for the purpose of selling it.

CHAPTER VII SPECIAL PROVISIONS, ETC. CONCERNING BUYING SERVICES AND PARALLEL IMPORTATION

Article 35 (Special Provisions concerning Buying Services)

Notwithstanding Articles 10 (2) and 19 (2), a buying agent may provide buying services for any of the following products:

1. Products specified by Ordinance of the Ministry of Trade, Industry and Energy, among products subject to safety certification but without the safety certification mark or a similar mark, considering the usage, the degree of hazard, etc. of such products;
2. Products specified by Ordinance of the Ministry of Trade, Industry and Energy, among electrical appliances subject to safety verification but without the safety verification mark or a similar mark, considering the usage, the degree of hazard, etc. of such products;
3. Consumer products subject to safety verification but without the safety verification mark or a similar mark.

Article 36 (Duty, etc. of Notification by Buying Agents)

(1) A buying agent shall give notice of the following information (referring to notice posted on the relevant website in cases of buying services provided through the Internet) to buyers (hereinafter referred to as "notice concerning buying services"), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:

1. The fact that the relevant products are distributed through buying services;
2. The fact that the relevant products are subject to safety control under this Act;
3. Information about the marking of safety certification or reporting of safety verification of the relevant product;
4. Other facts specified by Ordinance of the Ministry of Trade, Industry and Energy as those deemed necessary for consumer safety.

(2) When a buying agent becomes aware that a defect in any product provided through buying services or any product identical to such product caused or is likely to cause harm or damage to the life, body or property of a consumer, the buying agent shall discontinue buying services for such product.

(3) Matters necessary for the criteria, procedure, etc. for the discontinuance of buying services under paragraph (2) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 37 (Order to Discontinue Buying Services for Products Eligible for Buying Services)

(1) When the Minister of Trade, Industry and Energy finds that a defect in any product provided through buying services or any product identical to such product caused or is likely to cause harm or damage to the life, health or property of a consumer, he/she may order the relevant buying agent to discontinue buying services for such product.

(2) Matters necessary for the order to discontinue buying services under paragraph (1) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 38 (Duty of Parallel Importers to Put Labels, etc.)

(1) Where a person imports products subject to safety certification, safety verification or the supplier's declaration of conformity or exempted from safety certification, the reporting of safety verification, the supplier's declaration of conformity or the reporting of the supplier's declaration of conformity under subparagraph 7 of Article 6, subparagraph 6 of Article 16 or subparagraph 4 of Article 24, through parallel importation, such person shall put a label of the following facts (hereinafter referred to

as "label of parallel importation") on such products or packages of such products and shall give notice of the following information (referring to notice posted on the relevant website if such products are sold through the Internet) to buyers, if such person sells the products (including cases where such person sells the products through the Internet):

1. The fact that the relevant products were imported through parallel importation;
2. The fact that the relevant products are subject to safety control under this Act;
3. Other facts specified by Ordinance of the Ministry of Trade, Industry and Energy as those deemed necessary for consumer safety.

(2) No person shall put a label of parallel importation on any product not imported through parallel importation, from among products subject to safety certification, safety verification or the supplier's declaration of conformity.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 39 (Restriction on Sales by Age Eligible for Use)

If the safety standards established under this Act specify the minimum age of children who are sensible enough to use specific products subject to safety control, no distributor shall sell such products to children who do not meet the standards.

Article 40 (Order to Improve, Destroy, or Collect Products subject to Safety Control or to Suspend Sales of such Products, etc.)

(1) In any of the following cases, a Mayor/Do Governor may issue an order to any manufacturer, importer, distributor, rental business operator, or commercial user (referring to a person who falls within Article 9 (3) 6, 18 (3) 6, or 25 (3) 6; hereafter in this Article, the same shall apply), sales broker, buying agent, or import agent of products subject to safety certification to improve, destroy, or collect any product subject to safety certification or suspend sales of such product (hereinafter referred to as "suspend sales or take other required measure") within a specified period, as prescribed by Presidential Decree:

1. If a product subject to safety certification has no safety certification under Article 5 (1);
2. If a product subject to safety certification has no revised certification under the main sentence of Article 5 (2);
3. If a product subject to safety certification fails to meet the safety standards under Article 5 (3) (referring to the standards that have been applied to the safety certification issued under the proviso to the aforesaid paragraph; including cases to which the standards shall be applied mutatis mutandis pursuant to Article 8 (2)) or the standards for factory assessment;
4. If a product subject to safety certification has not undergone the safety inspection under Article 8 (1);
5. If a person has not put the safety certification mark or a similar mark on a products subject to safety certification, in violation of Article 9 (1), despite the fact that the safety of the product was certified;
6. If a person puts the safety certification mark or a similar mark, in violation of Article 9 (2);
7. If a person alters or removes the safety certification mark or a similar mark, without permission, in violation of Article 9 (3);
8. If a person sells or rents a product subject to safety certification without the safety

