

법령, 판례 등 모든 법령정보를 한 번에 검색 OK !

SPECIAL ACT ON THE SAFETY OF PRODUCTS FOR CHILDREN

산업통상자원부(국가기술표준원 생활제품안전과) 043-870-5574

 **법제처 국가법령정보센터**
www.law.go.kr

2019. 10. 31.

SPECIAL ACT ON THE SAFETY OF PRODUCTS FOR CHILDREN

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prescribe basic matters to create a safe environment for children by ensuring the safety of products used by children, thereby contributing to preventing accidents involving children caused by such products and to maintaining and promoting children's health.

Article 2 (Definitions)

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

1. The term "products for children" means goods, or parts or accessories thereof used by, or used for, children not over 13 years of age: Provided, That any of the following goods, or parts or accessories thereof shall be excluded herefrom:
 - (a) Drugs and quasi-drugs defined in Article 2 of the Pharmaceutical Affairs Act;
 - (b) Medical devices defined in Article 2 (1) of the Medical Devices Act;
 - (c) Cosmetics defined in subparagraph 1 of Article 2 of the Cosmetics Act;
 - (d) Apparatus defined in subparagraph 4 of Article 2 of the Food Sanitation Act; and containers and packages defined in subparagraph 5 of Article 2 of the same Act;
 - (e) Amusement facilities or amusement machines defined in Article 33 (1) of the Tourism Promotion Act;
2. The term "business entity" means a person who engages in producing, assembling, or processing (hereinafter referred to as "manufacture") products for children; or in importing, selling, or lending (hereinafter referred to as "distribution") such products;
3. The term "business operator" means a person who uses products for children, in business;
4. The term "safety investigation" means all activities to investigate risk factors of any product for children in order to prevent such product from causing harm to children's safety or health;
5. The term "harm" means danger of any product for children, which injure, or are likely to injure, human health;
6. The term "safety control of products for children" means activities of managing the manufacture, distribution, etc. of products for children in order to prevent any harm to children's safety or health or property damage;
7. The term "common safety standards for products for children" means safety standards to which any products for children must conform;
8. The term "safety certification" means proving the safety of products for children through both product inspections (referring to testing and inspecting products for children; hereinafter the same shall apply) and factory inspections (referring to examining manufacturing facilities, self-inspection facilities, technological capability, and manufacturing systems; hereinafter the same shall apply), or through product inspections only;
9. The term "product for children subject to safety certification" means a product for children prescribed by Ordinance of the Ministry of Trade, Industry and Energy, the risk of which is deemed preventable through safety certification, among products for children deemed highly likely to cause harm to children's safety or health or cause property damage due to their structures, materials, methods of use, etc.;
10. The term "safety verification" means verifying the safety of products through product inspections;
11. The term "product for children subject to safety verification" means a product for children prescribed by Ordinance of the Ministry of Trade, Industry and Energy, the risk of which is

deemed preventable through product inspections, among products for children which are likely to cause harm to children's safety or health due to their structures, materials, methods of use, etc.;

12. The term "product for children subject to verification of supplier compliance" means any product for children, other than products for children subject to safety certification and products for children subject to safety verification;
13. The term "product for children subject to safety control" means any of the following products for children:
 - (a) A product for children subject to safety certification;
 - (b) A product for children subject to safety verification;
 - (c) A product for children subject to verification of supplier compliance.

Article 3 (Responsibilities of the State, etc.) (1) The State and local governments shall have the responsibility to formulate and implement policies for the safety of products for children to enable children to use such products safely.

(2) To ensure the safety of products for children, the State shall establish or amend the standards or specifications for products for children (hereinafter referred to as "safety standards") in compliance with the relevant international standards, and shall implement such safety standards.

(3) The State shall prepare institutional devices necessary for the safety of products for children, and shall endeavor to secure necessary finances.

(4) A business entity shall have the obligation to manufacture or distribute products safe for children, and to verify the safety of such products.

Article 4 (Relations with other Acts)

This Act shall take precedence over other Acts with regard to the safety of products for children.

Article 5 (Master Plans for Safety Management of Products for Children) (1) The Minister of Trade, Industry and Energy shall formulate a master plan for the safety management of products for children (hereinafter referred to as "master plan") every three years, after gathering consensus from the heads of related central administrative agencies; the Special Metropolitan City Mayor; a Metropolitan City Mayor; a Special Self-Governing City Mayor; a Do Governor; and a Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor"), and undergoing deliberation by the Product Safety Deliberation Committee established under Article 3 of the Electrical Appliances and Consumer Products Safety Control Act. <Amended by Act No. 13851, Jan. 27, 2016>

(2) A master plan shall include the following:

1. Objectives of, and basic direction-setting for, policies for the safety control of products for children;
2. Establishing the foundation to ensure the safety of products for children;
3. Preventing, and taking measures in, accidents caused by products for children;
4. Standards for safety investigation of products for children, and implementation of such investigation;
5. Research on safety standards, and technology development;
6. Regulations on the manufacture and distribution of products for children;
7. Any other matters to ensure the safety of products for children.

(3) Where the Minister of Trade, Industry and Energy has formulated a master plan, he/she shall submit such plan to the Consumer Policy Committee established under Article 23 of the Framework Act on Consumers.

(4) The Minister of Trade, Industry and Energy shall endeavor to accord to securing human resources and finances necessary to implement such master plan.

(5) Matters necessary to formulate and implement master plans shall be prescribed by Presidential Decree.

CHAPTER II ENSURING SAFETY OF PRODUCTS FOR CHILDREN**SECTION 1 Safety Investigation and Measures to Be Taken****Article 6 (Safety Investigation and Reflection, etc. of Information on Risk Assessment)** (1)

The Minister of Trade, Industry and Energy may investigate the safety of any product for children, if it falls under any of the following cases: Provided, That risk assessment of environmentally hazardous factors prescribed in the Environmental Health Act shall be excluded herefrom:

1. Where the relevant product for children causes, or is likely to cause, harm to children's safety or health;
2. Where the relevant business entity or any other foreign business entity has taken any measure specified in any subparagraph of Article 12 (5) in a foreign country, on the grounds of risks;
3. Where safety investigation is required to ensure the safety of the relevant product for children.
 - (2) Where any product for children is verified as having any risk as a result of risk assessment of environmentally hazardous factors conducted by the Minister of Environment pursuant to Article 24 (2) of the Environmental Health Act, the Minister of Trade, Industry and Energy shall reflect such findings in the safety standards for products for children subject to safety management.
 - (3) Where the Minister of Trade, Industry and Energy has conducted safety investigation pursuant to paragraph (1), he/she shall keep the details and results thereof, and may make them available for perusal by the business entity of the relevant product for children.
 - (4) Details about the method and procedures for conducting safety investigations under paragraph (1), as well as the custody, perusal, etc. of the details and results of the investigation referred to in paragraph (3), shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 7 (Reporting, Inspection, etc.) (1) In any of the following cases, the Minister of Trade, Industry and Energy may require the relevant business entity to make a necessary report or to submit necessary data; and may have the relevant public official visit the relevant manufacturing facilities, place of business, or any other necessary place to collect products for children, to inspect relevant documents, facilities, equipment, etc., or to make inquiries to relevant persons:

