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ENFORCEMENT DECREE OF THE FRAMEWORK ACT ON RESOURCES CIRCULATION

Presidential Decree No. 28552, Dec. 29, 2017
Amended by Presidential Decree No. 29330, Dec. 4, 2018
Presidential Decree No. 29681, Apr. 9, 2019

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Framework Act on Resources Circulation and matters necessary for enforcing said Act.

Article 2 (Implementation of Entrusted Projects to Create and Disseminate Resources Circulation Culture)

(1) "Institution or organization prescribed by Presidential Decree" in Article 8 (2) of the Framework Act on Resources Circulation (hereinafter referred to as the "Act") means any of the following institutions or organizations:

1. A non-profit corporation incorporated pursuant to Article 32 of the Civil Act or other statute;
2. A non-profit, non-governmental organization registered pursuant to Article 4 of the Assistance for Non-Profit, Non-Governmental Organizations Act;
3. A trade association established pursuant to Article 18 (1) of the Act.

(2) Where the Minister of Environment or the head of a related central administrative agency intends to implement a project for creating and disseminating a resources circulation culture by entrusting it to an institution or organization pursuant to Article 8 (2) of the Act, he/she shall designate such entrusted institution or organization (hereinafter in this Article referred to as "entrusted agency") through public recruitment.

(3) Where the head of a related central administrative agency intends to publicly recruit an entrusted agency pursuant to paragraph (2), he/she

- shall pre-consult with the Minister of Environment in order to prevent the redundant implementation, etc. of projects.
- (4) A person who intends to be designated as an entrusted agency pursuant to paragraph (2) shall file an application for such designation with the Minister of Environment or the head of a related central administrative agency (hereafter in this Article referred to as the "head of an entrusting agency") who publicly recruits an entrusted agency, as prescribed by Ordinance of the Ministry of Environment.
- (5) Upon receipt of applications for designation under paragraph (4), the head of an entrusting agency shall designate the most suitable person as an entrusted agency after comprehensively evaluating practicality and feasibility of project plans, business performance capabilities, etc. of the applicants.
- (6) Upon designating an entrusted agency pursuant to paragraph (5), the head of an entrusting agency shall publicly notify the name and address of the entrusted agency, details of an entrusted project, etc. in the Official Gazette; and shall issue the relevant agency a certificate of designation of an entrusted agency in the Form prescribed by Ordinance of the Ministry of Environment.
- (7) Expenses that the head of an entrusting agency may subsidize for an entrusted agency pursuant to Article 8 (3) of the Act shall include personnel expenses, operating expenses, and other expenses incurred in implementing the relevant project entrusted with.
- Article 3 (Criteria for Recognition of Circular Resources)
"Criteria for circular resources prescribed by Presidential Decree" in Article 9 (1) 3 of the Act means the following:
1. The relevant substance or article must be in a solid state and contain moisture of less than 85 percent or solids of at least 15 percent;
 2. The relevant substance or article must neither be mixed with any other types of wastes nor contain any material other than that which is to be used as circular resources: Provided, That this shall not apply where said substance or article satisfies the standards for contents of foreign

- substances publicly notified jointly by the Minister of Environment and the Minister of Trade, Industry and Energy;
3. The relevant substance or article must not be any of the following:
 - (a) Food waste, organic sludge, or animal residues;
 - (b) A substance or article to be used for such activities as energy recovery defined in subparagraph 7 (b) of Article 2 of the Wastes Control Act or to be used as fuel;
 - (c) A substance or article to be used by contact with soil, underground water, or surface water, such as fill materials, cover materials, road base materials or sub-base materials, or filling materials;
 4. The relevant substance or article must be usable directly as raw materials or materials of a product without undergoing any additional processing process;
 5. The relevant substance or article must be used only for the purposes recognized by the Minister of Environment, taking account of the circular utilization properties of substances or articles intended to be recognized as circular resources;
 6. Any organic wastes (referring to solids that contain organic matter of at least 40 percent) must be used only for any of the following purposes:
 - (a) Raw materials or materials of any of the following products:
 - (i) Feed defined in subparagraph 1 of Article 2 of the Control of Livestock and Fish Feed Act (hereinafter referred to as "feed");
 - (ii) Fertilizer defined in subparagraph 1 of Article 2 of the Fertilizer Control Act (hereinafter referred to as "fertilizer");
 - (iii) Wooden products, such as wood molding products or sawdust;
 - (iv) Products related to activated carbon or graphite;
 - (b) The relevant substance or article must be used directly as feed or fertilizer or directly for any other agricultural activities (referring to agriculture defined in subparagraph 1 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry);
 7. The relevant substance or article must be supplied (excluding export) to a person who intends to use it directly: Provided, That any substance or

article specified in any of Article 6 (1) 1 through 6 shall be excluded herefrom;

8.The relevant substance or article must meet the purposes of and methods and standards for circular utilization of wastes prescribed by other statutes, if any;

9.If wastes are imported, the wastes must be treated under the plan to dispose of wastes provided for in Article 17-2 (2) 4 of the Enforcement Decree of the Act on the Transboundary Movement of Hazardous Wastes and Their Disposal after importation.

Article 4 (Procedures and Method for Recognizing Circular Resources)

(1)An individual, corporation, or organization that intends to obtain recognition of circular resources pursuant to Article 9 (2) or (3) of the Act shall submit an application for recognition of circular resources to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(2)Upon receipt of an application for recognition of circular resources under paragraph (1), the Minister of Environment shall verify whether the relevant waste satisfies each of the criteria specified in each subparagraph of Article 9 (1) of the Act (hereinafter referred to as "criteria for recognition of circular resources").