- certification mark or a similar mark or imports, displays, or stores such product, in violation of Article 10 (1), for the purpose of selling or renting the product;
- 9.If a person acts as a sales broker or import agent for a product subject to safety certification without the safety certification mark or a similar mark, in violation of Article 10 (2) (excluding cases where a person acts as a buying agent pursuant to Article 35 (1));
- 10.If a person uses a product subject to safety certification without the safety certification mark or a similar mark, in violation of Article 10 (3).
- (2)In any of the following cases, a Mayor/Do Governor may order any manufacturer, importer, distributor, rental business operator, commercial user, sales broker, buying agent or import agent of products subject to safety verification to suspend sales of any product subject to safety verification or to take other required measures for a specified period, as prescribed by Presidential Decree:
- 1.If a person fails to file a report in accordance with Article 15 (1);
- 2.If a person fails to file a revised report in accordance with the main sentence of Article 15 (2);
- 3.If a product subject to safety verification fails to meet the safety standards under Article 15 (3) (referring to the standards that have been applied to tests conducted for safety verification under the proviso to the aforesaid paragraph; including cases to which the standards shall be applied mutatis mutandis pursuant to Article 17 (2));
- 4.If a product subject to safety verification has not undergone the safety inspection under Article 17 (1);
- 5.If a person has not put the safety verification mark or a similar mark, in violation of Article 18 (1);
- 6.If a person puts the safety verification mark or any similar mark or label, in violation of Article 18 (2);
- 7.If a person alters or removes the safety verification mark or a similar mark, without permission, in violation of Article 18 (3);
- 8.If a person sells or rents a product subject to safety verification without the safety verification mark or a similar mark or imports, displays or stores such products for the purpose of selling or renting the product, in violation of Article 19 (1);
- 9.If a person acts as a sales broker, buying agent or import agent for a product subject to safety verification without the safety verification mark or a similar mark (excluding cases where a person acts as a buying agent pursuant to subparagraph 2 or 3 of Article 35), in violation of Article 19 (2);
- 10.If a person uses a product subject to safety verification without the safety verification mark or a similar mark, in violation of Article 19 (3).
- (3)In any of the following cases, a Mayor/Do Governor may order any manufacturer, importer, distributor, rental business operator, commercial user, sales broker, buying agent or import agent of products subject to the supplier's declaration of conformity to suspend sales of any product subject to the supplier's declaration of conformity or to take other required measures for a specified period, as prescribed by Presidential Decree:
- 1.If a person fails to make a supplier's declaration of conformity;
- 2.If a product subject to the supplier's declaration of conformity fail to meet the safety

- standards under Article 23 (3) (referring to the standards applicable to the supplier's declaration of conformity under the proviso to the aforesaid paragraph, if a product falls under the proviso to the aforesaid paragraph);
- 3.If a person fails to put the mark of the supplier's declaration of conformity or a similar mark, in violation of Article 25 (1);
 - 4.If a person puts the mark of the supplier's declaration of conformity or any similar mark or label, in violation of Article 25 (2);
 - 5.If a person alters or removes the mark of the supplier's declaration of conformity or a similar mark, without permission, in violation of Article 25 (3);
 - 6.If a person sells or rents a product subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark or imports, displays or stores such products for the purpose of selling or renting the product, in violation of Article 26 (1);
 - 7.If a person acts as a sales broker or import agent for a product subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark, in violation of Article 26 (2);
 - 8.If a person uses a product subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark, in violation of Article 26 (3).
- (4)In any of the following cases, a Mayor/Do Governor may order any manufacturer, importer, distributor, rental business operator, commercial user, sales broker or import agent of consumer products subject to compliance with safety standards to suspend sales of any consumer product subject to compliance with safety standards or to take other required measures for a specified period, as prescribed by Presidential Decree:
- 1.If any consumer product subject to compliance with safety standards does not meet the safety standards under Article 28 (referring to the standards under the proviso to the aforesaid Article, if the standards are applicable);
 - 2.If a person fails to put the mark specified in Article 29 (1) or fraudulently puts such mark;
 - 3.If a person alters or removes the mark of a consumer product subject to compliance with safety standards, in violation of Article 29 (2);
 - 4.If a person sells any consumer product subject to compliance with safety standards without the mark specified in Article 29 (1), or imports, displays or stores such consumer product, in violation of Article 30.
- (5)In any of the following cases, a Mayor/Do Governor may order any manufacturer, importer, distributor, rental business operator, commercial user, sales broker, buying agent or import agent of consumer products subject to child protective packaging to suspend sales of any consumer product subject to child protective packaging to take other required measures for a specified period, as prescribed by Presidential Decree:
- 1.If any consumer product subject to child protective packaging is not packaged with child protective packaging materials, in violation of Article 32 (1);
 - 2.If a person fails to file a report or a revised report in accordance with Article 32 (2);
 - 3.If a person produces or imports any consumer product subject to child protective packaging not conforming to the safety standards under Article 32 (3);

