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## ACT ON THE PROMOTION OF SAVING AND RECYCLING OF RESOURCES

Wholly Amended by Act No. 6653, Feb. 4, 2002

Amended by Act No. 7023, Dec. 30, 2003

Act No. 7021, Dec. 30, 2003

Act No. 7296, Dec. 31, 2004

Act No. 7464, Mar. 31, 2005

Act No. 7778, Dec. 29, 2005

Act No. 7864, Mar. 3, 2006

Act No. 8852, Feb. 29, 2008

Act No. 8957, Mar. 21, 2008

Act No. 8948, Mar. 21, 2008

Act No. 9584, Apr. 1, 2009

Act No. 9685, May 21, 2009

Act No. 10389, Jul. 23, 2010

Act No. 10615, Apr. 28, 2011

Act No. 10893, Jul. 21, 2011

Act No. 11262, Feb. 1, 2012

Act No. 11690, Mar. 23, 2013

Act No. 11788, May 22, 2013

Act No. 12076, Aug. 13, 2013

Act No. 12319, Jan. 21, 2014

Act No. 13036, Jan. 20, 2015

Act No. 14230, May 29, 2016

Act No. 14532, Jan. 17, 2017

Act No. 15101, Nov. 28, 2017

## CHAPTER I GENERAL PROVISIONS

## Article 1 (Purpose)

The purpose of this Act is to contribute to the preservation of the environment and sound development of the national economy by facilitating the use of recycled resources by means of controlling the generation of wastes and facilitating recycling.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 10615, Apr. 28, 2011; Act No. 12319, Jan. 21, 2014>

1. Deleted; <by Act No. 15101, Nov. 28, 2017>

2. The term "recyclable resources" means products or by-products collected after being disposed of in an used or unused state, which are reusable or reusable after reconditioning (including recoverable energy and waste heat, but excluding radioactive substances and substances contaminated by radioactive substances);

3. The term "by-products" means things produced incidentally in the processes of manufacturing, processing, repairing or selling products, supplying energy, or performing civil and construction works;

4. The term "designated by-products" means by-products prescribed by Presidential Decree, full or partial recycling of which is particularly necessary for efficiently using such resources;

5. The term "recycling" means recycling defined in subparagraph 7 of Article 2 of the Wastes Control Act;
6. The term "reuse" means re-using recyclable resources as they are or after repairing or making them re-usable for production activities;
7. The term "use after regeneration" means fully or partially re-using recyclable resources as raw materials or making them re-usable;
8. The term "energy recovery" means recovering energy from recyclable resources in accordance with the standards referred to in subparagraph 7 of Article 2 of the Wastes Control Act (hereinafter referred to as "standards for energy recovery") or converting them into energy-recoverable substances;
- 8-The term "waste-to-energy" means energy recovered from wastes, such as solid fuels and syngas from wastes, or converted materials from which energy can be recovered, which are prescribed by Ordinance of the Ministry of Environment;
9. The term "recycled products" means products prescribed by Ordinance of the Ministry of Environment, which are produced by using recyclable resources;
10. The term "recycling facilities" means installations, equipment, facilities, etc. prescribed by Ordinance of the Ministry of Environment, which are used to manufacture, process, assemble, repair, collect, transport, and keep recyclable resources or recycled products;
11. The term "recycling industries" means industries prescribed by Presidential Decree, which manufacture, process, assemble, repair, collect, transport, and keep recyclable resources or recycled products, or conduct the research and development of recycling technology;
12. The term "wastes" means wastes defined in subparagraph 1 of Article 2 of the Wastes Control Act;
13. The term "bulky wastes" means wastes prescribed by Presidential Decree, which are separately measurable and the name of the article is identifiable, such as furniture and household electric appliances discharged from homes, workplaces, etc.;
14. The term "packing materials" means materials, containers, etc. used to pack products for protecting their value and condition, and preserving their quality in the processes of transportation, keeping, handling, and use;
15. The term "disposable products" means products prescribed by Presidential Decree, which are designed to be used once for the same purpose;
16. The term "products made of biodegradable resin" means products prescribed by Ordinance of the Ministry of Environment, which has obtained a certification of eco-label under Article 17 of the Environmental Technology and Industry Support Act, or which satisfies the standards for certification of articles subject to certification;
17. The term "products subject to improvement of the quality of materials and structure" means products prescribed by Presidential Decree, the full or partial recycling of which is particularly necessary for efficiently using such resources as they are collected after being disposed of in a used or unused state, and the structure or quality of materials of which needs to be improved to make the products easily recyclable.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 2-2 Deleted. <by Act No. 15101, Nov. 28, 2017>

## Article 3 (Relation with Other Acts and Subordinate Statutes)

The Framework Act on Resources Circulation and the Wastes Control Act shall apply to the saving of resources, the control of generation and recycling of wastes, except as otherwise provided for in this Act. <Amended by Act No. 15101, Nov. 28, 2017>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Articles 4 through 7 Deleted. <by Act No. 15101, Nov. 28, 2017>

## CHAPTER II FACILITATION OF SAVING AND RECYCLING OF RESOURCES, ETC.

## SECTION 1 Saving of Resources, Control of Generation of Wastes, etc.

## Article 8 (Saving of Resources, etc.)

- (1) The Government may recommend matters necessary for the saving of resources, control of generation of wastes and recycling of wastes to producers and consumers or guide them.
- (2) The ministers of competent ministries may request the heads of the relevant central administrative agencies to cooperate in the dissemination of equipment and technology for saving of resources and control of generation of wastes.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 8-2 Deleted. <by Act No. 15101, Nov. 28, 2017>

## Article 9 (Control of Generation of Packing Wastes)

- (1) A person who manufactures, imports or sells products (hereinafter referred to as "manufacturer, etc.") shall comply with any of the following matters to control the generation of packing wastes of the products prescribed by Presidential Decree and to facilitate the recycling of packing wastes: <Amended by Act No. 15101, Nov. 28, 2017>
  1. Standards for the quality of packing materials and packing methods of packing (referring to the rate of a packing space and the number of packing; hereinafter the same shall apply);
  2. Standards for annual reduction of packing materials made of synthetic resin (excluding products made of biodegradable resin; the same shall apply hereafter in this Article).
- (2) The Minister of Environment shall establish detailed standards for the quality of packing materials of products, packing methods and standards for annual reduction of packing materials made of synthetic resin under paragraph (1), by Ordinance of the Ministry of Environment, in consultation with the competent minister.
- (3) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) may order a manufacturer, etc. found to have violated standards referred to in paragraphs (1) and (2) as a result of a measurement in the simplified measurement method publicly notified by the Minister of Environment, to undergo an inspection on the packing method of products and the quality of packing materials, by a specialized institute prescribed by Ordinance of the Ministry of Environment, within a period set by Ordinance of the Ministry of Environment. <Amended by Act No. 12319, Jan. 21, 2014; Act No. 15101, Nov. 28, 2017>
- (4) The Minister of Environment shall advise manufacturers, etc. to indicate the packing method and the quality of packing materials on the surface of packing, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

## Article 9-2 (Improvement, etc. of Quality and Structure of Packing Materials)

The Minister of Environment shall determine and publicly notify standards for improvement, etc. of the quality and structure of packing materials, to ease the recycling of such materials, and producers obligated to recycle under Article 16 (1) shall comply with such standards.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 10 (Control, etc. of Use of Disposable Products)

(1) A business operator who runs any of the following facilities or types of business shall control the use of disposable products and shall not provide disposable products free of charge: Provided, that disposable products made of biodegradable resin may be provided free of charge: <Amended by Act No. 12076, Aug. 13, 2013>

1. Meal service facilities under subparagraph 12 of Article 2 of the Food Sanitation Act or food service businesses under Article 36 (1) 3 of the same Act;
2. Types of business engaged in food manufacturing or processing, specified by Presidential Decree under Article 36 (1) 1 of the Food Sanitation Act;
3. Public bath business under Article 2 (1) 3 of the Public Health Control Act;
4. Superstores under subparagraph 3 of Article 2 of the Distribution Industry Development Act;
5. Sports facilities under subparagraph 1 of Article 2 of the Installation and Utilization of Sports Facilities Act;
6. Other facilities or types of business specified by Presidential Decree, which are deemed to need to control the use of disposable products.

(2) Notwithstanding the main sentence of paragraph (1), disposable products may be used or provided free of charge in any of the following cases: <Newly Inserted by Act No. 12076, Aug. 13, 2013>

1. Where foods are provided, sold or delivered to customers for consumption at places other than meal service facilities or food service business places;
2. Where foods are sold through vending machines;
3. Where foods are provided to condolers attending funeral rites (excluding cases where foods are provided at places equipped with cooking facilities and washing facilities as prescribed by Presidential Decree);
4. Other cases prescribed by Presidential Decree.

(3) Disposable products that business operators running the facilities or types of business referred to in paragraph (1) shall refrain from using and shall not provide free of charge, and detailed matters to be observed shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 12076, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 10-2 (Usage of Sales Proceeds of Disposable Bags or Shopping Bags)

A business operator who sells disposable bags or shopping bags pursuant to Article 10 shall endeavor to use the sales proceeds for any of the following purposes: <Amended by Act No. 12076, Aug. 13, 2013>

1. Cash refunds for customers who return used disposable bags or shopping bags;
2. Cash discounts for customers who use shopping baskets;
3. Producing and supplying shopping baskets;
4. Promotion of controlling the use of disposable products;

5. Making up for losses incurred from cash refunds and cash discounts which have totaled more than the proceeds of disposable bags or shopping bags sold during the preceeding year;
6. Other activities determined by the Minister of Environment for preservation of the environment.