1. Where it is reported that illegal products for children are manufactured or distributed, or likely to be manufactured or distributed;
2. Where necessary for the safety management of products for children.
 - (2) A public official who makes a visit or conducts an inspection pursuant to paragraph (1), shall carry a certificate indicating his/her authority and present it to relevant persons.
 - (3) The procedures for making a report and conducting an inspection, and other necessary matters shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 8 (Publication of Results, etc. of Safety Investigation) (1) The Minister of Trade, Industry and Energy may publicize results of safety investigations referred to in Article 6.

- (2) Where the head of a related central administrative agency, a Mayor/Do Governor, the head of a Si/Gun/Gu (the head of a Gu meaning the head of an autonomous Gu; hereinafter the same shall apply), or the head of a public institution prescribed by Presidential Decree intends to publicize the fact that a product for children is suspected of causing harm, he/she shall first notify the Minister of Trade, Industry and Energy of such fact.
- (3) The method of publication referred to in paragraph (1) and other matters necessary for publication, shall be prescribed by Presidential Decree.

Article 9 (Recommendation for Collecting, etc. of Products for Children) (1) Where any product for children distributed on the market causes, or is likely to cause, harm to children's safety or health, the Minister of Trade, Industry and Energy may recommend the relevant business entity to take measures, such as collecting, destructing, repairing, exchanging, refunding,

improving, or prohibiting the manufacture or distribution thereof, or other necessary measures (hereinafter referred to as "collecting, etc.").

(2) Where the business entity in receipt of recommendation referred to in paragraph (1) fails to comply therewith without any justifiable ground, the Minister of Trade, Industry and Energy may publicize such fact.

(3) Where the relevant business entity has taken measures recommended under paragraph (1), he/she shall report matters prescribed by Presidential Decree, such as the results thereof, to the Minister of Trade, Industry and Energy.

(4) Matters necessary for recommendations, including collecting, etc., publication referred to in paragraph (2), and the report referred to in paragraph (3) shall be prescribed by Presidential Decree.

Article 10 (Order for Collecting, etc. of Products for Children) (1) In any of the following cases, the Minister of Trade, Industry and Energy shall issue an order for collecting, etc. to the relevant business entity in accordance with the procedures prescribed by Presidential Decree, and may publicize such fact:

1. Where any risk of the relevant product for children has been verified through a safety investigation;
2. Where the business entity in receipt of the recommendation referred to in Article 9 fails to comply therewith without any justifiable ground;
3. Where substantial grounds exist to acknowledge that the relevant product for children causes, or is likely to cause, harm to children's safety or health or property damage due to any serious defect prescribed by Presidential Decree.

(2) Where the relevant business entity takes measures in compliance with an order referred to in paragraph (1), he/she shall report matters prescribed by Presidential Decree, such as the results thereof, to the Minister of Trade, Industry and Energy.

(3) Where the relevant business entity fails to comply with the order referred to in paragraph (1), the Minister of Trade, Industry and Energy may directly engage in collecting, etc. of the relevant product for children. In such cases, expenses incurred in collecting, etc. may be collected from the relevant business entity.

(4) Matters necessary for the order for collecting, etc. and publication referred to in paragraph (1), the report referred to in paragraph (2), and the measures and collection of expenses referred to in paragraph (3) shall be prescribed by Presidential Decree.

Article 11 (Application, etc. for Cancellation of Recommendation, etc.) (1) Where either a business entity who has received a recommendation for collecting, etc. under Article 9 or an order for collecting, etc. under Article 10, or a business entity who has interests in such recommendation or order for collecting, etc. has an objection to such recommendation or order, he/she may file an application to fully or partially cancel the recommendation or order with the Minister of Trade, Industry and Energy, within 30 days after receipt of such recommendation or order.

(2) Upon receipt of an application under paragraph (1), the Minister of Trade, Industry and Energy shall determine whether to fully or partially cancel the recommendation issued under Article 9 or the order issued under Article 10, within 30 days: Provided, That where it is impracticable to make a determination within the period due to extenuating circumstances, such period may be extended by up to 30 days.

(3) A person in receipt of an order under Article 10 may file an administrative appeal under the Administrative Appeals Act, irrespective of whether he/she has filed an application under paragraph (1).

(4) The procedures and method for filing an application under paragraph (1) and other matters shall be prescribed by Presidential Decree.

Article 12 (Business Entities' Duty to Make Report) (1) Where a product for children distributed on the market falls under any of the following cases, the relevant business entity shall report the name, trademark, and model name of such product for children, the details of the relevant accident, the quantities, etc. of such product manufactured, imported, or sold, to the Minister of Trade, Industry and Energy, within 48 hours from the date he/she becomes aware of such case, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:

1. Where the product for children has failed to comply with the safety standards related to the safety of products for children;
2. Where the product for children has caused a serious injury, death, or any other serious accident prescribed by Presidential Decree;
3. Where any serious defect prescribed by Presidential Decree is discovered in the product for children.

(2) Where a business entity intends to voluntarily take measures, including collecting, etc., because any product for children distributed on the market causes, or is likely to cause, harm to children's safety or health or property damage due to a defect therein, he/she shall report to the Minister of Trade, Industry and Energy on the method, procedures, etc. for doing so, as prescribed by Presidential Decree.

(3) Where a plan to take voluntary measures, including collecting, etc. under paragraph (2) is deemed insufficient for the safety control of the relevant product for children, the Minister of Trade, Industry and Energy may request the relevant business entity to supplement the measures. In such cases, the business entity shall comply with such request, except in extenuating circumstances.

(4) After taking measures, including collecting, etc. under paragraph (2), the relevant business entity shall report matters prescribed by Presidential Decree, such as the results thereof, to the Minister of Trade, Industry and Energy.

(5) Where a business entity has taken any of the following measures in a foreign country, for a product identical to that distributed on the market, on the ground of its risk; or where the business entity becomes aware that another foreign business entity has taken such measure, he/she shall immediately report such fact to the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree: Provided, that the same shall not apply where the business entity reports such fact after taking voluntary measures, including collecting, etc., for the relevant product for children pursuant to paragraph (2):

1. Where the business entity has taken measures, including collecting, etc., after receipt of a recommendation or order for collecting, etc. from a foreign government;
2. Where the business entity has voluntarily taken measures, including collecting, etc.

