

## Law Viewer

## ACT ON THE CONTROL, ETC. OF MANUFACTURE OF SPECIFIC SUBSTANCES FOR THE PROTECTION OF THE OZONE LAYER

Wholly Amended by Act No. 8359, Apr. 11, 2007

Amended by Act No. 8847, Jan. 17, 2008

Act No. 8852, Feb. 29, 2008

Act No. 9238, Dec. 26, 2008

Act No. 9503, Mar. 18, 2009

Act No. 10492, Mar. 30, 2011

Act No. 11690, Mar. 23, 2013

Act No. 12300, Jan. 21, 2014

Act No. 12858, Dec. 23, 2014

Act No. 14314, Dec. 2, 2016

## CHAPTER I GENERAL PROVISIONS

## Article 1 (Purpose)

The purpose of this Act is, in order to enforce the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, to control the production and use, etc. of specific substances to promote effectively the development and use of alternative substances, to control emission and to promote rationalization, etc of the use of specific substances.

## Article 2 (Definitions)

The definitions of the terms used in this Act shall be as follows: <Amended by Act No. 8847, Jan. 17, 2008>

1. The term "specific substance" means the substance prescribed by Presidential Decree among the substances that deplete the ozone layer under the Montreal Protocol on Substances that Deplete the Ozone Layer (hereafter referred to as the "Protocol");
2. The term "alternative substance" means a single substance or a compound which substitutes the specific substance;
3. The term "production volume" means the volume of specific substances produced less all of the following volumes:
  - (a) The volume confirmed for destruction under Article 12;
  - (b) The volume used as raw material to manufacture chemical substances;
4. The term "consumption volume" means the volume, calculated by extracting the export volume of specific substances from the production and import volumes of the specific substances (referring to the volume less the volume under subparagraph 3 (b); the same shall apply in Article 11 (2));
5. The term "calculated level" means the respective volumes, calculated by multiplying the ozone-depleting potential index for specific substances by type under the Protocol by the volume of each kind of substance;
6. The term "rationalization of the use of specific substances" means enhancing the efficiency in the use of specific substances through the reuse by collecting the used substances, the reduction of the use of such substances or the use of alternative substance.

### Article 3 (Publication, etc. of Upper Limit)

- (1) The Minister of Trade, Industry and Energy and the Minister of Environment shall determine and publicly announce the upper limit for the calculated levels of production and consumption of specific substances with which the Republic of Korea should comply, for the implementation of the Protocol. The same shall apply in the case of altering such upper limit. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy shall publicly announce, on an annual basis, the actual results of calculated levels of production, consumption, exports and imports of specific substances during the previous year. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

## CHAPTER II CONTROL ON MANUFACTURE, ETC. OF SPECIFIC SUBSTANCES

### SECTION 1 Permission for Specific Substance Manufacturing Business

#### Article 4 (Permission for Manufacturing Business)

- (1) Any person who intends to operate the business of manufacturing specific substances shall obtain permission from the Minister of Trade, Industry and Energy in accordance with Ordinance of the Ministry of Trade, Industry and Energy, and he/she shall also obtain permission from the Minister of Trade, Industry and Energy in the case of altering the details of the permitted matters: Provided, That the alteration of the minor matters prescribed in Ordinance of the Ministry of Trade, Industry and Energy shall be reported to the Minister of Trade, Industry and Energy. <Amended by Act No. 8847, Jan. 17, 2008; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy may grant permission or permission for alteration only in cases where a person who intends to obtain permission or permission for alteration under paragraph (1) meets all of the following requirements: Provided, That if it is deemed necessary to increase the production volume as the demand for specific substances exceeds the supply thereof, the Minister of Trade, Industry and Energy may grant permission or permission for alteration even if the applicant fails to meet the requirements under subparagraph 1: <Amended by Act No. 8847, Jan. 17, 2008; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
1. The manufacturing quantity shall meet the upper limit for the calculated levels of production under Article 3 (1);
  2. The applicant shall have the capacity to install and maintain the manufacturing and storage facilities for specific substances.
- (3) The Minister of Trade, Industry and Energy shall issue a certificate of permission to a person who has obtained permission in accordance with paragraph (1) (hereinafter referred to as "manufacturer"), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### Article 5 (Disqualification from Obtaining Permission for Manufacturing Business)