[This Article Newly Inserted by Act No. 8427, May 11, 2007]

Article 11 (Consideration, etc. of Resource Circulation in Development Projects)

- (1) The Government shall devise measures necessary to enable the operator of a development project (referring to projects prescribed by Presidential Decree, such as urban development projects defined in Article 2 (1) 2 of the Urban Development Act; hereinafter the same shall apply) to facilitate resource circulation defined in subparagraph 1 of Article 2 of the Framework Act on Resources Circulation (hereafter in this paragraph referred to as "resource circulation") prior to implementing the development project, considering the following: <Amended by Act No. 15101, Nov. 28, 2017>
1. Selection of structures and materials to facilitate the resource circulation at the time of planning and designing such development project;
  2. Use of recycled aggregates at the time of performing such development project;
  3. Recycling and proper treatment of wastes generated by such development project.
- (2) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may advise business operators who construct multi-family housing or accommodation facilities defined in Article 2 (2) 2 or 15 of the Building Act to furnish storage spaces, such as built-in closets, or built-in furniture or fixtures to control the generation of wastes. <Amended by Act No. 12319, Jan. 21, 2014>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 12 (Waste Charges)

- (1) In order to control the generation of wastes and prevent the waste of resources, the Minister of Environment shall impose and collect charges to cover expenses incurred in treating wastes of products, materials, and containers prescribed by Presidential Decree, which contain any of the following substances or which are difficult to be recycled or likely to cause any problem in waste management, on and from a manufacturer (referring to an orderer, in cases of products, materials or containers manufactured by the method of original equipment manufacturing) or an importer thereof: <Amended by Act No. 11262, Feb. 1, 2012; Act No. 12076, Aug. 13, 2013; Act No. 14532, Jan. 17, 2017>
1. Specific air pollutants defined in subparagraph 9 of Article 2 of the Clean Air Conservation Act;
  2. Specific water pollutants defined in subparagraph 8 of Article 2 of the Water Environment Conservation Act;
  3. Poisonous substances defined in subparagraph 3 of Article 2 of the Toxic Chemicals Control Act.
- (2) Notwithstanding paragraph (1), charges shall not be imposed on expenses incurred in treating wastes generated from any of the following: <Newly Inserted by Act No. 11262, Feb. 1, 2012>

1. Products, packing materials and products made of biodegradable resin provided for in Article 16;
  2. Products, materials or containers made using plastics, which can be recovered and recycled at not less than a percentage specified by Presidential Decree, and the products, materials and containers manufactured or imported by a manufacturer or an importer who concluded a voluntary agreement with the Minister of Environment for the recovery and recycling and has fulfilled such agreement;
  3. Other products, materials and containers prescribed by Presidential Decree.
- (3) The amount of charges to be paid by a manufacturer or an importer under paragraph (1) (hereinafter referred to as "waste charges") shall be calculated in accordance with standards prescribed by Presidential Decree in consideration of the types and sizes of wastes by item, and the timing and procedures for the payment of waste charges, and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 11262, Feb. 1, 2012; Act No. 12076, Aug. 13, 2013>
- (4) If a person liable to pay waste charges fails to pay them by a payment deadline, the Minister of Environment shall urge him/her to make the payment within at least 30 days. In such case, additional dues shall be imposed in accordance with the following classification: <Amended by Act No. 11262, Feb. 1, 2012; Act No. 12076, Aug. 13, 2013>
1. Where the payment is made within one week past the payment deadline: The amount equivalent to 2% of the waste charges in arrears;
  2. Where the payment is made after one week past the payment deadline: The amount equivalent to 5% of the waste charges in arrears.
- (5) Where a person urged to make a payment under paragraph (3) fails to pay waste charges or additional dues by the deadlines thereof, the waste charges or additional dues shall be collected in the same manner as delinquent national taxes are collected. <Amended by Act No. 11262, Feb. 1, 2012>
- (6) The waste charges and additional dues referred to in paragraph (3) shall be the revenue of the Special Account for Environment Improvement under the Framework Act on Environmental Policy. <Amended by Act No. 10893, Jul. 21, 2011; Act No. 11262, Feb. 1, 2012>
- (7) Where the Minister of Environment entrusts the task of collecting waste charges and additional dues to a relevant specialized institution, such as the Korea Environment Corporation (hereinafter referred to as the "Corporation") established under the Korea Environment Corporation Act pursuant to Article 38 (2), the Minister grant some of the collected waste charges and additional dues to such institution as collection subsidies, as prescribed by Presidential Decree. <Amended by Act No. 9433, Feb. 6, 2009; Act No. 11262, Feb. 1, 2012>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

#### Article 12-2 (Deferment of Collection, Installment Payment, etc. of Waste Charges)

- (1) If the Minister of Environment deems a person liable to pay waste charges is unable to pay them by a payment deadline due to any of the following causes, he/she may defer the collection thereof or have them paid in installment, as prescribed by Presidential Decree:
1. Where a grave loss has been incurred to the property of a manufacturer or an importer

- due to a natural disaster or any other catastrophe;
2. Where the person is in a serious managerial crisis due to business losses;
  3. Other cases where the deferment of payment or installment payment is deemed inevitable due to a cause similar to that referred to in subparagraph 1 or 2.
- (2) If waste charges calculated under Article 12 (3) are below an amount prescribed by Presidential Decree, the Minister of Environment may not collect them.
- (3) If a person liable to pay waste charges falls under any of the following cases, the Minister of Environment may collect the waste charges already imposed, even before the payment deadline thereof arrives:
1. Where he/she receives a disposition on default of a national tax, local tax or other public dues;
  2. Where he/she is forced to comply with compulsory execution;
  3. Where he/she is declared bankrupt;
  4. Where an auction is commenced;
  5. Where the corporation is dissolved;
  6. Where he/she is deemed to have committed an act to evade the waste charge.
- (4) If the Minister of Environment intends to collect waste charges before a payment deadline under paragraph (3), he/she shall fix a new payment deadline as prescribed by Presidential Decree and notify the manufacturer or importer of the purport, change of the payment deadline, etc.
- (5) Articles 23 and 24 of the Framework Act on National Taxes shall apply *mutatis mutandis* to succession to the obligation to pay waste charges.

[This Article Newly Inserted by Act No. 12076, Aug. 13, 2013]

#### SECTION 2 Facilitation, etc. of Separate Collection and Reuse of Wastes

##### Article 12-3 (Separate Storage, etc. by Waste Dischargers)

- (1) The owners, occupants, or managers of land or buildings prescribed by Presidential Decree, who discharge wastes (hereinafter referred to as "waste dischargers"), shall recycle recyclable wastes discharged from such land or buildings in accordance with the criteria prescribed by Ordinance of the Ministry of Environment or store them separately by kind, character, and condition to them to be recycled.
- (2) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu may order a waste discharger who fails to observe the criteria referred to in paragraph (1) to take necessary measures, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12319, Jan. 21, 2014>

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

##### Article 13 (Separate Collection of Recyclable Resources)

- (1) The Minister of Environment may establish guidelines for classification, storage, collection, etc. to separately collect recyclable resources in consideration of the quantity of wastes generated, and conditions of recycling in order to efficiently utilize recyclable resources.
- (2) The Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, and Do Governors shall provide assistance to local governments under their jurisdiction for the efficient separate collection of wastes, and the Special

Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, and the Governor of a Special Self-Governing Province shall inspect the quantity of recyclable resources generated, the quantity of recyclable resources separately collected, etc. each year in accordance with guidelines set by the Minister of Environment and publish the outcomes thereof. <Amended by Act No. 12319, Jan. 21, 2014>

(3)The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall take measures necessary for separate collection in consideration of regional circumstances, such as installing facilities or containers to store recyclable resources in accordance with the guidelines referred to in paragraph (1). <Amended by Act No. 12319, Jan. 21, 2014>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 13-2 (Establishment, Operation, etc. of Recycling Centers)

(1)The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall establish and operate facilities necessary to facilitate the exchange of second-hand products and recycling of reusable bulky wastes (hereafter in this Article referred to as "recycling center"). <Amended by Act No. 12319, Jan. 21, 2014>

(2)The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall establish at least one recycling center in the Special Self-Governing City, Special Self-Governing Province, and Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply), and an additional recycling center shall be established and operated whenever the population thereof exceeds 200,000 persons. <Amended by Act No. 12319, Jan. 21, 2014>

(3)The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall utilize recycling centers preferentially when collecting, sorting, and treating bulky wastes. <Amended by Act No. 12319, Jan. 21, 2014>

(4)Where a person, other than the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu, establishes and operates a recycling center, he/she shall notify the Mayor of the competent Special Self-Governing City, the Governor of the competent Special Self-Governing Province, or the head of the relevant Si/Gun/Gu of such fact. <Amended by Act No. 12319, Jan. 21, 2014>

(5)The Minister of Environment may provide persons who establish and operate recycling centers under paragraphs (1) through (4) with financial and technical support.

(6)The establishment of recycling centers, standards for facilities, and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 13-3 (Establishment of Special Accounts for Management of Recyclable Resources)

(1)In order to secure financial resources necessary to recover recyclable resources and to efficiently administer and manage such financial resources, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may establish a special account for management of recyclable resources



(hereinafter referred to as "special account"). <Amended by Act No. 12319, Jan. 21, 2014>

(2) Revenues of the special account shall be as follows:

1. Proceeds from sales of recyclable resources collected by local governments to support centers for distribution of recyclable resources under Article 28-2;
2. Proceeds from sales by recycling centers under Article 13-2;
3. Administrative fines imposed under Article 41 (2);
4. Money transferred from general accounts or other special accounts;
5. Profits generated from the management of the funds referred to in subparagraphs 1 through 4 and other proceeds related to recyclable resources.

