

## Law Viewer

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

Wholly Amended by Presidential Decree No. 17808, Dec. 18, 2002

Amended by Presidential Decree No. 18039, jun. 30, 2003

Presidential Decree No. 18267, Jan. 29, 2004

Presidential Decree No. 18312, Mar. 17, 2004

Presidential Decree No. 18428, jun. 11, 2004

Presidential Decree No. 18442, jun. 25, 2004

Presidential Decree No. 18593, Nov. 30, 2004

Presidential Decree No. 18611, Dec. 30, 2004

Presidential Decree No. 18863, jun. 13, 2005

Presidential Decree No. 19006, Aug. 17, 2005

Presidential Decree No. 19204, Dec. 28, 2005

Presidential Decree No. 19487, May 25, 2006

Presidential Decree No. 19494, May 30, 2006

Presidential Decree No. 19572, jun. 29, 2006

Presidential Decree No. 19971, Mar. 27, 2007

Presidential Decree No. 20088, jun. 11, 2007

Presidential Decree No. 20244, Sep. 6, 2007

Presidential Decree No. 20290, Sep. 27, 2007

Presidential Decree No. 20479, Dec. 28, 2007

Presidential Decree No. 20905, Jul. 3, 2008

Presidential Decree No. 21415, Apr. 6, 2009

Presidential Decree No. 21590, jun. 30, 2009

Presidential Decree No. 21626, Jul. 7, 2009

Presidential Decree No. 21676, Aug. 6, 2009

## Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated pursuant to the Act on the Promotion of Saving and Recycling of Resources and matters necessary for the implementation thereof.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 2 Deleted.<by Presidential Decree No. 20479, Dec. 28, 2007>

## Article 3 (Designated By-Products)

The term "by-products specified by Presidential Decree" in subparagraph 4 of Article 2 of the Act on the Promotion of Saving and Recycling of Resources (hereinafter referred to as the "Act") refers to the following by-products:

1. Steel slag;
2. Coal ash.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

## Article 4 (Recycling Industry)

The term "type of business specified by Presidential Decree" in subparagraph 11 of Article 2 of the Act means any of the following types of business:

1. A type of business for manufacturing recycled products;
2. A type of business falling under Article 31 (1) 2, 5, or 6 of the Act;
3. A type of business for collecting and transporting recyclable resources or supplying recyclers with goods half-processed by compressing, crushing, melting, or any other interim process;
4. Another type of business for recycling recyclable resources, as determined as necessary and publicly notified by the Minister of Environment, subject to prior consultation with the heads of competent central administrative agencies.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

#### Article 4-2 (Kinds of Large Wastes)

The term "wastes specified by Presidential Decree" in subparagraph 13 of Article 2 of the Act means any of the following wastes discharged from households and places of business, as specified by Municipal Ordinance of the competent Special Self-Governing Province or a Si/Gun/Gu:

1. Electronic home appliances, furniture, household utensils, office equipment and supplies, air conditioners, or heaters;
2. Other wastes hard to contain in a waste bag.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

#### Article 5 (Disposable Goods)

The term "those specified by Presidential Decree" in subparagraph 15 of Article 2 of the Act refers to products listed in attached Table 1.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

#### Article 5-2 (Products subject to Improvement of Material or Structure)

The term "products specified by Presidential Decree" in subparagraph 17 of the Act means any of the following products:

1. Products or packing materials subject to obligatory recycling under Article 18;
2. Other products, the recycling rate of which is required to be improved, as publicly notified by the Minister of Environment.

[This Article Newly Inserted by Presidential Decree No. 21415, Apr. 6, 2009]

#### Article 6 (Establishment of Basic Plans for Recycling Resources)

(1) Pursuant to Article 7 (2) 5 of the Act, basic plans for recycling resources (hereinafter referred to as "basic plan") shall include the following matters:

1. Matters concerning incremental measures for promoting the recycling of resources and the business plan therefor;
2. Other matters that the Minister of Environment deems necessary for promoting the recycling of resources.

(2) The heads of central administrative agencies, the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, and the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayors/Do Governors") shall each establish an

annual implementation plan under Article 7 (3) of the Act (hereinafter referred to as "implementation plan") and notify the Minister of Environment of the plan by no later than the end of March each year.

(3) An implementation plan shall include the following matters:

1. A detailed promotion plan for the pertinent year concerning affairs to be promoted by each agency specified in the basic plan;
2. Results of the promotion of recycling of resources during the previous year and analysis thereof;
3. Conditions of recycling, such as the current status of wastes produced and disposed of in each administrative area or district;
4. A plan for the procurement and investment of financial resources required for achieving the goals of recycling resources in each administrative area or district.

(4) The Minister of Environment shall, if deemed necessary for the establishment of implementation plans, prepare basic guidelines for the establishment of implementation plans and notify the heads of competent central administrative agencies and Mayors/Do Governors of the guidelines.

(5) The head of a Si/Gun/Gu (Gu refers to an autonomous Gu; hereinafter the same shall apply) shall establish an execution plan for recycling resources under Article 7 (4) of the Act (hereinafter referred to as "execution plan for recycling of resources") and submit it to the Special Metropolitan City Mayor or the competent Mayor/Do Governor by no later than the end of February each year.

(6) Execution plans for recycling of resources shall include the following matters:

1. A detailed promotion plan for recycling of resources for the pertinent year;
2. Results of the promotion of recycling of resources during the previous year and analysis thereof;
3. Conditions of recycling, such as the current status of wastes produced and disposed of in each administrative area or district;
4. A plan for the procurement and investment of financial resources required for achieving the goals of recycling resources in each administrative district.

(7) The Special Metropolitan City Mayor or each Mayor/Do governor shall, if deemed necessary for the establishment of an execution plan for recycling of resources, prepare basic guidelines for the establishment of the plan and notify the heads of competent central administrative agencies and Mayors/Do Governors of the guidelines.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 6-2 (Items of Recyclability of Resources to be Assessed)

(1) The term "matters specified by Presidential Decree, such as the management of assessment information" in subparagraph 5 of Article 8-2 of the Act means the following matters:

1. Matters concerning the management of information about assessment of recyclability of resources;
2. Matters concerning the hazardousness, including flammability and explosiveness, of

products when discharged as wastes.

(2) Any person who manufactures, imports, or distributes a product (hereinafter referred to as "manufacturer") may, if necessary, request any of the following institutions to assess the recyclability of the product:

1. The Korea Environment and Resources Corporation under the Korea Environment and Resources Corporation Act;
2. An institution publicly notified by the Minister of Environment, subject to prior consultation with the Minister of Knowledge Economy.

[This Article Newly Inserted by Presidential Decree No. 21415, Apr. 6, 2009]

Article 6-3 (Assessment of Recyclability of Products and Measures therefor)

The measures under Article 8-2 of the Act shall include the following matters:

1. Technical support for the assessment of the recyclability of resources;
2. Supply of information about the recyclability of resources;
3. Supply of guidelines for the assessment of recyclability of resources;
4. Education and public relations activities for the assessment of recyclability of resources;
5. Other matters necessary for the improvement of recyclability of resources.