(3)To conduct the verification under paragraph (2), the Minister of Environment shall conduct an on-site investigation in the following order; and in such cases, the Minister of Environment may request Korea Environment Corporation established under the Korea Environment Corporation Act (hereinafter referred to as the "Korea Environment Corporation") or any other specialized institution relating to resources circulation to review technical matters:

- 1.A visual inspection of the shape and nature of the relevant waste and whether the waste contains any material other than that which is to be used as circular resources;
- 2.An inspection of the production processes, facilities and equipment for circular resources, the quality maintenance and control system therefor, etc.;

3. An analysis of the contents of foreign substances, hazardous substances, moisture, and organic matter in the relevant waste: Provided, That this shall not apply where such contents are verifiable by the inspection provided for in subparagraph 1.
- (4) The Minister of Environment may seek relevant experts' opinions about the findings from the on-site investigation and technical review provided for in paragraph (3).
- (5) The Minister of Environment shall determine whether to grant recognition of circular resources within 60 days of receipt of an application for recognition of circular resources under paragraph (1), taking account of the findings from the on-site investigation and technical review under paragraph (3) and the opinions sought under paragraph (4).
- (6) Where it is impracticable to determine whether to grant recognition of circular resources within 60 days due to extenuating circumstances, such as where the technical review under paragraph (3) requires a substantial period, the Minister of Environment may extend the determination period only twice, with each extension not exceeding 30 days. In such cases, the Minister of Environment shall notify the relevant applicant of the extension of the determination period and the grounds therefor without delay.
- (7) Upon determining recognition of circular resources pursuant to paragraph (5), the Minister of Environment shall issue the relevant applicant a certificate of recognition of circular resources, as prescribed by Ordinance of the Ministry of Environment; and shall notify the head of the competent local government having jurisdiction over the applicant's place of business of such recognition.
- (8) The Minister of Environment shall post the details of recognition, such as the types and use of the circular resources recognized pursuant to paragraph (5), on the website of the Circular Resources Information Center established pursuant to Article 24 of the Act (hereinafter referred to as the "Circular Resources Information Center").
- (9) Except as otherwise expressly provided for in paragraphs (1) through

(8), the procedures and method for recognizing circular resources and other necessary matters shall be publicly notified by the Minister of Environment, upon consultation with the Minister of Trade, Industry and Energy.

Article 5 (Fees for Recognition of Circular Resources)

- (1) Fees that a person intending to obtain recognition of circular resources must pay pursuant to Article 9 (5) of the Act shall be as specified in attached Table 1.
- (2) Fees provided for in paragraph (1) shall be paid with a revenue stamp: Provided, That the Minister of Environment may allow the fees to be paid by electronic money, electronic settlement, etc. using the information and communications networks.

Article 6 (Simplification of Procedures and Method for Recognizing Circular Resources)

- (1) "Substances or articles prescribed by Presidential Decree, such as waste paper and waste metal" in Article 9 (7) of the Act means any of the following substances or articles specified in the detailed classification of wastes under Article 2-2 of the Wastes Control Act:
1. Waste paper;
 2. Waste metals (excluding waste containers which contained any designated waste, such as waste oil or a spent organic solvent);
 3. Waste glass or waste glass bottles;
 4. Waste synthetic resin (limited to waste packing materials of synthetic resin provided for in subparagraph 1 of Article 18 of the Enforcement Decree of the Act on the Promotion of Saving and Recycling of Resources or material of single synthetic resin);
 5. Waste clothing;
 6. Waste fabric scraps generated in the course of processing fabric, among waste fiber;
 7. Vegetable residues (limited to those used to produce feed or fertilizers).
- (2) Where the recognition of circular resources is determined for any substance or article provided for in paragraph (1), any of the following procedures or methods shall be omitted pursuant to Article 9 (7) of the

Act: Provided, That only subparagraphs 2 and 3 shall be omitted for vegetable residues referred to in paragraph (1) 7:

1. An inspection specified in Article 4 (3) 2;
2. An analysis of hazardous substances among the analyses specified in Article 4 (3) 3: Provided, That this shall not apply where the relevant substance or article is suspected of containing any hazardous substance by an inspection provided for in Article 4 (3) 1;
3. Seeking experts' opinions under Article 4 (4).

CHAPTER II FORMULATION, ETC. OF MASTER PLANS FOR RESOURCES CIRCULATION

Article 7 (Formulation and Implementation of Master Plans for Resources Circulation)

(1) "Matters prescribed by Presidential Decree" in Article 11 (2) 6 of the Act means the following:

1. Phased measures and project plans for promoting resources circulation;
2. Matters concerning the expansion of resources circulation facilities and nurturing of the resource-circulating industry;
3. Matters concerning the promotion of resources circulation for imported wastes;
4. Matters concerning the promotion of dissemination and use of circular resources and recycled products;
5. Matters concerning research, development, and utilization of resources circulation technology;
6. Matters concerning education, public relations, and culture creation to facilitate a transition to a resource-circulating society.

(2) Upon formulating or amending a master plan for resources circulation under Article 11 (1) of the Act (hereinafter referred to as "master plan"), the Minister of Environment shall submit the master plan to the competent Standing Committee of the National Assembly without delay in writing or through the information and communications networks pursuant to Article 11 (7) of the Act.

Article 8 (Formulation and Implementation of Action Plans and Execution Plans)

(1) The head of a related central administrative agency shall formulate an

annual action plan to implement the relevant master plan pursuant to Article 12 (1) of the Act and submit it to the Minister of Environment by November 30 of the preceding year. <Amended by Presidential Decree No. 29681, Apr. 9, 2019>

(2) An annual action plan that the head of a related central administrative agency formulates and implements shall include the following matters: <Amended by Presidential Decree No. 29681, Apr. 9, 2019>

1. Assessment and analysis of outcomes of performing the annual action plan for the preceding year;
2. Strategies to annually promote resources circulation for the matters under his/her jurisdiction;
3. A detailed promotion plan for the relevant year to execute strategies to promote resources circulation specified in subparagraph 2;
4. A funding plan and investment plan to execute strategies to promote resources circulation specified in subparagraph 2.