(3) Expenditures of the special account shall be as follows:

1. Financial support, such as start-up assistance for social enterprises (referring to social enterprisers defined under subparagraph 1 of Article 2 of the Social Enterprise Promotion Act) that recover recyclable resources;
2. Support for petty collectors, transporters, etc. among persons falling under Article 46 (1) 2 of the Wastes Control Act;
3. Subsidization of expenses incurred in installing facilities or containers to store recyclable resources under Article 13 (3);
4. Other support for projects improving recovery systems of recyclable resources.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 14 (Separate Discharge Mark)

A manufacturer, etc. of products and packing materials prescribed by Presidential Decree, for which it is necessary to put a separate collection mark for the facilitation of recycling of wastes shall put a separate discharge mark on such products and packing materials in accordance with the guidelines determined and announced by the Minister of Environment.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 15 (Facilitation of Reuse of Parts, etc.)

- (1) A manufacturer, etc. of products shall, when distributed products have become wastes, endeavor to recover such products or parts to use them for the manufacture of new products or make them reusable.
- (2) The government shall take necessary measures, such as provision of technical assistance to enable manufacturers, etc. to achieve the objectives under paragraph (1).

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 15-2 (Facilitation of Reuse of Empty Containers)

- (1) A manufacturer or importer of products prescribed by Presidential Decree may include a certain amount of money in the prices of products, separate from factory prices or import prices (hereinafter referred to as "container deposit") to facilitate the recovery and reuse of the containers used in such products.
- (2) In order to facilitate the reuse of containers, the Minister of Environment may designate a container (hereinafter referred to as "standard container") commonly used for packaging with standardized specifications, from among containers used for products under paragraph (1), and manufacturers or importers that intend to use a

standard container for products shall register it, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13036, Jan. 20, 2015>

- (3)A manufacturer, etc. of products, the price of which includes the container deposit under paragraph (1), shall refund the container deposit to the person who returns the container. In such cases, the container deposit shall be determined by Ordinance of the Ministry of Environment in consideration of the cost of manufacturing the container, etc. <Amended by Act No. 13036, Jan. 20, 2015>
- (4)A manufacturer or importer of products, the price of which includes the container deposit under paragraph (1) (hereinafter referred to as "manufacturer reusing empty containers"), shall reimburse wholesalers or retailers (limited to business entities engaging in retail sale in non-specialized stores, or retail sale of food, beverages and tobacco in specialized stores under the Korea Standard Industrial Classification) for expenses incurred in storing and transporting empty containers prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "handling fees"). In such cases, price fluctuations and other economic situations shall be considered in calculating handling fees. <Amended by Act No. 13036, Jan. 20, 2015>
- (5)In order to ensure the efficient handling of refunding of container deposits under paragraph (3) and payment of handling fees under paragraph (4), manufacturers reusing empty containers shall require the distribution support centers established under Article 28-2 to check the condition of a returned empty container and then refund the container deposit or pay the relevant handling fee. <Newly Inserted by Act No. 13036, Jan. 20, 2015>
- (6)Manufacturers reusing empty containers shall mark "container deposit refundable" and "reusable" on the containers of products, the price of which includes the container deposits, as determined and publicly notified by the Minister of Environment. <Newly Inserted by Act No. 13036, Jan. 20, 2015>
- (7)Matters to be observed by manufacturers, etc. of products for the smooth recovery and reuse of empty containers, such as refund of the container deposits and payment of handling fees, depending on the volume of the container, shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13036, Jan. 20, 2015>

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

#### Article 15-3 (Usage of Remainder of Container Deposits)

- (1)The remainder after the container deposit is refunded under Article 15-2 (hereinafter referred to as "unclaimed deposit") shall be used for any of the following purposes: <Amended by Act No. 13036, Jan. 20, 2015>
- 1.Publicity to increase the rate of recovery of empty containers;
  - 2.Installation of empty container collection depots, and manufacturing of boxes for recovery of empty containers;
  - 3.Research and development of measures to efficiently recover and recycle empty containers;
  - 4.Where the amount of the container deposit refunded exceeds the amount of the container deposit received in the previous year, the compensation therefor;
  - 4-2.Expenses incurred in recovering and recycling empty containers;

5. Other activities to preserve the environment.

(2) Particulars for calculation of unclaimed deposits and a plan to use, and reporting the result of use of, unclaimed deposits, and calculation of expenses incurred in recovering and reusing empty containers shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13036, Jan. 20, 2015>

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 15-4 (Monetary Rewards for Reporting Retailers Refusing to Pay Container Deposits)

Pursuant to Ordinance of the Ministry of Environment, the Minister of Environment may pay a monetary reward to any person who reports retailers referred to in Article 15-2 (4) who directly sell products, the price of which includes the container deposit, to consumers but refuse to refund the container deposit, in violation of Article 15-2 (3).

[This Article Newly Inserted by Act No. 13036, Jan. 20, 2015]

### SECTION 3 Facilitation, etc. of Recycling of Wastes

Article 16 (Obligations of Manufacturers, etc. to Recycle)

(1) A manufacturer or importer (in cases of packing materials, including sellers of products using packing materials, but limited to those operating a place of business for the type and of scale prescribed by Presidential Decree; hereinafter referred to as a "producer obligated to recycle") of products and packing materials prescribed by Presidential Decree, the recovery and recycling of which can be facilitated by improving the quality of materials, structure or recovery system in the production stage and distribution stage, or which generate a large volume of wastes after use, shall recover and recycle wastes generated from the products or packing materials he/she has manufactured, imported or sold. <Amended by Act No. 11788, May 22, 2013>

(2) Every producer obligated to recycle wastes (excluding manufacturers reusing empty containers) shall pay contributions to jointly fulfill the recycling obligation under paragraph (1) (hereinafter referred to as "contributions") to a recycling business mutual aid cooperative established under Article 27: Provided, That the amount of money proportional to the quantity of recovery and recycling, as calculated by the method of inspection determined and notified by the Minister of Environment, shall be deducted from the contributions in any of the following cases: <Newly Inserted by Act No. 11788, May 22, 2013; Act No. 13036, Jan. 20, 2015>

1. Where the producer directly recovers and recycles the wastes generated from products and packing materials manufactured, imported or sold;

2. Where the producer outsources the recovery and recycle process of the wastes referred to in subparagraph 1 to any of the following persons:

(a) A person licensed for any of the waste recycling business provided for in Article 25 (5) 5 through 7 of the Wastes Control Act;

(b) A person who files a report on waste treatment under Article 46 of the Wastes Control Act;

(c) Other persons prescribed by Presidential Decree as deemed capable of efficiently operating the recycling business.

(3) A producer obligated to recycle wastes or a recycling business mutual aid cooperative shall, when outsourcing the recovery and recycling process of wastes, enter into a contract which protects the rights and interests of the outsourcing contractor to the

fullest extent as prescribed by Presidential Decree, such as ensuring the business territory of small-medium enterprises protected under the Act on the Promotion of Collaborative Cooperation between Large Enterprises and Small-Medium Enterprises, and parties to the contract shall implement such contract in good faith. <Amended by Act No. 11788, May 22, 2013; Act No. 13036, Jan. 20, 2015>

- (4) A producer obligated to recycle wastes, a recycling business mutual aid cooperative, and an outsourcing contractor that assumes the recovery and recycling of wastes shall recycle wastes in compliance with the method and standards for recycling of products and packing materials prescribed by Ordinance of the Ministry of Environment.  
<Amended by Act No. 11788, May 22, 2013; Act No. 13036, Jan. 20, 2015>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

#### Article 17 (Mandatory Recycling Ratio)

- (1) The Minister of Environment shall publicly notify the ratio of the quantity to be recycled (hereinafter referred to as "mandatory recycling ratio") to the annual quantity of each product and packing material under Article 16 delivered, considering the quantity of products and packing materials delivered, the quantity of recyclable resources separately collected (including the quantity of recyclable resources separately collected published by the Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, and the Governor of a Special Self-Governing Province under Article 13 (2)), performance of recovery and recycling, conditions of recycling, etc. of producers obligated to recycle in consultation with the competent Minister. <Amended by Act No. 11788, May 22, 2013; Act No. 12319, Jan. 21, 2014>
- (2) Standards for calculating the quantity to be recycled by a producer obligated to recycle pursuant to the mandatory recycling ratio (hereinafter referred to as "mandatory recycling quantity") shall be prescribed by Presidential Decree, in consideration of the delivery quantity, the mandatory recycling ratio for each product and packing material, etc.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

#### Article 17-2 (Certification for Fulfillment of Obligation to Recycle)

- (1) Where a producer obligated to recycle recovers and recycles all of the wastes of products and packing materials manufactured, imported or sold by him/her in accordance with Article 16 or pays the contributions therefor to a recycling business mutual aid cooperative under Article 27, the Minister of Environment may issue a certification for the faithful fulfillment of obligation to recycle (hereinafter referred to as "certification for the fulfillment of obligation to recycle).
- (2) A producer obligated to recycle, who has received a certification for the fulfillment of obligation to recycle, may indicate the certification on the products and packing materials that he/she intends to manufacture, import or sell.
- (3) No producer obligated to recycle, who has not received a certification for the fulfillment of obligation to recycle shall indicate the certification or indicate any mark similar thereto.
- (4) Matters necessary for procedures for certification, indication of certification, etc. under paragraphs (1) and (2) shall be determined and publicly notified by the Minister of