[This Article Newly Inserted by Presidential Decree No. 21415, Apr. 6, 2009]

Article 7 (Products Conforming to Standards of Materials and Methods for Packing)

The term "products specified by Presidential Decree" in the part above subparagraphs of Article 9 (1) of the Act means products falling under any of the following categories:

1. Products that shall conform to the standards for packing materials under Article 9 (1) 1 of the Act: All products using packing materials;
2. Products that shall conform to the standards for packing methods under Article 9 (1) 1 of the Act:
  - (a) Foodstuffs: Processed foods, beverages, liquor, confectionery, and functional foods for health (referring to functional foods for health as defined in subparagraph 1 of Article 3 of the Functional Foods for Health Act; hereinafter the same shall apply);
  - (b) Cosmetics (including air fresheners);
  - (c) Detergents;
  - (d) Sundry articles: Toys, dolls, stationary, and personal miscellaneous articles (limited to wallets and belts);
  - (e) Non-pharmaceutical products;
  - (f) Clothing: Shirts and underwear;
  - (g) Packaged goods (referring to those that come in a package of a minimum sale unit of a product packed once or more and a product of the same or different kind, which are packed once or more together): Primary industry foodstuffs, processed foodstuffs, beverages, liquor, confectionery, functional foods for health, cosmetics, detergents, and miscellaneous personal articles;
3. Products that shall conform to the standards for the annual reduction of packing materials made of synthetic resin, as specified by Article 9 (1) 2 of the Act:
  - (a) Eggs produced at a poultry farm subject to reporting under Article 8 of the Enforcement

Decree of the Act on the Management and Use of Livestock Excreta;

- (b) Apples and pears traded at any agricultural and fishery products wholesale market, agricultural and fishery products joint market, private agricultural and fishery products wholesale market, or integrated distribution center of agricultural and fishery products under Article 2 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products;
- (c) Vegetables, fruits, livestock products, and fishery products, sold at any store with an area of not less than 165 square meters;
- (d) Noodles produced and processed by any food manufacturing or processing factory under Article 7 of the Enforcement Decree of the Food Sanitation Act;
- (e) Electric machinery, audio-video appliances, and equipment for information and business among electric appliances subject to safety certification under Article 2 (3) of the Electric Appliances Safety Control Act.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 8 (Types of Business subject to Control of Use of Disposable Goods and their Obligations)

- (1) The term "restaurants, public baths, department stores, and other types of business specified by Presidential Decree" in the main sentence of Article 10 of the Act means the following types of business: <Amended by Presidential Decree No. 21590, Jun. 30, 2009>
  1. Refectories under subparagraph 9 of Article 2 of the Food Sanitation Act;
  2. Restaurants under Article 21 (1) 3 of the Food Sanitation Act;
  3. Business of manufacturing or processing foodstuffs and business of manufacturing or processing fast food for instant serving under subparagraphs 1 and 2 of Article 7 of the Enforcement Decree of the Food Sanitation Act;
  4. Public bath business under Article 2 (1) 3 of the Public Health Control Act;
  5. Large stores under subparagraph 3 of Article 2 of the Distribution Industry Development Act;
  6. Wholesale and retail businesses (excluding the types of business falling under subparagraph 5 and those publicly notified by the Minister of Environment, considering the consumption of disposable goods and the inevitability of using disposable goods) under the Korean Standard Industrial Classification Codes (hereinafter referred to as "Korean Standard Industrial Classification Codes") publicly notified by the Commissioner of the Korea National Statistical Office pursuant to the Statistics Act;
  7. Financial business, insurance and pension business, securities and futures brokerage business, real estate lease and supply business, advertisement agency business, other educational institutions among educational service business, movie theaters, and performance facilities under the Standard Industrial Classification Codes;
  8. Playgrounds, gymnasiums and complex sports facilities under Article 2 of the Enforcement Decree of the Installation and Utilization of Sports Facilities Act.
- (2) Disposable goods that business operators who run a business under paragraph (1) shall refrain from using and supplying free of charge and their obligations shall be prescribed

by Ordinance of the Ministry of Environment for each type of business.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 9 (Development Projects Subject to Examination on Recyclability of Resources)

The term "project specified by Presidential Decree, including urban development projects under Article 2 (1) 2 of the Urban Development Act" in the part above subparagraphs of Article 11 (1) of the Act means any of the following projects, among the projects subject to environmental impact assessment under Article 4 (1) of the Environmental Impact Assessment Act:

1. Urban development projects;
2. Industrial sites and industrial complex development projects;
3. Harbor construction projects;
4. Road construction projects;
5. Airport construction projects;
6. Tourism complex construction projects;
7. Development projects for specific areas;
8. Sports facility installation projects;
9. Installation projects for waste treatment facilities;
10. Installation projects for national defense and military facilities.

[This Article Newly Inserted by Presidential Decree No. 21415, Apr. 6, 2009]

Article 10 (Items subject to Imposition of Waste Charge and Eligible for Abatement or Exemption of Waste Charge)

(1) The term "products, materials, and containers specified by Presidential Decree" in the part above subparagraphs of Article 12 (1) of the Act means the following products:

1. Insecticides contained in a glass bottle or plastic container (excluding agrochemicals under Article 2 of the Agrochemicals Control Act) and toxic products contained in a metal can, glass bottle, or plastic container;
2. Antifreeze liquid (limited to antifreeze liquid for vehicles under subparagraph 1 of Article 2 of the Automobile Management Act, vehicles governed by the Act on the Management of Military Supplies, construction machinery under Article 2 (1) 1 of the Construction Machinery Management Act, and agricultural machinery under subparagraph 1 of Article 2 of the Agricultural Mechanization Promotion Act);
3. Chewing gum;
4. Disposable diapers;
5. Cigarettes (excluding cigarettes sold at 200 won or less and those eligible for exemption or abatement of the tobacco consumption tax pursuant to Articles 231, 232, or 233-9 of the Local Tax Act);
6. Any of the following products made of plastic and its packing materials (referring to finished products distributed in the market for sale to consumers and their packing materials): Provided, That textiles made of synthetic resin, and plastic containers under subparagraph 1 are excluded herefrom:
  - (a) Products produced by a manufacturer under attached Table 1-2 and their packing

materials;

(b)Packing materials for products produced by a manufacturer that does not fall under attached Table 1-2;

(c)Products imported by a wholesaler or retailer and their packing materials.