(3) An action plan to implement the relevant master plan that the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") formulates and implements under Article 12 (2) of the Act shall include the following matters: <Amended by Presidential Decree No. 29681, Apr. 9, 2019>

1. Assessment and analysis of the outcomes of performing the action plan formulated in the immediately preceding year;
2. The quantity of each type of waste generated as well as an estimated quantity of such waste to be generated in his/her jurisdiction;
3. The status of wastes treated and recycled in his/her jurisdiction;
4. Strategies to annually promote resources circulation for such matters as reducing wastes and facilitating circular utilization in his/her jurisdiction;
5. A detailed promotion plan to execute strategies to promote resources circulation specified in subparagraph 4;
6. A funding plan and investment plan to execute strategies to promote

- resources circulation specified in subparagraph 4;
- 7.The status of establishment of waste treatment facilities defined in subparagraph 8 of Article 2 of the Wastes Control Act (hereinafter referred to as "waste treatment facilities") and resources circulation facilities as well as plans to establish such facilities.
- (4)Where deemed necessary to formulate action plans under Article 12 (1) and (2) of the Act, the Minister of Environment shall prepare basic guidelines necessary for formulating the action plans and notify the heads of related central administrative agencies and the Mayors/Do Governors of such guidelines. <Amended by Presidential Decree No. 29681, Apr. 9, 2019>
- (5)Where the Minister of Environment intends to approve an action plan or any modification thereto pursuant to Article 12 (2) of the Act, the Minister of Environment may seek opinions from the specialized institutions relating to resources circulation in the latter part of Article 4 (3), with the exception of its subparagraphs.
- (6)The head of a Si/Gun/Gu (the head of a Gu means the head of an autonomous Gu; hereinafter the same shall apply) shall formulate an annual plan (hereafter in this Article referred to as "execution plan") to execute the action plan formulated under Article 12 (3) of the Act; and submit it to the competent Special Metropolitan City Mayor, Metropolitan City Mayor, or Mayor/Do Governor by November 30 of the preceding year. <Amended by Presidential Decree No. 29681, Apr. 9, 2019>
- (7)An execution plan shall include the following matters:
- 1.Assessment and analysis of outcomes of performing the execution plan for the preceding year;
 - 2.A detailed promotion plan of the competent Si/Gun/Gu for the relevant year to realize strategies to promote resources circulation of the Special Metropolitan City, Metropolitan City, or Do to which it belongs;
 - 3.A funding plan and investment plan to realize strategies to promote resources circulation specified in subparagraph 2;
 - 4.The quantity of each type of waste generated in the preceding year as

well as an estimated quantity of such waste to be generated in the relevant year;

- 5.The status of wastes treated and recycled in the preceding year;
- 6.Matters concerning the promotion of resources circulation, such as reducing wastes and facilitating circular utilization;
- 7.The status of establishment of waste treatment facilities and resources circulation facilities as well as plans to establish such facilities.

(8)Where deemed necessary to formulate execution plans, the Special Metropolitan City Mayor, a Metropolitan City Mayor, or a Do Governor shall prepare basic guidelines necessary for formulating the execution plans and notify the heads of Sis/Guns/Gus of such guidelines.

CHAPTER III POLICIES, ETC. TO PROMOTE RESOURCES CIRCULATION

Article 9 (Measures for Noncompliance, etc. with Order)

"Necessary measures prescribed by Presidential Decree, such as disclosing a list of relevant persons" in Article 16 (6) of the Act means any of the following:

- 1.In the case of failure to submit the data, compliance plan, etc. specified in Article 16 (1) or (4) of the Act: Disclosing a list of persons subject to resources circulation performance management provided for in Article 16 (1) of the Act (hereafter in this Article referred to as "persons subject to resources circulation performance management") who have failed to submit the data, compliance plan, etc.;
- 2.In the case of failure to comply with an order issued under Article 16 (5) of the Act:
 - (a)Disclosing a list of persons subject to resources circulation performance management who have failed to comply with the order; and their performance record;
 - (b)Formulating a compliance plan which reflects technical diagnosis and guidance for and the details of resources circulation performance management.

Article 10 (Business Entities subject to Circular Utilization, etc.)

(1)"Business entity operating any of the types of business prescribed by Presidential Decree in excess of any of the scales prescribed by

Presidential Decree" in the former part of Article 17 (1) of the Act means any of the following business entities:

1. A business entity in the type of paper manufacturing business that produces at least 10,000 tons of paper annually;
2. A business entity in the type of glass container manufacturing business that produces at least 20,000 tons of glass containers annually;
3. A business entity in the type of iron or steel business that produces at least 100,000 tons of crude steel or pig iron annually.

(2) "Circular resources prescribed by Presidential Decree" in the former part of Article 17 (1) of the Act means the following wastes recognized as circular resources pursuant to Article 9 (2) of the Act:

1. Waste paper;
2. Waste glass containers;
3. Scrap iron.

Article 11 (Assessment of Hazard and Circular Utilization of Products, etc.)

(1) "Any substance prescribed by Presidential Decree" in Article 19 (1) 1 of the Act means any substance specified in attached Table 2.

(2) The Minister of Environment shall formulate a plan to assess hazard and circular utilization of products, etc. (hereafter in this Article referred to as "assessment plan") every three years for products, raw materials, materials, and containers (hereinafter referred to as "products, etc.") specified in any subparagraph of Article 19 (1) of the Act.

(3) The Minister of Environment shall hear opinions of the heads of related central administrative agencies prior to formulating an assessment plan pursuant to paragraph (2).

(4) An assessment plan shall include the types of products, etc. subject to annual assessment selected in accordance with the standards prescribed by Ordinance of the Ministry of Environment, such as the quantity of wastes generated from the products, etc. and the status of circular utilization thereof, as well as the assessment schedule.

