

(Draft)

The Act for Resource Recycling of Electrical/Electronic Products and Automobiles

2006. 2

Ministry of Environment
Republic of Korea

This translation has been prepared for proper understanding of the original Korean text by English-speaking readers. It is not an official translation by the Korean Government, and should be of reference only.

1. Purpose of Legislation

Korean government has put a management guideline in operation to promote recycling and restrict the use of hazardous substances in electrical/electronic products and automobiles. However, it's only a recommendation without detailed criteria resulting in low efficiency. Also, the post-consumer management policy imposes Extended Producer Responsibility system only on electronic products and not on automobiles, ultimately creating a defect in the policy.

Therefore, this draft aims to establish a law which presides over the entire span of product life cycle to promote recycling and restrict the use of hazardous substances from the designing stage of electrical/electronic products and automobiles. It also proposes to recycle properly in post-consumer stage so as to promote recycling, save resources, protect environment.

2. Main Contents

A. Prescribe the responsibilities of the Government, local governments, producers and consumers to reduce environmental risks and facilitate recycling of electrical/electronic products and automobiles. (Draft Articles 4 through 6)

B. Prescribe the requirements on information provision to enhance recycling and reduce environmental risks from electrical/electronic products and automobiles. (Draft Articles 8 through 11)

(1) Prescribe restrictions on the use of hazardous substances and requirements for improvement in material/structure aspect related matters to facilitate the use of recyclable material. Announce methods how to analyze hazardous substances and evaluate material/structure aspect and recyclability (Draft Article 10)

(2) Require producers to declare the use and concentration of hazardous substances, evaluate improvement in material/structure aspect and recyclability, and proclaim them through information system. Require producers to provide recycling information to recyclers. (Draft Articles 10 and 11)

C. Incorporate the Extended Producer Responsibility (EPR) for electrical/electronic products under the Act on the Promotion of Saving and Recycling of Resources into this Act. (Draft Articles 13 through 22)

D. Allow the Government to impose/collect Recycling Dues from manufacturers/importers or owners of automobiles, to facilitate automobile recycling and aid recycling expenses (Draft Article 23)

E. Require any person, who wants to recycle the scrapped automobiles and register as a wasted automobile recycling business, after installing proper facilities in accordance with the recycling facilities standards. Support them with recycling

costs to operate the recycling business in accordance with the required recycling methods. (Draft Articles 24 and 26)

F. Establish an Automobile Recycling Promotion Fund and prescribe its purpose, etc., in order to reduce environmental risks caused by automobiles, facilitate recycling and enable resource efficiency by recycling automobile properly. (Draft Articles 27 through 30)

G. Require recyclers or transporters of scrapped electrical/electronic products or automobiles to document and report on the transfer of the products, after each transport or recycling operation, to (the head of) Information Processing Center. (Draft Article 31)

H. Allow the Minister of Environment to establish/operate the Information Processing Center for computerized processing of the reports regarding the use, the concentration, improvement of material/structure aspect and recyclability. (Draft Article 35)

Act No. _____

The Act for Resource Recycling of Electrical/Electronic Products and Automobiles (Draft)

CHAPTER □ GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the preservation of the environment and healthy development of national economy through efficient use of resources by reducing environmental risks incurred from electrical/electronic products and automobiles and by collecting and recycling wastes therefrom properly.

Article 2 (Definition)

The terms used in this Act are defined as follows:

1. “electrical/electronic product” means a machine/appliance(including parts thereto) functioning by electric currents or electromagnetic fields;
2. “automobile” means an automobile(including parts thereto) as prescribed in subparagraph 1 of Article 2 under the Automobile Management Act;
3. “wasted electrical/electronic product” and “wasted automobile” mean an electrical/electronic product and an automobile which fell under the category of waste as prescribed in subparagraph 1 of Article 2 under the Waste Control Act;
4. “processing” means any activity as prescribed in subparagraph 5 of Article 2 under the Waste Control Act;
5. “recycling” means any activity as prescribed in subparagraph 6 of Article 2 under the Waste Control Act;
6. “energy recovery” means any activity of recovering energy as prescribed in subparagraph 6 of Article 2 under the Waste Control Act and in Article 2-2 under the Enforcement Ordinance of the said Act; and
7. “wasted automobile recycling business” means business, equipped with recycling facilities as stated in this Act, which processes and recycles wasted

automobiles in accordance with the recycling methods and criteria.