(2)Notwithstanding paragraph (1), any of the following products, materials, and containers is excluded from the category of products, materials, and containers under paragraph (1):

1.Products, materials, and containers produced or imported by any manufacturer or importer for export;

2.Samples of products, materials, and containers imported for research by any institution or organization under Article 7 (1) of the Technology Development Promotion Act;

3.Plastic products under paragraph (1) 6 and their packing materials, which fall under any of the following subparagraphs:

(a)Plastic products produced by a manufacturer of plastic products, annual sales volume of which is less than one billion won;

(b)Plastic products amounting to less than 9,000 U.S. dollars in total and imported by an importer;

(c)Products produced by a business operator whose annual consumption of plastics does not exceed 10,000 kilograms and their packing materials;

(d)Imported products containing plastics of not more than 100 kilograms and imported by an importer and their packing materials;

(e)Any of the following products, the owner of which owes special obligations in acquisition, keeping, use, and disuse:

( i )Automobiles (excluding two-wheeled vehicles) under subparagraph 1 of Article 2 of the Automobile Management Act;

( ii )Automobiles acquired pursuant to Article 11 of the Act on the Management of Military Supplies;

( iii )Construction machinery under Article 2 (1) 1 of the Construction Machinery Management Act;

( iv )Korean ships under Article 2 of the Ship Act;

( v )Fishing vessels under Article 2 (1) of the Fishing Vessels Act;

( vi )Aircraft registered pursuant to Article 3 of the Aviation Act;

( vii )Railroad cars managed by a business operator licensed pursuant to Article 5 of the Railroad Enterprise Act;

(f)Products produced by a manufacturer or importer (including an association of business operators) who has concluded and carried out a voluntary agreement with the Minister of Environment on the method of performance pursuant to the provisions of Articles 17 through 19 of the Act, with regard to collection and recycling of wastes and their packing materials.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]  
Article 11 (Standards for Calculation of Waste Charges)

The standards for the calculation of expenses that a manufacturer or importer shall pay in accordance with Article 12 (1) of the Act are prescribed in attached Table 2.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 12 (Calculation and Imposition of Waste Charges Payable by Manufacturers)

- (1) Any manufacturer who is obligated to pay a waste charge in compliance with Article 12 (1) of the Act shall submit to the Minister of Environment data relevant to the results of delivery of products for the previous year, as prescribed by Ordinance of the Ministry of Environment.
- (2) The Minister of Environment shall determine amounts of waste charges by multiplying by the charge calculation index under paragraph (3), an amount calculated by applying the standards for the calculation under attached Table 2 to the results of delivery of products, which have been submitted in accordance with paragraph (1).
- (3) The charge calculation index for the first applicable year is set at one, and the charge calculation index for each year thereafter shall be determined by multiplying the charge calculation index for the previous year by the price fluctuation index publicly notified by the Minister of Environment, taking into consideration the inflation rate for the previous year and other relevant factors: Provided, That the charge calculation index for cases under Article 10 (1) 3 is set at one.
- (4) The Minister of Environment shall give a notice of payment of waste charges, as calculated in accordance with paragraph (2), to each manufacturer by no later than April 30 each year, as prescribed by Ordinance of the Ministry of Environment. In such cases, it may be allowed to pay the waste charges in installments on a quarterly basis, as prescribed by Ordinance of the Ministry of Environment.
- (5) A manufacturer shall, upon receiving a notice of payment of a waste charge under paragraph (4), pay the waste charge by no later than May 20 of the pertinent year: Provided, That any manufacturer allowed to pay the waste charge in installments in accordance with the last sentence of paragraph (4) shall pay it on or before the deadline set for each calendar quarter by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 13 (Calculation and Imposition of Waste Charges Payable by Importers)

- (1) The amount of waste charges that an importer is obligated to pay in compliance with Article 12 (1) shall be calculated by multiplying, by the charge calculation index under Article 12 (3), the amount obtained by applying the standards for the calculation under attached Table 2 to the quantity of imported goods, reported for confirmation under paragraph (2) on whether the importer owes the obligation to pay waste charges.
- (2) Any importer who intends to import a product, material, or container subject to the payment of a waste charge shall request the Minister of Environment to confirm whether the importer owes the obligation to pay a waste charge, as prescribed by Ordinance of the Ministry of Environment, and shall pay the waste charge, if so confirmed: Provided, That the waste charge for cases specified by Ordinance of the Ministry of Environment



may be paid on a monthly basis after it is confirmed whether an importer owes the obligation to pay a waste charge.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 14 (Procedures for Settlement of Waste Charges Payable by Importers)

If an importer fails to import or has exported the whole or part of products, materials, or containers confirmed as subject to waste charges in accordance with Article 13 (2) due to an unavoidable cause or event, the Minister of Environment shall, upon receiving a request from the importer, return the corresponding waste charges to the importer within 14 days from the filing date of the request, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 14-2 (Reimbursement of Collection Expenses)

- (1) The Minister of Environment shall, if he/she has entrusted the Korea Environment and Resources Corporation under the Korea Environment and Resources Corporation Act (hereinafter referred to as the "Korea Environment and Resources Corporation") with business affairs for the collection of waste charges and additional charges pursuant to Article 12 (6) of the Act, pay the Korea Environment and Resources Corporation, as collection expenses, an amount equivalent to 10/100 of the waste charges and additional charges collected by the Corporation.
- (2) The Minister of Environment shall settle the collection expenses under paragraph (1) for waste charges and additional charges paid to a special account for environmental improvement under the Act on Special Accounts for Environmental Improvement and pay them to the Korea Environment and Resources Corporation on or before the end of the following month.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 14-3 (Scope of Waste Dischargers)

- (1) The term "person prescribed by Presidential Decree" in Article 12 (1) of the Act means any of the following persons who discharge wastes (excluding designated wastes; the same shall apply hereinafter) in the course of doing business activities:
  1. The owner, occupant, or manager of a building with a total floor area of not less than 1,000 square meters;
  2. The owner, occupant, or manager of a parcel of land from which not less than 300 kilograms of waste on average per day have been discharged or not less than five tons of waste have been discharged due to a series of construction works or any other works.
- (2) For purposes of applying paragraph (1), two or more buildings on building sites bordering one another and owned by the same and one owner are deemed a single building.

[This Article Newly Inserted by Presidential Decree No. 21415, Apr. 6, 2009]

Article 15 (Inspection of Outcomes of Delivery of Products)

- (1) The Minister of Environment may have public officials in charge inspect and examine the outcomes of delivery of products of a manufacturer or the outcomes of import of an importer if any of the following events occurs:

1. A manufacturer fails to submit data relevant to the outcomes of delivery of products under Article 12 (1);
  2. An importer fails to obtain confirmation on whether the importer owes the obligation to pay a waste charge under Article 13 (2) or fails to pay a waste charge;
  3. There is a discrepancy between the amount already paid as a waste charge and the amount owed as a waste charge or the Minister of Environment deems it necessary to conduct an inspection and examination on any other ground.
- (2) If it is discovered as a result of the inspection and examination under paragraph (1) that the relevant manufacturer or importer owes a waste charge or the amount already paid is less than the amount owed, the Minister of Environment shall request the manufacturer or importer by a notice to pay the waste charge payable or the differences. In such cases, the waste charge payable or the differences shall be calculated by applying Article 12 (2) or 13 (1) mutatis mutandis, and the period of the payment shall not exceed 20 days from the day on which a notice of requesting the payment is issued.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 15-2 (Establishment of Recycling Centers and Standards of Facilities)

Pursuant to Article 13-2 (6) of a Act, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall comply with the following standards in establishing a recycling center: Provided, That it is not necessary to comply with the standards for an area in any Gun where there is no city formed with a population of 30,000 people or more:

1. The total floor area of a recycling center for used goods showroom shall be no less than 150 square meters;
2. There shall be a separate space for repairing or other work for used goods;
3. There shall be at least one separate warehouse for keeping used goods not on display;
4. There shall be a space in which operators and managers of a recycling center as well as visitors can have a rest within the space for used goods showroom;
5. At least one vehicle shall be secured for the collection and transportation of used goods;
6. An employee shall be in charge of exchanges and sales, an employee in charge of repairs, and a person in charge of collection and transportation.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 16 (Products and Packing Materials with Mark of Separate Discharge)