(5) The Minister of Environment shall select products, etc. subject to assessment under the assessment plan each year; notify the persons

- who produce, process, import, or sell the relevant products, etc. (hereinafter referred to as "producers, etc.") of the assessment in writing; and post it on the website of the Ministry of Environment.
- (6) The methods for assessing the matters specified in each subparagraph of Article 19 (2) of the Act are as specified in attached Table 3.
- (7) Upon assessing hazard and circular utilization, the Minister of Environment shall notify the producers, etc. of the relevant products, etc. of the relevant assessment report in writing.
- (8) Except as otherwise expressly provided for in paragraphs (1) through (7), the procedures and methods for assessing hazard and circular utilization of products, etc. and other necessary matters shall be prescribed and publicly notified by the Minister of Environment.
- Article 12 (Recommendations to Improve Hazard and Circular Utilization)
- (1) To recommend an improvement of hazard and circular utilization pursuant to Article 19 (3) of the Act, the Minister of Environment shall take account of the maintenance of functions of the relevant product, etc, the possibility of replacing raw materials and material thereof, etc.; and shall notify in advance the producer, etc. of the relevant product, etc. of an improvement recommendation which includes matters requiring improvements, the improvement period, etc.
- (2) A producer, etc. may submit their opinions on an improvement recommendation within ten days from the date the producer, etc. receive notification pursuant to paragraph (1). In such cases, the Minister of Environment shall notify the producer, etc. of the results of examining the opinions within thirty days of receipt of the opinions.
- (3) Where the Minister of Environment has decided to recommend an improvement after examining the opinions submitted pursuant to paragraph (2), the Minister shall notify the producer, etc. of the relevant product of the following matters. In such cases, the improvement period shall be determined within the limit of one year; but the period may be separately determined if circumstances are deemed to exist which make it impracticable to make the improvement within one year, such as where the producer, etc. or the head of a related central

administrative agency requests an extension of the improvement period because the manufacturing process needs to be changed:

- 1.The name of the product, etc. subject to the improvement recommendation;
 - 2.Results of assessing hazard and circular utilization;
 - 3.The improvement period;
 - 4.The details of the improvement recommended and the reason for the improvement.
- (4)The Minister of Environment may require the producer, etc., who have received the improvement recommendation pursuant to paragraph (3), to submit a compliance plan prepared based on the improvement recommendation within three months of receipt of such improvement recommendation.
- (5)Upon complying with the improvement recommendation received under paragraph (3), the relevant producer, etc. shall submit in writing the results of compliance to the Minister of Environment within ten days after the expiration of the improvement period.

Article 13 (Disclosure following Noncompliance with Improvement Recommendations)

- (1)Where the Minister of Environment intends to disclose the results of assessing hazard and circular utilization of a product, etc., for which the relevant producer, etc. have failed to comply with an improvement recommendation, under the main sentence of Article 19 (4) of the Act, the Minister shall notify in advance the producer, etc. of the product, etc. subject to disclosure of the details to be disclosed. In such cases, the producer, etc. may submit their opinions, such as compliance with the improvement recommendation or the reason for noncompliance therewith, within thirty days of receipt of the notification.
- (2)The Minister of Environment shall include the following matters when disclosing the results of the assessment under the main sentence of Article 19 (4) of the Act:
- 1.The names or trade names as well as addresses of the relevant producer, etc.;
 - 2.

The names of the product, etc. subject to the improvement recommendation;

3.The results of assessing hazard and circular utilization;

4.The details of the improvement recommendation.

(3)The results of the assessment provided for in paragraph (2) shall be disclosed on the website of any of the following agencies or through the press, such as a newspaper and broadcasting:

1.The Ministry of Environment (including the competent Regional Environmental Office);

2.An institution entrusted with the assessment of hazard and circular utilization of products, etc. provided for in Article 19 (1) of the Act, pursuant to Article 30 (2).

Article 14 (Information Indicated on Quality Mark)

Information that may be indicated on the quality mark provided for in the former part of Article 20 (1) of the Act (hereinafter referred to as "quality mark") shall be as follows:

1.The contents of foreign substances;

2.The contents of hazardous substances;

3.The properties of circular resources, such as size and specifications;

4.Any other information recognized and publicly notified by the Minister of Environment as information that can be indicated on the quality mark.

Article 15 (Designation of Quality Mark Certifying Institution)

(1)The Minister of Environment may designate any of the following institutions as a quality mark certifying institution (hereinafter referred to as "certifying institution") under the latter part of Article 20 (1) of the Act to conduct affairs necessary for quality mark certification professionally:

1.The Korea Environmental Industry and Technology Institute established under the Korea Environmental Industry and Technology Institute Act (hereinafter referred to as the "Korea Environmental Industry and Technology Institute");

2.An institution recognized by the Minister of Environment as having the

expertise to conduct affairs relating to certification.

- (2) Where an institution specified in paragraph (1) 2 intends to be designated as a certifying institution, it shall file an application for such designation with the Minister of Environment after satisfying the standards for the facilities, equipment, and personnel specified in attached Table 4, as prescribed by Ordinance of the Ministry of Environment.
- (3) Upon designating a certifying institution under the latter part of Article 20 (1) of the Act, the Minister of Environment shall issue the relevant institution a certificate of designation; and shall publicly announce the details thereof by publishing them in the Official Gazette or posting them on the website, etc. of the Ministry of Environment.

