

ACT ON REGISTRATION, EVALUATION, ETC. OF CHEMICALS

Act No. 11789, May 22, 2013

Amended by Act No. 13891, Jan. 27, 2016

Article 1 (Purpose)

The purpose of this Act is to protect public health and the environment by providing for matters concerning the registration of chemical substances, the review and assessment of the hazards and risks of chemical substances and products containing hazardous chemical substances, and the designation of hazardous chemical substances and by producing and utilizing information on chemical substances.

Article 2 (Definitions)

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

1. The term "chemical substance" means an element, its compounds, and substances obtained by artificial chemical reaction thereto, and substances obtained by chemical modification, extraction, or purification of substances in their natural state;
2. The term "mixture" means a substance or solution composed of at least two substances;
3. The term "existing chemical substance" means any of the following chemical substances:
 - (a) Chemical substances publicly notified by the Minister of Environment in consultation with the Minister of Employment and Labor, which were domestically distributed for commercial purposes before February 2, 1991;
 - (b) Chemical substances publicly notified by the Minister of Environment, the hazard reviews thereof have been conducted pursuant to the former Toxic Chemicals Control Act after February 2, 1991.
4. The term "new chemical substance" means any of the chemical substances excluding existing chemical substances;
5. The term "existing chemical substance subject to registration" means a chemical substance publicly notified by the Minister of Environment after deliberation by the Chemical Substance Evaluation Committee under Article 7 where the Minister deems such chemical substance required to be registered for hazard reviews under Article 18 or risk assessments under Article 24 among existing chemical substances;
6. The term "toxic substance" means a hazardous chemical substance designated and publicly notified by the Minister of Environment according to standards prescribed by Presidential Decree;

7. The term "substance subject to permission" means a chemical substance likely to pose a risk, for which permission by the Minister of Environment is required prior to manufacture, importation, or use, and which is publicly notified by the Minister of Environment after consultation with the heads of relevant central administrative agencies in accordance with Article 25 and deliberation by the Chemical Substance Evaluation Committee under Article 7;

8. The term "restricted substance" means a chemical substance deemed to pose a great risk, if used for a certain use, that the Minister of Environment publicly notifies after consultation with the heads of relevant central administrative agencies in accordance with Article 27 and deliberation by the Chemical Substance Evaluation Committee under Article 7 to prohibit such chemical substance from being manufactured, imported, sold, kept, stored, transported, or used for such use;

9. The term "prohibited substance" means a chemical substance deemed to pose a great risk that the Minister of Environment publicly notifies after consultation with the heads of relevant central administrative agencies in accordance with Article 27 and deliberation by the Chemical Substance Evaluation Committee under Article 7 to prohibit such chemical substance from being manufactured, imported, sold, kept, stored, transported, or used for any use;

10. The term "hazardous chemical substance" means any of the toxic substances, substances subject to permission, restricted substances, prohibited substances, and other chemical substances that pose or are likely to pose hazards or risks;

11. The term "hazard" means the inherent properties of any chemical substance that causes adverse effects to human health or the environment, such as the toxicity of a chemical substance;

12. The term "risk" means the degree of damage to human health or the environment caused by exposure to a hazardous chemical substance;

13. The term "generic name" means a name given in place of an actual chemical name for the protection of confidential data;

14. The term "business entity" means an entity that manufactures, imports, uses, or sells chemical substances for business purposes;

15. The term "product" means any of the following products that may expose consumers to chemical substances, which are goods finally used by consumers, or components or accessories thereof;

(a) A product composed of a mixture of substances;

(b) A product that fulfills a certain function in solid state with specific shape without discharging any chemical substance in its use.

16. The term "product of risk concern" means any of the chemical products publicly notified by the Minister of Environment in consultation with the heads of relevant central administrative agencies as the products likely to risk public health or the environment, among the following:

(a) Products mainly used by ordinary consumers for daily uses, such as detergents, air fresheners, adhesives, polishes, deodorizing agents, synthetic detergents, bleaching agents, and fabric softeners;

(b) Products, such as insect repellents, disinfectants, and preservatives, used to kill all harmful organisms, excluding humans and animals, or to disturb or hinder such organisms' activities.

17. The term "downstream users" means persons who use chemical substances or mixtures in the process of business activities (in cases of corporations, limited to where they are incorporated in the Republic of Korea): Provided, That manufacturers, importers, sellers, or consumers of chemical substances or mixtures shall be excluded;

18. The term "sale" means the act of placing chemical substances, mixtures, or products on the market.

Article 3 (Scope of Application)

This Act shall not apply to chemical substances falling under any of the following:

1. Radioactive materials under subparagraph 5 of Article 2 of the Nuclear Safety Act;
2. Pharmaceutical drugs under subparagraph 4 of Article 2 of the Pharmaceutical Affairs Act and quasi-drugs under subparagraph 7 of the said Article;
3. Narcotics under subparagraph 1 of Article 2 of the Act on the Narcotics Control Act;
4. Cosmetics under subparagraph 1 of Article 2 of the Cosmetics Act and raw materials used for cosmetics;
5. Pesticides under subparagraph 1 of Article 2 of the Pesticide Control Act and raw materials under subparagraph 3 of the said Article;
6. Fertilizers under subparagraph 1 of Article 2 of the Fertilizer Control Act;
7. Food under subparagraph 1 of Article 2 of the Food Sanitation Act, food additives under subparagraph 2 of the said Article, utensils under subparagraph 4 of the said Article, containers and packaging under subparagraph 5 of the said Article;
8. Feed under subparagraph 1 of Article 2 of the Control of Livestock and Fish Feed Act;
9. Explosives under Article 2 (3) of the Act on the Safety Management of Firearms, Knives, Swords, Explosives, Etc. ;
10. Military supplies under Article 2 of the Act on the Management of Military Supplies and subparagraph 2 of Article 3 of the Defense Acquisition Program Act (excluding ordinary commodities under Article 3 of the Act on the Management of Military Supplies);
11. Health functional foods under subparagraph 1 of Article 3 of the Health Functional Foods Act;
12. Medical devices under Article 2 (1) of the Medical Devices Act

Article 4 (Duties of State)

- (1) The State shall formulate and implement policies necessary to ascertain the hazards and risks of chemical substances and prevent harm caused thereby.
- (2) The State shall provide technical, administrative and financial support so that information on the hazards and risks of chemical substances may be prepared, secured, and systematically managed, and that the relevant information may be delivered in the process of the transfer and acquisition of chemical substances by transfer.

(3) The State shall formulate and implement policies on the safety management of products to protect public health and the environment from chemical substances in products.

(4) The State shall provide support, such as surveys, research, education, and public relations, in connection with the registration, evaluation, etc. of chemical substances of small and medium enterprises as prescribed by Ordinance of the Ministry of Environment.

Article 5 (Duties of Business Entities)

(1) Every business entity shall take necessary measures, such as the development of substances or new technology that may reduce the use of hazardous chemical substances or replace them.