Any of the following persons shall not be granted permission for manufacturing specific substances under Article 4: <Amended by Act No. 12300, Jan. 21, 2014>

1. Any incompetent person under the adult guardianship;
2. Any person who has been declared bankrupt and has not been reinstated;
3. Any person in whose case two years have not elapsed since his/her imprisonment

without labor or greater punishment declared by a court for violating this Act was completed or non-execution of the sentence became definite or who is under suspension of the execution of his/her punishment declared by a court;

4. A juristic person which has executive officers falling under any of subparagraphs 1 through 3.

#### Article 6 (Succession of Manufacturer's Status)

- (1) Any of the following persons shall succeed to the status of a manufacturer: Provided, That this shall not apply where a person referred to in subparagraph 2 or 3 falls under any subparagraph of Article 5: <Amended by Act No. 12300, Jan. 21, 2014>

In cases where a manufacturer is deceased, the heir of such manufacturer;

2. In cases where a manufacturer transfers his/her business, the transferee of such business;
3. In cases where a manufacturer which is a juristic person is merged with another corporation, the corporation survived or newly established after the merger.
- (2) Where an heir who has succeeded to the status of a manufacturer under paragraph (1) falls under any of subparagraphs 1 through 3 of Article 5, the heir shall transfer his/her status of a manufacturer to another person within six months after the date of the inheritance.
- (3) A person who has succeeded to the status of a manufacturer under paragraph (1) shall report it to the Minister of Trade, Industry and Energy as prescribed by Ordinance of the Ministry of Trade, Industry and Energy, within 30 days after the date of succession. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### Article 7 (Revocation, etc. of Permission for Manufacturing Business)

The Minister of Trade, Industry and Energy may revoke permission for the manufacturing business or may issue an order to suspend all or part of the manufacturing business for a fixed period not exceeding six months where a manufacturer falls under any of the following subparagraphs: Provided, That where a manufacturer falls under subparagraph 2, the permission shall be revoked: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014>

1. Where he/she becomes to fall under any subparagraph of Article 5: Provided, That the same shall not apply where the manufacturer transfers his/her business to another person or replaces an executive officer (limited to the case of a corporation) within six months from the day on which grounds falling under any subparagraph of Article 5 have arisen;
2. Where he/she obtains the permission by fraud or other improper means;
3. Where he/she fails to initiate the business within six months from the date of obtaining permission or continues to suspend the business for at least six months, without justifiable reason.

#### Article 8 (Report on Suspension, Resumption or Closure of Manufacturing Business)

When a manufacturer falls under any of the following subparagraphs, he/she shall report it to the Minister of Trade, Industry and Energy, as stipulated in Ordinance of the Ministry of Trade, Industry and Energy: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where he/she intends to suspend the manufacturing business for a definite period of

time;

2. Where he/she intends to close down the manufacturing business;
3. Where he/she intends to resume the manufacturing business that has been suspended for a definite period of time.

## SECTION 2 Control on Output, etc. of Specific Substances

### Article 9 (Permission for Manufacturing Quantity)

- (1) Any person who intends to manufacture specific substances shall determine the quantity to be manufactured and obtain permission from the Minister of Trade, Industry and Energy each year immediately preceding the year in which he/she intends to manufacture such substances, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: Provided, That this shall not apply to the following cases:  
<Amended by Act No. 8847, Jan. 17, 2008; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
  1. Where he/she intends to manufacture specific substances within the volume confirmed for destruction under Article 12;
  2. Where he/she intends to manufacture specific substances within the volume prescribed by Ordinance of the Ministry of Trade, Industry and Energy.
- (2) Any person who intends to manufacture specific substances in accordance with paragraph (1) 2 shall report the manufacturing quantity to the Minister of Trade, Industry and Energy pursuant to Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) The Minister of Trade, Industry and Energy may grant permission only in cases where the specific substances applied for permission pursuant to paragraph (1) meet the upper limit for the calculated levels of production and consumption under Article 3 (1): Provided, That if it is deemed necessary to increase the manufacturing quantity as the demand for the specific substances exceeds the supply thereof, the Minister of Trade, Industry and Energy may grant permission even if the requirements specified in the main sentence are not satisfied. <Newly Inserted by Act No. 8847, Jan. 17, 2008; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