Article 16 (Procedures for Quality Mark Certification)

- (1) A person who intends to obtain quality mark certification under the former part of Article 20 (1) of the Act shall submit an application for quality mark certification to the head of a certifying institution, as prescribed by Ordinance of the Ministry of Environment.
- (2) Upon receipt of an application for quality mark certification under paragraph (1), the head of a certifying institution shall notify the relevant applicant for quality mark certification of the certification schedule, etc. within ten days of receipt of the application.
- (3) The head of a certifying institution shall determine whether to grant certification within thirty days of receipt of an application for quality mark certification under paragraph (1) after conducting document examination as well as process and quality examination to verify whether the information to be indicated on the quality mark matches the facts.
- (4) Upon granting quality mark certification under paragraph (3), the head of a certifying institution shall post such fact on its website and issue the applicant a quality mark certificate in the Form prescribed by Ordinance of the Ministry of Environment.
- (5) Upon issuing a quality mark certificate under paragraph (4), the head of a certifying institution shall notify the head of the agency operating

the Circular Resources Information Center of such issuance.

- (6)The head of a certifying institution may collect expenses incurred in quality mark certification, such as personnel expenses, royalties and other expenses, from an applicant for quality mark certification under paragraph (1).
- (7)A person who has obtained quality mark certification under paragraph (3) may attach the quality mark to the packaging, containers, etc. of the relevant circular resources or advertise such quality mark certification, as prescribed by Ordinance of the Ministry of Environment.

CHAPTER IV ESTABLISHMENT OF FOUNDATION FOR RESOURCES CIRCULATION, SUPPORT, ETC.

Article 17 (Standards for Partial or Full Exemptions from Waste Disposal Charges)

The standards for partial or full exemptions from waste disposal charges provided for in Article 21 (1) of the Act (hereinafter referred to as "waste disposal charges") pursuant to Article 21 (2) of the Act are as specified in attached Table 5.

Article 18 (Calculation and Imposition of Waste Disposal Charges)

- (1)The computation standards for waste disposal charges provided for in Article 21 (3) of the Act is as specified in attached Table 6.
- (2)The calculation index for waste disposal charges provided for in Article 21 (3) of the Act shall be 1 for the first year subject to waste disposal charges; and shall be the number, which is calculated by multiplying the calculation index for waste disposal charges for the preceding year by the price fluctuation index publicly notified by the Minister of Environment considering both the producer inflation rate and the consumer inflation rate of the preceding year, for each year following the first year.
- (3)Waste disposal charges imposed on a person who falls under Article 21 (2) 1 of the Act or subparagraph 1 of attached Table 5 shall be imposed for any of the following periods:
- 1.The year following the year wastes are landfilled: An amount equivalent to 50 percent of the amount calculated pursuant to Article 21 (3) of the

- Act for wastes which remain without being recycled until December 31 of the year the wastes are landfilled;
2. The year following the year in which the date two years have passed since landfill of wastes falls: An amount equivalent to 50 percent of the amount calculated pursuant to Article 21 (3) of the Act for wastes which remain without being recycled until December 31 of the year in which the date two years have passed since landfill of the wastes falls.

Article 19 (Time, Procedures, etc. for Paying Waste Disposal Charges)

- (1) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, the head of a Si/Gun/Gu, or an industrial waste discharger who must pay waste disposal charges pursuant to Article 21 (1) of the Act (hereinafter referred to as "person liable to make payment") shall submit data on the quantity of each type of wastes incinerated or landfilled in the preceding year to the Minister of Environment by March 31 each year, as prescribed by Ordinance of the Ministry of Environment.
- (2) Where a person liable to make payment intends to obtain a partial or full exemption from waste disposal charges pursuant to Article 21 (2) of the Act, the person shall also submit data verifying his/her eligibility for such partial or full exemption as well as data necessary for calculating the amount of the partial or full exemption when submitting the data provided for in paragraph (1), as prescribed by Ordinance of the Ministry of Environment. In such cases, a person falling under Article 21 (2) 1 of the Act or subparagraph 1 of attached Table 5 shall submit recycling performance for landfilled wastes each year for three years from the year the wastes are landfilled.
- (3) Upon receipt of data under paragraph (1) or (2), the Minister of Environment shall give a payment notice of waste disposal charges to the relevant person liable to make payment by April 30 each year, as prescribed by Ordinance of the Ministry of Environment. In such cases, the waste disposal charges may be paid in installments, as prescribed by Ordinance of the Ministry of Environment.
- (4) A person liable to make payment in receipt of a payment notice of

waste disposal charges under paragraph (3) shall pay the waste disposal charges by May 20 each year: Provided, That a person who pays waste disposal charges in installments under the latter part of paragraph (3) shall pay the charges by the deadline determined by Ordinance of the Ministry of Environment.

(5) Where any waste disposal charges exist that must be paid by a person liable to make payment or the amount he/she has paid is less than the amount that must be paid as a result of inspecting the relevant report or data, or conducting an inspection under Article 29 (1) of the Act, the Minister of Environment shall notify such person of the payment of the unpaid waste disposal charges or the difference. In such cases, the payment deadline for the relevant amount shall be the 20th day from the date the payment notice is given.

Article 20 (Special Cases on Imposition and Collection of Waste Disposal Charges)

(1) If any of the following persons completes discharging the relevant wastes in a year, the person shall submit data on the quantity of each type of wastes incinerated or landfilled in the year to the Minister of Environment within 30 days after completing discharging the wastes, notwithstanding Article 19 (1). In such cases, a person falling under subparagraph 5, 6, or 8 of attached Table 5 who intends to obtain a partial or full exemption from waste disposal charges under Article 21 (2) of the Act may, when submitting the data under the former part, submit data verifying his/her eligibility for such partial or full exemption as well as data necessary for calculating the amount of the partial or full exemption, as prescribed by Ordinance of the Ministry of Environment: <Amended by Presidential Decree No. 29330, Dec. 4, 2018>

1. A person liable to make payment who discharges wastes from a place of business defined in subparagraph 8 or 9 of Article 2 of the Enforcement Decree of the Wastes Control Act;
2. A person liable to make payment who completes discharging wastes for such reasons as business closure.