Environment.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 18 (Submission, etc. of Plans to Fulfill Recovery and Recycling Obligations)

- (1) The following persons shall submit a plan to fulfill their recovery and recycling obligations to the Minister of Environment for approval, as prescribed by Presidential Decree. <Amended by Act No. 11788, May 22, 2013; Act No. 13036, Jan. 20, 2015>
1. A producer obligated to recycle wastes who intends to have its contribution deducted pursuant to the proviso to Article 16 (2);
  2. A recycling business mutual aid cooperative;
  3. A manufacturer reusing empty containers.
- (2) Each person who has obtained approval of his/her plan to fulfill recovery and recycling obligations pursuant to paragraph (1), shall submit a report on the outcomes of fulfilling his/her recovery and recycling obligations and supporting documents to the Minister of Environment, as prescribed by Presidential Decree. <Amended by Act No. 11788, May 22, 2013>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 19 (Collection, etc. of Recycling Dues)

- (1) Where a producer obligated to recycle fails to fulfill the obligation provided for in Article 16 or a recycling business mutual aid cooperative established under Article 27 fails to fulfill the obligation to recycle on behalf of its members, the Minister of Environment shall impose and collect the dues which amounts to the sum of expenses to be incurred in recycling non-recycled wastes out of the mandatory recycling quantity and an amount equivalent to 30/100 of such expenses (hereinafter referred to as "recycling dues") on and from the producer obligated to recycle or the recycling business mutual aid cooperative.
- (2) The expenses incurred in recycling wastes, based on which recycling dues are calculated, periods of, and procedures for payment thereof, and other necessary matters shall be prescribed by Presidential Decree.
- (3) Where a person liable to pay recycling dues under paragraph (1) fails to pay such dues by the payment deadline, the Minister of Environment shall urge him/her to make the payment within a specified period of no less than 30 days. In such cases, a late payment penalty shall be imposed as follows: <Amended by Act No. 13036, Jan. 20, 2015>
1. Where the person pays the recycling dues within one week after the payment deadline: An amount equivalent to 2/100 of the recycling dues that remain unpaid;
  2. Where the person pays the recycling dues one week after the payment deadline: An amount equivalent to 5/100 of the recycling dues that remain unpaid.
- (4) Where a person urged to make a payment under paragraph (3) fails to pay the recycling dues or late payment penalties by the specified deadline, such recycling dues or late payment penalties shall be collected in the same manner as delinquent national taxes are collected.
- (5) The recycling dues and late payment penalties paid under paragraph (3) shall become the revenue of the Special Account for Environmental Improvement under the

Framework Act on Environmental Policy. <Amended by Act No. 10893. Jul. 21, 2011; Act No. 10893, Jul. 21, 2011>

(6)Where the Minister of Environment has entrusted the task of collecting the recycling dues or late payment penalties to a relevant specialized institution, such as the Corporation, under Article 38 (2), he/she may grant some of the collected recycling dues or late payment penalties to cover collection expenses, as prescribed by Presidential Decree. <Amended by Act No. 9433. Feb. 6, 2009>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 20 (Usages of Waste Charges and Recycling Dues)

Waste charges and recycling dues shall be used for the following purposes: <Amended by Act No. 15101, Nov. 28, 2017>

- 1.Assistance for waste recycling projects and installation of waste disposal facilities;
- 2.Research and technology development for efficient recycling and reduction of wastes;
- 3.Assistance for recovery, recycling, and disposal of wastes by local governments;
- 4.Purchase and reserve of recyclable resources;
- 5.Assistance for projects to facilitate recycling
- 6.Funding for collection of waste charges (including additional dues) or recycling dues (including additional dues);
- 7.Others, such as assistance for projects necessary to facilitate saving and recycling of resources.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 21 Deleted. <by Act No. 8405, Apr. 27, 2007>

Articles 22 and 22-2 Deleted. <by Act No. 8948, Mar. 21, 2008>

Article 23 (Matters to be Observed by Designated Recycling Businesses)

(1)An operator of any of the types of business prescribed by Presidential Decree, which are particularly necessary for the efficient use of recyclable resources (hereinafter referred to as "designated recycling business operator") shall comply with the guidelines jointly published by the Minister of Environment and the competent Ministers, in accordance with the basic polices and procedures prescribed by Presidential Decree.

(2)The guidelines referred to in paragraph (1) shall include the matters in each of the following subparagraphs:

- 1.Matters concerning the goal of using recyclable resources by type of recycled products (excluding by-products; hereafter the same shall apply in this Article) and facilitation of recycling;
- 2.Matters concerning the formulation of a plan for using recyclable resources and measures for recycling;
- 3.Matters concerning records on the use of recyclable resources and the management thereof; and
- 4.Matters concerning energy recovery and facilitation of use of exhaust heat.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 24 Deleted. <by Act No. 8405, Apr. 27, 2007>

Article 24-2 Deleted. <by Act No. 12319, Jan. 21, 2014>

Article 25 (Matters to be Observed by Designated By-Product Discharging Business Operators)

(1) A business operator that discharges designated by-products (hereinafter referred to as "designated by-product discharging business operator") shall comply with the guidelines jointly published by the Minister of Environment and the competent Ministers according to the basic policy and procedures prescribed by Presidential Decree.

(2) The guidelines referred to in paragraph (1) shall include following: <Amended by Act No. 13036, Jan. 20, 2015>

1. The methods of recycling depending on the use of each designated by-product;
2. The formulation and implementation of plans to facilitate the use of designated by-products;
3. The separation, crushing, etc. of designated by-products;
4. The eco-friendly management of designated by-products.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 25-2 (Recommendations on Recycling and Orders to Take Measures)

(1) Where a designated recycling business operator or designated by-product discharging business operator fails to observe the guidelines referred to in Articles 23 and 25, the Minister of Environment and the competent Minister may recommend such business operator to observe the guidelines.

(2) Where a business operator, in receipt of recommendation under paragraph (1), fails to observe the guidelines without just grounds, the Minister of Environment and the competent Minister may disclose a list of violators and the details of violations of the guidelines, or order him/her to take necessary measures. In such cases, the Minister of Environment shall consult with the competent Minister before disclosing a list of violators and the details of violation of the guidelines or ordering the relevant business operator to take measures.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 25-3 (Installation, Operation, etc. of Energy Recovery Facilities)

Facilities to recover energy (hereinafter referred to as "energy recovery facilities") shall be installed and operated to make sure that energy recovery facilities meet the standards for energy recovery when inspected according to methods and procedures of inspection publicly notified by the Minister of Environment after consultations with the Minister of Trade, Industry, and Energy.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 25-4 (Reporting, etc. on Import and Manufacture of Solid Fuels)

(1) A person who intends to import solid fuels made from wastes (hereinafter referred to as "solid fuels") among recycled products shall report thereon to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(2) A person who intends to manufacture solid fuels shall be either of the following, and report thereon to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment:

1. A person licensed to conduct a terminal waste recycling business under Article 25 (5) 6 of the Wastes Control Act;
2. A person licensed to conduct a general waste recycling business under Article 25 (5) 7 of

the Wastes Control Act.

- (3)The Minister of Environment, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall issue a certificate of reports on import or manufacture to each person who files a report under paragraph (1) or (2).
- (4)Where an importer or manufacturer of solid fuels intends to modify matters prescribed by Ordinance of the Ministry of Environment, he/she shall report on such modification to the Minister of Environment, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu.
- (5)No importer or manufacturer of solid fuels shall allow any third person to import or manufacture solid fuels using his/her trade name or name, nor lend his/her certificate of report issued pursuant to paragraph (3) to any third person.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 25-5 (Quality Inspections of Solid Fuels)

- (1)A person who intends to report on importation or manufacturing of solid fuels pursuant to Article 25-4 (1) or (2) shall undergo an inspection regarding the following matters (hereinafter referred to as "quality inspection") conducted by the Waste-to-Energy Center established under Article 25-15 (hereinafter referred to as "Waste-to-Energy Center") to ascertain whether the solid fuels he/she intends to import or manufacture meet the quality standards prescribed by Ordinance of the Ministry of Environment:
- 1.Shape and size;
  - 2.Caloric value;
  - 3.Moisture content;
  - 4.Metal content;
  - 5.Ash, chlorine, and sulfur content;
  - 6.Other matters prescribed by Ordinance of the Ministry of Environment.
- (2)A person who intends to undergo a quality inspection shall pay fees to the Waste-to-Energy Center, as prescribed by Ordinance of the Ministry of Environment.
- (3)The Waste-to-Energy Center shall verify at least once a quarter, as prescribed by Ordinance of the Ministry of Environment, whether products kept by an importer, manufacturer, or user of solid fuels meet the quality standards prescribed under paragraph (1).
- (4)The Waste-to-Energy Center shall notify the Minister of Environment, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu of the results of verification under paragraph (3).
- (5)The Minister of Environment shall provide a subsidy to the Waste-to-Energy Center to cover expenses incurred in relation to verifications under paragraph (3).
- (6)Except as otherwise expressly prescribed in paragraphs (1) through (5), methods of quality inspections and verifications, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 25-6 (Quality Marks on Solid Fuels)

- (1)Every importer or manufacturer of solid fuels shall place a quality mark on solid fuels



(hereinafter referred to as "quality mark"), as prescribed by Ordinance of the Ministry of Environment.