The term "products and packing materials specified by Presidential Decree" in Article 14 of the Act means the following products and packing materials:

1. Packing materials under subparagraphs 1 and 2 of Article 18: Provided, That containers of products for which a guarantee deposit for empty containers under Article 22 of the Act (hereinafter referred to as "deposit for empty containers") shall be paid are excluded herefrom;
2. Other products and packing materials made of paper, metal, glass, or plastic and designated by the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

### Article 17 (Containers Subject to Imposition of Deposit for Empty Containers)

The term "products specified by Presidential Decree" in Article 15-2 (1) of the Act means the following products contained in a repeatedly reusable glass container:

1. Liquor falling under each of the following items:
  - (a) Fermented liquor under subparagraph 2 of Article 4 of the Liquor Tax Act;
  - (b) Distilled liquor under subparagraph 3 of Article 4 of the Liquor Tax Act;
2. Soft drinks.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

### Article 18 (Products and Packing Materials Subject to Mandatory Recycling)

The term "products and packing materials specified by Presidential Decree" in Article 16 (1) of the Act means those specified in the following subparagraphs: Provided, That excluded herefrom are products and packing materials produced or imported by a manufacturer or importer for export, samples of products and packing materials imported for research by an institution or organization under Article 7 (1) of the Technology Development Promotion Act, and products and packing materials returned and destroyed:

1. Paper packaging used for packing the following products (limited to paper packaging coated with synthetic resin or with aluminium foil adhered thereto), glass bottles, metal cans, packing materials of synthetic resin (including containers, packing materials and trays in film or sheet):
  - (a) Foodstuffs (referring to the foodstuffs listed in the code of foodstuffs under Article 12 of the Food Sanitation Act, the functional foodstuffs for health listed in the code of functional foodstuffs for health under Article 19 of the Functional Foods for Health Act, processed meat, processed dairy products, and processed egg products under subparagraphs 7 through 9 of Article 2 of the Processing of Livestock Products Act, and spring potable water and deep-sea potable water under subparagraphs 3 and 4 of Article 3 of the Management of Drinking Water Act);
  - (b) Agricultural, fishery, and livestock products (limited to the primary products, excluding foodstuffs under item (a));
  - (c) Detergents (referring to toothpaste and soap under the Korean Standard Industrial Classification Codes and soap and detergents produced by other detergent manufacturers);
  - (d) Cosmetics under the Cosmetics Act and shampoo and rinse for pet animals;
  - (e) Medicines and non-pharmaceutical products under the Pharmaceutical Affairs Act (excluding PTP-packed products in a vial or an ampule containing 30 milliliters or 30 grams or less, products not packed in a bottle containing 30 milliliters or 30 grams or less, except insecticide and germicide, medicines for external diagnosis, and medicines discharged as medical wastes);
  - (f) Butane gas products;
  - (g) Insecticide and germicide (referring to insecticide and germicide produced by manufacturers of insecticide and germicide for home use under the Korean Standard

- Industrial Classification Codes, but excluding agrochemicals under subparagraph 1 of Article 2 of the Agrochemicals Control Act);
2. Packing materials made of synthetic resin foam and used as cushioning materials for electrical machinery, audio and video appliances, information and office equipment, and personal computers (including monitors and keyboards) among electric appliances subject to safety certification under subparagraph 3 of Article 2 of the Electric Appliances Safety Control Act;
  3. Batteries specified below (including batteries contained as a component or part of any product listed in attached Table 3):
    - (a) Mercury batteries;
    - (b) Oxidized silver batteries;
    - (c) Nickel-cadmium batteries;
    - (d) Lithium batteries (limited to primary batteries);
    - (e) Manganese batteries and alkaline manganese batteries;
    - (f) Nickel-hydrogen batteries;
  4. Tires used for the following vehicles and machines:
    - (a) Automobiles under subparagraph 1 of Article 2 of the Automobile Management Act;
    - (b) Vehicles governed by the Act on the Management of Military Supplies;
    - (c) Construction equipment specified in Article 2 (1) 1 of the Construction Machinery Management Act;
    - (d) Agricultural equipment specified in subparagraph 1 of Article 2 of the Agricultural Mechanization Promotion Act;
  5. Lubricating oil used for the following vehicles and machines:
    - (a) Automobiles under subparagraph 1 of Article 2 of the Automobile Management Act (excluding two-wheeled automobiles with a four-stroke engine, compression, explosion, and exhaust by an one-stroke crankshaft);
    - (b) Vehicles governed by the Management of Military Supplies;
    - (c) Construction equipment under Article 2 (1) 1 of the Construction Machinery Management Act;
    - (d) Agricultural equipment under subparagraph 1 of Article 2 of the Agricultural Mechanization Promotion Act;
    - (e) Korean ships (excluding deep-sea vessels) under Article 2 of the Ship Act;
    - (f) Fishing vessels (excluding deep-sea fishing vessels) under Article 2 (1) of the Fishing Vessels Act;
  6. Fluorescent lamps (including half-finished lamps for manufacturing fluorescent lamps containing mercury);
  7. Other products and packing materials approved by the Minister of Environment as those that manufacturers intend to recycle through an association of such manufacturers.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 19 (Producers Obligated to Recycle Packing Materials)

The term "place of business for the type of business of the size prescribed by Presidential Decree" in Article 16 (1) of the Act means a place of business prescribed in attached Table 4.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

#### Article 20 (Outsourcing of Recycling)

The term "person specified by Presidential Decree" in Article 16 (1) of the Act means any of the following persons:

1. A business operator who produces recycled products;
2. A designated recycling business operator under Article 23 (1) of the Act (hereinafter referred to as "designated recycling business operator");
3. A person who has installed and operates a waste disposal facility under Article 4 or 5 of the Wastes Control Act;
4. A person who has a permit for interim waste disposal business or general waste disposal business under Article 25 (5) 2 or 4 of the Wastes Control Act;
5. A person who has obtained approval for the installation of a waste disposal facility or has filed a report on the installation of such facility pursuant to Article 29 (2) of the Wastes Control Act;
6. A person who exports products subject to recycling among traders under subparagraph 3 of Article 2 of the Foreign Trade Act;
7. A mutual aid association for recycling under Article 27 (1) of the Act (hereinafter referred to as "mutual aid association");
8. Any other person publicly notified by the Minister of Environment among persons engaged in recycling business.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

#### Article 21 (Protection of Outsourcers Entrusted with Recycling)

Each producer obligated to recycle wastes or a mutual aid association that intends to outsource the recycling of products and packing materials shall make a contract with an outsourcer entrusted with the recycling of the products and packing materials to ensure to keep business areas of small and medium enterprises, which shall be protected pursuant to the Act on the Promotion of Collaborative Cooperation between Large Enterprises and Small-Medium Enterprises are kept from being intruded on, reflect appropriate expenses for recycling therein, and protect rights and interests of the outsourcer entrusted with the recycling of the products and packing materials.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

#### Article 22 (Calculation and Public Notification of Mandatory Recycling Rate)

- (1) The Minister of Environment shall calculate the rate at which each producer responsible for recycling shall recycle (hereinafter referred to as "mandatory recycling rate") out of the quantity of products and packing materials delivered (referring to the imported quantity for an importer and the quantity sold for a distributor; the same shall apply hereinafter) for each type of product and packing material in accordance with the guidelines for calculation in attached Table 5 and publicly notify the rate before the beginning of each

year, subject to prior consultation with the Minister responsible for each type of products and packing materials.