- 4.If a person fails to put the mark of child protective packaging, in violation of Article 33 (1);
 - 5.If a person uses the mark of child protective packaging or any similar mark or label, in violation of Article 33 (2);
 - 6.If a person sells any consumer product subject to child protective packaging without the mark of child protective packaging or imports, displays or stores such product for the purpose of selling the product in violation of Article 34.
 - (6)If any manufacturer, importer, distributor, rental business operator, commercial user, sales broker, buying agent, or import agent of products subject to safety control fails to comply with an order issued to suspend sales or to take other required measures under paragraphs (1) through (5), the relevant Mayor/Do Governor may authorize public officials of the City/Do to destroy or collect the relevant products subject to safety control, as prescribed by Presidential Decree. Expenses incurred in such cases shall be borne by the relevant manufacturer, importer, distributor, rental business operator, commercial user, sales broker, buying agent or import agent of products subject to safety control.
 - (7)Public officials who perform the act of destruction or collection of products subject to safety control under paragraph (6) shall carry a certificate indicating their authority and present it to relevant persons.
 - (8)If a Mayor/Do Governor deems it impracticable to prevent hazards caused by products subject to safety control only by suspending sales of such products or taking other measures under paragraphs (1) through (6), he/she may order the relevant manufacturer, importer, distributor, rental business operator, commercial user, sales broker, buying agent, or import agent of such products to perform the following actions, as prescribed by Presidential Decree:
 - 1.Public disclosure of the fact that the person has been ordered to suspend sales or to take other measures;
 - 2.Exchange, refund or repair of the relevant product subject to safety control;
 - 3.Other measures that the Mayor/Do Governor deems necessary for preventing hazards.
- Article 41 (Reporting, Inspection, etc.)
- (1)If the Minister of Trade, Industry and Energy or a Mayor/Do Governor deems necessary for safety control of products, he/she may require any of the following persons to submit a report on the production, importation, distribution, rental, use, etc. of the relevant products or may authorize public officials of the Ministry or City/Do to enter any office, factory, place of business, store, warehouse, or other necessary places to inspect manufacturing facilities, inspection facilities, products, documents, books of accounts, and other articles, or ask questions to interested persons:
 - 1.A manufacturer, an importer or an import agent of products subject to safety control;
 - 2.A distributor, a sales broker or a buying agent of products subject to safety control;
 - 3.A rental business operator of products subject to safety control;
 - 4.A person who produces products by using products subject to safety control as components or parts;
 - 5.Any of the following persons who use electrical appliances subject to safety control:
 - (a)An electric utility business operator defined in subparagraph 2 of Article 2 of the

Electric Utility Act;

(b)A person who builds electric installations for private use as defined in subparagraph 19 of Article 2 of the Electric Utility Act;

(c)A constructor defined in subparagraph 3 of Article 2 of the Electrical Construction Business Act;

6.A person who uses consumer products subject to safety control for commercial purposes.

(2)When the Minister of Trade, Industry and Energy or a Mayor/Do Governor intends to conduct an inspection under paragraph (1) (including an inquiry; hereafter in this Article, the same shall apply), he/she shall inform interested persons of the inspection plan, which shall include the following matters, by no later than seven days before the date of inspection: Provided, That the foregoing shall not apply to emergent cases or cases where it is deemed impracticable to attain the purpose of inspection, if prior notice is given, due to probable destruction of evidence, etc.:

1.Date and time of the inspection;

2.Reasons for the inspection;

3.Details of the inspection.

(3)Public officials who intend to enter a place to conduct an inspection under paragraph (1) shall carry a certificate indicating their authority and produce the certificate to interested persons; and public officials who enter an office or any other place shall present a document stating the following matters to interested persons:

1.Names of the public officials;

2.Time of entry;

3.Purposes of entry.