- (2) An importer or manufacturer of solid fuels who intends to place a quality mark on solid fuels shall request an institution prescribed by Ordinance of the Ministry of Environment to administer an examination.
- (3) The Minister of Environment may allow the Waste-to-Energy Center to inspect the appropriateness of quality marks.
- (4) Matters necessary regarding quality marks, such as items of quality marks, frequency of examinations, and methods of administering examinations, shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-7 (Reporting on Use of Solid Fuels, etc.)

(1) A person who intends to use solid fuels shall file a report to the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment, in any of the following circumstances:

1. Where the person intends to start using solid fuels for the first time;
2. Where the person intends to resume using solid fuels after he/she stopped using the solid fuels for at least one year;
3. Where the person intends to use solid fuels, any of the following matters of which is changed:
  - (a) Supplier of the solid fuels;
  - (b) Kinds of the solid fuels.

(2) Every user of solid fuels shall use such solid fuels in facilities (hereinafter referred to as "facilities to use solid fuels") prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-7 (Permission for Use of Solid Fuels, etc.)

(1) A person who intends to use solid fuels shall obtain permission from the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu, upon satisfying the following requirements:

<Amended by Act No. 15101, Nov. 28, 2017>

1. Facilities that use the solid fuels (hereinafter referred to as "facilities to use solid fuels") shall meet the standards prescribed by Ordinance of the Ministry of Environment;
2. Solid fuels that the person intends to use shall meet the quality standards referred to in Article 25-5 (1);
3. The plan for the use, storage, and handling of the solid fuels shall be appropriate;
4. The person shall meet other standards prescribed by Ordinance of the Ministry of Environment for environmental protection.

(2) When a person who has obtained permission to use solid fuels intends to modify any important matter prescribed by Ordinance of the Ministry of Environment, the person shall obtain permission for the modification and shall file a report on the modification to modify any other matter. <Amended by Act No. 15101, Nov. 28, 2017>

(3) When a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu grants permission or permits modification pursuant to

paragraph (1) or (2), he/she may attach necessary conditions for the convenience of residents' life, protection of the surrounding environment, etc. <Newly Inserted by Act No. 15101, Nov. 28, 2017>

(4) If a person who has obtained permission to use solid fuels falls under any of the following cases, the competent Special Self-Governing City Mayor, Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu may revoke the permission: Provided, That in cases falling under subparagraph 1, the permission shall be revoked: <Newly Inserted by Act No. 15101, Nov. 28, 2017>

1. Where the person has obtained the permission by fraudulent or other illegal means;
2. Where the person violates any permitted matter or condition for permission;
3. Where the person fails to satisfy any of the requirements for permission set forth in subparagraphs of paragraph (1).

(5) Procedures, methods, matters, and conditions of granting permission and permission for modifications, and procedures and methods of filing reports on modifications under paragraphs (1) through (4), and matters necessary for the criteria, procedures, etc. for revoking permission shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 15101, Nov. 28, 2017>

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014] <<Enforcement Date: Nov. 29, 2018>> Article 25-7

#### Article 25-8 (Regular Inspections of Facilities to Manufacture or Use Solid Fuels)

(1) A person who establishes and operates a facility to manufacture (hereinafter referred to as "manufacturing facility") or use solid fuels shall undergo an inspection (hereinafter referred to as "regular inspection") conducted by the Waste-to-Energy Center or an institution prescribed by Ordinance of the Ministry of Environment to ascertain whether his/her facility meets the inspection standards prescribed by Ordinance of the Ministry of Environment.

(2) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may order the establisher and operator of a facility found to be non-compliant in a regular inspection to improve the facility to meet the inspection standards prescribed under paragraph (1) within a specified period.

(3) No person, in receipt of an order under paragraph (2), shall manufacture or use solid fuels using the relevant facility before he/she implements the order.

(4) Except as otherwise expressly prescribed in paragraphs (1) through (3), the frequency, items, procedures, and methods of regular inspections, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

#### Article 25-9 (Matters to be Observed by Importers, Manufacturers, and Users of Solid Fuels)

(1) Every importer, manufacturer or user of solid fuels shall comply with matters prescribed by Ordinance of the Ministry of Environment for environmental control, such as prevention of fugitive dust, in the process of storing such solid fuels, or operating a manufacturing facility or facility to use such solid fuels.

(2) Every user of solid fuels shall comply with the permissible emission levels of dioxin

prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-10 (Orders, etc. to Prohibit Importation or Manufacturing of Solid Fuels)

- (1) Where an importer or manufacturer of solid fuels files a report under Article 25-4 (1) or (2) or undergoes a quality inspection by fraudulent or other illegal means, the Minister of Environment, Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall issue him/her an order prohibiting the importation or manufacturing of solid fuels for three years.
- (2) Where solid fuels kept by an importer, manufacturer or user are found to be non-compliant with the quality standards prescribed under Article 25-5 (1) as a result of verification under Article 25-5 (3), the Minister of Environment, Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may issue an order prohibiting the importation, manufacturing or use of solid fuels or an improvement order, as prescribed by Ordinance of the Ministry of Environment: Provided, That an improvement order may be only issued when quality standards for moisture content (hereinafter referred to as "moisture standard") referred to in Article 25-5 (1) 3 are not met.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-11 (Penalty Surcharges in Lieu of Prohibition Orders)

- (1) Where the Minister of Environment, Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to issue an order prohibiting the importation or manufacturing of solid fuels pursuant to the main body of Article 25-10 (2), but the order is deemed to cause any of the following, he/she may impose a penalty surcharge not exceeding one billion won in lieu of such order:
1. Where it affects the supply of and demand for domestic electric power;
  2. Where it affects the lifespan of facilities to use solid fuels due to imbalance in the supply of and demand for fuels.
- (2) If the importer, manufacturer or user of solid fuels fails to pay a penalty surcharge under paragraph (1), the Minister of Environment, Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall collect it in the same manner as delinquent national or local taxes are collected.
- (3) Penalty surcharges collected from importers pursuant to paragraphs (1) and (2) shall become the revenue of the environmental improvement special account, and penalty surcharges collected from manufacturers and users shall become the revenue of a Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-12 (Treatment, etc. of Solid Fuels)

- (1) Every importer, manufacturer or user of solid fuels that fail to meet the quality standards prescribed under Article 25-5 (1) shall treat the solid fuels pursuant to Article 13 of the Wastes Control Act: Provided, That where solid fuels fail to meet the moisture standard only, he/she may keep the solid fuels pursuant to Article 13 of the Wastes Control Act until such solid fuels meet the moisture standard.
- (2) If solid fuels meet the moisture standard under the proviso to paragraph (1), the

importer, manufacturer or user of such solid fuels shall, without delay, re-undergo a quality inspection.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-13 (Succession, etc. to Rights and Obligations)

- (1) Where a manufacturer or user of solid fuels fully transfers his/her manufacturing facility or facility to use solid fuels, or dies, or a corporation merges with another corporation, the transferee, successor, corporation surviving the merger or established in the course of the merger shall succeed to the rights and obligations of the manufacturer or user of solid fuels under this Act.
- (2) A person who succeeds to rights and obligations pursuant to paragraph (1) shall report thereon to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

Article 25-14 (Building, Operation, etc. of Comprehensive Waste-to-Energy Information Management System)

- (1) The Minister of Environment shall build and operate a comprehensive waste-to-energy information management system (hereinafter referred to as "information management system") to maintain and manage following information on waste-to-energy in a systematic manner:
1. Quantity of waste-to-energy produced and used;
  2. Quantity of solid fuels imported and used;
  3. Facilities producing and using waste-to-energy;
  4. Findings of quality inspections and details of quality marks;
  5. Technological development and new technologies regarding waste-to-energy;
  6. Current status of, and education for technical human resources regarding waste-to-energy;
  7. Other information deemed necessary for managing waste-to-energy by the Minister of Environment.
- (2) The following persons shall enter information referred to in paragraph (1) 1 through 4 in the information management system, as prescribed by Ordinance of the Ministry of Environment:
1. An importer, manufacturer or user of solid fuels;
  2. The following persons among those who have established and operate waste treatment facilities under Article 29 of the Wastes Control Act:
    - (a) A person who produces, uses or sells landfill gas or biogas;
    - (b) A person who recovers, uses or sells remaining heat from incineration;
    - (c) A person who produces, uses or sells electric power through gasification of wastes;
  3. A person who recovers waste-to-energy or converts wastes into a state from which energy can be recovered among those who recycle wastes under subparagraph 7 of Article 2 of the Wastes Control Act, who is publicly notified by the Minister of Environment after consultations with the Minister of Trade, Industry and Energy.
- (3) The Minister of Environment shall keep information entered pursuant to paragraph (2) for five years from the date of entry of such information.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

## Article 25-15 (Waste-to-Energy Center)

(1)The Minister of Environment may establish and operate a Waste-to-Energy Center to perform the following duties for the purposes of facilitating the use of waste-to-energy, quality control of solid fuels, etc.:

1. Quality inspections;
2. Inspections of appropriateness of quality mark;
3. Regular inspections of manufacturing facilities and facilities to use solid fuels, and inspections of the actual status of operating such facilities;
4. Inspections of the actual status of using solid fuels;
5. Current status of import of solid fuels and surveys of import trends;
6. Technical assistance related to waste-to-energy and research on systems;
7. Research and development of technologies related to waste-to-energy;
8. Surveys on advanced cases regarding waste-to-energy and publicity for facilitating waste-to-energy;
9. Building and operation of the information management system;
10. Other duties necessary for the activation of waste-to-energy.