- (2) Every producer responsible for recycling shall submit to the Minister of Environment data about the quantity of product and packing material delivered, as prescribed by Ordinance of the Ministry of Environment, by no later than April 15 each year: Provided, That the same shall not apply to producers responsible for recycling, who shall include the deposit for empty containers in the price of each product pursuant to Article 15-2 of the Act.
- (3) The Minister of Environment shall publicly notify a long-term target recycling rate every five years and reflect it in the mandatory recycling rate publicly notified pursuant to paragraph (1) so that producers obligated to recycle wastes can facilitate collection and recycling of wastes throughout the stages from production and distribution to collection of products and packing materials.
- (4) The Minister of Environment may, if deemed necessary to revise a long-term target recycling rate under paragraph (3) to adapt to a change in conditions of recycling, revise the long-term target recycling rate and publicly notify the revised target rate.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 23 (Mandatory Recycling Quantity by Producers Obligated to Recycle Wastes)

- (1) The mandatory recycling quantity of each producer obligated to recycle wastes (hereinafter referred to as "mandatory recycling quantity") under Article 17 (2) of the Act shall be calculated using the following formula:

Mandatory recycling rate for each product or packing material under Article 22 (1) ×

Quantity of the product or packing material delivered by the producer obligated to recycle wastes during the pertinent year.

- (2) With respect to empty containers for which a deposit is included in the price of the products pursuant to Article 15-2 among the products and packing materials subject to mandatory recycling under Article 18, notwithstanding the provisions of paragraph (1), the mandatory recycling quantity of each producer obligated to recycle such containers shall be the quantity equivalent to 80 percent of the containers used for the relevant products during the pertinent year.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 24 (Submission of Plans for Performance of Obligations to Recycle)

Every producer obligated to recycle wastes or mutual aid association shall submit to the Minister of Environment a plan for the performance of the obligation to recycle pursuant to Article 18 (1) or 29 (2) of the Act by no later than the end of January of the pertinent year, along with documents specified by Ordinance of the Ministry of Environment: Provided, That a producer obligated to recycle wastes may submit such plan within 30 days (no later than December 31, if products and packing materials are delivered or imported initially on or after December 1) from the initial date of delivery or import of products and packing materials for the pertinent year (referring to the initial date of import declarations filed pursuant to Article 241 or 244 of the Customs Act).

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

### Article 25 (Approval of Plans for Performance of Obligations to Recycle)

- (1) The Minister of Environment shall, upon receiving a plan for the performance of the obligation to recycle pursuant to Article 24, determine whether to approve the plan and issue a letter of approval within 30 days, if he/she approves it, or notify the relevant producer obligated to recycle or mutual aid association that he/she does not approve it and the reasons for disapproval, if he/she does not approve it.
- (2) Any producer obligated to recycle or mutual aid association that received a notice from the Minister of Environment that he/she does not approve a plan for the performance of the obligation to recycle pursuant to paragraph (1) shall submit a supplemented plan for the performance of the obligation to recycle within 20 days from the date on which the notice was received.
- (3) A producer obligated to recycle or mutual aid association shall, if there is a change in any fact specified by Ordinance of the Ministry of Environment among the details of a plan for the performance of the obligation to recycle, submit to the Minister of Environment a revised plan for the performance of the obligation to recycle within 20 days from the date of change, along with documents proving such change.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

### Article 26 (Submission of Report on Results of Performance of Obligations to Recycle)

Any producer obligated to recycle wastes or mutual aid association that has obtained approval for a plan for the performance of the obligation to recycle pursuant to Article 25 shall submit to the Minister of Environment a report on the results of the performance of the obligation to recycle by no later than April 30 of the following year pursuant to Article 18 (2) or 29 (2) of the Act, along with documents specified by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

### Article 27 (Recycling Costs)

- (1) The costs incurred in recycling wastes, which serve as the basis for calculating the recycling due under Article 19 of the Act, (hereinafter referred to as "unit recycling cost") shall be calculated by multiplying the standard recycling cost in attached Table 6 by the index for calculating recycling costs publicly notified by the Minister of Environment.
- (2) The index for calculating recycling costs under paragraph (1) for each year shall be a value obtained by multiplying the index for calculating recycling costs for the previous year by the inflation rate for the previous year.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

### Article 28 (Calculation and Imposition of Recycling Dues)

- (1) Recycling dues under Article 19 of the Act (hereinafter referred to as "recycling due") shall be calculated by multiplying the unit recycling cost by the quantity not recycled out of the mandatory recycling quantity and adding an additional amount calculated in accordance with attached Table 7 to the amount calculated by multiplying.
- (2) Any producer obligated to recycle wastes or mutual aid association that recycled wastes in excess of the mandatory recycling quantity may include the excess in the outcomes of

recycling for the following year or for the year after the following year.

(3)The Minister of Environment shall, if any producer obligated to recycle wastes or mutual aid association fails to accomplish the mandatory recycling quantity, notify it to pay the recycling due calculated in accordance with paragraph (1) by no later than June 30 each year, as prescribed by Ordinance of the Ministry of Environment.

(4)Any person who has received a notice of payment of recycling dues pursuant to paragraph (3) shall pay the recycling dues by no later than July 20 of the pertinent year.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 28-2 (Reimbursement of Collection Expenses)

(1)The Minister of Environment shall, if he/she has entrusted the Korea Environment and Resources Corporation with the collection of recycling dues or additional dues pursuant to Article 19 (6) of the Act, reimburse the Korea Environment and Resources Corporation an amount equivalent to the recycling dues or additional dues collected by the Korea Environment and Resources Corporation for collection expenses.

(2)The Minister of Environment shall calculate the collection expenses under paragraph (1) for the recycling dues or additional dues paid to the special accounts for environmental improvement under the Act on Special Accounts for Environmental Improvement each month and pay the collection expenses to the Korea Environment and Resources Corporation by the end of the following month.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 29 (Inspection of Outcomes of Recycling)

(1)The Minister of Environment may assign public officials in charge to inspect and verify the quantity delivered and the outcomes of recycling performed by a producer obligated to recycle, a mutual aid association, or a person entrusted with recycling if any of the following events occurs:

- 1.A producer obligated to recycle does not submit a report on the quantity delivered of each product and packing material pursuant to Article 22 (2);
- 2.A producer obligated to recycle or a mutual aid association does not submit a report on the outcomes of the performance of the obligation to recycle;
- 3.There is a difference between the outcomes of recycling reported by a producer obligated to recycle or a mutual aid association pursuant to Article 26 and the actual outcomes of recycling or the Minister of Environment determines that it is necessary to inspect and verify the outcomes.

(2)The Minister of Environment shall, if it is found as a result of the inspection and verification under paragraph (1) that a producer obligated to recycle or a mutual aid association owes any amount of recycling dues or the amount already paid is less than the amount actually owed, notify the producer obligated to recycle or the mutual aid association to pay the recycling due not paid or the difference. In such cases, the recycling due not paid or the difference shall be calculated by applying Article 28 (1) mutatis mutandis and shall be paid within 20 days from the date on which a notice of payment is issued.