(2) Every business entity shall actively produce, exchange, and utilize information on the hazards and risks of chemical substances that it manufactures or imports, and participate and cooperate in policies of the State related to the registration, hazard review, and risk assessment of chemical substances.

(3) Every business entity shall endeavor to protect public health and the environment, such as actively prepare information on uses and safety of chemical substances and methods to deal with exposure to chemical substances.

(4) Every business entity manufacturing or importing products shall be cautious not to harm people's life, body, or property due to hazardous chemical substances in products.

Article 6 (Master Plans for Evaluation, etc. of Chemical Substances)

(1) The Minister of Environment shall formulate a master plan for the registration and evaluation of chemical substances, the reporting of products containing hazardous chemical substances, the safety management of products of risk concern, or similar matters (hereinafter referred to as "master plan") every five years.

(2) Where the Minister of Environment formulates a master plan, the Minister shall have prior consultation with the heads of relevant central administrative agencies and the master plan shall be subject to deliberation by the Chemical Substance Evaluation Committee under Article 7. The same shall also apply to the revision of the master plan.

(3) A master plan shall include the following:

1. Methods and plans for the registration of chemical substances, the hazard review and risk assessment, the reporting of products containing hazardous chemical substances, and the risk assessment of products of risk concern;
2. Matters concerning the registration of chemical substances, reporting of products containing hazardous chemical substances, development of technology necessary for the hazard review, risk assessment, and other similar matters;
3. Matters concerning surveys and research related to hazards and risks of chemical substances or products containing hazardous chemical substances, safety management of products of risk concern, and international cooperation;
4. Matters concerning industry activities to prevent harm to public health or the environment caused by chemical substances or products of risk concern, and the provision of safety support and education for

laborers and consumers;

5. Other matters necessary to require the registration of chemical substances, hazard reviews, risk assessments, and similar matters.

(4) Where the Minister of Environment formulates a master plan, the Minister shall notify the heads of relevant central administrative agencies and the heads of local governments of the content thereof without delay.

(5) The head of each relevant central administrative agency and the head of each local government shall formulate and implement policies regarding matters under his/her jurisdiction in accordance with a master plan.

Article 7 (Chemical Substance Evaluation Committee)

(1) In order to deliberate on the following related to the registration of chemical substances, reporting of products containing hazardous chemical substances, hazard reviews, risk assessments, and other similar matters, the Chemical Substance Evaluation Committee (hereinafter referred to as the "Evaluation Committee") shall be established under the jurisdiction of the Minister of Environment:

1. Matters concerning the formulation of master plans;
2. Matters concerning the designation of existing chemical substances subject to registration;
3. Matters concerning substances subject to permission, restricted substances, or prohibited substances;
4. Matters concerning the registration of chemical substances the manufactured or imported quantity of which under the proviso to Article 10 (1) is less than one ton per year;
5. Matters concerning the safety standards and labeling standards for products of risk concern;
6. Other matters prescribed by Presidential Decree in relation to the registration of chemical substances, hazard reviews and risk assessments, safety management of products of risk concern, or similar matters.

(2) The Evaluation Committee shall be composed of not more than 30 members, including one chairperson and one vice chairperson.

(3) The Vice Minister of Environment shall be the chairperson of the Evaluation Committee and the vice chairperson shall be elected from among, and by, its members.

(4) The Minister of Environment shall appoint or commission members of the Evaluation Committee from among the following persons:

1. Persons recommended by the heads of relevant central administrative agencies in charge of affairs concerning chemical substances or products, from among public officials under his/her control;
2. Experts who have profound knowledge and extensive experience in relevant fields, such as chemistry, environment and public health, and relevant persons in the industry and nongovernmental organizations related to chemical substances;
3. Persons recommended by the heads of relevant central administrative agencies from among persons referred to in subparagraph 2.

(5) Meetings of the Evaluation Committee shall commence with a majority of the incumbent members attend, and pass resolutions with the consent of a majority of members present.

(6) In order to conduct professional research and examination of matters subject to deliberation by the Evaluation Committee, if necessary, there may be established specialized committees, such as a committee for risk assessment committee and a committee for management of products of risk concern, which are composed of members of the Evaluation Committee and experts in the relevant fields.

(7) Except as provided for in paragraphs (1) through (6), matters necessary for the composition and operation of the Evaluation Committee and specialized committees shall be prescribed by Presidential Decree.

Article 8 (Reporting of Manufacture, etc. of Chemical Substances)

(1) Any person who manufactures, imports, or sells a new chemical substance or at least one ton per year of an existing chemical substance shall report the uses, quantity, etc. of the chemical substance to the Minister of Environment every year as prescribed by Ordinance of the Ministry of Environment.

(2) Paragraph (1) shall not apply to the following chemical substances:

1. A chemical substance imported as contained in machinery;
2. A chemical substance imported along with machinery or equipment for a test run;
3. A chemical substance in a product in solid state with specific shape for a certain function and not discharged during its use;
4. Other chemical substances prescribed by Presidential Decree, such as chemical substances manufactured or imported for the purpose of surveys or research.

(3) Where there exist changes prescribed by Presidential Decree, such as changes in the uses of chemical substances, in matters reported pursuant to paragraph (1), such changes shall be reported as prescribed by Ordinance of the Ministry of Environment.

(4) Except as provided for in paragraphs (1) through (3), matters necessary for reporting shall be prescribed by Ordinance of the Ministry of Environment.

Article 9 (Designation of Existing Chemical Substances Subject to Registration)

The Minister of Environment shall designate and publicly notify existing chemical substances subject to registration as prescribed by Ordinance of the Ministry of Environment after deliberation by the Evaluation Committee in consideration of the following matters regarding existing chemical substances:

1. Quantities of the relevant chemical substances distributed in the Republic of Korea;
2. Information on hazards or risks of the relevant chemical substances.

Article 10 (Registration of Chemical Substances)

(1) Any person who intends to manufacture or import a new chemical substance or at least one ton per year of an existing chemical substance subject to registration shall apply for registration of the chemical substance before he/she manufactures or imports: Provided, That a chemical that is designated and publicly notified by the Minister of Environment after deliberation by the Evaluation Committee on the grounds that it is deemed likely to cause serious harm to public health or the environment, shall be registered even though the quantity manufactured or imported is less than one ton per year.

(2) Notwithstanding paragraph (1), any person who intends to manufacture or import an existing chemical substance subject to registration may manufacture or import the existing chemical substance without registration during a registration grace period granted (hereinafter referred to as "registration grace period") as prescribed by Presidential Decree.

(3) Any person who intends to apply for registration pursuant to paragraph (1) shall file an application for registration with the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(4) The Minister of Environment shall decide whether to register from the date of receipt of an application for registration under paragraph (3) and notify the applicant of such decision within the period prescribed by Ordinance of the Ministry of Environment.

(5) Except as provided for in paragraphs (1) through (4), matters necessary for the registration of chemical substances shall be prescribed by Ordinance of the Ministry of Environment.