Article 42 (Request to Provide Information)

If the Minister of Trade, Industry and Energy deems necessary for safety control of products, he/she may request a Mayor/Do Governor to provide information on the following matters, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:

1.Matters concerning the suspension of sales, etc. under Article 40 (1) through (6);

2.Matters concerning the reporting, inspection, and inquiry under Article 41;

3.Matters concerning the imposition of administrative fines under Article 51.

Article 43 (Fees)

(1)Any of the following persons shall pay fees, as prescribed by Presidential Decree:

1.A person who wishes to be designated as a safety certification agency under Article 4 (1);

2.A person who wishes to obtain a safety certification under Article 5 (1);

3.A person who wishes to obtain a revised certification under Article 5 (2);

4.A person who wishes to be fully or partially exempted from safety certification under subparagraph 1 of Article 6;

5.A person who intends to undergo a periodic inspection for products subject to safety certification under Article 7 (1);

6.A person who intends to undergo a safety inspection for electrical appliances subject to safety certification under Article 8 (1);

7. A person who wishes to be designated as a testing agency for safety verification under Article 14 (1);
8. A person who intends to undergo a test for safety verification or file a safety verification report under Article 15 (1);
9. A person who intends to file a revised report on safety verification under Article 15 (2);
10. A person who wishes to obtain confirmation on full or partial exemption from the duty to file a safety verification report under subparagraph 1 of Article 16;
11. A person who intends to undergo a safety inspection for electrical appliances subject to safety verification under Article 17 (1);
12. A person who intends to file a report or a revised report on the supplier's declaration of conformity under Article 23 (2);
13. A person who wishes to obtain confirmation on exemption from the supplier's duty of declaration of conformity or from the supplier's duty to file a report on the declaration of conformity under subparagraph 1 of Article 24;
14. A person who intends to file a report or a revised report on consumer products subject to child protective packaging under Article 32 (2).

(2) Any of the following persons shall pay fees, as prescribed by municipal ordinance of the relevant City/Do within the limits specified by Presidential Decree:

1. A person who wishes to obtain confirmation on full or partial exemption from safety certification under subparagraph 2 of Article 6;
2. A person who wishes to obtain confirmation on full or partial exemption from the duty to file a safety verification report under subparagraph 2 of Article 16;
3. A person who wishes to obtain confirmation on exemption from the supplier's duty of declaration of conformity or from the supplier's duty to report on the declaration of conformity under subparagraph 2 of Article 24.

Article 44 (Hearings)

When the Minister of Trade, Industry and Energy intends to take any of the following actions, he/she shall hold hearings:

1. Revocation of the designation of a safety certification agency or the suspension of business operations of a safety certification agency under Article 12 (1);
2. Revocation of the designation of a testing agency for safety verification or the suspension of business operations of a testing agency for safety verification under Article 21 (1).

Article 45 (Delegation and Entrustment of Authority, etc.)

- (1) The authority of the Minister of Trade, Industry and Energy under this Act may be partially delegated to each Mayor/Do Governor or the head of an agency affiliated with the Ministry, as prescribed by Presidential Decree.
- (2) The administrative affairs assigned to the Minister of Trade, Industry and Energy under this Act may be partially entrusted to the head of an institution or organization engaged in any business related to safety control of products, as prescribed by Presidential Decree.
- (3) A Mayor/Do Governor may partially re-delegate the authority delegated by the Minister of Trade, Industry and Energy under paragraph (1) to the head of a Si/Gun/Gu (Gu

means an autonomous Gu) with approval by the Minister of Trade, Industry and Energy.

(4)When a Mayor/Do Governor re-delegates the authority under paragraph (3), he/she shall publicly notify the re-delegation.

Article 46 (Incorporation of Results of Assessment of Hazards)

The Minister of Trade, Industry and Energy shall incorporate the results of the assessments of hazards of chemicals, which the Minister of Environment shall conduct under Article 19 of the Act on Registration, Evaluation, etc. of Chemicals, into the safety standards for the products subject to safety control.

Article 47 (Safety Control of Raw Materials for Products subject to Safety Control)

In order to ensure the safety of ingredients, raw materials and substances (hereinafter referred to as "raw materials") used to produce products subject to safety control, the Minister of Trade, Industry and Energy may take the following measures:

1. Surveys, analyses and research necessary for safety control of raw materials, including the examination of hazards of raw materials;
2. Guidance, supervision and assistance to manufacturers, importers, etc. of raw materials or products subject to safety control;
3. Other measures prescribed by Presidential Decree for safety control of raw materials.