[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]  
Articles 30 and 30-2 Deleted.<by Presidential Decree No. 20479, Dec. 28, 2007>  
Article 31 Changed to Article 17.

Article 32 (Types of Business Related to Designated Recycling Business Operator)

The term "type of business prescribed by Presidential Decree" in Article 23 (1) of the Act means any of the following types of business:

1. Manufacturing of paper;
2. Manufacturing of glass containers;
3. Manufacturing of iron or steel.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 33 (Basic Policy, etc. on Guidelines with which Designated Recycling Business Operators shall Comply)

The term "basic policy and procedure prescribed by Presidential Decree" in Article 23 (1) of the Act means the following policy and procedure:

1. Efforts shall be concentrated on the promotion of recycling plans of the following persons, among designated recycling business operators, and the promotion of recycling plans of any persons, other than those specified in the following items, shall be encouraged step by step to suit their circumstances, considering the size of each enterprise, the current status of recycling facilities, technical capability, possibility of recycling, and other relevant facts:

- (a) Manufacturing of papers: Persons who produce not less than 10,000 tons of paper per year;
  - (b) Manufacturing of glass containers: Persons who produce not less than 20,000 tons of glass containers per year;
  - (c) Manufacturing of iron or steel: Persons who produce not less than 100,000 tons of crude steel or pig iron per year;
2. Every designated recycling business operator shall observe the target utilization rate for recyclable resources and efficient recycling methods and procedures prescribed by guidelines pursuant to Article 23 (1), taking into account the recyclable resources produced and collected, the level of domestic technology for recycling, and the characteristics of products. Opinions of related organizations of business operators shall be reflected in determining the target utilization rate for recyclable resources;
  3. Every designated recycling business operator shall prepare a utilization plan to achieve the target utilization rate for recyclable resources and keep and preserve the record of the outcomes thereof;
  4. Every designated recycling business operator shall encourage the use of recyclable resources domestically produced in substitution for those imported.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 34 Deleted.<by Presidential Decree No. 20479, Dec. 28, 2007>

Article 35 (Basic Policy, etc. on Guidelines with which Business Operators Discharging Designated By-Products shall Comply)

The term "basic policy and procedure prescribed by Presidential Decree" in Article 25 (1) of the Act means the following policy and procedure:

1. Efforts shall be concentrated on the promotion of recycling by the following persons, among business operators discharging designated by-products, and recycling by any persons, other than those specified in the following items, shall be encouraged step by step to suit their circumstances, considering the size of each enterprise, the current status of recycling facilities, technical capability, possibility of recycling, and other relevant facts:
  - (a) Steel slag: Persons who produce not less than 100,000 tons of crude steel or pig iron per year;
  - (b) Coal ash: Persons who supply not less than 100 million kilowatts of electricity per year;
2. Every business operator discharging designated by-products shall establish and operate facilities for separating, crushing, screening, and recycling designated by-products and observe the recycling method prescribed by guidelines pursuant to Article 25 (1) of the Act, considering the nature and state of designated by-products, the characteristics of discharge, and the level of domestic technology, to promote the recycling of designated by-products;
3. Every business operator discharging designated by-products shall endeavor to facilitate the recycling of by-products by developing technology needed to recycle by-products and encouraging other types of business and other places of business to recycle such by-products;
4. Every business operator discharging designated by-products shall develop a plan for recycling designated by-products and compile and keep the records of recycling such by-products.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]  
Article 36 (Business Eligible for Development of Recycling Industry)

The term "business designated by Presidential Decree" in Article 31 (1) 7 of the Act means any of the following businesses:

1. A recycling business under any of subparagraphs 2 through 4 of Article 4;
2. A business of selling recycled goods;
3. A business of designing and manufacturing machinery or equipment for manufacturing products with recyclable resources or designing and making recycling facilities.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]  
Article 37 (Support for Exemplary Designated Recycling Business Operators)

The Minister of Environment may designate any designated recycling business operator who has achieved exceptional results in recycling as an exemplary designated recycling business operator. In such cases, the Government may preferentially support exemplary designated recycling business operators with a fund under Article 31 of the Act or in any other way.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]  
Articles 38 and 39 Deleted.<by Presidential Decree No. 18863, Jun. 13, 2005>  
Article 40 (Developers of Recycling Complexes)

The term "person prescribed by Presidential Decree" in Article 34 (1) of the Act means any of the following persons:

1. The Korea Environment and Resources Corporation;
2. The Environmental Management Corporation under the Environmental Management Corporation Act (hereinafter referred to as the "Environmental Management Corporation");
3. The Sudokwon Landfill Site Management Corporation under the Act on the Establishment and Management of Sudokwon Landfill Site Management Corporation (hereinafter referred to as the "Sudokwon Landfill Site Management Corporation");
4. Small and medium business cooperatives established for the purpose of recycling under the Small and Medium Enterprise Cooperatives Act.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 41 (Development of Recycling Complexes)

Each Mayor/Do Governor who intends to develop a recycling complex pursuant to Article 34 (3) of the Act (hereinafter referred to as "recycling complex") shall obtain approval therefor from the Minister of Environment in advance, as prescribed by Ordinance of the Ministry of Environment. The same shall apply to any change in important matters specified by Ordinance of the Ministry of Environment, among approved matters.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 42 (Management and Operation of Recycling Complexes)

(1) Each person who has developed a recycling complex shall have the authority to manage and operate a recycling complex.

(2) The Minister of Environment may delegate or entrust his/her authority to manage and operate a recycling complex that has been developed by him/her to any of the following persons:

1. A Mayor/Do Governor;
2. The Korea Environment and Resources Corporation;
3. The Environmental Management Corporation;
4. The Sudokwon Landfill Site Management Corporation;
5. Any other person recognized by the Minister of Environment as able to manage and operate a recycling complex.

(3) As to any matter not provided for by this Decree with regard to the procedure and method for the management and operation of recycling complexes, the provisions concerning the procedure and method for the management and operation of industrial complexes in the Industrial Cluster Development and Factory Establishment Act and its subordinate statutes shall apply mutatis mutandis.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 43 (Supply of Factory Sites to Recycling Business Operators)

(1) Pursuant to Article 34 (4) of the Act, a person who has the authority to manage an industrial complex pursuant to Article 30 of the Industrial Cluster Development and

Factory Establishment Act may preferentially supply part of the developed industrial complex to recycling business operators for factory sites.

(2)The Minister of Environment may, if he/she deems it necessary for the efficient supply of factory sites to recycling business operators, determine the need of the supply of factory sites, the area in demand, and the scope of business entities eligible for the supply, and request a person who has the authority to manage an industrial complex to preferentially supply factory sites.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 44 (Recyclable Resources Subject to Collection, Storage, Screening, and Treatment by Public Infrastructure for Recycling)

The term "recyclable resources prescribed by Presidential Decree" in Article 34-4 (1) of the Act means the following resources:

- 1.Products and packing materials under subparagraphs 1, 2, and 6 of Article 18;
- 2.Waste paper;
- 3.Scrap metal;
- 4.Others specified by the Minister of Environment or each Mayor/Do Governor.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 45 Deleted.<by Presidential Decree No. 21415, Apr. 6, 2009>

Article 46 (Organization of Resource Recycling Association)

(1)The term "persons prescribed by Presidential Decree, such as producers obligated to recycle, associations, producers of recycled products, and collectors of recyclable resources" in Article 35 (1) of the Act means the following persons:

- 1.Producers obligated to recycle wastes;
- 2.Mutual aid associations;
- 3.Persons who have filed a report on recycling of wastes and designated recycling business operators;
- 4.Producers of recycled goods;
- 5.Persons who collect, transport, or intermediately process recyclable resources;
- 6.Other persons who research and develop technology for recycling wastes.