Article 11 (Exemption from Registration of Chemical Substances)

(1) Any person who intends to manufacture or import a new chemical substance or an existing chemical substance subject to registration that falls under any of the following may manufacture or import the chemical substance without registration as required under Article 10:

1. Chemical substances falling under Article 8 (2) 1 through 3;
2. Other chemical substances prescribed by Presidential Decree, such as chemical substances manufactured or imported in quantities of at least ten tons per year to export the whole amount to foreign countries, which have obtained confirmation of exemption from registration from the Minister of Environment (hereinafter referred to as "confirmation of exemption from registration").

(2) Any person who intends to obtain confirmation of exemption from registration shall file an application for confirmation of exemption from registration with the Minister of Environment. In such cases, the Minister of Environment shall confirm whether such a chemical substance is eligible for exemption from registration and notify the applicant of the eligibility determination as prescribed by Ordinance of the Ministry of Environment.

(3) Except as provided for in paragraphs (1) and (2), matters necessary for confirmation of exemption from registration, such as criteria for confirmation of exemption from registration, shall be prescribed by Ordinance of the Ministry of Environment.

Article 12 (Changes in Registration, Reporting of Changes, etc.)

(1) In the event of a change in any of the following, any registrant under Article 10 shall apply for registration of the change as prescribed by Ordinance of the Ministry of Environment:

1. Where the annual amount of manufacturing or importing a registered chemical substance changes beyond the range prescribed by Ordinance of the Ministry of Environment;
2. Where matters prescribed by Ordinance of the Ministry of Environment concerning uses, hazards, and risks of registered chemical substances are changed.

(2) Where the name, location, or representative of a registrant is changed, the registrant under Article 10 shall report the change thereof as prescribed by Ordinance of the Ministry of Environment.

(3) Except as provided for in paragraphs (1) and (2), matters necessary for changes in registration and reporting of changes shall be prescribed by Ordinance of the Ministry of Environment.

Article 13 (Measures, etc. against Nonperformance of Duty to Register)

(1) No person who intends to manufacture or import a chemical substance shall manufacture or import the relevant chemical substance until he/she is notified whether such chemical substance is registered pursuant to Article 10 (4) or is notified that such chemical substance is eligible for exemption from registration pursuant to Article 11 (2).

(2) The Minister of Environment may order any person who has manufactured or imported a chemical substance without registration under Article 10 to take necessary measures prescribed by Ordinance of the Ministry of Environment, such as the suspension of manufacture, importation, use or sale of such chemical substance and the withdrawal of the relevant chemical substance.

Article 14 (Data to be Submitted When Applying for Registration of Chemical Substances)

(1) Any person who intends to apply for registration pursuant to Article 10 (3) shall submit data on the following matters (hereinafter referred to as "data to support registration") as prescribed by Ordinance of the Ministry of Environment: Provided, That in cases of a new chemical substance or an existing chemical substance subject to registration as prescribed by Presidential Decree, he/she need not to submit some of the relevant data as prescribed by Ordinance of the Ministry of Environment:

1. The name, location, and representative of an entity that intends to manufacture or import the chemical substance;
2. Information on the identification of the chemical substance, such as the name, molecular formula, and structural formula of the chemical substance;
3. Uses of the chemical substance;
4. Classification and labelling of the chemical substance;
5. Physical and chemical properties of the chemical substance;
6. Hazards of the chemical substance;
7. Risks of the chemical substance, including an exposure scenario describing operational methods, exposure controls, and management measures during its life-cycle (applicable only where the quantity of the chemical substance the applicant intends to manufacture or import is at least ten tons per year);
8. Guidance on safe use (personal protective equipment, emergency measures, etc. at the time of explosion, fire or leakage)
9. Other data prescribed by Ordinance of the Ministry of Environment.

(2) Among data to support registration with regard to matters referred to in paragraph (1) 5 and 6, data prescribed by Ordinance of the Ministry of Environment shall be submitted in the documents stating the result of a test conducted by any of the following testing institutions:

1. A Korean testing institution under Article 22 (1);
2. A foreign testing institution confirmed pursuant to Ordinance of the Ministry of Environment to comply with Global Laboratory Practice of the Organization for Economic Cooperation and

Development.

(3) Any person who intends to apply for registration pursuant to Article 10 (3) may submit a plan that includes the content of and schedule for testing and other relevant matters (hereafter referred to as "testing plan" in this Article) replacing some of the data to support registration on matters referred to in paragraph (1) 5 and 6, as prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall review the appropriateness, etc. of the content of and schedule for testing in such testing plan, as prescribed by Ordinance of the Ministry of Environment, and notify a manufacturer or importer of the specific content of such testing, the deadline for submission of such data, and other relevant matters.

(4) Necessary matters concerning the detailed data under paragraph (1), testing methods to produce data to support registration on matters referred to in paragraph (1) 5 and 6, methods for preparation of data on hazards referred to in paragraph (1) 7, methods for preparation of testing plans, and other relevant matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 15 (Methods for Submitting Data when Applying for Registration of Existing Chemical Substances Subject to Registration)

(1) Persons who intend to apply for registration of existing chemical substances subject to registration within the registration grace period shall individually apply for registration pursuant to Article 10 (3), but in cases of data to support registration prescribed by Ordinance of the Ministry of Environment, they shall jointly submit such data by designating their representative: Provided, That in any of the following cases, they may individually submit such data after obtaining confirmation from the Minister of Environment (hereinafter referred to as "confirmation of individual submission"):

1. Where the disclosure of trade secrets of the enterprise is expected to cause considerable commercial loss;
2. Where more expenses are incurred in submitting data jointly than submitting data individually;
3. Where submission constitutes grounds prescribed by Presidential Decree.

(2) Necessary matters, such as methods and procedures for joint submission of data to support registration and confirmation of individual submission, shall be prescribed by Ordinance of the Ministry of Environment.

Article 16 (Joint Utilization of Existing Data to Support Registration)

(1) Any person who intends to apply for registration pursuant to Article 10 (3) may utilize data to support registration prescribed by Ordinance of the Ministry of Environment among existing data to support registration submitted by another registrant pursuant to Article 14 (1) for the purpose of his/her application for registration with the consent for use from the owner thereof: Provided, That in cases of data to support registration in which case 15 years have passed since the data was registered, he/she may utilize such data without obtaining consent for use from the owner thereof.

(2) Any person who intends to apply for registration pursuant to Article 10 (3) may inquire of the Minister of Environment whether the same chemical substance has been registered and other relevant matters for

the purpose of utilization of existing data to support registration in accordance with paragraph (1). In such cases, the Minister of Environment shall inform him/her of the results thereof as prescribed by Ordinance of the Ministry of Environment.

(3) Except as provided for in paragraphs (1) and (2), matters necessary for the joint utilization of data to support registration and other relevant matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 17 (Special Cases on Vertebrate Test Data)

(1) Where test data recording the results of tests conducted using vertebrates (hereinafter referred to as "vertebrate test data") by testing institutions referred to in the subparagraphs of Article 14 (2) already exist, any person who intends to apply for registration pursuant to Article 10 (3) shall utilize the relevant vertebrate test data for the purpose of his/her own application for registration with the consent for use from the owner thereof to minimize animal testing: Provided, That where at least 15 years have passed since vertebrate test data were registered as data submitted as data to support registration, he/she may utilize vertebrate test data without obtaining consent for use from the owner thereof.