- (2) Upon receipt of data under paragraph (1), the Minister of Environment shall give a payment notice of waste disposal charges (referring to the waste disposal charges from which a person is fully or partially exempt where he/she submits data under the latter part of paragraph (1), with the exception of its subparagraphs) to the relevant person liable to make payment within 30 days of receipt of the data, as prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 29330, Dec. 4, 2018>
- (3) A person liable to make payment in receipt of a payment notice of waste disposal charges under paragraph (2) shall pay the waste disposal charges within 20 days of receipt of the payment notice.
- (4) Where a person who has paid waste disposal charges under paragraph (3) intends to obtain a partial or full exemption from waste disposal charges pursuant to Article 21 (2) of the Act (excluding where a person has submitted data under the latter part of paragraph (1), with the exception of its subparagraphs), he/she shall submit data verifying his/her eligibility for such partial or full exemption as well as data necessary for calculating the amount of the partial or full exemption to the Minister of Environment by March 31 of the year following the year for which the discharge of the relevant wastes has been completed, as prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 29330, Dec. 4, 2018>
- (5) Upon receipt of data under paragraph (4), the Minister of Environment shall return the amount of the partial or full exemption, calculated pursuant to Article 17.

Article 21 (Deferment of Collection of Waste Disposal Charges, Payments in Installments, etc.)

- (1) Where a person liable to make payment is deemed unable to pay waste disposal charges within the payment deadline due to any of the following grounds, the Minister of Environment may defer collection of the waste disposal charges and may allow the relevant amount to be paid in installments during the period for deferment of collection if the Minister has deferred the collection:

1. Where the person liable to make payment suffers serious damage to property due to a natural disaster or other disaster;
 2. Where the person liable to make payment suffers a serious management crisis due to a loss to business;
 3. Any other cases where the Minister of Environment deems it inevitable to defer the collection of the waste disposal charges or allow the waste disposal charges to be paid in installments due to a ground similar to subparagraph 1 or 2.
- (2) The period for deferment of collection provided for in paragraph (1) shall not exceed six months from the day following the expiry date of the payment period; and the number of installments during the period for deferment of collection shall be three or less.
- (3) Where it is deemed impossible to collect waste disposal charges even within the period for deferment of collection because any ground specified in any subparagraph of paragraph (1) still exists, the Minister of Environment may extend the period for deferment of collection only once. In such cases, an extension shall not exceed six months from the day following the expiry date of the period for deferment of collection.
- (4) Where the Minister of Environment intends to defer collection pursuant to paragraph (1) or extend the period for deferment of collection pursuant to paragraph (3), the Minister may require the relevant person liable to make payment to provide security equivalent to the amount of deferment.
- (5) A person who intends to obtain permission for deferment of collection or to make payment in installments pursuant to paragraph (1) or to obtain an extension of the period for deferment of collection pursuant to paragraph (3) shall file an application for deferment of collection, payment in installments, or extension of the period for deferment of collection with the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.
- (6) The Minister of Environment may revoke the deferment of collection and collect the waste disposal charges which has been deferred in any of the following cases:

1. Where a person liable to make payment is granted the deferment of collection by means of payment in installments but fails to pay an installment by a designated deadline;
 2. Where a person liable to make payment fails to comply with an order issued by the imposing authority which is necessary for altering or preserving security;
 3. Where the deferment of collection is deemed unnecessary due to changes in property conditions or other situations.
- (7) Upon revoking the deferment of collection pursuant to paragraph (6), the Minister of Environment shall notify the relevant person liable to make payment of such revocation and a new payment deadline.
- Article 22 (Payment of Waste Disposal Charges by Credit Card, etc.)
- (1) Waste disposal charges may be paid by credit card, debit card, etc. (hereafter in this Article referred to as "credit card, etc.") via any of the following institutions (hereafter in this Article referred to as "payment service provider"):
1. The Korea Financial Telecommunications & Clearings Institute established under Article 32 of the Civil Act with permission from the Financial Services Commission;
 2. An institution designated and publicly notified by the Minister of Environment taking account of facilities, business performance capabilities, the amount of capital, etc., among institutions that perform settlement by credit card, etc. using the information and communication networks.
- (2) Where waste disposal charges are paid by credit card, etc. pursuant to paragraph (1), the date of approval by a payment service provider shall be deemed the date of payment.
- (3) Where a payment service provider specified in paragraph (1) 2 falls under any of the following, the Minister of Environment may revoke its designation as a payment service provider:
1. Where the payment service provider is deemed to have difficulty conducting business relating to the payment of waste disposal charges normally due to the reduction of facilities, a decrease in capital, etc.;

2. Where the payment service provider is deemed to have problems with its business performance capabilities, such as failing to normally conduct business relating to the payment of waste disposal charges by credit card, etc.
- (4) A payment service provider may collect payment service fees from a payer within the limits of not exceeding 10/1,000 of the amount paid in return for payment service by credit card, etc.
- (5) A payment service provider shall obtain approval from the Minister of Environment for payment service fees it collects under paragraph (4). In such cases, the Minister of Environment shall approve payment service fees, comprehensively taking account of the relevant payment service provider's operating expenses, etc.
- (6) Except as otherwise expressly provided for in paragraphs (1) through (5), matters necessary for paying waste disposal charges by credit card, etc. shall be prescribed by the Minister of Environment.

Article 23 (Refund of Waste Disposal Charges)

- (1) Where any waste disposal charges are overpaid or erroneously paid, or any partial or full exemption is to be returned pursuant to Article 20 (5), the Minister of Environment shall determine the amount overpaid or erroneously paid, or the amount of the partial or full exemption as a refund of waste disposal charges; notify the relevant payer of the refund; and refund the amount to the payer without delay.
- (2) Where the Minister of Environment makes a refund of waste disposal charges pursuant to paragraph (1), the Minister shall determine as an additional refund the amount calculated based on the interest rate for an additional refund of national taxes under Article 43-3 (2) of the Enforcement Decree of the Framework Act on National Taxes for the period beginning on the date following the payment date of the waste disposal charges and ending on the date a decision on the refund is made; notify the relevant payer of such additional refund; and make a refund.