### Article 10 (Permission for Increase in Permitted Manufacturing Quantity)

- (1) Any manufacturer who intends to manufacture specific substances in excess of the manufacturing quantity permitted pursuant to Article 9 (1) (hereinafter referred to as "permitted manufacturing quantity"), shall obtain permission for increasing the manufacturing quantity from the Minister of Trade, Industry and Energy pursuant to Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 8847, Jan. 17, 2008; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) Article 9 (3) shall apply mutatis mutandis to the criteria for permission for increasing the manufacturing quantity under paragraph (1). <Newly Inserted by Act No. 8847, Jan. 17, 2008>

### Article 11 (Permission, etc. for Import)

- (1) Any person who intends to import specific substances shall obtain permission from the Minister of Trade, Industry and Energy pursuant to Ordinance of the Ministry of Trade, Industry and Energy. The same shall apply in the case of altering the permitted matters. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy may grant permission or permission for

alteration only in cases where the specific substances applied for permission or permission for alteration pursuant to paragraph (1) meet the upper limit for the calculated levels of consumption under Article 3 (1): Provided, That where it is deemed necessary to increase the import volume as the demand for the specific substances exceeds the supply thereof, the Minister may grant permission or permission for alteration even if the requirements specified in the main sentence are not satisfied. <Newly Inserted by Act No. 8847, Jan. 17, 2008; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

- (3) Any person who has obtained permission to import specific substances under paragraph (1) (hereinafter referred to as "importer") may transfer all or part of the permitted import volume (hereinafter referred to as "permitted import volume") to another importer. <Newly Inserted by Act No. 12300, Jan. 21, 2014>
- (4) In the case of transferring the permitted import volume under paragraph (3), a person who intends to transfer such volume and another person who intends to take it over shall jointly obtain approval from the Minister of Trade, Industry and Energy, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy. In such case, permission for alteration under the latter part of paragraph (1) shall be deemed to be obtained. <Newly Inserted by Act No. 12300, Jan. 21, 2014>
- (5) The Minister of Trade, Industry and Energy may, for the implementation of the Protocol, restrict the import of products containing specific substances (hereinafter referred to as "products containing specific substances"). <Amended by Act No. 8847, Jan. 17, 2008; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014>
- (6) Products containing specific substances shall be determined and publicly announced by the Minister of Trade, Industry and Energy. <Amended by Act No. 8847, Jan. 17, 2008; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014>

#### Article 11-2 (Approval of Export)

Any person who intends to export specific substances shall obtain approval from the Minister of Trade, Industry and Energy, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy. The same shall apply in the case of altering the approved matters.

[This Article Newly Inserted by Act No. 12300, Jan. 21, 2014]

#### Article 12 (Confirmation of Destruction)

- (1) Any manufacturer who has submitted a report on the destruction of specific substances under Ordinance of the Ministry of Trade, Industry and Energy may manufacture such substances within the volume confirmed for destruction by the Minister of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The criteria and methods of destruction of specific substances under paragraph (1) shall be determined by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### Article 13 (Approval of Sales Plan)

A person who intends to sell specific substances manufactured or imported shall establish the sales plan which includes the usage of the specific substances by type, type

of business consumers and sales methods, and then obtain approval from the Minister of Trade, Industry and Energy, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy. The same shall apply in the case of altering the details of approved matters. <Amended by Act No. 8847, Jan. 17, 2008; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 14 (Adjustment of Supply and Demand, etc.)