(2) Notwithstanding paragraph (1), where the owner of vertebrate test data does not grant consent to use the test data, any person who intends to apply for registration need not to submit the relevant data to support registration after obtaining confirmation from the Minister of Environment: Provided, That where the Minister of Environment deems the submission of vertebrate test data necessary, such as cases where it is difficult to judge the hazards, etc. of chemical substances with the relevant vertebrate test data, the Minister may order him/her to produce and submit the relevant data within a period prescribed by Ordinance of the Ministry of Environment.

(3) Any person requested to grant consent to use vertebrate test data pursuant to paragraph (1) shall comply with such request unless there is just cause prescribed by Presidential Decree.

(4) No person who refuses to consent to use vertebrate test data without just cause under paragraph (3) shall submit the relevant vertebrate test data for the purpose of application for registration.

(5) Except as provided for in paragraphs (1) through (4), matters necessary for consent to use vertebrate test data and other relevant matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 18 (Hazard Review)

(1) The Minister of Environment shall conduct a hazard review of a chemical substance registered pursuant to Article 10 and notify a registrant of the results thereof.

(2) Where necessary for hazard reviews, the Minister of Environment may order registrants to submit data necessary for hazard reviews.

(3) Matters necessary for hazard reviews and notification of results thereof under paragraph (1), orders to submit data under paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 19 (Hazard Assessment)

(1) With regard to chemical substances the hazard assessments of which are deemed necessary, such as chemical substances that the Republic of Korea is required to assess, among chemical substances the

hazard assessments of which are conducted by an international organization and those prescribed by Presidential Decree, the Minister of Environment shall conduct hazard assessments of chemical substances as prescribed by Ordinance of the Ministry of Environment.

(2) Any person who intends to use the results of hazard assessments under paragraph (1) for registration of a chemical substance or application for hazard reviews under foreign statutes shall obtain approval from the Minister of Environment.

(3) Where any person who has obtained approval for the use of the results of hazard assessments under paragraph (2) falls under any of the following, the Minister of Environment may revoke such approval: Provided, That in cases falling under subparagraph 1, he/she shall revoke such approval: <Newly Inserted by Act No. 13891, Jan. 27, 2016>

1. Where he/she has obtained the approval by fraud or other improper means;
2. Where he/she allows other person to use the results of hazard assessments;
3. Where he/she uses the results of hazard assessments for any purpose other than that for which the approval has obtained.

(4) Necessary matters concerning the methods of approval to use the results of hazard assessments under paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13891, Jan. 27, 2016>

Article 20 (Designation of Toxic Substances)

With regard to a chemical that is found hazardous based on the results of a hazard review, the Minister of Environment shall designate and announce it as a toxic substance in accordance with standards prescribed by Presidential Decree.

Article 21 (Disclosure of Results of Hazard Reviews)

(1) Where the Minister of Environment completes a hazard review, he/she shall announce the name of the relevant chemical substance, the hazards thereof, whether the relevant chemical substance falls under the category of toxic substances under Article 20, and other matters prescribed by Ordinance of the Ministry of Environment.

(2) Where the name of a chemical substance publicly notified pursuant to paragraph (1) is subject to data protection under Article 45 (1), the Minister of Environment shall announce such chemical substance by its generic name until the period for data protection expires: Provided, That where the chemical substance falls under the category of toxic substances under Article 20, he/she shall announce the name of the chemical substance.

(3) Detailed matters necessary for announcement referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 22 (Designation, etc. of Testing Institutions)

(1) The Minister of Environment shall designate a testing institution that may perform testing on physical and chemical properties and hazards of chemical substances from among research institutions prescribed by Presidential Decree. In such cases, he/she shall also designate the test field or test subject matter in

which the relevant testing institution may perform a test.

(2) The head of a research institution who intends to be designated as a testing institution pursuant to paragraph (1) shall file an application for designation with the Minister of Environment. Where he/she intends to change any important matter prescribed by Ordinance of the Ministry of Environment among the designated matters, he/she shall apply for change of designation.

(3) The Minister of Environment shall regularly evaluate whether a testing institution that he/she has designated pursuant to paragraph (1) is properly operated as prescribed by Ordinance of the Ministry of Environment.

(4) Except as provided for in paragraphs (1) through (3), matters necessary for standards and procedures for change of designation, standards for management of testing institutions, and other relevant matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 23 (Revocation, etc. of Designation of Testing Institutions)

(1) Where any person designated as a testing institution pursuant to Article 22 falls under any of the following, the Minister of Environment shall revoke the designation of a testing institution:

1. Where the testing institution has been designated by fraud or other improper means;
2. Where the testing institution has conducted testing during a period of suspension of business;
3. Where the testing institution has falsified test results by intention or gross negligence.

(2) Where any person designated as a testing institution pursuant to Article 22 falls under any of the following, the Minister of Environment may revoke the designation of a testing institution or the designation of the test field or test subject matter, or order the testing institution to suspend business on the test field or test subject matter for a fixed period of not exceeding six months:

1. Where the testing institution has failed to meet standards for designation under Article 22 (4) or violates management standards as a result of evaluation under paragraph (3) of the said Article;
2. Where the testing institution has failed to commence testing on the designated test field or test subject matter within two years after designated as the testing institution without just cause or has no business performance for more than two consecutive years;
3. Where the testing institution has conducted testing or issued a test report beyond the designated test field or test subject matter.

(3) Where two years have not passed since the designation of a testing institution was revoked pursuant to paragraph (1) or (2), no such testing institution shall be designated as a testing institution under Article 22.

(4) Where six months have not passed since the designation of the test field or test subject matter was revoked pursuant to paragraph (2), no such testing institution shall be designated for the test field or test subject matter on the same test field or test subject matter.

(5) Criteria for administrative dispositions under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 24 (Risk Assessment)

(1) The Minister of Environment shall conduct a risk assessment of a chemical substance falling under any of the following among chemical substances registered pursuant to Article 10 based on the results of review of hazards, and notify a registrant of the results thereof as prescribed by Ordinance of the Ministry of Environment:

1. Where the quantity of a chemical substance manufactured or imported is at least ten tons per year;
2. Where the risk assessment of a chemical substance is deemed necessary based on the results of the hazard review thereof.

(2) Where necessary to conduct a risk assessment, the Minister of Environment may order a registrant to submit data necessary for the risk assessment as prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment may take necessary measures to minimize risks based on the results of risk assessments as prescribed by Presidential Decree.