Article 24 (Filing Objections)

- (1) Any of the following persons may file an objection with the Minister of

Environment within 30 days from the date he/she receives a payment notice or a refund of a partial or full exemption:

1. A person who disagrees with a payment notice of waste disposal charges given pursuant to Article 19 (3) or 20 (2);
 2. A person who disagrees with a partial or full exemption refunded pursuant to Article 23 (1).
- (2) The Minister of Environment shall notify the relevant person of the results of processing an objection within 30 days of receipt of the objection filed pursuant to paragraph (1).
- (3) No objection filed pursuant to paragraph (1) shall affect the payment deadline for waste disposal charges.

Article 25 (Providing as Grants Waste Disposal Charges, etc.)

- (1) Where the Minister of Environment delegates or entrusts his/her authority to collect waste disposal charges or late-payment penalties to a Mayor/Do Governor or to a specialized institution, such as the Korea Environment Corporation, pursuant to Article 31 of the Act, the Minister shall pay the following relevant amount pursuant to Article 21 (8) of the Act:

1. A Mayor/Do Governor: 70/100 of the waste disposal charges or late-payment penalties collected;
2. A specialized institution, such as the Korea Environment Corporation: 10/100 of the waste disposal charges or late-payment penalties collected.

- (2) The Minister of Environment shall settle each of the amounts specified in paragraph (1) out of the waste disposal charges or late-payment penalties transferred to the Special Account for Environmental Improvement established under the Framework Act on Environmental Policy each quarter; and pay the relevant amount to the relevant Mayor/Do Governor or a specialized institution, such as the Korea Environment Corporation, by the last day of the month in which the following quarter ends.

Article 26 (Uses of Waste Disposal Charges)

"Projects prescribed by Presidential Decree to facilitate a transition to a resource-circulating society" in subparagraph 7 of Article 22 of the Act means the following projects:

1. A project to assist local governments with separate discharge, collection, and recycling of wastes;
2. A project to provide assistance to persons who produce, distribute, or use circular resources;
3. A project to support a wider use of recycled products.

Article 27 (Provision, etc. of Information by Circular Resources Information Center)

(1) The Circular Resources Information Center shall manage and provide the following information:

1. Information on the development and dissemination of circular utilization technology;
2. Information on recognition of circular resources;
3. Information on quality mark certification;
4. Information on distribution, such as demand for and supply of circular resources, recycled products, and wastes;
5. Information on the resource-circulating industry and resources circulation facilities;
6. Any other information the Minister of Environment deems necessary to promote the use of wastes and circular resources.

(2) The Minister of Environment may provide information related to the information specified in each subparagraph of paragraph (1) among the information managed and provided by any of the following systems, etc. via the Circular Resources Information Center:

1. The electronic information processing program provided for in Article 45 (2) of the Wastes Control Act;
2. The comprehensive waste-to-energy information management system provided for in Article 25-14 (1) of the Act on the Promotion of Saving and Recycling of Resources; the information system for facilitating saving and recycling of resources provided for in Article 34-7 (2) of the

- same Act; or the operation and management information system provided for in Article 36-2 (1) of the same Act;
- 3.The operation management information system provided for in Article 38 (1) of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles.
- (3)To help the Circular Resources Information Center efficiently conduct affairs concerning the management and provision of the information specified in each subparagraph of paragraph (1), the Minister of Environment may request the heads of related central administrative agencies, local governments, or public institutions specified in Article 4 of the Act on the Management of Public Institutions which have relevant information, such as circular utilization technology, to provide such information.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 28 (Consultative Body)

Where necessary to discuss the following matters, etc. for the development of a resource-circulating society, the Minister of Environment may organize and operate a consultative body in which related central administrative agencies, relevant industries, experts, civic groups, etc. participate:

- 1.Matters concerning the criteria, etc. for recognition of circular resources under Article 9 of the Act;
- 2.Matters concerning the enforcement of the resources circulation performance management system for business entities under Article 16 of the Act;
- 3.Matters concerning promoting the use of circular resources under Article 17 of the Act;
- 4.Matters concerning the subject matter, method, etc. of assessments of hazard and circular utilization of products, etc. under Article 19 of the Act;
- 5.Matters concerning the standards, etc. for calculation of waste disposal charges under Article 21 of the Act;
- 6.Any other matters the Minister of Environment deems necessary for

promoting resources circulation.

Article 29 (Delegation of Authority)

(1)The Minister of Environment shall delegate the following authority to a Mayor/Do Governor pursuant to Article 31 (1) of the Act: <Amended by Presidential Decree No. 29330, Dec. 4, 2018>

1.The following authority concerning waste disposal charges imposed on a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu pursuant to Article 21 (1) 1 of the Act or waste disposal charges imposed on a person falling under subparagraph 2 of the same paragraph (limited to wastes generated from the waste treatment facilities that a Mayor/Do Governor or the head of a Si/Gun/Gu installs or operates under Article 4 (1) or 5 (1) of the Wastes Control Act):

(a)Imposing and collecting waste disposal charges pursuant to Article 21 (1) of the Act, and granting a partial or full exemption from waste disposal charges pursuant to Article 21 (2) of the Act;

(b)Giving overdue notices of delinquent waste disposal charges or imposing late-payment penalties pursuant to Article 21 (5) of the Act;

(c)Compulsorily collecting waste disposal charges or late-payment penalties pursuant to Article 21 (6) of the Act;

(d)Requesting relevant data pursuant to Article 21 (9) of the Act;

(e)Deferring collection of waste disposal charges and allowing installment payments thereof pursuant to Article 21;

(f)Receiving objections filed and notifying the results of processing the objections pursuant to Article 24;

2.Issuing orders to submit a report or data, or conducting inspections pursuant to Article 29 (1) of the Act (limited to the extent necessary for exerting the authority delegated);

3.Imposing and collecting administrative fines pursuant to Article 36 (1) of the Act (limited to imposing and collecting administrative fines for a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu under Article 36 (1) 1 or 2 of the Act).