Article 13 (Insiders' Reporting, etc.) (1) Where a business entity is aware that a serious defect in a product for children is likely to harm children's safety or health, but conceals the details of such defect, an employee of the business entity may report such fact to the Minister of Trade, Industry and Energy.

(2) No business entity shall treat the relevant employee disadvantageously, on the ground that he/she has filed a report under paragraph (1).

(3) Any person treated disadvantageously in relation to his/her status, on the ground that he/she has filed a report, may request the Minister of Trade, Industry and Energy to withdraw such disadvantageous disposition or to take any other necessary measures.

(4) Where the details of a request made by the relevant employee are deemed reasonable based on an investigation, the Minister of Trade, Industry and Energy may require the relevant business entity to take appropriate measures. In such cases, the business entity shall comply with such request, except in extenuating circumstances.

Article 14 (Request, etc. for Submission of Data Related to Accident by Products for

Children) (1) Where any accident occurs which causes, or is likely to cause, harm to children's safety or health due to a product for children, the Minister of Trade, Industry and Energy may request the relevant business entity to submit data related to the accident in order to ascertain the details and cause of the accident, and to take safety measures. In such cases, upon receipt of the request for the data, the business entity shall comply therewith, except in extenuating circumstances.

(2) To scientifically and efficiently ascertain the details and causes of accidents by products for children referred to in paragraph (1), the Minister of Trade, Industry and Energy may designate a corporation or organization, which conducts business relating to the safety of products for children, to investigate the details, cause, etc. of the accident by the product for children, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(3) The scope of data to be requested under paragraph (1), the method and procedures for conducting investigation under paragraph (2), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

SECTION 2 Safety Certification for Products for Children

Article 15 (Designation, etc. of Safety Certification Institutions) (1) To ensure the safety of products for children, the Minister of Trade, Industry and Energy may designate an institution that conducts safety certification business for products for children.

(2) A person intending to be designated as an institution under paragraph (1) shall file an application for the designation with the Minister of Trade, Industry and Energy, after securing testing and inspection facilities, examination personnel, etc. that meet the standards prescribed by Presidential Decree.

(3) The Minister of Trade, Industry and Energy may provide an institution designated pursuant to paragraph (1) (hereinafter referred to as "safety certification institution"), with assistance necessary for conducting safety certification affairs.

(4) Matters necessary for the designation procedures, method, etc. referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 16 (Revocation, etc. of Designation of Safety Certification Institutions) (1) Where a safety certification institution falls under any of the following cases, the Minister of Trade, Industry and Energy may revoke its designation, or issue an order to suspend all or part of its relevant business for a given period not exceeding one year: Provided, That where the institution falls under subparagraph 1 or 2, he/she shall revoke its designation:

1. Where the institution is designated as a safety certification institution by fraud or other improper means;
2. Where the institution engages in safety certification during a period of business suspension;
3. Where the institution rejects safety certification without any justifiable ground;
4. Where the institution fails to meet the standards for designating safety certification institutions referred to in Article 15;
5. Where the institution engages in safety certification, in violation of Article 17 (3);
6. Where the institution attaches conditions to safety certification, in violation of Article 17 (4);
7. Where the institution fails to prepare and keep safety certification records in violation of Article 17 (5), or falsely prepares and keeps such records;
8. Where the institution engages in safety certification, in violation of Article 21 (3);
9. Where the institution conducts affairs outside the scope of business it was permitted and assigned to conduct when it was designated as a safety certification institution.

(2) Matters necessary for revoking the designation, the standards, procedures, etc. for suspending business under paragraph (1) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

- Article 17 (Safety Certification, etc.)** (1) Any manufacturer (including persons intending to export relevant products for children manufactured in a foreign country, to the Republic of Korea) or importer of products for children subject to safety certification shall obtain safety certification for such products from a safety certification institution in accordance with any of the following relevant methods, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:
1. Where the manufacturer or importer obtains safety certification for any product model for children (referring to the type of product to which a unique name prescribed by Ordinance of the Ministry of Trade, Industry and Energy is given; hereinafter the same shall apply), both product inspection and factory inspection shall be required therefor;
 2. Where the manufacturer or importer obtains safety certification only for products for children which are manufactured or imported in fixed quantities, or which are produced only once, only product inspection shall be required therefor.
- (2) Where a manufacturer of products for children subject to safety certification intends to amend any safety-certified matters, he/she shall file an application to amend safety certification with the relevant safety certification institution, in accordance with the method and procedures prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (3) Where a product for children subject to safety certification meets the safety standards for product inspection (including the common safety standards for products for children; hereinafter the same shall apply) or the standards for factory inspection publicly notified by the Minister of Trade, Industry and Energy, the relevant safety certification institution shall certify the safety of such product: Provided, That where safety standards have not been publicly notified or where the publicly notified safety standards are inapplicable to the relevant product for children subject to safety certification, the relevant safety certification institution may certify the safety of such product based on the mutatis mutandis application of the relevant international standards, domestic or foreign national standards, etc. thereto, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (4) If necessary, a safety certification institution may attach conditions to safety certification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (5) A safety certification institution shall prepare and keep records of safety certification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (6) To verify as to whether the safety of safety-certified products for children subject to safety certification is maintained, a safety certification institution may conduct regular biennial inspections for products or factories of a manufacturer of products for children subject to safety certification, according to the method and procedures prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That occasional inspections may be conducted, if any problem occurs in connection with the safety of a product for children subject to safety certification or any other extenuating circumstances exist.
- (7) A manufacturer of products for children subject to safety certification shall conduct self-inspections for products, which have been manufactured after obtaining safety certification, in order to verify whether the safety of such products is maintained, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (8) A manufacturer or importer of products for children subject to safety certification shall prepare and keep the following relevant documents, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:
1. Manufacturers: A document verifying that the relevant products for children subject to safety certification comply with the safety standards referred to in paragraph (3), and records of self-inspection referred to in paragraph (7);
 2. Importers: A document verifying that the relevant products for children subject to safety certification comply with the safety standards referred to in paragraph (3).
- (9) A safety certification institution may fully or partially exempt, from regular inspections, a

manufacturer of products for children subject to safety certification who has outstanding findings from regular inspection referred to in the main sentence of paragraph (6) or self-inspection referred to in paragraph (7), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(10) A safety certification institution may conclude a contract for mutual recognition of the results of product inspection or factory inspection on products for children subject to safety certification, with any domestic or foreign institution conducting tests and inspections on the safety of products for children subject to safety certification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(11) Paragraphs (2), (4), (6), and (7) shall not apply where safety certification is granted by the method specified in paragraph (1) 2.