Article 25 (Designation of Substances Subject to Permission)

(1) With regard to a chemical substance deemed likely to pose a risk based on the results of review of hazards and assessment of risks and a chemical substance falling under any of the following categories, the Minister of Environment may designate and announce them as substances subject to permission to be obtained from the Minister of Environment prior to manufacture, importation or use after consultation with the heads of relevant central administrative agencies and deliberation by the Evaluation Committee:

1. A substance that causes or is likely to cause cancer, mutation, reproductive abnormalities or endocrine disruption to humans;
2. A substance that accumulates in humans, animals or plants at high concentrations and that remains in the environment for a long time;
3. A substance that may pose a serious risk at least equivalent to that posed by substances referred to in subparagraphs 1 and 2.

(2) Where the Minister of Environment designates and publicly notifies a substance subject to permission pursuant to paragraph (1), he/she shall include the name of the substance subject to permission, the uses for which the permission is required, the permission grace period and other similar matters.

(3) Except as provided for in paragraphs (1) and (2), matters necessary for designation and public notice of substances subject to permission shall be prescribed by Presidential Decree.

Article 26 (Termination, etc. of Designation of Substances Subject to Permission)

Where a substance subject to permission falls under any of the following, the Minister of Environment may terminate the designation of a substance subject to permission, or may fully or partially change the content publicly notified pursuant to Article 25 (1), after deliberation by the Evaluation Committee. In such cases, he/she shall publicly notify such termination or change:

1. Where the substance subject to permission has become obsolete due to a substance that may substitute the substance subject to permission is manufactured or new technology is developed;
2. Where any use of the substance subject to permission no longer poses a risk due to the commercialization of new technology;

3. Where new scientific evidence that the substance subject to permission no longer poses a risk is confirmed.

Article 27 (Designation, etc. of Restricted or Prohibited Substances)

(1) Where a chemical substance falls under any of the following, the Minister of Environment shall designate and publicly notify the relevant chemical substance as a restricted or prohibited substance after consultation with the heads of relevant central administrative agencies and deliberation by the Evaluation Committee as prescribed by Presidential Decree:

1. Where the chemical substance is deemed to pose a risk base on the results of review of hazards and assessment of risks;
2. Where an international organization, etc. deems the chemical substance poses a risk;
3. Where the manufacture, importation or use of the chemical substance is prohibited or restricted in accordance with an international agreement, etc.;
4. Where the chemical substance falls under substances subject to permission the designation of which has been terminated on the ground under subparagraph 1 of Article 26.

(2) Where the Minister of Environment intends to designate a chemical substance as a restricted or prohibited substance, he/she shall notify beforehand the name of the chemical substance he/she intends to designate as a restricted or prohibited substance, the timing of designation, and other similar matters in the Official Gazette or the Internet website: Provided, That this shall not apply where emergency response is required because critical risks to human health or the environment are posed or are likely to be posed due to the relevant chemical substance.

(3) Where the Minister of Environment designates and publicly notifies a chemical substance as a restricted or prohibited substance, he/she shall include the name of the restricted or prohibited substance, details in prohibition depending on its use, and similar matters.

(4) Except as provided for in paragraphs (1) through (3), matters necessary for the designation and public notice of restricted or prohibited substances shall be prescribed by Presidential Decree.

Article 28 (Termination, etc. of Designation of Restricted Substances or Prohibited Substances)

In any of the following cases, the Minister of Environment may terminate the designation of a chemical substance as a restricted or prohibited substance, or may fully or partially change matters publicly notified pursuant to Article 27 (1), after deliberation by the Evaluation Committee. In such cases, he/she shall publicly notify such termination or change:

1. Where the restricted or prohibited substance no longer poses a risk due to commercialization of new technology;
2. Where new scientific evidence that the restricted or prohibited substance does not pose a risk is confirmed.

Article 29 (Provision of Information on Chemical Substances)

(1) Any person who transfers a chemical substance registered pursuant to Article 10 or a mixture containing such chemical substance shall, as prescribed by Ordinance of the Ministry of Environment,

prepare and provide information prescribed by Ordinance of the Ministry of Environment, such as the registration number and name of the relevant chemical substance, information on hazards and risks thereof, and safe use thereof, to any person who acquires the chemical substance by transfer: Provided, That where he/she shall prepare and provide a material safety data sheet pursuant to Article 41 of the Occupational Safety and Health Act, he/she shall record and provide the relevant information in the material safety data sheet.

(2) Where a transferor under paragraph (1) continuously and repeatedly transfers the same chemical substance or a mixture containing such chemical substance to the same person, he/she may provide information under paragraph (1) only in the first transfer of such information.

(3) Where any change prescribed by Ordinance of the Ministry of Environment takes place in information provided, any person who has provided information pursuant to paragraphs (1) and (2) or any person who has been provided with such information shall inform the other party of such change within one month from the date he/she becomes aware of the change as prescribed by Ordinance of the Ministry of Environment.

(4) Provision of information under paragraphs (1) through (3) shall apply only where the relevant chemical substance or the mixture is transferred or acquired by transfer to use or consume it as a raw material of a product in a place of business.

(5) Except as provided for in paragraphs (1) through (4), matters necessary to provide information on chemical substances shall be prescribed by Ordinance of the Ministry of Environment.

Article 30 (Provision of Information by Downstream Users, etc.)

(1) Where any person who manufactures or imports a chemical substance or a mixture requests any downstream user and seller of the chemical substance or the mixture to provide information to report the manufacture, etc. thereof under Article 8 (1) and to obtain registration under Article 10, the downstream user and the seller shall provide the manufacturer or importer with information on the uses of the chemical substance he/she uses or sells, the exposure information, the quantities used and sold, safe use information, and similar matters.

(2) Where any downstream user and seller of a chemical substance or a mixture requests any manufacturer or importer of the chemical substance or the mixture to provide information, he/she shall provide the downstream user and the seller with information on its properties, uses, the quantities manufactured and imported, safe use information, and similar matters.

(3) Matters necessary to provide information on chemical substances under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 31 (Notification, etc. to Provide Information on Chemical Substances)

Where any change takes place in information that should be provided pursuant to Article 29, 30, and 35 so that information on chemical substances under Articles 29, 30, and 35 may be effectively provided, the Minister of Environment shall take necessary measures, such as notifying a registrant pursuant to Article 10 and a reporting person under Article 32 of such change without delay.

Article 32 (Reporting of Products Containing Hazardous Chemical Substances)

(1) Where the total quantity of each chemical substance in a product exceeds one ton per year, any seller or manufacturer of a product containing hazardous chemical substances shall report the names, contents, and information on hazards of chemical substance in the relevant product, and uses of the hazardous chemical substances in the product to the Minister of Environment before he/she manufactures or imports the product as prescribed by Ordinance of the Ministry of Environment: Provided, That this shall not apply to any product in solid state with specific shape for a certain function without discharging the chemical substance during use.

(2) Where any person obtains confirmation of exemption from reporting (hereinafter referred to as "confirmation of exemption from reporting") from the Minister of Environment because a chemical substance falls under any of the following, he/she may manufacture or import a product without reporting under paragraph (1):

1. A chemical substance to which humans or the environment is not exposed where a product is normally used;
2. A chemical substance already registered pursuant to Article 10 for a use of the relevant product.