(1) Where the Minister of Trade, Industry and Energy deems that changes in the domestic or foreign circumstances for supply and demand of specific substances, or disruption, etc. in the distribution flow of such substances, impede or are likely to impede the smooth operation of the national economy, he/she may order a manufacturer or an importer to adjust the following matters: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10492, Mar. 30, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014>

1. Matters on the permitted manufacturing quantity of specific substances;
2. Matters on the importation of specific substances;
3. Matters on the sales plans for specific substances;
4. Matters on the sales prices of specific substances.

(2) Matters necessary for adjustment under paragraph (1) shall be prescribed by Presidential Decree.

Article 15 (Revocation, etc. of Permission for Manufacturing Quantity)

(1) Where a manufacturer has obtained permission for the manufacturing quantity under Article 9 (1) or for the increase in the manufacturing quantity under Article 10 by fraud or other improper means, the Minister of Trade, Industry and Energy shall revoke such permission. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014>

(2) Where a manufacturer has obtained the confirmation of destruction under Article 12 by fraud or other improper means, the Minister of Trade, Industry and Energy shall reduce the volume confirmed. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014>

### CHAPTER III CONTROL ON EMISSION AND RATIONALIZATION OF USE OF SPECIFIC SUBSTANCES

Article 16 (Efforts of Users of Specific Substances)

Any person who operates his/her business by using specific substances (hereinafter referred to as "user") shall endeavor to control the emissions of such substances and to rationalize the use of such substances.

Article 17 (Publication of Guidelines for Control on Emission and Rationalization of Use)

Where the Minister of Trade, Industry and Energy or the Minister of Environment deems it necessary for the implementation of Vienna Convention for the Protection of the Ozone Layer and the Protocol, he/she shall determine and publicly announce guidelines for control on the emissions and rationalization of the use of specific substances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 18 (Observations of Ozone Layer, etc.)

(1) The Minister of Environment shall make observations on the state of the ozone layer and atmospheric state of important greenhouse gases which bring on the global warming effects, and publicly announce the results. <Amended by Act No. 8852, Feb. 29, 2008>

(2)The Minister of Environment shall make observations on the state of changes in the concentration of specific substances in the atmosphere and publicly announce the results.

#### Article 19 (Research and Study)

The Government shall research and study the effects of specific substances on the ozone layer and the climatic effects of its modifications, and publicize the results.

#### Article 20 (Assistance from Government)

The Government may provide financial, administrative, or taxational assistance necessary to develop alternative substances, to develop and use the facilities which are helpful to the control of emission and the rationalization of the use of specific substances, and to promote the implementation of guidelines under Article 17.

### CHAPTER IV FUND FOR RATIONALIZATION OF USE OF SPECIFIC SUBSTANCES AND CHARGES FOR MANUFACTURING OR IMPORTING SPECIFIC SUBSTANCES

Articles 21 through 24 Deleted. <by Act No. 12858, Dec. 23, 2014>

#### Article 24-2 (Imposition and Collection of Charges for Manufacturing or Importing Specific Substances)

The Minister of Trade, Industry and Energy may impose and collect charges for manufacturing or importing specific substances (hereinafter referred to as "charges") from manufacturers and importers in order to finance projects specified in the subparagraphs of Article 37-5 (2) of the Industrial Technology Innovation Promotion Act. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12858, Dec. 23, 2014>

[This Article Newly Inserted by Act No. 10492, Mar. 30, 2011]

#### Article 24-3 (Exemption from and Refund of Charges)

(1)Where a specific substance falls under any of the following subparagraphs, the Minister of Trade, Industry and Energy shall not impose any charge on such substance: <Amended by Act No. 11690, Mar. 23, 2013>

- 1.Where it is exported, or sold or imported for use as a raw material to earn foreign currency (hereinafter referred to as "raw material to earn foreign currency");
- 2.Where it is sold or imported as a raw material to manufacture a specific substance;
- 3.Where it is sold or imported as a raw material to manufacture a material that does not deplete the ozone layer;
- 4.Where exemption from charges is deemed necessary, as prescribed by Presidential Decree.