Article 18 (Exemption from Safety Certification) (1) Where a product for children subject to safety certification falls under any of the following cases, the Minister of Trade, Industry and Energy may fully or partially exempt such product from safety certification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, notwithstanding Article 17 (1):

1. Where the relevant product is manufactured or imported for research and development, or for export;
2. Where the relevant product is manufactured or imported for display at an exhibition or expo;
3. Where the relevant product has been safety-certified by a foreign safety certification institution publicly notified by the Minister of Trade, Industry and Energy;
4. Where the relevant product has been certified under Article 15 of the Industrial Standardization Act;
5. Where the relevant product is recognized as having passed product inspection or factory inspection conducted by any domestic or foreign institution, with which a safety certification institution has concluded a contract for mutual recognition pursuant to Article 17 (10);
6. Any other cases prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(2) Where a manufacturer or importer has been exempt from safety certification pursuant to paragraph (1) 3 through 6, but the grounds for such exemption are cancelled, he/she shall re-obtain safety certification under Article 17.

Article 19 (Placing, etc. Safety Certification) (1) A manufacturer or importer of products for children subject to safety certification shall place a safety certification mark (including the indication of product information; and hereinafter referred to as "safety certification mark") on safety-certified products for children subject to safety certification: Provided, That the same shall not apply to any product for children subject to safety certification which has been fully exempted from safety certification pursuant to Article 18 (1) 1 or 2.

(2) The safety certification mark shall be determined by Ordinance of the Ministry of Trade, Industry and Energy, using figures or symbols so that children can easily recognize it; and the method of indicating the product information shall be determined and publicly notified by the Minister of Trade, Industry and Energy.

(3) No safety certification mark or other similar mark shall be placed on any product for children subject to safety certification, if such product is not safety-certified.

(4) No business entity shall arbitrarily change or remove the safety certification mark from any safety-certified product for children subject to safety certification.

(5) A business entity shall place a caution or warning about effects of the relevant product for children subject to safety certification on children's safety or health, in addition to the safety certification mark. In such cases, the method of stating such caution or warning shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 20 (Prohibition of Sale, Use, etc.) (1) No business entity shall sell any product for children subject to safety certification without a safety certification mark; nor shall import, display,

or keep such product for sale.

(2) No business operator shall commercially use any product for children subject to safety certification without a safety certification mark.

Article 21 (Revocation, etc. of Safety Certification) (1) Where a manufacturer or importer of any safety-certified product for children subject to safety certification falls under any of the following cases, the relevant safety certification institution may revoke safety certification therefor or prohibit the use of the safety certification mark for a period not exceeding six months, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That safety certification shall be revoked if he/she falls under subparagraph 1 or 8:

1. Where he/she obtains safety certification by fraud or other improper means;
 2. Where a product for children subject to safety certification, which has been manufactured after obtaining safety certification, fails to meet the safety standards for product inspection or the standards for factory inspection referred to in Article 17 (3);
 3. Where he/she fails to comply with the conditions referred to in Article 17 (4);
 4. Where he/she refuses, interferes with, or evades any regular inspection or irregular inspection referred to in Article 17 (6);
 5. Where he/she fails to conduct a self-inspection referred to in Article 17 (7);
 6. Where he/she fails to prepare or keep records of self-inspection or a document verifying that the relevant products comply with the safety standards referred to in Article 17 (8); or prepares or keeps false records or a false document;
 7. Where he/she fails to place a safety certification mark referred to in the main sentence of Article 19 (1), or places a false mark;
 8. Where a person who falls under any of subparagraphs 2 through 7 and is, therefore, prohibited from using the safety certification mark, but uses the safety certification mark.
- (2) Where a safety certification institution revokes safety certification or prohibits the use of the safety certification mark pursuant to paragraph (1), it shall publicly notify such fact, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (3) Where a safety certification institution revokes safety certification pursuant to paragraph (1), it shall not certify the safety of the same model of product for children subject to safety certification, within one year after the date of revocation of such safety certification.

SECTION 3 Safety Verification of Products for Children

Article 22 (Reporting, etc. on Safety Verification) (1) A manufacturer or importer of products for children subject to safety verification shall submit each model of product for children subject to safety verification, to be tested and inspected by a laboratory designated under paragraph (3) for its safety, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, to verify that the relevant product meets the safety standards referred to in paragraph (2); and then report such safety verification to the Minister of Trade, Industry and Energy. In such cases, a manufacturer or importer intending to alter reported matters, shall report on alteration thereof.

(2) A laboratory designated pursuant to paragraph (3) shall conduct tests and inspections by applying the safety standards for products for children subject to safety verification publicly notified by the Minister of Trade, Industry and Energy: Provided, That where safety standards have not been publicly notified or where safety standards publicly notified are inapplicable to the relevant product for children subject to safety verification, the laboratory may conduct tests and inspections by applying mutatis mutandis the relevant international standards, domestic or foreign national standards, etc. thereto, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(3) The Minister of Trade, Industry and Energy may designate any laboratory meeting the standards prescribed by Ordinance of the Ministry of Trade, Industry and Energy, among the

laboratories accredited under Article 23 of the Framework Act on National Standards, as a laboratory for products for children subject to safety verification (hereinafter referred to as "laboratory"), and shall publicly notify such laboratory if he/she has designated it.