Article 48 (Legal Fiction as Public Officials in Application of Penalty Provisions)

Any of the following persons shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act:

1. Members who are not public officials, among members of the Committee;
2. Executive officers and employees engaged in safety certification in a safety certification agency;
3. Executive officers and employees engaged in testing for safety verification in a testing agency for safety verification;
4. Executive officers and employees of an institution or organization performing administrative affairs entrusted under Article 45 (2).

CHAPTER IX PENALTY PROVISIONS

Article 49 (Penalty Provisions)

(1)Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won:

1. A person who has been designated as a safety certification agency by fraud or other improper means and conducts safety certifications or safety inspections;
2. A person who conducts safety certifications or safety inspections without being designated as a safety certification agency;
3. A person who obtains a safety certification under Article 5 (1) by fraud or other improper means;
4. A person who produces or imports a product subject to safety certification without obtaining a safety certification, in violation of Article 5 (1);
5. A person who has not obtained a revised certification, in violation of the main sentence of Article 5 (2);
6. A person who issues a safety certification, in violation of safety standards or standards for factory assessment under Article 5 (3);

7. A person who has undergone a safety inspection under Article 8 (1) by fraud or other improper means;
8. A person who imports electrical appliances subject to safety certification without undergoing a safety inspection, in violation of Article 8 (1);
9. A person who conducts a safety inspection, in violation of standards for safety inspection under Article 8 (2);
10. A person who puts the safety certification mark or any similar mark or label, in violation of Article 9 (2);
11. A person who sells or rents any electrical appliance subject to safety certification without the safety certification mark or a similar mark, or imports, displays, or stores such electrical appliances for the purpose of selling or renting such electrical appliance, in violation of Article 10 (1);
12. A person who acts as a sales broker, a buying agent or an import agent for electrical appliances subject to safety certification without the safety certification mark or a similar mark, in violation of Article 10 (2) (excluding a person who acts as a buying agent under subparagraph 1 of Article 35);
13. A person who continues safety certifications or safety inspections after the person has the designation as a safety certification agency revoked or during the period of suspension of business operations under Article 12 (1);
14. A person who has been designated as a testing agency for safety verification by fraud or other improper means and conducts tests for safety verification or safety inspections;
15. A person who conducts tests for safety verification or safety inspections without being designated as a testing agency for safety verification;
16. A person who files a safety verification report by fraud or other improper means;
17. A person who produces or imports products subject to safety verification without filing a safety verification report, in violation of Article 15 (1);
18. A person who has not filed a revised report on safety verification, in violation of the main sentence of Article 15 (2);
19. A person who conducts a test for safety verification, in violation of safety standards under Article 15 (3);
20. A person who undergoes a safety inspection under Article 17 (1) by fraud or other improper means;
21. A person who imports any electrical appliance subject to safety verification without undergoing a safety inspection, in violation of Article 17 (1);
22. A person who conducts a safety inspection, in violation of standards for safety inspection under Article 17 (2);
23. A person who puts the safety verification mark or any similar mark or label, in violation of Article 18 (2);
24. A person who sells or rents any electrical appliance subject to safety verification without the safety verification mark or a similar mark or imports, displays or stores such electrical appliance for the purpose of selling or renting the electrical appliance, in violation of Article 19 (1);
25. A person who acts as a sales broker, a buying agent or an import agent for electrical

- appliances subject to safety verification without the safety verification mark or a similar mark, in violation of Article 19 (2) excluding a person who acts as a buying agent under subparagraph 2 of Article 35);
26. A person who continues tests for safety verification after the person has the designation as a safety certification agency revoked, or during the period of suspension of business operations under Article 21 (1);
 27. A person who makes the supplier's declaration of conformity by fraud or other improper means;
 28. A person who produces or imports products subject to the supplier's declaration of conformity without making the supplier's declaration of conformity, in violation of Article 23 (1);
 29. A person who puts the mark of the supplier's declaration of conformity, etc., or label, in violation of Article 25 (2);
 30. A person who sells or rents any electrical appliance subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark or imports, displays or stores such electrical appliance for the purpose of selling or renting the electrical appliance, in violation of Article 26 (1);
 31. A person who acts as a sales broker or an import agent for electrical appliances subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark, in violation of Article 26 (2);
 32. A person who puts the mark of child protective packaging or any similar mark or label, in violation of Article 33 (2);
 33. A person who acts as a buying agent, in violation of an order issued to forbid the person from providing buying services under Article 37 (1);
 34. A person who fails to comply with an order issued under any paragraph of Article 40 (1) through (5) or (8).
- (2) Any of the following persons 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 alters or removes the safety certification mark or a similar mark, without permission, in violation of Article 9 (3);
 2. A person who alters or removes the safety verification mark or a similar mark, without permission, in violation of Article 18 (3);
 3. A person who alters or removes the mark of the supplier's declaration of conformity or a similar mark, without permission, in violation of Article 25 (3).
- (3) Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won:
1. A person who is exempted from safety certification under Article 6 by fraud or other improper means;
 2. A person who uses an electrical appliance subject to safety certification without the safety certification mark or a similar mark, in violation of Article 10 (3);
 3. A person who issues a safety certification, in violation of Article 11 (3);
 4. A person who is exempted from the duty to file a safety verification report under Article 16 by fraud or other improper means;
 5. A person who uses an electrical appliance subject to safety verification without the