(2)Any person who desires to obtain a permit for establishing an association for the promotion of recycling of resources (hereinafter referred to as "resource recycling association") pursuant to Article 35 (1) of the Act shall file an application, which shall describe the following matters, with the Minister of Environment, along with the articles of incorporation or an agreement and a business plan:

- 1.Name of association;
- 2.Place of business;
- 3.Name and address of its representative;
- 4.Date of establishment;
- 5.Number of members.

(3)The Minister of Environment shall, upon receiving an application under paragraph (2), examine the details of such application, such as the composition of members and grant a

permit if he/she finds that association is able to promote recycling, taking into account the functions and features of each entity specified in each subparagraph of paragraph (1).

(4) Each resource recycling association that has obtained a permit pursuant to paragraph (1) shall report to the Minister of Environment on any change in its name, the place of business, the name and address of its representative, or the articles of incorporation or the agreement or a business plan within 20 days from the date of change, whenever there is such a change.

(5) The resource recycling association shall prepare the following documents and submit them to the Minister of Environment by no later than the end of February each year:

1. A report on business performance and a report on the settlement of accounts for the previous year;
2. A business plan and a budget of revenue and expenditure for the pertinent year.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 47 (Cooperation from Related Agencies)

The term "matters prescribed by Presidential Decree" in subparagraph 3 of Article 37 of the Act means the following matters:

1. The submission of materials required for identifying the persons obligated to pay waste charges and collecting such waste charges under Article 12 of the Act;
2. The submission of materials required for verifying the spending of unclaimed deposits under Article 15-3 (1) of the Act;
3. The submission of materials for identifying the producers obligated to recycle wastes under Article 16 of the Act;
4. The submission of materials for identifying the persons obligated to pay recycling dues and collecting such recycling dues under Article 19 of the Act;
5. The submission of materials concerning the current status of and a plan for financial support under Article 31 of the Act;
6. The submission of materials concerning the quantity of products and packing materials delivered under Article 22 (2);
7. The submission of materials concerning a plan for the development of technology for recycling of resources and the results thereof.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 48 (Delegation and Entrustment of Authority)

(1) Pursuant to Article 38 (1) of the Act, the Minister of Environment shall delegate his/her authority to impose and collect fines for negligence under Article 41 (1) 1 through 9 and Article 41 (2) to each Mayor/Do Governor.

(2) Pursuant to Article 38 (2) of the Act, the Minister of Environment shall entrust the Korea Environment and Resources Corporation with the following business affairs:

1. Requesting to pay delinquent waste charges and imposing additional charges pursuant to Article 12 (3) of the Act;
2. Collecting, by legal action, delinquent waste charges or additional charges pursuant to Article 12 (4) of the Act;

3. Requesting to pay delinquent recycling dues and imposing additional dues pursuant to Article 19 (3) of the Act;
4. Collecting, by legal action, delinquent recycling dues or additional dues pursuant to Article 19 (4) of the Act;
5. Establishing and operating an information system for circulation of resources pursuant to Article 34-7 (2) of the Act;
6. Issuing orders to report and conducting an inspection (limited to cases where an inspection is required for carrying out entrusted business affairs) pursuant to Article 36 (1) of the Act;
7. Imposing, collecting, and refunding deposits under Article 3 of the Addenda of the amended Act on the Promotion of Saving and Recycling of Resources (Act No. 6653);
8. Receiving materials submitted for reporting the outcomes of delivery of products pursuant to Article 12 (1);
9. Calculating waste charges owed by manufacturers and issuing notices of payment thereof pursuant to Article 12 (2) and (4);
10. Calculating waste charges owed by importers and verifying whether an importer is obligated to pay the waste charge pursuant to Article 13 (1) and (2);
11. Settling the accounts of waste charges paid by importers and refunding the charges pursuant to Article 14;
12. Conducting an inspection and verification of the outcomes of delivery of products and the outcomes of importation and issuing notices of payment of differences in waste charges pursuant to Article 15 (1) and (2);
13. Designating products and packing materials subject to marking for separate discharge pursuant to subparagraph 2 of Article 16;
14. Receiving materials submitted for reporting the quantity of products and packing materials delivered pursuant to Article 22 (2);
15. Receiving plans for the performance of the obligation to recycle wastes pursuant to Article 24;
16. Examining and granting approval for plans for the performance of the obligation to recycle wastes and receiving materials submitted pursuant to Article 25;
17. Receiving reports on the outcomes of performing the obligation to recycle wastes pursuant to Article 26;
18. Calculating and imposing recycling dues and issuing notices of payment pursuant to Article 28;
19. Conducting an inspection and verification of producers obligated to recycle wastes, and issuing notices of payment of differences in recycling dues pursuant to Article 29 (1) and (2).

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 49 (Agencies Responsible for Accounting of Waste Charges)

- (1) The President of the Korea Environment and Resources Corporation shall appoint a standing director of the Korea Environment and Resources Corporation as the officer in

charge of the collection of revenue of charges and dues and an employee under his/her control as a junior officer in charge of the collection of revenue of charges and dues to assign them to take responsibility for the collection of waste charges and recycling dues as entrusted pursuant to Article 48 (2).

(2)The President of the Korea Environment and Resources Corporation shall, when he/she appoints an officer and a junior officer in charge of the collection of revenue of charges and dues pursuant to paragraph (1), notify the Minister of Environment, the Chairperson of the Board of Audit and Inspection, and the Governor of the Bank of Korea thereof.

[This Article Wholly Amended by Presidential Decree No. 21415, Apr. 6, 2009]

Article 49-2 (Reexamination of Regulations)

The Minister of Environment shall examine, until December 31, 2013, whether the standards for calculation of waste charges under Article 11 and attached Table 2 are appropriate, and then take measures, such as improvement, etc.

[This Article Newly Inserted by Presidential Decree No. 21626, Jul. 7, 2009]

Article 50 (Imposition of Fines for Negligence)

The guidelines for the imposition of fines for negligence under Article 41 are prescribed in attached Table 8.

[This Article Newly Inserted by Presidential Decree No. 21415, Apr. 6, 2009]

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2003: Provided, That the amended provisions of subparagraph 1 of Article 18 (limited to film packaging materials), and subparagraph 7 of Article 18 shall enter into force on January 1, 2004 and the amended provisions of subparagraph 6 (f) and (g) of Article 18 and Article 30 (limited to goods provided for in subparagraph 6 (f) and (g) of Article 18) shall enter into force on January 1, 2005.

Article 2 (Precedents concerning Waste Charges on Plastic Goods)

The waste charges of plastic goods provided for in the amended provisions of Article 10 (1) 7 shall apply, starting with the portion that is delivered or imported first after the enforcement of this Decree.