- (4) The term of validity of the safety verification referred to in paragraph (1) shall be five years, to be counted from the date the safety verification has been reported.
- (5) Where a manufacturer or importer of products for children subject to safety verification has made a report under paragraph (1), he/she shall keep a document verifying that the relevant product for children conforms to the safety standards referred to in paragraph (2), for a period specified by Ordinance of the Ministry of Trade, Industry and Energy, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (6) A laboratory may conclude a contract for mutual recognition of the results of tests and inspections on safety verification of products for children, with any domestic or foreign institution which conducts tests and inspections on the safety of products for children subject to safety verification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (7) Where a product for children subject to safety verification falls under any of the following cases, the Minister of Trade, Industry and Energy may exempt such product from reporting on safety verification or fully or partially from the relevant test and inspection referred to in paragraph (1), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy:
1. Where the relevant product is manufactured or imported for research and development, or for export;
 2. Where the relevant product is manufactured or imported for display at an exhibition or expo;
 3. Where the relevant product has been certified under Article 15 of the Industrial Standardization Act;
 4. Where the relevant product is recognized as having passed tests and inspections conducted by any domestic or foreign institution, with which a laboratory has concluded a contract for mutual recognition pursuant to paragraph (6);
 5. Any other cases meeting the standards publicly notified by the Minister of Trade, Industry and Energy that are not necessarily to be reported.
- (8) Where the grounds for exemption is cancelled after a manufacturer or importer has been exempted from safety verification pursuant to paragraph (7) 3 through 5, he/she shall undergo safety re-verification under paragraph (1).
- (9) Where a laboratory falls under any of the following cases, the Minister of Trade, Industry and Energy may revoke its designation or suspend all or part of the relevant affairs for a period not exceeding one year, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That where a laboratory falls under subparagraph 1 or 2, he/she shall revoke its designation:
1. Where the relevant laboratory is designated as such by fraud or other improper means;
 2. Where the relevant laboratory tests or inspects products for children subject to safety verification during a period of business suspension;
 3. Where the relevant laboratory refuses to test and inspect products for children subject to safety verification without any justifiable ground;
 4. Where the relevant laboratory issues a test and inspection report for a product for children subject to safety verification, by violating the safety standards referred to in paragraph (2);
 5. Where the relevant laboratory fails to meet the standards for designating laboratories referred to in paragraph (3);
 6. Where the relevant laboratory tests and inspects any item not designated under paragraph (3);
 7. Where the relevant laboratory fails to prepare and keep records of safety verification, or prepares and keeps false records, in violation of paragraph (11).
- (10) The Minister of Trade, Industry and Energy may guide and inspect any laboratory, if necessary.

(11) A laboratory shall prepare and keep records of safety verification, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 23 (Placing, etc. Safety Verification) (1) A manufacturer or importer of products for children subject to safety verification shall place a safety verification mark (including the indication of product information; hereinafter referred to as "safety verification mark"), on any product for children subject to safety verification reported to the Minister of Trade, Industry and Energy pursuant to Article 22 (1), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That the same shall not apply to products for children exempted from a report under Article 22 (7) 1 or 2.

(2) A safety verification mark shall be determined by Ordinance of the Ministry of Trade, Industry and Energy, using figures or symbols readily recognizable to children; and the method of indicating the product information shall be determined and publicly notified by the Minister of Trade, Industry and Energy.

(3) No safety verification mark or other similar mark shall be placed on any product for children subject to safety verification, not reported under Article 22 (1).

(4) No business entity shall arbitrarily change or remove the safety verification mark from any product for children subject to safety verification.

(5) A business entity shall place a caution or warning about effects of the relevant product for children subject to safety verification on children's safety or health, in addition to the safety verification mark. In such cases, the method of placing such caution or warning shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 24 (Prohibition of Sale, Use, etc.) (1) No business entity shall sell any product for children subject to safety verification without a safety verification mark; nor shall import, display, or keep such product for sale.

(2) No business operator shall use, for business, any product for children subject to safety verification without a safety verification mark.

SECTION 4 Verification of Supplier Compliance of Products for Children

Article 25 (Verification of Supplier Compliance, etc.) (1) A manufacturer or importer of products for children subject to verification of supplier compliance shall voluntarily confirm that the relevant product for children conforms to the safety standards referred to in paragraph (2) (hereinafter referred to as "verification of supplier compliance"); and shall place a supplier compliance verification mark (including the indication of product information; hereinafter referred to as "supplier compliance verification mark") on such product: Provided, That no supplier compliance verification mark shall be placed in any of the following cases:

1. Where the relevant product is manufactured or imported for research and development, or for export;
2. Where the relevant product is manufactured or imported for display at an exhibition or expo;
3. Any other cases prescribed by Ordinance of the Ministry of Trade, Industry and Energy, where the safety of the relevant product is recognized under other statutes.

(2) A manufacturer or importer of products for children subject to verification of supplier compliance shall test and inspect such products based upon the safety standards for products for children subject to verification of supplier compliance publicly notified by the Minister of Trade, Industry and Energy.

(3) Where no safety standards have been publicly notified pursuant to paragraph (2) or where the publicly notified safety standards are inapplicable to the relevant product for children, the relevant manufacturer or importer may determine whether such product conforms to the safety standards by applying mutatis mutandis the relevant international standards, domestic or foreign national standards, etc. thereto, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(4) A supplier compliance verification mark shall be determined by Ordinance of the Ministry of Trade, Industry and Energy, using figures or symbols so that children can easily recognize it; and the method of indicating the product information shall be determined and publicly notified by the Minister of Trade, Industry and Energy.

(5) A business entity shall place a caution or warning about effects of the relevant product for children subject to verification of supplier compliance on children's safety or health, in addition to the supplier compliance verification mark. In such cases, the method of placing such caution or warning shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(6) Where a manufacturer or importer of products for children subject to verification of supplier compliance has made the verification of supplier compliance, he/she shall keep a document verifying that the relevant product for children conforms to the safety standards referred to in paragraph (2), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(7) No business entity shall sell any product for children subject to verification of supplier compliance without a supplier compliance verification mark; or shall import, display, or keep such product for sale.

(8) No business operator shall use, for business, any product for children subject to verification of supplier compliance without a supplier compliance verification mark.

Article 26 (Prohibition, etc. of False Verification of Supplier Compliance) (1) No manufacturer or importer shall place a false supplier compliance verification mark, on any product for children.

(2) No business entity shall arbitrarily change or remove a supplier compliance verification mark from any product for children subject to verification of supplier compliance.

SECTION 5 Collection and Management of Safety Information on Products for Children

Article 27 (Performance of Market Surveillance Duties Relating to Products for Children, Requests for Provision of Safety Information, etc.) (1) The Minister of Trade, Industry and Energy shall conduct test and analysis business necessary to perform his/her duties, such as investigating and appraising products for children relating to accidents, as prescribed by Presidential Decree.

(2) Where deemed necessary for the safety control of products for children, the Minister of Trade, Industry and Energy may request any of the following institutions or persons to provide information on the safety of the products for children prescribed by Presidential Decree; and in such cases, the relevant institution or person so requested shall comply therewith, except in extenuating circumstances:

1. The relevant central administrative agency or local government;
2. A public institution referred to in Article 4 of the Act on the Management of Public Institutions, or a public organization prescribed by Presidential Decree;
3. A laboratory, research institute, or any other institution prescribed by Presidential Decree, which has information on the safety of products for children;
4. A medical institution, insurance company, or any other person prescribed by Presidential Decree, which has information on accidents caused by products for children.

Article 28 (Collection and Management of Safety Information) (1) The Minister of Trade, Industry and Energy shall systematically collect and manage information, etc. on various accidents relating to products for children, using the product safety information network referred to in Article 16 of the Framework Act on the Safety of Products.