(2)The Minister of Environment may entrust the Corporation with the operation of the Waste-to-Energy Center.

(3)Except as otherwise expressly prescribed in paragraphs (1) and (2), matters necessary for the operation of the Waste-to-Energy Center shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12319, Jan. 21, 2014]

## Article 26 (Korea Waste-to-Energy Association)

(1)A person falling under Article 25-14 (2) may establish a Korea Waste-to-Energy Association (hereinafter referred to as the "Waste-to-Energy Association") to increase the conversion of wastes into energy and to improve related technologies upon obtaining permission from the Minister of Environment, as prescribed by Presidential Decree.

(2)The Waste-to-Energy Association shall be a corporation.

(3)The Waste-to-Energy Association shall be duly formed when registration for its establishment is completed at a registry office having jurisdiction over its principal place of business.

(4)Matters to be entered in the articles of association of the Waste-to-Energy Association, and matters necessary for supervision thereof shall be prescribed by Presidential Decree.

(5)Except as otherwise expressly prescribed by this Act, provisions concerning incorporated associations under the Commercial Act shall apply mutatis mutandis to the Waste-to-Energy Association.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

CHAPTER III RECYCLING BUSINESS MUTUAL AID COOPERATIVES AND SUPPORT CENTERS  
FOR DISTRIBUTION OF RECYCLABLE RESOURCES

## Article 27 (Establishment of Recycling Business Mutual Aid Cooperatives)

(1)A producer obligated to recycle may establish a recycling business mutual aid cooperative by product or packing material (hereinafter referred to as "cooperative") to

fulfill the obligation provided for in Article 16. <Amended by Act No. 11788, May 22, 2013>

(2) Each cooperative shall be a corporation.

(3) A cooperative shall be established by registering establishment therefor at the location of its principal office.

(4) Deleted. <by Act No. 14230, May 29, 2016>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 28 (Procedures, etc. for Authorizing Establishment of Cooperatives)

(1) A person who intends to establish a cooperative shall obtain authorization from the Minister of Environment, by submitting an application for authorization for establishment, which include the following matters, to the Minister of Environment: <Amended by Act No. 12076, Aug. 13, 2013>

1. The articles of association of the corporation that include the purpose, scope of business, cooperative members, contributions, and other matters concerning the operation of the cooperative;

2. The agreement of producers obligated to recycle affiliated with the cooperative on participation;

3. Resumes and written acceptance of appointments of executives;

4. Details of the cooperative's recycling facilities (limited to cooperatives which have their own recycling facilities);

5. Business plans to vicariously fulfill the obligation to recycle.

(2) Upon granting authorization under paragraph (1), the Minister of Environment shall publicly announce such fact. <Amended by Act No. 14230, May 29, 2016>

(3) When a cooperative has appointed an executive for replacement, it shall file a report thereon with the Minister of Environment without delay, along with the documents referred to in paragraph (1) 3 and the minutes of the general meeting or meeting by the board of directors that has adopted a resolution on appointment of the executive for replacement, and obtain approval from him/her. <Newly Inserted by Act No. 12076, Aug. 13, 2013>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 28-2 (Establishment, etc. of Support Centers for Distributing Recyclable Resources)

(1) To recover and reuse wastes from products and packing materials pursuant to Article 16 (1) and to facilitate the reuse of empty containers pursuant to Article 15-2, a cooperative and manufacturers reusing empty containers may jointly establish a center to support the distribution of recyclable resources (hereinafter referred to as "distribution support center"). <Amended by Act No. 13036, Jan. 20, 2015>

(2) A distribution support center shall be a body corporate.

(3) Upon collecting wastes from products and packing materials under Article 16 (1), the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall hand them over to a distribution support center established under paragraph (1), and the distribution support center shall reimburse him/her for expenses incurred in the collection thereof. <Amended by Act No. 12319, Jan. 21, 2014>

(4) In order to facilitate the reuse of empty containers, distribution support centers may:

<Newly Inserted by Act No. 13036, Jan. 20, 2015>

1. Refund the container deposits and pay handling fees under Article 15-2 (5);
2. Use the unclaimed deposits under Article 15-3 (1);
3. Conduct fact-finding surveys on refund of the container deposits and payment of handling fees;
4. Establish and operate a center to process reports on retailers refusing to pay the container deposit under Article 15-4;
5. Perform other projects prescribed by Ordinance of the Ministry of Environment to facilitate the recovery and reuse of empty containers.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 28-3 (Procedures, etc. for Authorization for Establishment of Distribution Support Center)

(1) A person who intends to establish a distribution support center shall submit an application for authorization for establishment to the Minister of Environment which includes the following matters and obtain authorization from him/her:

1. The articles of association, including the purpose, scope of business, members, operation expenses, and other matters concerning the operation and organization of the distribution support center;
2. Plan for establishing a distribution system of recyclable resources;
3. Agreements on vicarious fulfillment of the obligation for recovery by cooperative, and business plans therefor;
4. Details of facilities of his/her own for loading, unloading and sorting of recyclable resources. (applicable only to cases where facilities are owned by himself/herself).

(2) Upon granting authorization under paragraph (1), the Minister of Environment shall make public notification thereof.

[This Article Newly Inserted by Act No. 11788, May 22, 2013]

Article 28-4 (Corrective Orders, etc.)

(1) Where the operation, execution of tasks, etc. of a cooperative or distribution support center is found to be in violation of the Acts and subordinate statutes, articles of association, etc. as a result of the report, inspection, etc. made under Article 36 (1), the Minister of Environment may issue an order for correction or request to take other necessary measures.

(2) Where any executive or employee of a cooperative or distribution support center fails to comply with the corrective order or measures referred to in paragraph (1), the Minister of Environment may request for a disciplinary action or dismissal of the relevant executive or employee.

[This Article Newly Inserted by Act No. 12076, Aug. 13, 2013]

Article 28-5 (Revocation of Authorization)

Where a cooperative or distribution support center falls under any of the following cases, the Minister of Environment may revoke the authorization therefor: Provided, That in cases falling under subparagraph 1, the authorization shall be revoked:

1. Where the authorization for establishment has been obtained by fraudulent or other illegal means;
2. Where it becomes impossible to attain the purpose of establishment of a cooperative or

distribution support center due to changes in circumstances such as an amendment of any Act and subordinate statutes;

3. Where it has failed to correct even after receiving a corrective order under Article 28-4 (1), the cases of which are prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 12076, Aug. 13, 2013]

Article 29 (Contributions, etc.)

In order to deliberate on and determine the standards for calculation of contributions under Article 16, payment procedures, and other necessary matters, each cooperative and distribution support center shall constitute and operate a joint steering committee, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 13036, Jan. 20, 2015]

Article 30 (Application Mutatis Mutandis of Civil Act)

The provisions of the Civil Act, which pertain to incorporated associations, shall apply mutatis mutandis to cooperatives and distribution support centers, except as provided for in this Act. <Amended by Act No. 11788, May 22, 2013>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

#### CHAPTER IV ESTABLISHMENT OF FOUNDATION FOR FACILITATION OF SAVING AND RECYCLING OF RESOURCES

Article 31 (Financial Assistance, etc. for Fostering Recycling Industries)

(1) The State or local governments may subsidize or lend funds necessary to facilitate recycling of resources to an operator of any of the following businesses or projects (hereinafter referred to as "recycling business operator") to foster recycling industries, and arrange loans for the operator, if necessary: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11788, May 22, 2013; Act No. 12319, Jan. 21, 2014; Act No. 15101, Nov. 28, 2017>

1. A business to install recycling facilities;

2. A resources recycling business conducted by a designated recycling business operator or designated by-product discharging business operator;

3. Installation and operation of energy recovery facilities referred to in Article 25-3;

4. A project to develop a recycling complex under Article 34;

5. Waste disposal by those licensed for any of the waste recycling businesses referred to in subparagraphs 5 through 7 of Article 25 (5) of the Wastes Control Act, or persons who have reported on waste disposal under Article 46 of the same Act;

6. A research and technological development project to facilitate recycling of resources;

7. Establishment and operation of distribution support centers;

8. Businesses prescribed by Presidential Decree, which are necessary for fostering recycling industries, other than those referred to in subparagraphs 1 through 7.

(2) The Government may preferentially provide a recycling business operator with funds necessary for facilities, research and technological development, etc. from any of the following funds: <Amended by Act No. 9584, Apr. 1, 2009; Act No. 9685, May 21, 2009>

1. Funds for projects for industrial technology development established under the Industrial Technology Innovation Promotion Act;

2. Funds for promotion and industrial foundation of small and medium enterprises established under the Small and Medium Enterprises Promotion Act.



(3)The Minister of Environment may request cooperation necessary for providing support to recycling businesses, from the heads of the relevant central administrative agencies in charge of administering the funds referred to in the subparagraphs of paragraph (2).

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 32 Deleted. <by Act No. 7296, Dec. 31, 2004>

Article 33 (Specifications and Quality Standards of Recycled Products)

The Minister of Trade, Industry and Energy may set specifications and quality standards of each item of recycled products in consultation with the Minister of Environment.

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

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34 (Development, etc. of Recycling Complexes)

(1)The State, local governments or any person prescribed by Presidential Decree may develop recycling complexes in order to foster the recycling industry and enhance the competitiveness of the recycling industry.