(2)Where a specific substance exempt from charges under paragraph (1) is sold or imported for any of the following purposes, but is not used for such purpose, the amount exempt from charges shall be reimbursed to the account for the rational use of specific substances of the Fund for the Promotion of Development and Commercialization of Industrial Technology referred to in Article 37-2 of the Industrial Technology Innovation Promotion Act: <Amended by Act No. 12858, Dec. 23, 2014>

- 1.A raw material to earn foreign currency;
- 2.A raw material to manufacture a specific substance;
- 3.A raw material to manufacture a material that does not deplete the ozone layer;
- 4.A raw material for a use prescribed by Presidential Decree as that for which exemption from charges is deemed necessary.

(3)Where a specific substance, the charges of which are paid falls under any of the

following subparagraphs, the Minister of Trade, Industry and Energy shall refund the charges already paid: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where it is used as a raw material to earn foreign currency;
2. Where it is used as a raw material to manufacture a specific substance;
3. Where it is used as a raw material to manufacture a material that does not deplete the ozone layer;
4. Where the refund of charges is deemed necessary as prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10492, Mar. 30, 2011]

#### Article 24-4 (Standards for Calculation of Charges)

- (1) An amount of charges shall be calculated by multiplying a charge per kilogram of each specific substance determined and announced by the Minister of Trade, Industry and Energy according to the following formula by the quantity of specific substances being manufactured, sold or imported: <Amended by Act No. 11690, Mar. 23, 2013>

A charge per kilogram of each specific substance = price of one kilogram of chlorodifluoromethane (referring to the ex-factory price, excluding value-added tax, at which such is sold in the domestic market after being manufactured by a manufacturer) x the ozone depletion index of each specific material x the rate of collection of charges on each specific material.

- (2) The ozone depletion index of each specific material and the rate of collection of charges thereon under paragraph (1) shall be prescribed by Presidential Decree, and the rate of collection of charges on each specific material shall be prescribed in consideration of the following matters:

1. Current status of supply and demand for specific materials and substitute materials;
2. Current status of the price of specific materials and substitute materials;
3. Current status of the development of substitute materials and of technology for use thereof.

[This Article Newly Inserted by Act No. 10492, Mar. 30, 2011]

#### Article 24-5 (Methods, etc. of Collecting Charges)

- (1) Persons on whom charges are to be imposed pursuant to Article 24-2 shall pay charges according to the following classifications:

1. Manufacturers: To pay charges on specific substances (excluding those imported and sold by manufacturers; those used in person by manufacturers shall be deemed to have been sold) manufactured and sold each month by not later than the 15th of the following month;
2. Importers: To pay charges on specific substances by not later than the date of customs clearance whenever specific substances are imported.

- (2) The Minister of Trade, Industry and Energy may allow the payment of charges by installments, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) If a person liable to pay charges fails to pay such charges by the deadline for payment under paragraph (1), the Minister of Trade, Industry and Energy shall issue a reminder specifying a period of up to ten days within ten days from the payment deadline.

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

- (4) If a person liable to pay charges fails to pay the charges by the deadline for payment,



the Minister of Trade, Industry and Energy may impose additional dues prescribed by Presidential Decree within 5/100 of the charges unpaid between the date immediately following the deadline for payment and the date preceding the date of payment.

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

(5) If a person liable to pay charges fails to pay the charges and additional dues under paragraph (4) by the specified deadline after receiving a reminder under paragraph (3), the Minister of Trade, Industry and Energy may collect the charges and additional dues in the same manner as dispositions on default of national taxes. <Amended by Act No. 11690, Mar. 23, 2013>

(6) Matters necessary for the imposition, collection, etc. of charges, in addition to matters prescribed in paragraphs (1) through (5), shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10492, Mar. 30, 2011]

#### Article 24-6 (Raising of Objections against Charges)

(1) If a person on whom charges are imposed pursuant to Article 24-2 has an objection against such imposition, he/she may raise an objection accompanied by data verifying reasons therefor with the Minister of Trade, Industry and Energy within 30 days from the date charges are imposed. <Amended by Act No. 11690, Mar. 23, 2013>

(2) If an objection under paragraph (1) is raised, the Minister of Trade, Industry and Energy shall notify the person who raised an objection of the outcome of such objection in writing within 15 days from the date he/she receives the objection.