(2) Matters necessary for the collection, management, etc. of safety information on products for children shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

SECTION 6 Restrictions on Sale of Illegal Products, etc.**Article 29 (Restrictions on Sale according to Age for Use)**

Where the age of children eligible to use the relevant product for children is specified in the safety standards referred to in the main sentence of Article 17 (3), the main sentence of Article 22 (2), or Article 25 (2) (referring to the relevant standards, if its safety is certified under the proviso to Article 17 (3); its safety is verified under the proviso to Article 22 (2); or whether the product conforms to the safety standards is verified under Article 25 (3)), no seller of products for children shall sell the relevant product for children subject to safety control, to any child failing to meet such standards.

Article 30 (Prohibiting Brokerage and Vicarious Execution of Purchase or Import)

No sales broker and purchasing or importing agent for products for children shall broker (excluding where a mail order broker prescribed in the Act on the Consumer Protection in Electronic Commerce, Etc. immediately deletes the relevant product without any mark for safety certification, safety verification, or verification of supplier compliance (hereafter in this Article referred to as "safety certification, etc."), which has been discovered on a cybermall that he/she operates, and then requires the relevant applicant for mail order brokerage to enter the information on safety certification, etc. when registering the product; while taking technical measures to ensure that consumers can check such information; hereinafter the same shall apply) the sale of products for children subject to safety control without any mark for safety certification, etc., or act as an agent for purchasing or importing such products.

CHAPTER III PROVISION, ETC. OF CORRECT INFORMATION ON PRODUCTS FOR CHILDREN

Article 31 (Promotion and Support for Products Safe for Children) (1) The Minister of Trade, Industry and Energy shall endeavor to increase the manufacture and distribution of products for children which have obtained safety certification under Article 17, safety verification under Article 22, or verification of supplier compliance under Article 25.

(2) The Minister of Trade, Industry and Energy may provide necessary assistance to promote the expansion of the manufacture and distribution of products for children the safety of which has been confirmed under Article 17, 22, or 25.

Article 32 (Designation, etc. of Safety-Friendly Enterprises for Products for Children) (1)

The Minister of Trade, Industry and Energy may designate a business entity for products for children subject to safety certification referred to in Article 17 or products for children subject to safety verification referred to in Article 22, which engages in exemplary activities to ensure the safety of products for children and to enhance safety levels of such products, as a safety-friendly enterprise for products for children (hereinafter referred to as "safety-friendly enterprise").

(2) A business entity intending to be designated as a safety-friendly enterprise shall file an application with the Minister of Trade, Industry and Energy, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

(3) A business entity designated as a safety-friendly enterprise may use the safety-friendly enterprise logo for the container, package, etc. of the relevant product for children, or use the logo for its advertisements.

(4) Where a business entity designated as a safety-friendly enterprise falls under any of the following cases, the Minister of Trade, Industry and Energy may revoke its designation or issue an order for rectification; and in such cases, where the Minister of Trade, Industry and Energy has revoked the designation, he/she shall not designate the relevant business entity as a safety-friendly enterprise within one year from the date of revocation: Provided, That where a

business entity falls under subparagraph 1, he/she shall revoke its designation:

1. Where the relevant business entity is designated as a safety-friendly enterprise, by fraud or other improper means;
 2. Where the relevant business entity violates Article 17 or 22;
 3. Where the relevant business entity fails to observe any of the matters prescribed by Ordinance of the Ministry of Trade, Industry and Energy, which correspond to the matters specified in subparagraph 1 or 2.
- (5) Matters necessary for the designation of safety-friendly enterprises, logo, method of placing the logo, and other matters, shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 33 (Outsourcing of Designation of Safety-Friendly Enterprises)

The Minister of Trade, Industry and Energy may outsource the designation of safety-friendly enterprises to a Government-funded institution or organization prescribed by Presidential Decree. In such cases, the State shall subsidize expenses incurred in designating such enterprises.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 34 (Order, etc. to Suspend Sale, etc.) (1) Where a business entity or business operator of products for children subject to safety certification falls under any of the following cases, the competent Mayor/Do Governor may issue an order for suspension of sale, improvement, collection, or destruction (hereinafter referred to as "suspension of sale, etc."), for the relevant product for a specified period, as prescribed by Presidential Decree:

1. Where he/she fails to obtain safety certification referred to in Article 17 (1);
2. Where he/she manufactures or imports any product for children subject to safety certification which fails to meet any of the safety standards for product inspection or the standards for factory inspection (referring to the relevant standards if the product has been safety-certified under the proviso to Article 17 (3)) referred to in the main sentence of Article 17 (3);
3. Where he/she fails to place a safety certification mark, on any safety-certified product for children subject to safety certification, in violation of the main sentence of Article 19 (1);
4. Where he/she fails to place a safety certification mark or other similar mark, on any product for children subject to safety certification which has not been safety-certified, in violation of Article 19 (3);
5. Where he/she arbitrarily changes or removes the safety certification mark, in violation of Article 19 (4);
6. Where he/she sells any product for children subject to safety certification without a safety certification mark; or imports, displays, or keeps such product for sale, in violation of Article 20 (1);
7. Where he/she uses, for business, any product for children subject to safety certification without a safety certification mark, in violation of Article 20 (2).

(2) Where a business entity or business operator of products for children subject to safety verification falls under any of the following cases, the competent Mayor/Do Governor may issue an order to suspend sale, etc. for the relevant product for a specified period, as prescribed by Presidential Decree:

1. Where he/she fails to make a report referred to in Article 22 (1) (including a report on alteration);
2. Where he/she manufactures or imports any product for children subject to safety verification which fails to meet any of the safety standards referred to in the main sentence of Article 22 (2) (referring to the relevant standards, if tests and inspections have been conducted under the proviso to Article 22 (2));
3. Where he/she fails to place a safety verification mark, on any product for children subject to

safety verification reported, in violation of the main sentence of Article 23 (1);

4. Where he/she places a safety verification mark or any other similar mark, on any product for children subject to safety verification not reported, in violation of Article 23 (3);
5. Where he/she arbitrarily changes or removes the safety verification mark, in violation of Article 23 (4);
6. Where he/she sells any product for children subject to safety verification, without a safety verification mark; or imports, displays, or keeps such product for sale, in violation of Article 24 (1);
7. Where he/she uses, for business, any product for children subject to safety verification without a safety verification mark, in violation of Article 24 (2).