- safety verification mark or a similar mark, in violation of Article 19 (3);
6. A person who is exempted from the supplier's duty of declaration of conformity or the supplier's duty to report on the declaration of conformity under Article 24 by fraud or other improper means;
 7. A person who uses an electrical appliance subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark, in violation of Article 26 (3);
 8. A person who fails to use child protective packaging materials for consumer products subject to child protective packaging, in violation of Article 32 (1);
 9. A person who sells consumer products subject to child protective packaging without the mark of child protective packaging or imports, displays or stores such products for the purpose of selling them, in violation of Article 34.

Article 50 (Joint Penalty Provisions)

If the representative of a corporation or an agent or employee of, or other persons employed by, a corporation or an individual commits an offense in violation of Article 49 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 specified in the relevant Article: Provided, That the foregoing 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 offense.

Article 51 (Administrative Fines)

- (1) Any of the following persons shall be subject to an administrative fine of not more than ten million won:
 1. A person who rejects, interferes with, or evades a periodic inspection under Article 7 (1);
 2. A person who sells or rents consumer products subject to safety certification without the safety certification mark or a similar mark or imports, displays or stores such products for the purpose of selling or renting them, in violation of Article 10 (1);
 3. A person who sells or rents consumer products subject to safety verification without the safety verification mark or a similar mark or imports, displays or stores such products for the purpose of selling or renting them, in violation of Article 19 (1);
 4. A person who files a report (or a revised report) on the use of child protective packaging under Article 32 (2);
 5. A person who fails to give notice concerning buying services, in violation of Article 36 (1);
 6. A person who fails to put a label of parallel importation or fails to give notice, in violation of Article 38 (1);
 7. A person who fails to submit a report under Article 41 (1) or submits a false report;
 8. A person who rejects, interferes with or evades an inspection or inquiry under Article 41 (1).
- (2) Any of the following persons shall be subject to an administrative fine of not more than 5 million won:
 1. A person who fails to conduct an internal inspection under Article 7 (2) or enters and preserves a false record of an internal inspection;
 2. A person who fails to put the safety certification mark or a similar mark, in violation of

- Article 9 (1);
3. A person who fails to publish information about safety certification, in violation of Article 9 (4);
 4. A person who acts as a sales broker, a buying agent or an import agent for consumer products subject to safety certification without the safety certification mark or a similar mark, in violation of Article 10 (2) (excluding cases where a person acts as a buying agent pursuant to Article 35 (1));
 5. A person who uses a consumer product subject to safety certification without the safety certification mark or a similar mark, in violation of Article 10 (3);
 6. A person who fails to keep documents demonstrating that the relevant products conform to safety standards, in violation of Article 15 (4), or who keeps false documents regarding such products;
 7. A person who fails to put the safety certification mark or a similar mark, in violation of Article 18 (1);
 8. A person who fails to publish information on safety verification, in violation of Article 18 (4);
 9. A person who acts as a sales broker, a buying agent or an import agent for consumer products subject to safety verification without the safety verification mark or a similar mark, in violation of Article 19 (2) (excluding persons who act as a buying agent under subparagraph 3 of Article 35);
 10. A person who uses a consumer product subject to safety verification without the safety verification mark or a similar mark, in violation of Article 19 (3);
 11. A person who produces or imports products subject to the supplier's declaration of conformity without filing a report or revised report on the supplier's declaration of conformity, in violation of Article 23 (2);
 12. A person who fails to keep documents demonstrating that the relevant products conform to safety standards, in violation of Article 23 (4), or who keeps false documents regarding such products;
 13. A person who fails to put the mark of the supplier's declaration of conformity or a similar mark, in violation of Article 25 (1);
 14. A person who fails to publish information about the supplier's declaration of conformity, in violation of Article 25 (4);
 15. A person who sells or rents consumer products subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark, or imports, displays or stores such consumer products for the purpose of selling or renting them, in violation of Article 26 (1);
 16. A person who acts as a sales broker or an import agent for consumer products subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark, in violation of Article 26 (2);
 17. A person who uses a consumer product subject to the supplier's declaration of conformity without the mark of the supplier's declaration of conformity or a similar mark, in violation of Article 26 (3);
 18. A person who fails to put the mark of a consumer product subject to compliance with safety standards, in violation of Article 29 (1);