(2)The development of recycling complexes as referred to in paragraph (1) shall be subject to the procedure for designation and development of national or local industrial complexes under the Industrial Sites and Development Act.

(3)Matters necessary for the development, management and operation of recycling complexes shall be prescribed by Presidential Decree.

(4)The State or local governments may devise measures to enable recycling businesses to preferentially occupy factory sites supplied by the State or local governments.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34-2 (Subsidies for Development of Recycling Complexes)

In cases where a local government or a person prescribed by Presidential Decree develops a recycling complex under Article 34 (1), the State may subsidize the expenses needed to develop such recycling complex.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34-3 (Lending, Use, etc. of State and Public Assets)

(1)The State or local governments may, when deemed necessary for the expansion of recycling facilities, and development and operation of recycling complexes, establish a private contract for the lending, use or profit-making of state and public assets or sell state and public assets, notwithstanding the State Properties Act or the Public Property and Commodity Management Act.

(2)The details and conditions of the lending, use, profit-making, sale, etc. of state and public assets under paragraph (1) shall be subject to what is provided for in the State Properties Act or the Public Property and Commodity Management Act.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34-4 (Establishment of Public Recycling Infrastructure)

(1)The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall establish facilities to collect, keep, sort and treat bulky wastes and recyclable resources prescribed by Presidential Decree.

<Amended by Act No. 12319, Jan. 21, 2014>

(2)The Special Metropolitan City Mayor, Metropolitan City Mayors, and Do Governors may provide financial and technical support to the heads of Sis/Guns/Gus who establish

facilities referred to in paragraph (1), and may offer advice necessary for increasing efficiency in installing and operating such facilities.

- (3) When it is necessary to collect, keep, sort, and treat bulky wastes and recyclable resources generated in at least two of a Special Self-Governing City, Special Self-Governing Province, and Si/Gun/Gu in an interstate level, the Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may jointly establish and operate the facilities referred to in paragraph (1). <Amended by Act No. 12319, Jan. 21, 2014>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 34-5 (Installation, etc. of Facilities for Facilitating Recycling)

- (1) The State or a local government may install and operate pre-treatment facilities to recover recyclable resources to the utmost extent through mechanical treatment processes, such as crushing, grinding and sorting, or biological treatment processes, such as aerobic or anaerobic decomposition, prior to the treatment of wastes by means of incineration or reclamation.
- (2) If deemed necessary for taking measures to facilitate recycling prior to the final treatment of wastes generated in at least two of the Special Metropolitan City, a Metropolitan City, Special Self-Governing City, Do, Special Self-Governing Province, and Si/Guns/Gu, the State or a local government may install and operate the facilities under paragraph (1) solely or jointly. <Amended by Act No. 12319, Jan. 21, 2014>

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 34-6 (Criteria, Indices, etc. for Assessing Facilitation of Saving and Recycling of Resources)

- (1) The Minister of Environment may set and operate criteria and indices with which to analyze the generation, recycling, treatment, etc. of wastes and manage them.
- (2) The Minister of Environment shall assess the outcomes of facilitating saving and recycling of resources pursuant to the criteria and indices set under paragraph (1) and endeavor to reflect the result of the assessment in policies for facilitating saving and recycling of resources. <Amended by Act No. 15101, Nov. 28, 2017>

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 34-7 (Provision, etc. of Information on Facilitation of Saving and Recycling of Resources)

- (1) The Minister of Environment shall endeavor to provide people with knowledge and information on facilitating saving and recycling of resources. <Amended by Act No. 15101, Nov. 28, 2017>
- (2) In order to generate and disseminate knowledge, information, etc. on facilitation of saving and recycling of resources and to facilitate them, the Minister of Environment may establish and operate an information system for facilitating saving and recycling of resources. <Amended by Act No. 15101, Nov. 28, 2017>
- (3) The Minister of Environment may request the head of a relevant central administrative agency to submit data necessary for the establishment and operation of an information system for facilitating saving and recycling of resources. In such cases, the head of the relevant central administrative agency shall comply with such request

unless there is a compelling reason not to do so. <Amended by Act No. 15101, Nov. 28, 2017>

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 34-8 (Establishment of Voluntary Agreement)

- (1) The Minister of Environment or the head of a local government may conclude an agreement with a waste discharging business, recycling business, manufacturer, etc. or organization comprised thereof (hereinafter referred to as "voluntary agreement") in order to control the generation of wastes and facilitate recycling.
- (2) Necessary matters concerning the objective of a voluntary agreement, method and procedure of fulfillment, etc. shall be prescribed by Ordinance of the Ministry of Environment or Municipal Ordinance of a local government concerned.
- (3) The Minister of Environment or the head of a local government may provide a person who has concluded a voluntary agreement under paragraph (1) with assistance necessary for the fulfillment of such voluntary agreement.

[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]

Article 34-9 Deleted. <by Act No. 15101, Nov. 28, 2017>

#### CHAPTER V SUPPLEMENTARY PROVISIONS

Article 35 (Resources Recycling Association)

- (1) Persons prescribed by Presidential Decree such as producers obligated to recycle, cooperatives, producers of recycled products and collectors of recyclable resources may establish an association for the facilitation of recycling (hereinafter referred to as the "Resources Recycling Association"), with the permission of the Minister of Environment as prescribed by Presidential Decree.
- (2) The Minister of Environment may subsidize the expenses incurred from the operation of the Resources Recycling Association within the budgetary limit.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Articles 35-2 and 35-3 Deleted. <by Act No. 15101, Nov. 28, 2017>

Article 36 (Reporting, Inspections, etc.)

- (1) The Minister of Environment, competent Ministers, the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of each Si/Gun/Gu may require any of the following persons to file a necessary report or submit data, if necessary for ascertaining whether he/she meets the criteria of the subparagraphs of Article 9 (1), or in cases prescribed by Ordinance of the Ministry of Environment, direct a relevant public official to inspect relevant documents, facilities, equipment, etc. by entering the facility, business site, workplace, etc.: <Amended by Act No. 11788, May 22, 2013; Act No. 12076, Aug. 13, 2013; Act No. 12319, Jan. 21, 2014; Act No. 13036, Jan. 20, 2015>

1. Manufacturers, etc. referred to in Article 9 (1);
2. Business operators referred to in Article 10;
3. Manufacturers or importers subject to waste charges imposed under Article 12;
4. Wastes dischargers referred to in Article 12-3;
5. Manufacturers reusing empty containers, wholesalers, and retailers referred to in Article 15-2;
6. Producers obligated to recycle under Article 16;
- 7.

- Outsourcing contractors that assume the recycling of products and packing materials under a contract with producers obligated to recycle under Article 16 (2) 2;
8. Designated recycling business operators referred to in Article 23;
  9. Designated by-product discharging business operators referred to in Article 25;
  10. Persons who install and operate energy recovery facilities under Article 25-3;
  11. Importers or manufacturers of solid fuels reported under Article 25-4;
  12. Users of solid fuels reported under Article 25-7;
  13. Cooperatives established under Article 27;
  14. Distribution support centers established under Article 28-2.
- (2) Public officials who conduct on-site inspections under paragraph (1) shall carry a certificate indicating their authority and produce it to related persons.
- (3) A person referred to in paragraph (1) 3, 5 through 10, 13 and 14 shall keep books of accounts and keep records and preserve them, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12319, Jan. 21, 2014>
- (4) In order to direct a public official to conduct an on-site inspection pursuant to paragraph (1), the Minister of Environment, competent ministers, the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of each Si/Gun/Gu shall inform the relevant inspectee of the inspection plan that includes the date and details of, and grounds for such inspection, seven days prior to the scheduled date of such inspection: Provided, That the same shall not apply where urgent notice is required or giving a prior notice can defeat the purposes of the inspection due to the destruction of evidence, etc. <Amended by Act No. 12319, Jan. 21, 2014; Act No. 13036, Jan. 20, 2015>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 36-2 (Building and Operation of Operation and Management Information System)

- (1) The Minister of Environment may build and operate an operation and management information system necessary for processing matters prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "operation and management information system"), such as management of information on the fulfillment of obligations by producers obligated to recycle wastes, cooperatives, distribution support centers, etc., and on the transfer and acceptance of empty containers and recyclable resources.
- (2) The Minister of Environment may, where deemed necessary, authorize a relevant specialized institution, such as the Corporation, to perform duties related to the building and operation of the operation and management information system on behalf of the Minister.
- (3) Where the Minister of Environment authorizes the relevant specialized institution to perform duties on behalf of him/her under paragraph (2), he/she may grant subsidies to cover the expenses incurred.

[This Article Newly Inserted by Act No. 13036, Jan. 20, 2015]

Article 36-3 (Obligation of Producers Obligated to Recycle Wastes, etc. to Prepare and Submit Management Cards)

- (1) Every producer obligated to recycle wastes, cooperative, distribution support center, and outsourcing contractor that assumes the recovery, reuse or recycling process of

empty containers or recyclable resources under a contract therewith shall prepare and submit a management card that states information on the transfer, acceptance, etc. of empty containers or recyclable resources (hereinafter referred to as "management card") in compliance with the guidelines publicly notified by the Minister of Environment: Provided, That where information on the transfer, acceptance, etc. of empty containers or recyclable resources is transmitted via the operation and management information system, the management card shall be deemed prepared and submitted.

(2) Information on confidential management or business information collected by operating the operation and management information system shall be protected, and shall not be used for a purpose other than for facilitating the recovery and recycling of recyclable resources.