(3) Any person who obtains confirmation of exemption from reporting shall file an application for exemption from reporting with the Minister of Environment. In such cases, the Minister of Environment shall confirm whether a product is eligible for exemption from reporting and notify the applicant of the result, as prescribed by Ordinance of the Ministry of Environment.

(4) Except as provided for in paragraphs (1) through (3), matters necessary for reporting products containing hazardous chemical substances shall be prescribed by Ordinance of the Ministry of Environment.

Article 33 (Assessment of Risks of Products, etc.)

(1) In order to prevent hazards to human health or the environment that may take place due to hazardous chemical substances in a product, the Minister of Environment shall conduct a risk assessment for each product of risk concern as prescribed by Ordinance of the Ministry of Environment.

(2) In cases of a product of risk concern that is likely to risk public health or the environment, such as being reported to contain hazardous chemical substances in the Republic of Korea and foreign countries, the Minister of Environment shall urgently conduct the risk assessment and determine whether the product poses a risk as prescribed by Ordinance of the Ministry of Environment.

(3) Where necessary to conduct risk assessments under paragraphs (1) and (2), the Minister of Environment may entrust the risk assessments to an institution specialized in risk assessment which is designated by the Minister of Environment.

(4) The Minister of Environment may notify the heads of relevant central administrative agencies of the results of risk assessments under paragraphs (1) and (2) as prescribed by Ordinance of the Ministry of Environment.

(5) In order to conduct risk assessments under paragraphs (1) and (2), the Minister of Environment may order a manufacturer, importer, seller or distributor of a product to submit necessary data or instruct a relevant public official to gain access to the related place of business or similar premises to collect the minimal sample necessary for risk assessment without compensation.

(6) A public official who gains access to a place of business and similar premises pursuant to paragraph (5) shall carry identification indicating his/her authority and present it to relevant persons.

(7) Except as provided for in paragraphs (1) through (6), matters necessary for objects, standards, methods, time, etc. of risk assessments shall be prescribed by Ordinance of the Ministry of Environment.

Article 34 (Safety Standards, Labelling Standards, etc. for Products)

(1) Where the Minister of Environment completes risk assessments pursuant to Article 33, he/she shall designate and publicly notify safety and labelling standards for risks, etc. for each product of risk concern that is manufactured or imported.

(2) Hazardous chemical substances that should not be used in products or necessary standards for the quantities of content, elusion, and emission of hazardous chemical substances in products shall be designated and publicly notified in safety standards and labelling standards under paragraph (1).

(3) Where any container or packaging is likely to pose a risk, the Minister of Environment may include safety standards for the container or packaging when establishing safety standards and labelling standards under paragraph (1).

(4) Where the Minister of Environment establishes safety and labelling standards under paragraph (1), he/she shall have prior consultation with the heads of relevant central administrative agencies and the safety and labelling standards shall be subject to deliberation by the Evaluation Committee.

Article 35 (Provision of Information on Chemical Substances in Products)

(1) Any person who transfers a product containing a hazardous chemical substance reported pursuant to Article 32 shall prepare and provide information prescribed by Ordinance of the Ministry of Environment, such as the name, uses and conditions of the chemical substance in the product, to a person who acquires the product by transfer, as prescribed by Ordinance of the Ministry of Environment.

(2) Where any consumer of a product requests a person who transfers a product pursuant to paragraph (1) to provide information, he/she shall provide information related to the safe use of the product to the consumer as prescribed by Ordinance of the Ministry of Environment.

(3) Article 29 (2) through (4) or 30 shall apply mutatis mutandis to methods, etc. for the provision of information on chemical substances in a product.

(4) Except as provided for in paragraphs (1) through (3), matters necessary to provide information on chemical substances in a product shall be prescribed by Ordinance of the Ministry of Environment.

Article 36 (Prohibition of Sale, etc.)

(1) No person shall sell or donate a product not meeting the safety and labelling standards for products of risk concern publicly notified pursuant to Article 34, or import, display, keep, or store such product for the purpose of sale or donation.

(2) Any person who intends to manufacture or import a product of risk concern for which the safety and labelling standards under Article 34 are not publicly notified shall submit data referred to in the subparagraphs of Article 14 (1) on chemical substances in such product to the Minister of Environment and obtain his/her approval pursuant to Ordinance of the Ministry of Environment.

Article 37 (Orders to Withdraw, etc.)

(1) Where the Minister of Environment deems that the sale or donation of a product of risk concern which fails to meet the safety and labelling standards under Article 34 or for which the safety and labelling standards are not publicly notified may harm human health or the environment, he/she may order to take necessary measures, including withdrawal, prohibition of sale, and disposal of the relevant product, as prescribed by Ordinance of the Ministry of Environment.

(2) Where severe harm to human health or the environment has been caused by a chemical substance in a product of risk concern, the Minister of Environment may order a manufacturer, producer or importer of such a chemical substance or product to take emergency measures necessary to prevent the spread of damage.

Article 38 (Application, etc. for Registration by Persons Appointed by Overseas Manufactures or Producers)

(1) Any person who manufactures or produces a chemical substance that is imported to the Republic of Korea from a foreign country or who intends to do so (hereinafter in this Article referred to as "overseas manufacturer or producer") may appoint a person meeting requirements prescribed by Ordinance of the Ministry of Environment and have him/her conduct the following affairs in lieu of an importer or an intended importer of such a chemical substance or product:

1. Reporting of the uses and quantity of such chemical substance in accordance with Article 8;
2. An application for registration under Article 10 (3);
3. Reporting under Article 32;
4. Other affairs prescribed by Presidential Decree.

(2) Any person appointed pursuant to paragraph (1) who is appointed or dismissed by an overseas manufacturer or producer shall report such fact to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

Article 39 (Establishment and Operation of Chemical Substance Data Processing System)

(1) The Minister of Environment shall establish and operate a chemical substance data processing system so that any person who is manufacturing, producing, or importing chemicals or products or intends to do so may electronically conduct affairs prescribed by Presidential Decree, such as reporting of manufacture, etc. under Article 8, an application for registration under Article 10 (3) or reporting under Article 32.

(2) Matters concerning the establishment and operation of a chemical substance data processing system under paragraph (1) shall be prescribed by Presidential Decree.

Article 40 (Designation and Operation of Green Chemical Centers)

(1) The Minister of Environment may designate and operate an institution prescribed by Presidential Decree as a green chemical center to conduct technological development, etc. for the prevention of damage caused by hazards and risks of chemical substances in consultation with the heads of relevant central administrative agencies.

(2) A green chemical center under paragraph (1) (hereinafter referred to as "green chemical center") may conduct the following affairs:

1. Cultivation, education and training of professionals related to the production of information on chemical substances, review of the hazards and assessment of risks thereof;
2. Technological development related to the production of information on chemical substances, review of hazards and assessment of risks thereof, reductions in and prevention of risks thereof;
3. Provision of support for activities to reduce risks of chemical substances in the industry and activities to prevent harm caused to public health or the environment by chemical substances;
4. Other affairs necessary to prevent harm caused by hazards and risks of chemical substances.