19. A person who sells any consumer product subject to compliance with safety standards without any mark, or imports, displays or stores such product for the purpose of selling the product, in violation of Article 30;
 20. A person who fails to put the mark of child protective packaging, in violation of Article 33 (1);
 21. A person who puts a label of parallel importation on any product not imported through parallel importation in violation of Article 38 (2);
 22. A person who sells a product subject to safety control to a child who has not attained the minimum age eligible for the use of the product subject to safety control, in violation of Article 39.
- (3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Trade, Industry and Energy or each Mayor/Do Governor, as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Decree)

This Act shall enter into force six months after the date of its promulgation: Provided, That Articles 3 through 5 of the Addenda shall enter into force on the date of its promulgation.

Article 2 (Applicability to Imposition of Penalty Surcharges)

The amended provisions of Articles 13 and 22 shall also apply where an order is issued to suspend business operations after this Act enters into force on account of a violation committed before this Act enters into force.

Article 3 (Applicability to Buying Agents for Consumer Products)

The previous provisions of Articles 9 (4), 10 (2), 18 (4), 19 (2), 25 (2) and 26 (2) shall not apply to buying agents for consumer products before this Act enters into force.

<<Enforcement Date: Dec. 30, 2017>>

Article 4 (Applicability to Manufacturers and Importers of Consumer Products subject to Supplier's Declaration of Conformity)

The previous provisions of Article 23 (4) shall not apply to any manufacturer or importer of consumer products subject to the supplier's declaration of conformity until before this Act enters into force.

<<Enforcement Date: Dec. 30, 2017>>

Article 5 (Special Provisions concerning Publishing of Information about Consumer Products subject to Supplier's Declaration of Conformity)

Notwithstanding the previous provisions of Article 25 (4), the mark of the supplier's declaration of conformity need not be put on consumer products subject to the supplier's declaration of conformity until before this Act enters into force.

<<Enforcement Date: Dec. 30, 2017>>

Article 6 (General Transitional Measures)

- (1) Acts, including reports, done to an administrative agency under the previous provisions as at the time this Act enters into force shall be deemed done under relevant provisions of this Act.
- (2) Measures, procedures and other actions taken by an administrative agency, including revocation, prohibition of the use of a mark or label, orders for improvement,

proceedings and public announcements, under the previous provisions as at the time this Act enters into force shall be deemed taken or executed under relevant provisions of this Act.

Article 7 (Transitional Measures concerning Product Safety Deliberation Committee, etc.)

(1)The Product Safety Deliberation Committee existing as at the time this Act enters into force pursuant to the previous provisions of Article 3 shall be deemed the Product Safety Deliberation Committee established pursuant to the amended provisions of Article 3.

(2)The persons in service as the chairperson or members of the Product Safety Deliberation Committee as at the time this Act enters into force since they were elected, appointed or commissioned under the previous provisions of Article 3 (2) shall be deemed elected, appointed or commissioned as the chairperson or members of the Product Safety Deliberation Committee under the amended provisions of Article 3 (2); and the term of office of the commissioned members shall expire at the end of the term of office specified in the previous provisions of Article 3 (3).

Article 8 (Transitional Measure concerning Designation of Safety Certification Agencies)

The institutions designated as safety certification agencies under the previous provisions of Article 4 (1) as at the time this Act enters into force shall be deemed institutions designated as safety certification agencies under the amended provisions of Article 4 (1).

Article 9 (Transitional Measures concerning Safety Certification, etc.)

(1)The electrical appliances and consumer products the safety of which were certified under the previous provisions of Article 5 (1) as at the time this Act enters into force shall be deemed to have their safety certified under the amended provisions of Article 5 (1).

(2)The safety certifications amended under the previous provisions of Article 5 (2) as at the time this Act enters into force shall be deemed amended under the previous provisions of Article 5 (2).

(3)The electrical appliances and industrial products exempted from safety certification under the previous provisions of Article 6 as at the time this Act enters into force shall be deemed to be exempted from safety certification under the amended provisions of Article 6.