Article 3 (Relation with Other Acts)

Matters, not specified in this Act, in relation with improvement in material/structure aspect of electrical/electronic products and automobiles (hereinafter referred to as the “electrical/electronic products, etc.”) and promotion of recycling and proper processing of waste therefrom shall be governed by the Waste Control Act, the Act on the Promotion of Saving and Recycling of Resources, and the Automobile Management Act.

Article 4 (Responsibility of the Government and Local Governments)

(1) The Government shall formulate a policy to reduce environmental risks caused by electrical/electronic products, etc. and promote recycling of waste therefrom.

(2) Local governments shall take measures to promote collection/transport and recycling of waste from electrical/electronic products, etc. in areas under their authority and minimize harmful environmental effect pursuant to the provisions of paragraph (1)

Article 5 (Responsibility of Producers)

Manufacturers or importers of electrical/electronic products, etc. shall put efforts to facilitate recycling of wastes therefrom, and shall be cooperative with the measures exercised by Government or local governments to achieve the purpose of this Act.

Article 6 (Responsibility of Consumers)

Consumers shall be cooperative with the Government or local governments with efforts to achieve the purpose of this Act, by purchasing durable and recyclable electrical/electronic products, etc and discharging the waste therefrom properly.

Article 7 (Deliberation Committee on the Products' Environmental Aspects)

(1) The Minister of Environment may organize/operate an deliberation committee on the products' environmental aspects (hereinafter referred to as the “Committee”) to evaluate improvement in material/structure aspect through restrictions on the use of heavy metals causing serious environmental risks and recyclability of electrical/electronic products, etc., and to deliberate important issues in relation with recycling promotion.

(2) The organization and major agenda, etc. of the committee shall be determined by

the Presidential Decree in accordance with paragraph (1)

CHAPTER □
IMPROVEMENT IN MATERIAL/STRUCTURE ASPECT
OF ELECTRICAL/ELECTRONIC PRODUCTS, ETC.

Article 8 (Restriction, etc. on the Use of Hazardous Substances)

(1) Any person who manufactures or imports electrical/electronic products, etc. (hereinafter referred to as the “manufacturers, etc. of electrical/electronic products, etc.”) shall observe following subparagraphs with respect to products as prescribed by the Presidential Decree so as to lower the environmental risks and make recycling easier:

1. Type and concentration of hazardous substances as prescribed by the Ordinance of the Ministry of Environment. Provided that this shall not apply to cases receiving recognition that the hazardous substance is unable to be eliminated from the product or there are no known substitutes, prescribed by the Ordinance of the Ministry of Environment, available;

2. Requirements, such as the use of highly recyclable material, simplification of material, and marking of material information, for improvement in material/structure aspect as prescribed by the Ordinance of the Ministry of Environment

3. Recyclability/recoverability as prescribed by the Ordinance of the Ministry of Environment. (Applicable only to manufacturers or Importers of automobiles)

(2) The Minister of Environment and the Minister of Commerce, Industry and Energy shall determine and publish methods for analyzing hazardous substances, and methods to evaluate improvement in material/structure aspect and recyclability/recoverability

Article 9 (Products Classification)

(1) The Minister of Environment may classify a product as a new product or as an identical product when applying restriction, etc. on the use of hazardous substances under Article 8 (1), and consider that restriction, etc. on the use of hazardous substances is being observed with respect to identical products.

(2) The classification criteria, etc. of new product/identical product under paragraph (1) shall be prescribed by the Presidential Decree.

Article 10 (Assessment and Public Announcement, etc. of the Use and Concentration, etc. of Hazardous Substances)

(1) Manufacturers, etc. of electrical/electronic products, etc. shall identify and assess the use and concentration of hazardous substances, performance on improvement in material/structure aspect and recyclability/recoverability as prescribed under Article 8 (1), and declare them.

(2) Manufacturers, etc. of electrical/electronic products, etc. shall publicize whether they have fulfilled the identification and assessment of the use and concentration of hazardous substances, performance on the improvement of material/structure aspect and recyclability/recoverability in accordance with paragraph (1) under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(3) The Minister of Environment may verify the assessment result on the type and the concentration of hazardous substances, performance on improvement in material/structure aspect and recyclability/recoverability in accordance with paragraph (2) under the conditions as prescribed by the Ordinance of the Ministry of Environment.