[This Article Newly Inserted by Act No. 13036, Jan. 20, 2015]

Article 37 (Cooperation from Relevant Agencies)

The Minister of Environment may request the head of a relevant administrative agency to do any of the following if deemed necessary to attain the purpose of this Act. In such cases, the head of the relevant administrative agency shall comply with such request unless there is a compelling reason not to do so: <Amended by Act No. 15101, Nov. 28, 2017>

1. Submit materials necessary for formulating policies to facilitate saving and recycling of resources;
2. Other matters prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 38 (Delegation and Entrustment of Authority)

- (1) The Minister of Environment or the competent minister may delegate part of his/her authority under this Act to the Special Metropolitan City Mayor, Metropolitan City Mayors, Mayor of a Special Self-Governing City, Do Governors, the Governor of a Special Self-Governing Province, or the heads of regional environmental offices, as prescribed by Presidential Decree. <Amended by Act No. 12319, Jan. 21, 2014>
- (2) The Minister of Environment or the competent minister may entrust part of his/her duties under this Act to a relevant specialized institution, such as the Corporation, as prescribed by Presidential Decree. <Amended by Act No. 9433, Feb. 6, 2009>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 38-2 (Hearings)

The Ministry of Environment shall hold a hearing in any of the following circumstances: <Amended by Act No. 12319, Jan. 21, 2014>

1. Where the Minister intends to issue an order prohibiting the importation, manufacturing, or use of solid fuels pursuant to Article 25-10 (1) or the main sentence of Article 25-10 (2);
2. Where the Minister intends to revoke authorization pursuant to Article 28-5.

[This Article Wholly Amended by Act No. 12076, Aug. 13, 2013]

Article 38-2 (Hearings)

The Ministry of Environment shall hold a hearing in any of the following circumstances: <Amended by Act No. 12319, Jan. 21, 2014; Act No. 15101, Nov. 28, 2017>

1. Where the Minister intends to issue an order prohibiting the importation, manufacturing, or use of solid fuels pursuant to Article 25-10 (1) or the main sentence of Article 25-10 (2);
- 1- Where the Minister intends to revoke permission to use solid fuels pursuant to Article 25-7 (4);
2. Where the Minister intends to revoke authorization pursuant to Article 28-5.

[This Article Wholly Amended by Act No. 12076, Aug. 13, 2013]

<<Enforcement Date: Nov. 29, 2018>> Subparagraph 1-2 of Article 38-2

#### CHAPTER VI PENALTY PROVISIONS

##### Article 39 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment for not more than three years, or by a fine not exceeding thirty million won:

1. A person who imports or manufactures solid fuels after filing a report by fraudulent or other illegal means, in violation of Article 25-4 (1) or (2);
2. A person who imports or manufactures solid fuels after undergoing a quality inspection by fraudulent or other illegal means, in violation of Article 25-5 (1);
3. A person who uses solid fuels in a facility other than a facility to use such solid fuels, in violation of Article 25-7 (2);
4. A person who imports, manufactures or uses solid fuels during a period for prohibition, in violation of an order prohibiting the importation, manufacturing, or use of solid fuels under Article 25-10 (1) or the main sentence of Article 25-10 (2).

[This Article Wholly Amended by Act 12319, Jan. 21, 2014]

##### Article 39 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment for not more than three years, or by a fine not exceeding thirty million won: <Amended by Act No. 15101, Nov. 28, 2017>

1. A person who imports or manufactures solid fuels after filing a report by fraudulent or other illegal means, in violation of Article 25-4 (1) or (2);
2. A person who imports or manufactures solid fuels after undergoing a quality inspection by fraudulent or other illegal means, in violation of Article 25-5 (1);
3. A person who uses solid fuels without obtaining permission, in violation of Article 25-7 (1);
- 3- A person who obtains permission to use sold fuels pursuant to Article 25-7 (1) by
  2. fraudulent or other illegal means;
4. A person who imports, manufactures or uses solid fuels during a period for prohibition, in violation of an order prohibiting the importation, manufacturing, or use of solid fuels under Article 25-10 (1) or the main sentence of Article 25-10 (2).

[This Article Wholly Amended by Act 12319, Jan. 21, 2014]

<<Enforcement Date: Nov. 29, 2018>> Subparagraphs 3 and 3-2 of Article 39

##### Article 39-2 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment for not more than one year, or by a fine not exceeding ten million won:

1. A person who allows a third person to import or manufacture solid fuels using his/her trade name or name, or lends his/her certificate of reports to a third person, in violation

- of Article 25-4 (5);
- 2. A person who imports or manufactures solid fuels non-compliant with quality standards (excluding moisture standard) under Article 25-5 (1);
- 3. A person fails to request an inspection necessary for placing a quality mark, in violation of Article 25-6 (2), or indicates differently from the results of the inspection under the same paragraph;
- 4. A person who fails to undergo a regular inspection of his/her manufacturing facility and facility to use solid fuels, in violation of Article 25-8 (1);
- 5. A person who manufactures or uses solid fuels using a relevant facility without implementing an improvement order, in violation of Article 25-8 (3);
- 6. A person who fails to observe the permissible emission levels for dioxin, in violation of Article 25-9 (2).

[This Article Newly Inserted by Act 12319, Jan. 21, 2014]

#### Article 39-2 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment for not more than one year, or by a fine not exceeding ten million won: <Amended by Act No. 15101, Nov. 28, 2017>

- 1. A person who allows a third person to import or manufacture solid fuels using his/her trade name or name, or lends his/her certificate of reports to a third person, in violation of Article 25-4 (5);
- 2. A person who imports or manufactures solid fuels non-compliant with quality standards (excluding moisture standard) under Article 25-5 (1);
- 3. A person fails to request an inspection necessary for placing a quality mark, in violation of Article 25-6 (2), or indicates differently from the results of the inspection under the same paragraph;
- 3- A person who modifies any permitted matter for use of solid fuels without obtaining 2. permission for modification, in violation of Article 25-7 (2);
- 3-3. A person who violates conditions attached pursuant to Article 25-7 (3);
- 4. A person who fails to undergo a regular inspection of his/her manufacturing facility and facility to use solid fuels, in violation of Article 25-8 (1);
- 5. A person who manufactures or uses solid fuels using a relevant facility without implementing an improvement order, in violation of Article 25-8 (3);
- 6. A person who fails to observe the permissible emission levels for dioxin, in violation of Article 25-9 (2).

[This Article Newly Inserted by Act 12319, Jan. 21, 2014]

<<Enforcement Date: Nov. 29, 2018>> Subparagraphs 3-2 and 3-3 Article 39-2

#### Article 40 (Joint Penalty Provisions)

If the representative of a corporation, or an agent, employee, or other servant of the corporation or an individual commits any of the violations provided for in Article 39 or 39-2 in connection with the business of the corporation or the individual, not only shall such violator be punished, but the corporation or the individual shall also be punished by a fine under the relevant Article: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business to prevent such violation.

[This Article Wholly Amended by Act No. 12319, Jan. 21, 2014]

Article 41 (Administrative Fines)

(1) Any of following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 11788, May 22, 2013; Act No. 12319, Jan. 21, 2014; Act No. 13036, Jan. 20, 2015>

1. A person who fails to comply with standards for the quality of packing materials, packing methods of products, and goals of the annual reduction of packing materials made of synthetic resin under Article 9 (1);
  2. A person who disobeys an order to undergo an inspection under Article 9 (3);
  3. A person who uses, or offers a disposable product free of charge, in violation of Article 10;
  4. A person who fails to place a separate discharge mark or a false mark, in violation of Article 14;
  5. A person who fails to refund the container deposit, in violation of Article 15-2 (3);
  6. A person who fails to pay handling fees, in violation of Article 15-2 (4);
  - 6- A person who fails to place a mark "container deposit refundable" and "reusable", in violation of Article 15-2 (6);
  7. A person who uses unclaimed deposits, in violation of Article 15-3 (1);
  - 7- A person who indicates certification without obtaining the certification for fulfilling his/her obligation to recycle, in violation of Article 17-2 (3);
  8. A person who fails to take necessary measures, in violation of an order to take measures under Article 25-2 (2);
  9. A person who imports or uses solid fuels without reporting, in violation of Article 25-4 (1) or (2);
  10. A person who fails to report on modification, in violation of Article 25-4 (4);
  11. A person who fails to place a quality mark, in violation of Article 25-6 (1);
  12. A person who fails to report on the use, etc. of solid fuels, in violation of Article 25-7 (1);
  13. A person who fails to observe any of the matters for environmental control, in violation of Article 25-9 (1);
  14. A person who fails to report on succession to rights and obligations, in violation of Article 25-13 (2);
  15. A person who fails to enter information in the information management system, in violation of Article 25-14 (2);
  16. A person who fails to submit a report or data under Article 36 (1), submits a false report or data, or refuses, obstructs or evades a public official's on-site inspection.
- (2) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 11788, May 22, 2013; Act No. 12076, Aug. 13, 2013; Act No. 13036, Jan. 20, 2015>
1. A person who disobeys an order to take measures issued under Article 12-3 (2);
  2. A person who fails to submit a plan to fulfill the obligation for recovery and recycling, or a report on the outcomes of fulfilling the obligation for recovery and recycling under Article 18;
  3. A person who fails to keep records or preserve books of accounts, or keeps false



records under Article 36 (3).

(3) Administrative fines provided for in paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment, competent minister, Special Self-Governing City Mayor, Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu, as prescribed by Presidential Decree. <Newly Inserted by Act No. 12319, Jan. 21, 2014>

[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]

Article 41 (Administrative Fines)