Article 10 (Transitional Measures concerning Periodic Inspections and Internal Inspections)

(1)The periodic inspections conducted under the previous provisions of Article 7 (1) before this Act enters into force shall be deemed conducted under the amended provisions of Article 7 (1).

(2)The internal inspections conducted under the previous provisions of Article 7 (2) before this Act enters into force shall be deemed conducted under the amended provisions of Article 7 (2).

Article 11 (Transitional Measure concerning Safety Inspections of Electrical Appliances subject to Safety Certification)

The electrical appliances subject to safety certification, which passed a safety inspection conducted under the previous provisions of Article 8 (1) before this Act enters into force,

shall be deemed to have passed a safety inspection conducted under the amended provisions of Article 8 (1).

Article 12 (Transitional Measure concerning Marking, etc.)

The safety certification mark or a similar mark, the safety verification mark or a similar mark, the mark of the supplier's declaration of conformity or a similar mark, or the mark of child protective packaging put in accordance with the previous provisions of Article 9 (1), 18 (1), 25 (1) or 29 (1) as at the time before this Act enters into force shall be deemed the safety certification mark or a similar mark, the safety verification mark or a similar mark, the mark of the supplier's declaration of conformity or a similar mark, or the mark of child protective packaging put in accordance with the amended provisions of Article 9 (1), 18 (1), 25 (1) or 33 (1).

Article 13 (Transitional Measure concerning Designation of Testing Agencies for Safety Verification, etc.)

The institutions designated as testing agencies for safety verification under the previous provisions of Article 14 (1) as at the time this Act enters into force shall be deemed designated as testing agencies for safety verification under the amended provisions of Article 14 (1).

Article 14 (Transitional Measures concerning Reporting of Safety Verification, etc.)

(1) If a safety verification report was filed for a product subject to safety verification in accordance with the previous provisions of Article 15 (1) before this Act enters into force, the safety verification report shall be deemed filed for the same product in accordance with the amended provisions of Article 15 (1).

(2) If a revised report was filed with respect to a safety verification report in accordance with the previous provisions of Article 15 (2) before this Act enters into force, the revised report shall be deemed filed in accordance with the amended provisions of Article 15 (2).

(3) If any electrical appliance or consumer product subject to safety verification was exempted from the reporting of safety verification under the previous provisions of Article 16 before this Act enters into force, such product shall be deemed to be exempted from the reporting of safety verification under the amended provisions of Article 16.

Article 15 (Transitional Measure concerning Safety Inspections of Electrical Appliances subject to Safety Verification)

The electrical appliances subject to safety verification, which passed a safety inspection conducted under the previous provisions of Article 17 (1) before this Act enters into force shall be deemed to have passed a safety inspection conducted under the amended provisions of Article 17 (1).

Article 16 (Transitional Measures concerning Supplier's Declaration of Conformity, etc.)

(1) If a supplier declared the conformity of any consumer product subject to the supplier's declaration of conformity in accordance with the previous provisions of Article 23 (1) before this Act enters into force, the conformity of such product shall be deemed declared by the supplier in accordance with the amended provisions of Article 23 (1).

(2) If a report on the supplier's declaration of conformity was filed for an electrical appliance in accordance with the previous provisions of Article 23 (2) before this Act

enters into force, it shall be deemed that the report on the supplier's declaration of conformity has been filed for the same electrical appliance in accordance with the amended provisions of Article 23 (2).

- (3) If a product subject to the supplier's declaration of conformity was exempted from the supplier's declaration of conformity or from the reporting of the supplier's declaration of conformity under the previous provisions of Article 24 before this Act enters into force, such product shall be deemed to be exempted from the supplier's declaration of conformity or from the reporting of the supplier's declaration of conformity under the amended provisions of Article 24.

Article 17 (Transitional Measures concerning Consumer Products subject to Child Protective Packaging)

- (1) If the Minister of Trade, Industry and Energy confirmed that a product was exempted from the use of child protective packaging under the previous proviso to Article 28 (1) before this Act enters into force, such product shall be deemed to be exempted from the use of child protective packaging under the amended proviso to Article 32 (1).
- (2) If a report or a revised report was filed for any consumer product subject to child protective packaging under the previous provisions of Article 28 (2) before this Act enters into force, such report or revised report shall be deemed filed under the amended provisions of Article 32 (2).

Article 18 (Transitional Measure concerning Administrative Actions)

The previous provisions shall apply to administrative actions taken against violations committed before this Act enters into force.

Article 19 (Transitional Measure concerning Penalty Provisions and Administrative Fines)

The previous provisions shall apply to penalties and administrative fines for violations committed before this Act enters into force.

PC Version

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