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

[This Article Newly Inserted by Act No. 10492, Mar. 30, 2011]

### CHAPTER V SUPPLEMENTARY PROVISIONS

#### Article 25 (Reporting and Inspections)

(1) Where the Minister of Trade, Industry and Energy deems it necessary for the enforcement of this Act, he/she may require manufacturers, importers, persons who have obtained approval for exporting specific substances under Article 11-2 (hereinafter referred to as "exporters") or users, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10492, Mar. 30, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014>

(2) In any of the following cases, the Minister of Trade, Industry and Energy may charge the public officials under his/her control to inspect books of account, documents or other things in the offices, factories or other places of business of manufacturers, importers, exporters or users. In such case, the relevant public officials may collect specific substances to the minimum extent necessary for inspection, without compensation therefor: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10492, Mar. 30, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014>

1. Where he/she deems that a falsity exists in an application for or report on permission or approval under Article 4, 9, 10, 11, 11-2 or 13, or in a report under Article 12 or paragraph (1) of this Article;
2. Where he/she suspects that specific substances are manufactured, imported, exported or sold without obtaining permission or approval or without submitting a report thereon under Article 4, 9, 10, 11, 11-2 or 13;
3. Where he/she deems that specific substances are manufactured, imported, exported or sold in excess of the manufacturing quantity, import volume, export volume or sales

volume that is permitted, approved or reported under Article 9, 10, 11, 11-2 or 13.

(3) In conducting an inspection under paragraph (2), the inspection plan including the scheduled date and time of, grounds for, and details of the inspection shall be notified to the persons subject to such inspection by not later than seven days before the inspection: Provided, That the same shall not apply where it is deemed that an urgent inspection is necessary or any prior notification might result in the destruction of any evidence to make it impossible to attain the objectives of such inspection.

(4) The Minister of Trade, Industry and Energy shall notify persons subject to inspection of the results of the inspection under paragraph (2). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) A public official who conducts an inspection under paragraph (2) shall carry a certificate indicating his/her authority and present it to the relevant parties.

#### Article 26 (Hearings)

Where the Minister of Trade, Industry and Energy intends to make a disposition falling under any of the following subparagraphs, he/she shall hold a hearing: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Revocation of permission for the manufacturing business under Article 7;

2. Revocation of permission under Article 15 (1).

#### Article 27 (Delegation and Entrustment of Authority)

As prescribed by Presidential Decree, the Minister of Trade, Industry and Energy may delegate part of his/her authority under this Act to the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, or the Governor of a Special Self-Governing Province, or entrust part of his/her authority to the heads of the relevant administrative agencies, corporations or entities designated by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

### CHAPTER VI PENALTY PROVISIONS

#### Article 28 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding thirty million won. In such case, imprisonment with labor and a fine may be imposed concurrently: <Amended by Act No. 8847, Jan. 17, 2008; Act No. 14314, Dec. 2, 2016>

1. A person who operates the manufacturing business without obtaining permission or permission for alteration, or obtains permission or permission for alteration by fraud or other improper means in violation of the main sentence of Article 4 (1);

2. A person who manufactures specific substances without obtaining permission in violation of the main sentence of Article 9 (1);

3. A person who manufactures specific substances in excess of the permitted manufacturing quantity without obtaining permission in violation of Article 10 (1);

4. A person who imports specific substances without obtaining permission or permission for alteration in violation of Article 11 (1).

#### Article 29 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding twenty million won. In such case, imprisonment with labor and a fine may be imposed concurrently: <Amended by Act No. 12300, Jan. 21, 2014; Act No. 14314, Dec. 2, 2016>

1. A person who exports specific substances without obtaining approval of export under Article 11-2 or in a way not stated in the approved matters;
2. A person who sells specific substances without obtaining approval of the sales plan under Article 13 or in a way not stated in the approved sales plan;
3. A person who violates the order for adjustments under Article 14.