Article 3 (Transitional Measures concerning Waste Charges)

Cosmetics using plastic containers provided for in the previous provisions of subparagraph 2 of Article 17, confectionery using compound material containers provided for in the previous provisions of subparagraph 3 of Article 17, lithium batteries provided for in the previous provisions of subparagraph 4 of Article 17 and the calculation of waste charges according to the delivery record of goods in 2002 which shall be paid by the manufacturers of synthetic resins provided for in the previous provisions of subparagraph 9 of Article 17, the payment period thereof and procedures therefor, etc. shall be all governed by the previous provisions.

Article 4 (Special Case concerning Calculation and Publication of Total Mandatory Recycling Quantity)

Notwithstanding the amended provisions of Article 22 (1), the Minister of Environment may calculate and publish the total mandatory recycling quantity by goods and packaging

materials in 2003 by January 31, 2003.

Article 5 (Special Case concerning Submission of Plan for Meeting Recycling Obligations)

Notwithstanding the amended provisions of Article 24, every producer liable to recycle wastes or the mutual aid association may submit his/her plan for meeting recycling obligations in 2003 by March 31, 2003.

Article 6 (Relations with other Acts and Subordinate Statutes)

Where the provisions of the former Enforcement Decree of the Act on the Promotion of Saving and Recycling of Resources have been cited in other Acts at the time this Decree enters into force, and if the provisions corresponding thereto exist in this Decree, this Decree or corresponding provisions in this Decree shall be deemed cited in lieu of the former provisions.

ADDENDA<Presidential Decree No. 18039, Jun. 30, 2003>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2003.

Articles 2 through 6 Omitted.

ADDENDA<Presidential Decree No. 18267, Jan. 29, 2004>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 31, 2004.

Articles 2 through 4 Omitted.

ADDENDUM<Presidential Decree No. 18312, Mar. 17, 2004>

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

ADDENDA<Presidential Decree No. 18428, Jun. 11, 2004>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2004.

Article 2 Omitted.

ADDENDUM<Presidential Decree No. 18442, Jun. 25, 2004>

This Decree shall enter into force on July 1, 2004.

ADDENDA<Presidential Decree No. 18593, Nov. 30, 2004>

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

Provided, That the amended provisions of subparagraph 1 (e) of Article 18, and the amended provisions of the attached Tables 4 and 6 shall enter into force on January 1, 2005, while the amended provisions of subparagraph 2 (g) through (j) of Article 2, and subparagraph 6 (h) through (j) of Article 18 shall enter into force on January 1, 2006.

(2)(Special Example concerning Person Liable for Recycling Wastes of Packaging Materials) A manufacturer and a distributor who records 1 billion won or more of yearly sales amount, and an importer who records 300 million won of yearly import amount in the year of 2003 shall be deemed, notwithstanding the amended provisions of the attached Table 4, persons liable for recycling wastes of packaging materials in the year of 2005.

(3)(Special Example concerning Calculation of Mandatory Recycling Rate) In calculating the mandatory recycling rate by goods and packaging materials for the year of 2005 under the amended provisions of the attached Table 5, the mandatory recycling rate by goods and packaging materials in 2004 shall be the value obtained by dividing the aggregate



quantity of the mandatory recycling quantities by goods and packaging materials of the individual persons liable for recycling wastes in 2004 by the aggregate quantity of the delivery quantities by goods and packaging materials of the individual persons liable for recycling wastes in 2003.

ADDENDA<Presidential Decree No. 18611, Dec. 30, 2004>

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

(2)(Applicable Cases) The amended provisions of the attached Table 2 shall apply to the products which are first carried out of the manufacturing place or bonded area after the enforcement of this Decree.

ADDENDA<Presidential Decree No. 18863, Jun. 13, 2005>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2005.

Article 2 Omitted.

ADDENDUM<Presidential Decree No. 19006, Aug. 17, 2005>

This Decree shall enter into force on October 1, 2005.

ADDENDUM<Presidential Decree No. 19204, Dec. 28, 2005>

This Decree shall enter into force on January 1, 2006.

ADDENDUM<Presidential Decree No. 19487, May 25, 2006>

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

ADDENDA<Presidential Decree No. 19494, May 30, 2006>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 4, 2006.

Articles 2 through 6 Omitted.

ADDENDUM<Presidential Decree No. 19572, Jun. 29, 2006>

This Decree shall enter into force on June 30, 2006: Provided, That the amended provisions of subparagraph 1 (d) of Article 18 and subparagraph 2-2 of Article 47 shall enter into force on January 1, 2007 and the amended provisions of subparagraph 3 (e) and (f) of Article 18 and subparagraph 3 (e) and (f) of the attached Table 6 shall enter into force on January 1, 2008.

ADDENDA<Presidential Decree No. 19971, Mar. 27, 2007>

(1)(Enforcement Date) This Decree shall enter into force on January 1, 2008: Provided, That the amended provisions of Article 9 shall enter into force on March 28, 2007.

(2)(Special Example concerning Application of Calculation Standards for Waste Charge)

Notwithstanding the amended provisions of Table 2, the calculation standards for waste charge by item to be manufactured or imported between January 1, 2008 and December 31, 2011 shall be calculated by multiplying the calculation standards for waste charge by item pursuant to the amended provisions of Table 2 by the rate pursuant to the classification in the following subparagraphs:

1. Between January 1, 2008 and December 31, 2009: 20/100; and

2. Between January 1, 2010 and December 31, 2011: 60/100.

(3)(Transitional Measures following Special Example of Calculation Standards for Waste Charge) When the calculation standards for waste charge by item pursuant to the

amended provisions of paragraph (2) 1 of Addenda are lower than the calculation standards for waste charge by item pursuant to the previous provisions, they shall be pursuant to the previous provisions: Provided, That to the imported plastic goods and packing materials thereof pursuant to the amended provisions of subparagraph 6 of Table 2, this shall not apply.

ADDENDUM<Presidential Decree No. 20088, Jun. 11, 2007>

This Decree shall enter into force on July 4, 2007.

ADDENDA<Presidential Decree No. 20244, Sep. 6, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA<Presidential Decree No. 20290, Sep. 27, 2007>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 28, 2007.

Articles 2 through 5 Omitted.

ADDENDUM<Presidential Decree No. 20479, Dec. 28, 2007>

This Decree shall enter into force on January 1, 2008.

ADDENDUM<Presidential Decree No. 20905, Jul. 3, 2008>

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

ADDENDUM<Presidential Decree No. 21415, Apr. 6, 2009>

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

ADDENDA<Presidential Decree No. 21590, Jun. 30, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2009. (Proviso Omitted.)

Articles 2 through 7 Omitted.

Article 8 (Transitional Measures following Amendment to Enforcement Decree of Act on Promotion of Saving and Recycling of Resources)

Imposition of fines for negligence for acts committed before this Decree enters into force, shall be governed by the previous provisions.

Articles 9 Omitted.

ADDENDUM<Presidential Decree No. 21626, Jul. 7, 2009>

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

ADDENDA<Presidential Decree No. 21676, Aug. 6, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 7, 2009. (Proviso Omitted.)

Articles 2 through 5 Omitted.

PC Version

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