(3) The Minister of Environment or the head of a relevant central administrative agency may subsidize all or some of expenses incurred in conducting affairs of a green chemical center within budgetary limits.

(4) Except as provided for in paragraphs (1) through (3), matters necessary for procedures for designation, requirements for designation, and operation of a green chemical center shall be prescribed by Presidential Decree.

Article 41 (Revocation, etc. of Designation of Green Chemical Centers)

(1) Where a green chemical center falls under any of the following, the Minister of Environment may revoke the designation thereof or order it to suspend its business, in whole or in part, for a fixed period not exceeding six months: Provided, That where it falls under subparagraphs 1 and 2, he/she shall revoke the designation thereof:

1. Where it is designated by fraud or other improper means;
2. Where it conducts affairs referred to in the subparagraphs of Article 40 (2) during a period of suspension of business;
3. Where it fails to meet requirements for designation under Article 40 (4);
4. Other cases prescribed by Presidential Decree.

(2) Matters necessary for revocation of designation, criteria and procedures for suspension of business, and similar matters shall be prescribed by Presidential Decree.

Article 42 (Disclosure of Information on Chemical Substances)

The Minister of Environment shall, as prescribed by Ordinance of the Ministry of Environment, disclose information on the names, risks, etc. of chemical substances so that ordinary people may readily view and utilize information on the hazards and risks of chemical substances.

Article 42-2 (Support for Registration and Assessment of Chemical Substances of Small and Medium Enterprises)

The Minister of Environment may provide administrative, technical, and financial support for any of the following related to registration, assessment, and similar matters of chemical substances of small and medium enterprises, through consultation with the heads of relevant central administrative agencies:

1. Establishment of infrastructure to produce and manage information on chemical substances;
2. Establishment of infrastructure to register chemical substances;
3. Development of workforce to control chemical substances;
4. Control of products of risk concern and products containing hazardous chemical substances;
5. Mutual cooperation among small and medium enterprises;
6. Methods to utilize chemical substances data processing system established under Article 39;
7. Other matters prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13891, Jan. 27, 2016] <<Enforcement Date: Jan. 28, 2017>>

Article 43 (Reporting and Inspection, etc.)

(1) The Minister of Environment may order the following persons to submit necessary reports or data, or instruct related public officials to gain access to their facilities or places of business to collect chemical substances or inspect related documents, facilities and equipment:

1. A person who manufactures or imports a chemical substance;
2. A person subject to registration of a chemical substance pursuant to Article 10 (3);
3. A person who applies for confirmation of exemption from registration of a chemical substance pursuant to Article 11 (2);
4. A person who produces or imports a product containing a hazardous chemical substance under Article 32 (1);
5. A person who produces or imports a product of risk concern;
6. A person who has been entrusted with affairs by the Minister of Environment pursuant to Article 48 (2).

(2) Any public official who gains access to facilities or a place of business, or inspects documents, facilities and equipment pursuant to paragraph (1) shall carry identification indicating his/her authority and present it to interested persons.

Article 44 (Keeping and Retaining of Documents)

Any person falling under any of the following shall keep records and retain documents on matters related to the manufacture, importation, sale, and use of a relevant chemical substance as prescribed by Ordinance of the Ministry of Environment:

1. Any person who has reported the manufacture, etc. of a chemical substance pursuant to Article 8 (1);
2. Any person who has applied for registration of a chemical substance pursuant to Article 10 (3);
3. Any person who has applied for confirmation of exemption from registration of a chemical substance pursuant to Article 11 (2);
4. Any person who has reported a product containing a hazardous chemical substance pursuant to Article 32 (1);

5. Any person who has applied for confirmation of exemption from reporting of a product containing a hazardous chemical substance pursuant to Article 32 (3);
6. Any person who has submitted data on chemical substances in a product of risk concern for which the safety and labelling standards have not been publicly notified under Article 36 (2).

Article 45 (Protection of Data)

- (1) Where any person who has submitted data pursuant to Articles 8 (1), 11 (2), 12 (1), 14 (1), 18 (2), 24 (2), 32 (1) and (3), and 36 (2) requests the Minister of Environment to protect data on components, etc. of a chemical substance to protect confidential information, he/she shall not disclose data during the period of data protection prescribed by Presidential Decree: Provided, That data requested to be protected fall under the categories of data already disclosed or prescribed by Presidential Decree, he/she may disclose such data.
- (2) Where data the protection of which has been requested pursuant to the main sentence of paragraph (1) is not eligible for protection pursuant to the proviso to paragraph (1), The Minister of Environment shall notify the person who has requested the protection of data of such fact.
- (3) Except as provided for in paragraphs (1) and (2), matters necessary for procedures, etc. for request for the protection of data shall be prescribed by Ordinance of the Ministry of Environment.

Article 46 (Fees)

Any person who intends to file for registration, report, or obtain confirmation or approval pursuant to any of the following shall pay a fee prescribed by Ordinance of the Ministry of Environment:

1. Registration of a chemical substance under Article 10;
2. Confirmation of exemption from registration of a chemical substance under Article 11 (2);
3. Registration of change in a chemical substance under Article 12 (1);
4. Approval to use the results of hazard assessments under Article 19;
5. Reporting of a product containing a hazardous chemical substance under Article 32 (1);
6. Confirmation of exemption from reporting of a product containing a hazardous chemical substance under Article 32 (3).

Article 47 (Hearings)

Where the Minister of Environment intends to revoke approval of the use under Article 19 (3) or designation pursuant to Articles 23 and 41, he/she shall hold a hearing. <Amended by Act. No. 13891, Jan. 27, 2016>

Article 48 (Delegation or Entrustment of Authority)

- (1) The Minister of Environment may delegate part of his/her authority under this Act to the President of the National Institute of Environmental Research, or the head of a river basin environmental office and the head of a regional environmental office, as prescribed by Presidential Decree.
- (2) The Minister of Environment may entrust part of his/her affairs under this Act to the association relating to the control of chemicals established pursuant to the Chemicals Control Act, as prescribed by Presidential Decree.

Article 48 (Delegation or Entrustment of Authority)

(1) The Minister of Environment may delegate part of his/her authority under this Act to the President of the National Institute of Environmental Research, the President of National Institute of Chemical Safety, or the head of a river basin environmental office, and the head of a regional environmental office, as prescribed by Presidential Decree. <Amended by Act No. 13891, Jan. 27, 2016>

(2) The Minister of Environment may entrust part of his/her duties under this Act to the Korea Environmental Industry and Technology Institute established under Korea Environmental Industry and Technology Institute Act, the Korea Environment Corporation established under Korea Environment Corporation Act, or an association established pursuant to Article 53 of the Chemicals Control Act. <Amended by Act No. 13891, Jan. 27, 2016>

Article 48-2 (Legal Fiction as Public Official for Purposes of Penalty Provisions)

Executive officers or employees working for an institution engaged in the duties entrusted pursuant to Article 48 (2) shall be deemed public officials for purposes of Articles 127 and 129 through 132 of the Criminal Act.

[This Article Newly Inserted by Act No. 13891, Jan. 27, 2016] <<Enforcement Date: Jan. 28, 2017>>

Article 49 (Penalty Provisions)

Any person falling under any of the following shall be punished by imprisonment for not more than 7 years or by a fine not exceeding 200 million won:

1. Any person who sells or donates a product not meeting safety and labelling standards, or imports, displays, keeps, or stores such product for the purpose of sale or donation, in violation of Article 36 (1);
2. Any person who produces or imports a product for which the safety and labelling standards of which have not been publicly notified without submitting data or by submitting false data, in violation of Article 36 (2);
3. Any person who fails to comply with an order to take measures, such as the withdrawal, the prohibition of sale, and the disposal of a product under Article 37 (1);
4. Any person who fails to comply with an order to take emergency measures under Article 37 (2).

Article 50 (Penalty Provisions)

Any person falling under any of the following shall be punished by imprisonment for not more than 5 years or by a fine not exceeding 100 million won:

1. Any person who manufactures or imports a new chemical substance or existing chemical substance subject to registration without registration or by falsely registering, in violation of Article 10 (1);
2. Any person who fails to register a change in a chemical substance or falsely registers such change, in violation of Article 12 (1);
3. Any person who violates an order to take measures under Article 13 (2);
4. Any person who produces or imports a product containing a hazardous chemical substance without reporting the product containing the hazardous chemical substance or by falsely reporting, in violation of Article 32 (1);

5. Any person appointed pursuant to Article 38 (1) who falsely conducts affairs referred to in Article 38 (1) 2 and 3.

Article 51 (Penalty Provisions)

Any person falling under any of the following shall be punished by imprisonment for not more than 3 years or by a fine not exceeding 50 million won:

1. Any person who fails to report the manufacture, etc. of a chemical substance or makes a false report, in violation of Article 8 (including a person appointed pursuant to Article 38);
2. Any person who manufactures or imports a new chemical substance or an existing chemical substance subject to registration without obtaining confirmation of exemption from registration or by falsely obtaining confirmation of exemption from registration, in violation of Article 11;
3. Any person who violates an order to submit data under Articles 18 (2) and 24 (2);
4. Any person who produces or imports a product containing a hazardous chemical substance without obtaining confirmation of exemption from reporting or by falsely obtaining confirmation of exemption from reporting, in violation of Article 32 (3).

Article 52 (Penalty Provisions)

Any person falling under any of the following shall be punished by imprisonment for not more than 1 year or by a fine not exceeding 30 million won:

1. Any person who fails to provide information on a chemical substance or provides false information, in violation of Articles 29 (1) and 35 (1);
2. Any person who fails to provide information or provides false information, in violation of Article 30 (1) and (2);
3. Any person who fails to provide information related to the safe use of a product to consumers or provides false information, in violation of Article 35 (2).

Article 53 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent, employee or servant of a corporation or individual commits any offense described in Articles 49 through 52 in connection with the business affairs of the corporation or individual, in addition to the punishment of such offender, the corporation or individual shall be punished by a fine prescribed in each relevant Article: Provided, That, this shall not apply to where the corporation or individual has not neglected to give due attention and supervision concerning the relevant duties to prevent such offense.

Article 54 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won:

1. Any person who fails to make a report of any change or makes a false report of a change under Article 12 (2);
2. Any person who fails to jointly submit data to support registration without obtaining confirmation of individual submission, in violation of Article 15 (1);

3. Any person who fails to inform any change in information or gives false information, in violation of Article 29 (3);
 4. Any person who fails to submit reports or data under Article 43 (1) or submits false reports or data, and a person who refuses, obstructs, or evades a relevant public official's access or inspection;
 5. Any person who violates his/her duty to keep records or retain documents under Article 44.
- (2) The Minister of Environment shall impose and collect administrative fines under paragraph (1) as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015: Provided, That the amended provisions of Articles 14 (1) 7 and 24 (1) 1 shall enter into force on the date classified as follows:

1. Where the quantity of a chemical substance intended to be manufactured or imported is at least 100 tons per year: January 1, 2015;
2. Where the quantity of a chemical substance intended to be manufactured or imported is at least 70 tons per year: January 1, 2017;
3. Where the quantity of a chemical substance intended to be manufactured or imported is at least 50 tons per year: January 1, 2018;
4. Where the quantity of a chemical substance intended to be manufactured or imported is at least 20 tons per year: January 1, 2019;
5. Where the quantity of a chemical substance intended to be manufactured or imported is at least 10 tons per year: January 1, 2020;

Article 2 (Transitional Measures concerning Designation and Public Notice of Toxic Substances, Restricted Substances, and Prohibited Substances)

A toxic substance, and a substance the handling of which is restricted or prohibited that have been designated and publicly notified pursuant to the former Toxic Chemicals Control Act, as at the time this Act enters into force, shall be deemed designated and publicly notified as a toxic substance under Article 20 and a restricted or prohibited substance under Article 27.

Article 3 (Transitional Measures concerning Application for Registration of Chemical Substances)

- (1) Any person in whose case a review of the hazards of a chemical substance under the former Toxic Chemicals Control Act has been conducted, as at the time this Act enters into force, the registration of the chemical substance under Article 10 and the review of hazards under Article 18 shall be deemed completed. In such cases, he/she shall make a report to the Minister of Environment in accordance with procedures prescribed by Presidential Decree.
- (2) Notwithstanding the latter part of paragraph (1), where a person who has reported falls under any of the subparagraphs of Article 12 (1), he/she shall apply for registration of change.

Article 4 (Transitional Measures concerning Application for Confirmation of Exemption from Registration of Chemical Substances)

Any person who has obtained confirmation of exemption from the hazard review under the former Toxic Chemicals Control Act, as at the time this Act enters into force, shall be deemed to have obtained confirmation of exemption from registration pursuant to Article 11.

Article 5 (Transitional Measures concerning Designation of Testing Institutions)

Any testing institution designated pursuant to Article 14 of the former Toxic Chemicals Control Act as at the time this Act enters into force shall be deemed a testing institution designated pursuant to Article 22.

Article 6 (Transitional Measures concerning Administrative Dispositions)

(1) Where the Minister of Environment revokes the designation of a testing institution or suspend business due to any act performed before this Act enters into force, the former Toxic Chemicals Control Act shall apply to the revocation of designation or the suspension of business notwithstanding Article 23.

(2) A testing institution subjected to revocation of its designation or suspension of its business pursuant to Article 14-2 (1) or (2) of the former Toxic Chemicals Control Act, as at the time this Act enters into force, shall be deemed subjected to revocation of its designation or suspension of its business pursuant to Article 23 (1) or (2).

Article 7 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

When penalty provisions and administrative fines are applied for and imposed for acts performed before this Act enters into force, the former Toxic Chemicals Control Act shall apply.

ADDENDUM <Act No. 13891, Jan. 27, 2016>

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 19 (3) and (4) and 47 shall enter into force six months after the date of its promulgation.