#### Article 30 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding five million won:

1. A person who obtains confirmation of destruction under Article 12 by fraud or other improper means;
2. A person who fails to submit a report in accordance with Article 25 (1) or submits a false report;
3. Deleted. <by Act No. 9503, Mar. 18, 2009>

#### Article 31 (Joint Penalty Provisions)

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

[This Article Wholly Amended by Act No. 9238, Dec. 26, 2008]

#### Article 32 (Administrative Fines)

- (1) A person who refuses, interferes with or avoids the investigation under Article 25 (2) shall be subject to an administrative fine of not more than five million won. <Newly Inserted by Act No. 9503 Mar. 18, 2009>
- (2) Any of the following persons shall be subject to an administrative fine of not more than one million won: <Amended by Act No. 9503 Mar. 18, 2009>
  1. A person who fails to submit a report under the proviso to Article 4 (1) or submits a false report;
  2. A person who fails to submit a report under Article 6 (3) or submits a false report;
  3. A person who fails to submit a report under Article 8 or submits a false report;
  4. A person who fails to submit a report under Article 9 (2) or submits a false report.
- (3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9503 Mar. 18, 2009; Act No. 11690, Mar. 23, 2013>
- (4) and (5) Deleted. <by Act No. 9503, Mar. 18, 2009>

#### ADDENDA

##### Article 1 (Enforcement Date)

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

##### Article 2 (General Transitional Measures concerning Disposition, etc.)

Acts conducted by or towards administrative agencies pursuant to the previous provisions at the time this Act enters into force shall be deemed as the acts conducted by or towards administrative agencies pursuant this Act corresponding thereto.

##### Article 3 (Transitional Measures concerning Penalty Provisions or Administrative Fines)

In application of penalty provisions or provisions of administrative fines, the previous provisions shall apply to acts committed before this Act enters into force.

Article 4 Omitted.

Article 5 (Relationship to other Statutes)

Where the previous Act on the Control, etc. of Manufacture of Specific Substances for the Protection of the Ozone Layer or a provision thereof was cited in other statutes at the time when this Act enters into force, this Act or the corresponding provision in this Act shall be deemed to have been cited in place of the previous provision if there is a corresponding provision in this Act.

ADDENDUM <Act No. 8847, Jan. 17, 2008>

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 9238, Dec. 26, 2008>

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

ADDENDA <Act No. 9503, Mar. 18, 2009>

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

(2)(Transitional Measures) In application of penalty provisions, the previous provisions shall apply to acts conducted before this Act enters into force.

ADDENDA <Act No. 10492, Mar. 30, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Change of Criteria for Calculation of Charges for Manufacturing or Importing Specific Substances)

Notwithstanding the amended provisions of Article 24-4, the previous provisions shall apply to revenues collected pursuant to the previous Article 22 (1) 1 and 2 and (2) at the time this Act enters into force.

Article 3 Omitted.

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

Article 1 (Enforcement Date)

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

(2)Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 12300, Jan. 21, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 5 and 6 (1) and the proviso to subparagraph 1 of Article 7 shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Incompetent Persons, etc.)

Incompetent persons under the adult guardianship under the amended provisions of subparagraph 1 of Article 5 shall be deemed to include persons in whose case the

declaration of incompetency or quasi-incompetency remains effective under Article 2 of the Addenda to the Civil Act (Act No. 10429).

Article 3 (Transitional Measures concerning Revocation, etc. of Permission for Manufacturing Business)

Notwithstanding the amended provisions of Article 7 or 15, the previous provisions shall apply to administrative dispositions to be taken in cases where grounds for the revocation of permission or the reduction of quantity under Article 7 or 15 have arisen before this Act enters into force.

Article 4 (Transitional Measures concerning Penalty Provisions)

In application of penalty provisions, the previous provisions shall apply to acts conducted before this Act enters into force.

Article 5 Omitted.

ADDENDA <Act No. 12858, Dec. 23, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015.

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 14314, Dec. 2, 2016>

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

PC Version

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