(3) Where a business entity or business operator of products for children subject to verification of supplier compliance falls under any of the following cases, the competent Mayor/Do Governor may issue an order to suspend sale, etc. for the relevant product for a specified period, as prescribed by Presidential Decree:

1. Where he/she fails to make supplier conformity confirmation, in violation of Article 25 (1);
2. Where he/she manufactures or imports any product for children subject to verification of supplier compliance which fails to conform to the safety standards referred to in Article 25 (2) (referring to the relevant safety standards, if he/she has determined whether the relevant product conforms to the standards pursuant to Article 25(3));
3. Where he/she sells any product for children subject to verification of supplier compliance without a supplier compliance verification mark; or imports, displays, or keeps such product for sale, in violation of Article 25 (7);
4. Where he/she uses, for business, any product for children subject to verification of supplier compliance without a supplier compliance verification mark, in violation of Article 25 (8);
5. Where he/she places a false supplier compliance verification mark on any product for children, in violation of Article 26 (1);
6. Where he/she arbitrarily changes or removes a supplier compliance verification mark from any product for children subject to verification of supplier compliance, in violation of Article 26 (2).

(4) Where a business entity or business operator fails to comply with an order to suspend sale, etc. referred to in paragraphs (1) through (3), the competent Mayor/Do Governor may have a public official under his/her jurisdiction directly collect or destroy the relevant product at the expense of such business entity or business operator, as prescribed by Presidential Decree. In such cases, the public official who engages in collecting or destroying the relevant product shall present a certificate, etc. indicating his/her authority to the relevant person.

(5) Where a Mayor/Do Governor deems it impracticable to prevent harm of the relevant product for children by issuing an order for suspension of sale, etc. under paragraphs (1) through (3) or by taking a disposition of collection or destruction under paragraph (4), he/she may require the relevant business entity or business operator to publish the relevant risk through the press, etc. and to take necessary measures, such as exchange, refund, or repair, for such product for children, as prescribed by Presidential Decree.

Article 35 (Request for Submission of Data)

If necessary for the safety control of products for children, the Minister of Trade, Industry and Energy may request the competent Mayor/Do Governor to submit data on the suspension of sale, etc. referred to in Article 34 (1) through (3), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 36 (Duty to Maintain Confidentiality, etc.) (1) No person currently or formerly falling under any of the following, shall divulge any confidential information learned in the course of performing his/her duties, to other person, nor shall use such information for any purpose other than to perform his/her duties:

1. An executive officer or employee of a corporation or organization designated under Article 14 (2);
 2. An executive officer or employee of a safety certification institution designated under Article 15 (1);
 3. An executive officer or employee of a laboratory designated under Article 22 (3);
 4. A person who engages in business outsourced under Article 33 or 37.
- (2) No public official performing his/her duties under this Act shall use, for other than the enforcement of this Act, the details learned through any investigation, inspection, report, data, information, etc., which have been conducted, made, submitted, or provided under Article 6 (1), 7 (1), 9 (3), 10 (2), 12 (1), (2), (4) or (5), 13 (1), 14 (1) or (2), or 27.

Article 37 (Delegation and Entrustment of Authority)

@Part of the authority of the Minister of Trade, Industry and Energy bestowed by this Act, may be delegated to the head of an institution under his/her management or to the competent Mayor/Do Governor; or may be entrusted to an institution or organization which conducts business relating to the safety of products for children, as prescribed by Presidential Decree.

Article 38 (Legal Fiction as Public Officials for Purposes of Application of Penal Provisions)

A person falling under Article 36 (1) 1 through 4 shall be deemed a public official for the purposes of applying Articles 129 through 132 of the Criminal Act.

Article 39 (Fees)

Any of the following persons shall pay fees, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That where the relevant business is entrusted under Article 37, he/she shall pay fees to the relevant institution entrusted therewith:

1. A person who applies for safety certification under Article 17 (1);
2. A person who files an application for amendment of safety certification under Article 17 (2);
3. A person who undergoes a regular inspection under the main sentence of Article 17 (6);
4. A person who undergoes tests and inspections under Article 22 (1);
5. A person who reports on safety verification (including a report on alteration thereof) under Article 22 (1).

Article 40 (Hearings)

Where the Minister of Trade, Industry and Energy intends to take either of the following dispositions, he/she shall hold a hearing:

1. Revocation of the designation of a safety certification institution referred to in Article 16 (1);
2. Revocation of the designation of a laboratory referred to in Article 22 (9).

CHAPTER V PENAL PROVISIONS

Article 41 (Penal Provisions) (1) Any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won:

1. A person who fails to comply with an order for collecting, etc. products for children referred to in Article 10;
2. A person designated as a safety certification institution under Article 15 (1) by fraud or other improper means;
3. A person that engages in safety certification without having been designated as a safety certification institution under Article 15 (1);
4. A person that engages in safety certification, although business of the relevant safety certification institution has been suspended and the period of business suspension is still current, or although the designation of such institution has been revoked, pursuant to Article 16 (1);

5. A manufacturer or importer who manufactures or imports products for children subject to safety certification without obtaining safety certification therefor, in violation of Article 17 (1);
 6. A person who obtains safety certification under Article 17 (1) by fraud or other improper means;
 7. A person who certifies the safety of any product for children subject to safety certification, which fails to meet any of the safety standards for product inspection or the standards for factory inspection, in violation of Article 17 (3);
 8. A person who is exempted from safety certification under Article 18 (1) by fraud or other improper means;
 9. A person who places a safety certification mark or any other similar mark, on any product for children subject to safety certification, not safety-certified, in violation of Article 19 (3);
 10. A person who arbitrarily changes or removes the safety certification mark, in violation of Article 19 (4).
 11. A person who certifies the safety of the same model of product for children subject to safety certification, within one year after revocation of safety certification therefor, in violation of Article 21 (3);
 12. A person who fails to make a report on safety certification referred to in Article 22 (1);
 13. A person who makes a report on safety certification under Article 22 (1) by fraud or other improper means;
 14. A person who verifies the safety of any product for children subject to safety verification although the product fails to meet the relevant safety standards, in violation of Article 22 (2);
 15. A person designated as a laboratory under Article 22 (3) by fraud or other improper means; or that tests or inspects any product for children subject to safety verification without having been designated as such;
 16. A person exempted from a report on safety verification under Article 22 (7) by fraud or other improper means;
 17. A person who conducts tests and inspections, although business of the relevant laboratory has been suspended and the period of business suspension is still valid, or although the designation of such laboratory has been revoked, pursuant to Article 22 (9);
 18. A person who places a safety verification mark or any other similar mark, on any product for children subject to safety verification not reported in relation to its safety verification, in violation of Article 23 (3);
 19. A person who arbitrarily changes or removes the safety verification mark, in violation of Article 23 (4);
 20. A person who places a false supplier compliance verification mark, in violation of Article 26 (1);
 21. A person who arbitrarily changes or removes a supplier compliance verification mark, in violation of Article 26 (2);
 22. A person who uses, for other than the enforcement of this Act, any information learned through any investigation, inspection, report, data, information, etc. conducted, made, submitted or provided, in violation of Article 36 (2).
- (2) 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 takes any disadvantageous measure defined in subparagraph 6 (a) through (i) of Article 2 of the Protection of Public Interest Reporters Act, against any employee, in violation of Article 13 (2);
 2. A business entity which fails to comply with a request of the Minister of Trade, Industry and Energy, to take measures, in violation of Article 13 (4);
 3. A person who divulges any confidential information learned in the course of performing his/her duties to other person, or uses such information for any purpose other than to perform his/her

duties, in violation of Article 36 (1).