(2)The Minister of Environment shall delegate the following authority to the head of a Regional Environmental Office pursuant to Article 31 (1) of the Act:

- 1.Recognizing circular resources pursuant to Article 9 (1) or (3) of the Act as well as collecting fees pursuant to Article 9 (5) of the Act;
- 2.Revoking recognition of circular resources and notifying revocation of such recognition pursuant to Article 10 (1) and (2) of the Act as well as receiving the results of measures taken pursuant to Article 10 (3) of the Act;
- 3.Issuing orders to submit a report or data, or conducting inspections pursuant to Article 29 (1) of the Act (limited to the extent necessary for exerting the authority delegated);
- 4.Holding hearings pursuant to subparagraph 1 of Article 30 of the Act;
- 5.Imposing and collecting administrative fines pursuant to Article 36 (1) 2 of the Act (limited to imposing and collecting administrative fines for persons falling under Article 29 (1) 1 of the Act).

Article 30 (Entrustment of Duties)

(1)The Minister of Environment shall entrust the following duties to the Korea Environment Corporation pursuant to Article 31 (2) of the Act:
<Amended by Presidential Decree No. 29330, Dec. 4, 2018>

- 1.Conducting statistical surveys on resources circulation pursuant to Article 13 of the Act;
- 2.Setting and managing resources circulation targets for each person subject to resources circulation performance management; resetting such targets; receiving data, such as compliance plans and performance record; and assessing performance record pursuant to Article 16 (1) through (4) of the Act;
- 3.Performing the duties specified in each item of Article 29 (1) 1 regarding waste disposal charges (excluding waste disposal charges concerning which authority is delegated to a Mayor/Do Governor under Article 29 (1) 1) imposed on industrial waste dischargers pursuant to Article 21 (1) 2 of the Act;
- 4.Establishing and operating the Circular Resources Information Center

as well as managing and providing information on circular resources pursuant to Article 24 of the Act;

5. Establishing and operating the resources circulation information system as well as disclosing information pursuant to Article 25 (1) and (2) of the Act;

6. Issuing orders to submit a report or data, or conducting inspections pursuant to Article 29 (1) of the Act (limited to where such orders are necessary for performing the duties entrusted).

(2) The Minister of Environment shall entrust the following duties to the Korea Environmental Industry and Technology Institute pursuant to Article 31 (2) of the Act:

1. Assessing hazard and circular utilization of products, etc. pursuant to Article 19 (1) of the Act;

2. Issuing orders to submit a report or data, or conducting inspections pursuant to Article 29 (1) of the Act (limited to where such orders are necessary for performing the duties entrusted).

Article 31 (Accounting Agency on Waste Disposal Charges, etc.)

(1) The President of the Korea Environment Corporation shall appoint a charge revenue collector from among its standing directors and a person taking partial charge of collecting charge revenues from among its employees to assign them to perform the duties of collecting waste disposal charges entrusted pursuant to Article 30 (1) 3.

(2) Upon appointing a charge revenue collector and a person taking partial charge of collecting charge revenues pursuant to paragraph (1), the President of the Korea Environment Corporation shall notify the Minister of Environment, the Chairman of the Board of Audit and Inspection of Korea, and the Governor of the Bank of Korea of such appointment.

Article 32 (Management of Personally Identifiable Information)

The Minister of Environment (including persons delegated with his/her authority pursuant to Article 29 or entrusted with his/her duties pursuant to Article 30) may manage data that contains resident registration numbers or alien registration numbers referred to in Article 19 of the

Enforcement Decree of the Personal Information Protection Act if inevitable in conducting the following:

1. Affairs concerning the imposition and collection of waste disposal charges pursuant to Article 21 (1) of the Act;
2. Affairs concerning giving of overdue notices of delinquent waste disposal charges and imposition of late-payment penalties pursuant to Article 21 (5) of the Act;
3. Affairs concerning the disposition on default of waste disposal charges or late-payment penalties pursuant to Article 21 (6) of the Act;
4. Matters concerning deferment of collection of waste disposal charges or installment payments thereof pursuant to Article 21;
5. Affairs concerning the filing of objections to waste disposal charges pursuant to Article 24.

CHAPTER VI PENALTY PROVISIONS

Article 33 (Criteria for Imposing Administrative Fines)

The criteria for imposing administrative fines pursuant to Article 36 (1) of the Act shall be as specified in attached Table 7.

ADDENDUM

This Decree shall enter into force on January 1, 2018.

ADDENDA <Presidential Decree No. 29330, Dec. 4, 2018>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Submission of Data on Waste Disposal Charges)

The amended provisions of Article 20 (1) 2 shall begin to apply to cases where a person liable to make payment completes discharging wastes for such reasons as business closure after this Decree enters into force.

Article 3 (Applicability to Reasons for Partial or Full Exemption from Waste Disposal Charges)

The amended provisions of subparagraph 8 of attached Table 5 shall also apply to cases where a payment notice of waste disposal charges is given under Article 20 (2) or waste disposal charges are paid under paragraph (3) of the same Article before this Decree enters into force.

ADDENDA <Presidential Decree No. 29681, Apr. 9, 2019>

Article 1 (Enforcement Date)

This Decree shall enter into force on April 17, 2019.

Article 2 (Transitional Measures concerning Submission of Annual Action Plan and Execution Plan)

Notwithstanding the amended provisions of Article 8 (1) and (6), the previous provisions shall apply to submission of an annual action plan to implement the relevant master plan and of an execution plan for year 2019.

PC Version

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