Article 11 (Provision of Recycling Information)

(1) Manufacturers, etc. of electrical/electronic products, etc. shall provide information to recyclers on recycling methods, etc. to facilitate recycling of wasted electrical/electronic products or wasted automobiles in accordance with the Ordinance of the Ministry of Environment.

(2) Recyclers may submit suggestions to the Minister of Environment regarding improvement in material/structure aspect of products that will enable more efficient recycling while not adversely affecting the environment preservation.

(3) If such suggestions for improvement are submitted by recyclers under paragraph (2), the Minister of Environment shall review the suggestions and may provide recommendation to manufacturers, etc. of electrical/electronic products, etc. if deemed appropriate.

Article 12 (Consideration for Safety and Environmental Risk)

(1) Manufacturers, etc. of electrical/electronic products, etc. shall give full consideration to the safety and durability of their products, when fulfilling the requirements for improvement in material/structure aspect, so that the fulfillment does not adversely affect the hazardous possibility to human health during the use of the products.

(2) Manufacturers, etc. of electrical/electronic products, etc. and recyclers shall give full consideration to minimize environmental risks and maximize recyclability, when

designing their products for reuse/reproduction, through the process of disassembly, cleaning, inspection and reassembly of the wasted product (or parts thereof).

CHAPTER □
RECYCLING OF WASTED ELECTRICAL/ELECTRONIC PRODUCTS
AND AUTOMOBILES

Section 1 Wasted Electrical/Electronic Products

Article 13 (Manufacturers', etc. Obligation on Recycling)

(1) Manufacturers or importers of electrical/electronic products as prescribed by the Presidential Decree (hereinafter referred to as the “responsible person for electrical/electronic product recycling) shall collect and recycle (cases of recycling by entrusting tasks to a person as prescribed by the Presidential Decree, from recyclers as prescribed by Article 44-2 under the Waste Control Act or businessmen who is approved to carry out recycling business efficiently, are inclusive) the wasted products, or make a financial contribution to the Recycling Business Mutual Aid Association under Article 19.

(2) Cases of recycling by entrusting from the responsible person for electrical/electronic product recycling or the Recycling Business Mutual Aid Association, the entrustment contract shall protect the interests of those getting the entrustment to the extent possible, under the conditions as prescribed by the Presidential Decree. It shall not invade business sphere of small and medium enterprises which is protected under the Act on the Protection of the Business Sphere of Small and Medium Enterprises and Promotion of Their Cooperation. Parties to the contract shall execute the contract with due diligence.

(3) Responsible persons for electrical/electronic product recycling and those who were entrusted with the recycling tasks by responsible persons for electrical/electronic product recycling shall perform recycling in accordance with recycling methods and criteria of each product as prescribed by the Ordinance of the Ministry of Environment.

Article 14 (Mandatory Recycling Rate)

(1) The Minister of Environment shall publish the rate of the yearly production amount which is obliged to be recycled (hereinafter referred to as the “mandatory recycling rate”) under Article 13, on the basis of the yearly production amount of electrical/electronic products, separate collection of waste electrical/electronic products (including the amount of separate collection of recyclable resources as published by the Special Metropolitan City Mayor, any other Metropolitan City Mayor and a Do governor in accordance with Article 13 (2) under the Act on the

Promotion of Saving and Recycling of Resources), past performance records of recycling and conditions of recycling, related with responsible persons for electrical/electronic product recycling.

(2) The amount which a responsible person for electrical/electronic product recycling is obliged to recycle by the mandatory recycling rate under paragraph (1) (hereinafter referred to as the “mandatory recycling amount”) shall be calculated by the criteria in accordance with the Presidential Decree, on the basis of the yearly production amount, etc.

Article 15 (Submission of Implementation Plan on Recycling Obligation)

(1) The responsible person for electrical/electronic product recycling shall submit the implementation plan on recycling obligation and acquire approval from the Minister of Environment under the conditions as prescribed by the Presidential Decree: Provided that this shall not apply to those who make a financial contribution to the Recycling Business Mutual Aid Association under Article 19.

(2) The responsible person for electrical/electronic product recycling may submit the implementation plan on recycling obligation in the following year, in accordance with the Presidential Decree, if the production or import of products under Article 13 is made after November of the current year.

(3) The person who obtained the approval on the implementation plan on recycling obligation under paragraph (1) shall submit an implementation report on recycling to the Minister of Environment in accordance with the Presidential Decree with sound data which shows recycling performance.

Article 16 (Collection of Recycling Dues, etc)

(1) Cases of when the responsible person for electrical/electronic products recycling fails to carry out their obligations under Article 13, or cases of when the Recycling Business Mutual Aid Association fails to carry out the recycling obligations as entrusted by its members, the Minister of Environment shall impose/collect a sum of the recycling cost as much as the portion of waste not recycled up to the mandatory recycling amount, plus a charge of no more than 30 percent thereof (hereinafter referred to as the “electrical/electronic product recycling dues”) on/from the responsible person for electrical/electronic product recycling, or on/from the Recycling Business Mutual Aid Association.

(2) The cost of waste recycling which is the basis of the electrical/electronic product recycling dues, due dates/procedures and other details shall be prescribed by the Presidential Decree.

(3) If a person, who is liable to pay the electrical/electronic product recycling dues under paragraph (1), fails to pay within specified period, The Minister of

Environment shall allow more than 30 days of grace period, and send a notification with additional 5 % dues to those in default.

(4) If a person, who is notified under paragraph (3), fails to pay the electrical/electronic product recycling dues and the additional dues within the prescribed period, the Minister of Environment shall collect the dues with reference to the preceding handling on national or local taxes in arrears.

(5) The electrical/electronic product recycling dues and the additional dues under paragraph (3) shall be the revenue of the special account for environmental improvement under the Act on the Special Accounts on Environment Improvement.

(6) In cases of when the Minister of Environment entrusts Korea Environment & Resources Corporation (ENVICO) under the Korea Environment & Resources Corporation Act with the collection of the recycling dues and the additional dues in accordance with the provisions of Article 34, the Minister of Environment may issue parts of collected electrical/electronic product recycling dues and the additional dues to Korea Environment & Resources Corporation (ENVICO) as collection expenses under the conditions as prescribed by the Presidential Decree.

Article 17 (Purpose of the Electrical/Electronic Product Recycling Dues)

The Recycling Dues shall be used for one of the following purposes:

1. Installation of waste processing facilities and projects for recycling;
2. Research and technology development for efficient recycling and waste reduction
3. Collection, recycling and processing of waste by local governments;
4. Purchase and storage of recyclable resources;
5. Expenses of assessment on the recyclability and the concentration of hazardous substances;
6. Projects to promote resource recycling; and
7. Issue of the collection expenses of the electrical/electronic product recycling dues.(including the additional dues)

Article 18 (Electrical/Electronic Product Sellers' Obligation on Waste Collection)

(1) The sellers of electrical/electronic products shall collect consumer's previously owned products (including those from other manufacturers / importers) which are

wasted as the result of the purchase of a new product and the packaging material of the new products, at the consumers' request with no charge.

(2) The sellers shall transport the collected waste to a collection depot designated by the responsible person for electrical/electronic product recycling or the Recycling Business Mutual Aid Association under Article 19. Instead, however, a seller may choose to reuse the waste products for own purpose, or transfer such products to a recycler (those prescribed under Article 44-2 of the Waste Control Act, or those as prescribed by the Presidential Decree).

(3) Cases of where the sellers reuse the collected wastes for own purpose or transfer them to recyclers under paragraph (2), the sellers shall inform the responsible persons for electrical/electronic product recycling or the association of the type, quantity of the waste and the entrusted recycler.

(4) Responsible persons for electrical/electronic product recycling or the Recycling Business Mutual Aid Association shall designate collection depots under paragraph (2) and inform sellers.

Article 19 (Establishment of Recycling Business Mutual Aid Association)

(1) Responsible persons for electrical/electronic products recycling may establish a Recycling Business Mutual Aid Association (hereinafter referred to as the "association") to carry out the obligations under Article 13.

(2) The Recycling Business Mutual Aid Association shall be a corporation.

(3) The Recycling Business Mutual Aid Association shall be established with the registration of incorporation at the location of its principal office.

(4) If a corporation, established for the purpose of recycling under Article 32 of the Civil Law or other Acts, submits the applications as prescribed under Article 20 (1) 1 through 5 of this Act to the Minister of Environment in order to perform the obligation on behalf of responsible persons for electrical/electronic products recycling, and if the application is approved, the corporation shall be considered as an association.

Article 20 (Authorization Procedure, etc. for the Establishment of an Association)

(1) A person who wishes to establish an association shall submit an application with the following documentations to obtain an approval from the Minister of Environment:

1. Articles of incorporation which includes purpose, business scope, membership, financial contributions, and other details with regard to the

operation of the association;

2. Membership agreement from the members of the association;
3. Mandatory recycling amount for each member;
4. List of recycling facilities (if the association has such facilities); and
5. Business plan for carrying out entrusted recycling obligations.

(2) If the application is approved in accordance with the provisions of paragraph (1) or Article 19 (4), the Minister of Environment shall publish the approval.

Article 21 (Financial Contributions, etc.)

(1) Calculation method of a financial contribution, payment procedure and other details shall be prescribed by the articles of incorporation of the association.

(2) Cases of the association recycling for its members by entrustment, Article 13 (3) and Article 15 shall be applied mutatis mutandis.

Article 22 (Applicability of the Civil Law)

Except as provided for in this Act, the provisions for incorporated bodies in Civil Law will apply to the association mutatis mutandis.

Section 2 Wasted Automobiles

Article 23 (Collection, etc. of Automobile Recycling Dues)

(1) The Minister of Environment shall impose/collect the expenses to promote proper recycling of wasted automobile and provide financial incentives for recycling (hereinafter referred to as the “automobile recycling dues”) from the manufacturers/importers or owners of automobiles, in compliance with any one of the following subparagraphs:

1. From the owner of automobiles, if the automobiles were manufactured or imported before the enforcement date of this Act; and
2. From the manufacturers or importers of the automobiles, if the automobiles were manufactured or imported on or after the enforcement date of this Act.

(2) The Minister of Environment shall grant the automobile recycling dues under paragraph (1) to the automobile recycling promotion fund under Article 27.

(3) The automobile recycling dues shall be calculated based on the processing/recycling costs, etc. of automobile shredder residues, etc., and the payment method, due dates, procedures and other details shall be prescribed by the Presidential Decree.

(4) If a person, who is liable for payment of the automobile recycling dues under paragraph (1), fails to pay in the specified term, The Minister of Environment shall allow more than 30 days of grace period, and send a notification with additional 5% dues to those in default.

(5) If a person who is notified under paragraph (4) fails to pay the automobile recycling dues and the additional dues within the prescribed period, the Minister of Environment shall collect the dues with reference to the preceding handling on national or local taxes in arrears.

Article 24 (Wasted Automobile Recycling Business)

(1) Any person who wishes to recycle an wasted automobile shall be registered as the wasted automobile recycling business, under conditions as prescribed by the Ordinance of the Ministry of Environment, with recycling facilities as prescribed by the Ordinance of the Ministry of Environment.

(2) The classification and business activity of the wasted automobile recycling business shall be as follows:

1. Wasted automobile dismantling/recycling business: dismantle a wasted automobile and press or cut, and recycle (including to recycle parts therefrom);
2. Wasted automobile shredding/recycling business: shred a wasted automobile and recycle;
3. Wasted automobile overall recycling business: consolidate the wasted automobile dismantling/recycling business and the wasted automobile shredding/recycling business;
4. Wasted automobile gas disposal business: dispose or recycle gases generated from wasted automobile including refrigerant; and
5. Automobile shredder residues recycling business: recover (including collection/transportation) metal or energy from automobile shredder residues.

(3) The person who is registered as the automobile salvage business as prescribed under Article 53 of the Automobile Management Act and equipped the recycling facility under paragraph (1), shall be regarded to be registered as the wasted automobile dismantling/recycling business in accordance with paragraph 2 (1).

Article 25 (Recycling Criteria, etc. of Wasted Automobile)

(1) The person who is registered as the wasted automobile recycling business shall process/recycle wasted automobiles in accordance with the methods and criteria as prescribed by the Ordinance of the Ministry of Environment.

(2) The rate per weight to recycle a wasted automobile shall be prescribed by the Ordinance of the Ministry of Environment.

Article 26 (Submission of Performance Report on Wasted automobile Recycling)

(1) Cases of where the wasted automobile recycling businessmen process/recycle wasted automobiles in accordance with Article 25, they shall submit performance reports with evidence data to the Minister of Environment, in accordance with the Ordinance of the Minister of Environment.

(2) When the report is submitted by a wasted automobile recycling businessman under paragraph (1), the Minister of Environment shall verify whether the recycling was properly done in accordance with Article 25 or not, and shall provide the recycling businessman with the recycling expenses in accordance with the criteria and procedures as prescribed by the Ordinance of the Ministry of Environment.

CHAPTER □ AUTOMOBILE RECYCLING PROMOTION FUND

Article 27 (Establishment of Fund)

The automobile recycling promotion fund (hereinafter referred to as the "fund") shall be established, for the purpose of reducing environmental risks from automobiles, facilitating recycling and allowing efficient use of resources through automobile recycling.

Article 28 (Raising Fund)

The source of the fund shall be as follows:

1. Collected Automobile recycling dues in accordance with Article 23;
2. Donation from juristic persons or individuals;
3. Proceeds from financial operation of the fund; and

4. Others.

Article 29 (Fund Management/Operation)

(1) The fund shall be managed/operated by a person designated by the Presidential Decree.

(2) Details of fund management/operation shall be prescribed by the Presidential Decree.

Article 30 (Fund Purpose)

The fund shall be used for the following purposes.

1. Research and technology development for replacement of hazardous substances and improvement of recyclability in automobiles under Article 8.
2. Recycling expenses which are provided in accordance with Article 26 (2).
3. Research and technology development for efficient automobile recycling
4. Financing/aid for installation costs of recycling facilities in order to facilitate automobile recycling.
5. Support for collection/recycling and processing of wasted automobiles by local governments.
6. Assessment expenses on the recyclability and the concentration of hazardous substances
7. Support for other projects to facilitate automobile recycling.

**CHAPTER □
SUPPLEMENTARY PROVISIONS**

Article 31 (Drawing up Manifest)

Any person who recycles or transports wasted electrical/electronic products or wasted automobiles shall draw up and report the information regarding the transfer of wasted electrical/electronic products, etc., in accordance with the control guideline published by the Minister of Environment, to the head of the information processing center as prescribed under the Article 35 with each transport or recycling of them.

Article 32 (Reporting and Inspection, etc.)

(1) In accordance with the Ordinance of the Ministry of Environment, the Minister of Environment may order the following persons to make a necessary reporting or to submit the data, granting the related public officials gain access to relevant facilities or business places, etc. to inspect the related documents, facilities, equipments, etc.:

1. Manufacturers, etc. of electrical/electronic products, etc. as prescribed under Article 8;
2. Responsible persons for electrical/electronic products recycling gas prescribed under Article 13;
3. Sellers of electrical/electronic product as prescribed under Article 18;
4. Recycling Business Mutual Aid Association as prescribed under Article 19; and
5. Wasted automobile recycling businessmen as prescribed under Article 24.

(2) Any public official who enters and conducts an inspection under paragraph (1), shall carry with himself a certificate indicating his competence and show it to the interested persons.

(3) Any person under Article 1 (1) through (5) shall record/keep documents in accordance with the Ordinance of the Ministry of Environment regulation: Provided that it is considered as the fulfillment of this requirement if the data have been already submitted to the information processing center.

Article 33 (Cooperation from Relevant Agency)

If it is deemed necessary in order to achieve the purpose of this Act, the Minister of Environment may request the head of the administrative agency concerned to take measures as prescribed by the Presidential Decree and to provide information to establish policy with regard to recycling wasted electrical/electronic products and wasted automobiles. In this case, the head of the administrative agency concerned shall comply with it unless there are any special reasons for not doing so.

Article 34 (Authority Delegation/Entrustment)

(1) The authority of the Minister of Environment under this Act may be delegated partially to the head of regional environment agency under the conditions as prescribed by the Presidential Decree.

(2) The Minister of Environment may entrust any competent institution, including

Korean Environmental Resources Corporation (ENVICO) under the Korean Environment and Resources Corporation Act, with parts of its affairs as prescribed by this Act under the conditions as prescribed by the Presidential Decree.

(3) The Minister of Environment may direct/control the execution of the delegated/entrusted business by the authorized agencies, to the extent needed.

Article 35 (Establishment/Operation of Information Processing Center)

The Minister of Environment may establish/operate an information processing center to provide computerized processing of tasks as prescribed by the Ordinance of the Ministry of Environment, and the tasks shall involve publicizing the identification result on hazardous substances, etc. under Article 10 (2) and the submitting performance report on wasted automobiles recycling under Article 26.

Article 36 (Testing and Inspection Institute)

(1) The Minister of Environment may designate the testing and inspection institute to verify the concentration, etc. of hazardous substances in accordance with Article 10 (3).

(2) The testing and inspection institute shall perform tests and analysis in compliance with methods as prescribed by Article 8 (2).

(3) The criteria and procedures of designation for the testing and inspection institute shall be prescribed by the Ordinance of Ministry of Environment.

(4) The Minister of Environment may direct/control the execution of the testing and inspection institute, to the extent needed under paragraph (1).

Article 37 (Promotion of International Cooperation)

The Minister of Environment shall establish a policy on international cooperation, and make efforts to conclude international agreements for bilateral/multilateral recognition, so that evaluation results for improvement in material/structure aspect and product marking can be mutually recognized, for the purpose of reducing environmental risks from electrical/electronic products, etc. and facilitating recycling.

CHAPTER □ PENAL PROVISIONS

Article 38 (Penal Provisions)

Any person who has not reported or submitted data, or has refused, obstructed or avoided the entry and inspection as prescribed under Article 32, shall be punished by imprisonment with prison labor for less than one year or by a fine not exceeding fifty million won.

Article 39 (Joint Penal Provisions)

In a case of where representatives of a juristic person, or, agents, employees, or other employed persons of a juristic person or individuals commit an offense as prescribed in the provisions under Articles 38 in connection with the affairs of the juristic person or the individual, the penalty of a fine as prescribed in each corresponding Article shall be imposed on the said juristic person or the individual, in addition to the punishment of the offender himself.

Article 40 (Fine for Negligence)

(1) Any manufacturer/importer, who has distributed products containing hazardous substances in violation with Article 8 (1) 1, shall be punished by a fine for negligence not exceeding 30 million won.

(2) Any person falling under any of the following subparagraphs shall be punished to a fine for negligence not exceeding 20 million won:

1. The person who has circulated products without observing the requirements on improvement in material/structure aspect, resulting in violation of Article 8 (1) 2; and
2. The person who has distributed products without observing the recyclability/recoverability, resulting in violation of Article 8 (1) 3.

(3) Any person falling under any of the following subparagraphs shall be punished to a fine for negligence not exceeding 10 million won:

1. The manufacturer/importer(not including the paragraph (1) and (2)) who has distributed products without identifying the use and concentration of hazardous substances and without assessing the requirement on improvement in material/structure aspect and recyclability/recoverability, violating Article 10 (1); and
2. The person who has operated wasted automobile recycling business without registering as the wasted automobile recycling business, resulting in violation of Article 24 (1).

(4) Any person falling under any of the following subparagraphs shall be punished to a fine for negligence not exceeding 1 million won:

1. The manufacturer/importer who has failed to publicize the use and concentration of hazardous substances, resulting in violation of Article 10 (2);
2. The person who has failed to submit the recycling implementation plan and the recycling implementation report, resulting in violation of Article 15;
3. The person who has failed to perform the collecting obligation of sellers, resulting in violation of Article 18 (1);
4. The person who has failed to draw up and report the information regarding the transfer of wasted electrical/electronic products, etc., resulting in violation of Article 31; and
5. The person who has failed to record and keep documents, resulting in violation of Article 32 (3)

Article 41 (Imposition/Collection of Fine for Negligence)

(1) The fine for negligence in accordance with Article 40 shall be imposed and collected by the Minister of Environment under the conditions as prescribed by the Presidential Decree.

(2) The person who is dissatisfied with the disposition of a fine for negligence as referred to in paragraph (1), may file a complaint to a person in authority within thirty days of the date on which he is informed of the said disposition.

(3) In a case of where the person, who was subject to the disposition of a fine for negligence as referred to in paragraph (1), has filed a complaint in compliance with paragraph (2), a person in authority shall notify it, without any delay, to the competent court, which shall, upon receiving the notification, adjudicate on the case of a fine for negligence under the Non-Contentious Case Litigation Procedure Act.

(4) In a case where no complaint is filed and the fine for negligence is not paid either within the period as referred to in paragraph (2), the said fine for negligence shall be collected with reference to the preceding handling on national or local taxes in arrears.

ADDENDA

Article 1 (Enforcement Date)

This act shall enter into force from July 1, 2007 onward..