Article 42 (Joint Penal Provisions)

If the representative of a corporation, or an agent or employee of, or any other person employed by, a corporation or an individual commits any offense specified in Article 41 in connection with any of the affairs of the corporation or individual, not only shall such offender be punished accordingly, but the corporation or individual also shall be punished by a fine under the relevant provisions: Provided, That the same shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant affairs, to prevent such offense.

Article 43 (Administrative Fines) (1) A person who fails to submit data referred to in Article 14 (1) or to provide information referred to in Article 27 without any extraordinary ground although he/she has been requested to submit such data or provide such information, shall be subject to an administrative fine not exceeding 20 million won.

(2) Any of the following persons shall be subject to an administrative fine not exceeding ten million won:

1. A person who fails to submit data or to report under Article 7 (1), or submits false data or makes a false report;
2. A person who refuses, interferes with, or evades any collection, inspection, or inquiries referred to in Article 7 (1);
3. A person who refuses, interferes with, or evades any regular inspection or irregular inspection referred to in Article 17 (6);
4. A person who sells any product for children subject to safety certification without a safety certification mark; or imports, displays, or keeps such product for sale, in violation of Article 20 (1);
5. A person who sells any product for children subject to safety verification without a safety verification mark; or imports, displays, or keeps such product for sale, in violation of Article 24 (1);
6. A person who sells any product for children subject to verification of supplier compliance without a supplier compliance verification mark; or imports, displays, or keeps such product for sale, in violation of Article 25 (7);
7. A person designated as a safety-friendly enterprise under Article 32 (1) by fraud or other improper means;
8. A person who places a safety-friendly enterprise logo or uses it for advertisements, although the designation of the relevant safety-friendly enterprise has been suspended and the period of suspension of the designation is still valid, or although the designation of such enterprise has been revoked, pursuant to Article 32 (4);
9. A person who fails to comply with an order for suspension of sale, etc. referred to in Article 34 (1) through (3);
10. A person who refuses or interferes with the collection or destruction referred to in the main part of Article 34 (4);
11. A person who fails to comply with an order to publish the relevant harm or an order for exchange, refund, repair, etc. of the relevant product for children referred to in Article 34 (5).

(3) Any of the following persons shall be subject to an administrative fine not exceeding five million won:

1. A person who fails to report the results, etc. of measures taken in compliance with a recommendation for collecting, etc. of the relevant product for children referred to in Article 9 (3); or fails to report the results, etc. of measures taken in compliance with an order for collecting, etc. of the relevant product for children referred to in Article 10 (2);
2. A person who fails to report the name, trademark and model name of the relevant product for children, the details of the relevant accident, the quantities, etc. of such product manufactured,

- imported, or sold, in violation of Article 12 (1);
3. A person who fails to report measures taken, including voluntary collecting, etc., in violation of Article 12 (2);
 4. A person who refuses to comply with a request for supplementation made by the Minister of Trade, Industry and Energy, without any justifiable ground, in violation of Article 12 (3);
 5. A person who fails to report the relevant matters after taking measures, including voluntary collection, etc, in violation of Article 12 (4);
 6. A business entity who fails to report that he/she has taken the relevant measure in a foreign country or that another foreign business entity has taken such measure, in violation of Article 12 (5);
 7. A person who fails to file an application to amend safety certification under Article 17 (2);
 8. A person who fails to prepare and keep records of safety certification, or prepares and keeps false records thereof, in violation of Article 17 (5);
 9. A person who fails to conduct self-inspections for products for children subject to safety certification, which have been manufactured after obtaining safety certification, in violation of Article 17 (7);
 10. A person who fails to prepare and keep documents on products for children subject to safety certification, or prepares and keeps false documents, in violation of Article 17 (8);
 11. A person who fails to place a safety certification mark, on any safety-certified product for children subject to safety certification, in violation of the main sentence of Article 19 (1);
 12. A person who fails to place a caution or warning about effects of any product for children subject to safety certification on children's safety or health, in addition to the safety certification mark referred to in Article 19 (1), in violation of Article 19 (5);
 13. A person who uses, for business, any product for children subject to safety certification without a safety certification mark, in violation of Article 20 (2);
 14. A person who fails to report amendment of safety verification, in violation of Article 22 (1);
 15. A person who fails to retain a document verifying that the relevant product conforms to the safety standards for products for children subject to safety verification, in violation of Article 22 (5);
 16. A laboratory that fails to prepare and keep records of safety verification, in violation of Article 22 (11);
 17. A person who fails to place a safety verification mark, on any product for children subject to safety verification reported, in violation of the main sentence of Article 23 (1);
 18. A person who fails to place a caution or warning about effects of the relevant product for children subject to safety verification on children's safety or health, in addition to the safety verification mark referred to in Article 23 (1), in violation of Article 23 (5);
 19. A person who uses, for business, any product for children subject to safety verification without a safety verification mark, in violation of Article 24 (2);
 20. A person who fails to place a supplier compliance verification mark, on any product for children subject to verification of supplier compliance, in violation of Article 25 (1);
 21. A person who fails to place, on the relevant product for children subject to verification of supplier compliance, a caution or warning about its effects on children's safety or health, in addition to the supplier compliance verification mark referred to in Article 25 (1), in violation of Article 25 (5);
 22. A person who fails to retain a document verifying that the relevant product conforms to the safety standards for products for children subject to verification of supplier compliance, in violation of Article 25 (6);
 23. A person who commercially uses any product for children subject to verification of supplier compliance without a supplier compliance verification mark, in violation of Article 25 (8);
 24. A person who sells the relevant product for children subject to safety control, to any child

failing to meet the standards for age of children eligible to use such product, in violation of Article 29;

25. A person who brokers the sale of any product without any mark, etc. for safety certification, safety verification, or verification of supplier compliance; or acts as an agent for purchasing or importing such product, in violation of Article 30.

(4) Administrative fines referred to in paragraphs (1) through (3) shall be imposed and collected by the Minister of Trade, Industry and Energy or the competent Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy.