

ENFORCEMENT DECREE OF THE ACT ON THE TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTES AND THEIR DISPOSAL

Presidential Decree No. 14272, May 28, 1994
Amended by Presidential Decree No. 14450, Dec. 23, 1994
Presidential Decree No. 15585, Dec. 31, 1997
Presidential Decree No. 15734, Feb. 28, 1998
Presidential Decree No. 15965, Dec. 31, 1998
Presidential Decree No. 16406, jun. 21, 1999
Presidential Decree No. 17048, Dec. 29, 2000
Presidential Decree No. 17307, Jul. 16, 2001
Presidential Decree No. 17698, Aug. 8, 2002
Presidential Decree No. 17824, Dec. 30, 2002
Presidential Decree No. 18312, Mar. 17, 2004
Presidential Decree No. 20387, Nov. 15, 2007
Presidential Decree No. 20680, Feb. 29, 2008
Presidential Decree No. 21215, Dec. 31, 2008
Presidential Decree No. 21959, Dec. 31, 2009
Presidential Decree No. 22151, May 4, 2010
Presidential Decree No. 22385, Sep. 17, 2010
Presidential Decree No. 24451, Mar. 23, 2013
Presidential Decree No. 25050, Dec. 30, 2013
Presidential Decree No. 25126, Jan. 28, 2014

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Act on the Transboundary Movement of Hazardous Wastes and Their Disposal and matters necessary for enforcement thereof. <Amended by Presidential Decree No. 20387, Nov. 15, 2007; Presidential Decree No. 21959, Dec. 31, 2009>

Article 2 (Types of Wastes)

(1) "Wastes specified by Presidential Decree" in subparagraph 1 of Article 2 of the Act on the Transboundary Movement of Hazardous Wastes and Their Disposal (hereinafter referred to as the "Act") means wastes falling under the following subparagraphs: <Amended by Presidential Decree No. 17307, Jul. 16,

2001; Presidential Decree No. 20387, Nov. 15, 2007>

1. Wastes described in the Annex I or VIII of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (hereinafter referred to as the "Convention"), which have hazardous characteristics as prescribed in the Annex III;

1-2. Wastes described in the Annex II of the Convention;

2. Wastes on which the Republic of Korea reports to, or is reported from the Secretariat of the Convention under Articles 3 (1) through (3) and 11 of the Convention.

(2) The waste items under the subparagraphs of paragraph (1) shall be publicly announced by the Minister of Environment after consultation with the Minister of Trade, Industry and Energy. <Amended by Presidential Decree No. 20387, Nov. 15, 2007; Presidential Decree No. 20680, Feb. 29, 2008; Presidential Decree No. 24451, Mar. 23, 2013>

Article 3 (Permission for Export of Wastes)

(1) A person who intends to obtain permission for the export of wastes under Article 6 (1) of the Act shall submit to the Minister of Environment an application for permission for the export of wastes in annexed Form No. 1, accompanied by the following documents: <Amended by Presidential Decree No. 14450, Dec. 23, 1994; Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007; Presidential Decree No. 21959, Dec. 31, 2009>

1. The export contract, or the order sheet stating that the relevant wastes are managed in an environmentally sound manner and the export price is indicated based on the free on board (F.O.B.);

2. The domestic transportation contract specifying the routes and means of transportation, and the name of the carrier of exported wastes;

3. In cases of wastes announced by the Minister of Environment in accordance with Article 2 (2), the test report on exported wastes that is issued by an agency designated and announced by the Minister of Environment;

4. Deleted; <by Presidential Decree No. 21959, Dec. 31, 2009>

5. In cases of the export provided for in Article 6 (5) of the Act (hereinafter referred to as "package export"), the package export plan, in which the volume of export is recorded by the customs office at the place of clearance of the exported wastes, by the expected date of export or by the expected month of export;

6. The payment receipt of fees for permission for the export of wastes under Article 20 (2);

7. An insurance policy or other guarantee under Article 6 (11) of the Convention, where the State of import or transit demands it.

(2) If the Minister of Environment concludes that the details of an application for permission for the export under paragraph (1) are appropriate, he/she shall seek consent to the import or transit thereof from the competent authority of the State of import or transit within five days from the date of the receipt of such application. <Amended by Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 21959, Dec. 31,

2009>

(3) Where a person who intends to export wastes (including an export agent) submits a written consent issued by the State of import or transit with respect to the import or transit thereof, the Minister of Environment shall not seek consent referred to in paragraph (2). <Amended by Presidential Decree No. 17307, Jul. 16, 2001>

(4) Deleted. <by Presidential Decree No. 17307, Jul. 16, 2001>

(5) The term "cases where it is determined by Presidential Decree" in the proviso to Article 6 (3) of the Act means any of the following cases: <Newly Inserted by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 20387, Nov. 15, 2007>

1. Where the consent of the State of transit is required, and no response has been made by the State of transit within 60 days (if the State of transit has acceded to agreements or arrangements under Article 11 of the Convention, within 30 days) from the date on which the Republic of Korea has been notified by the State of transit of the receipt of a request for consent of transit. In such cases, where no notification of receipt has been made by the State of transit to the Republic of Korea within 30 days after a request for the consent of transit was made, the date on which 30 days have passed since the first request for the consent of transit was made shall be deemed the date of notification of such receipt;

2. Where wastes referred to in Article 2 (2) are subject to the consent of the State which has acceded to agreements or arrangements under Article 11 of the Convention, and no response has been made by the State of import within 30 days from the date on which the Republic of Korea has been notified by the State of import of the receipt of a request for the consent of import. In such cases, where no notification of receipt has been made by the State of import to the Republic of Korea within 30 days after a request for the consent of import was made, the date on which 30 days have passed since the first request for the consent of import was made shall be deemed the date of notification of receipt.

(6) The Minister of Environment shall issue a permit for export of wastes in annexed Form No. 1 within five days in any of the following cases: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

1. Where he/she has received a written consent for import or transit from the State of import or transit;

2. Where he/she has not made a request for consent pursuant to paragraph (3);

3. Where no consent of the State of import or transit referred to in paragraph (5) has been given.

Article 4 (Change in Permission for Export of Wastes)

(1) Matters that require permission for change, from among matters for which the permission for export of wastes has been granted under the latter part of Article 6 (1) of the Act, shall be as follows:

1. Change of the exporter or the importer;

2. Change of the name, physical properties, and chemical composition of wastes;

3. Change of the quantity of exported wastes;

4. Change of waste disposal or recycling method, or the place for disposal;

5. Change of the customs office or the competent authority of the State of import or transit.

(2) A person, who desires to amend the details of the permission for export of wastes for the reason stated under any subparagraph of paragraph (1), shall submit an application for amendments to permission for export of wastes in annexed Form No. 1, accompanied by the following documents to the Minister of Environment: *<Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>*

1. Original of the permit for export of wastes;
2. Documents supporting the amended details.

(3) Where the Minister of Environment receives an application for amendment of permission for export of wastes pursuant to paragraph (2), he/she shall issue a permit for amendment to permission for export of wastes in annexed Form No. 1 pursuant to Article 3 (2), (3) and (5). *<Newly Inserted by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>*

Article 5 (Preparation, etc. of Export Movement Documents)

(1) Export movement documents under Article 7 (1) of the Act shall be as in the format in annexed Form No. 2.

(2) Reports under Article 7 (2) of the Act shall be made in accordance with annexed Form No. 3. *<Amended by Presidential Decree No. 16406, Jun. 21, 1999>*

(3) Deleted. *<by Presidential Decree No. 16406, Jun. 21, 1999>*

Article 6 (Matters to be Entered into Export Movement Documents)

The term "matters prescribed by Presidential Decree" in Article 8 (1) of the Act means the following cases where the relevant exported wastes are domestically transferred to others:

1. Trade name, address of the place of business, and contact address of a carrier;
2. Means of transportation.

Articles 7 and 8 Deleted. *<by Presidential Decree No. 16406, Jun. 21, 1999>*

Article 9 (Permission for Import of Wastes)

(1) A person who intends to obtain permission for import of wastes pursuant to Article 10 (1) of the Act shall submit, to the Minister of Environment, an application for permission for import of wastes in annexed Form No. 4, accompanied by the following documents: *<Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007; Presidential Decree No. 21959, Dec. 31, 2009>*

1. An import contract or order sheet stating that the wastes concerned are managed in an environmentally sound manner and the import price is the cost, insurance and freight (C.I.F.) price;
2. Any document specifying the characteristics and uses of the imported wastes;
3. The domestic transportation contract specifying the routes and means of transportation, and the name of the carrier of the imported wastes;

4. In cases of imports provided for in Article 10 (6) of the Act (hereinafter referred to as "package import"), the package import plan, in which the import volume is recorded by the customs office at the place of clearance of the imported wastes, by the expected date of import, or by the expected month of import;

5. Payment receipt of fees for permission for the import of wastes under Article 20 (2);

6. Plans for disposing of or recycling imported wastes (copies of a license for the business of disposing of wastes or a certificate of completed report filed for recycling wastes shall accompany it);

7. and 8. Deleted; <by Presidential Decree No. 17307, Jul. 16, 2001>

9. Deleted; <by Presidential Decree No. 21959, Dec. 31, 2009>

10. Any insurance policy, or other guarantee under Article 6 (11) of the Convention.

(2) Where the Minister of Environment receives a request for consent to the import of wastes from the competent authority of the State of export in accordance with Article 10 (3) of the Act, he/she shall serve a notice on such consent, conditional consent, disapproval, or request for additional information on the competent authority of the State of export within eight days from the date of the receipt of such request.

<Amended by Presidential Decree No. 14450, Dec. 23, 1994; Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 15965, Dec. 31, 1998; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007; Presidential Decree No. 21959, Dec. 31, 2009>

(3) and (4) Deleted. <by Presidential Decree No. 17307, Jul. 16, 2001>

(5) Where the Minister of Environment notifies the competent authority of the State of export of consent to import under paragraph (2), he/she shall promptly issue a permit for import of wastes in annexed Form No. 4 to the applicant of such import permission. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

Article 10 (Deemed Requests for Consents to Import Wastes)

In granting a permit for import of wastes in accordance with Article 10 (1) of the Act, if producers or exporters of the concerned wastes request the consent to import wastes through the competent authority of the State of export, the Minister of Environment shall deem that he/she has been requested to grant the consent to import wastes from the competent authority of the State of export of wastes concerned in accordance with Article 10 (3) of the Act. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007>

Article 11 (Change in Permission for Import of Wastes)

Matters that require permission for change, from among matters for which the permission for import of wastes has been granted, under the latter part of Article 10 (1) of the Act, shall be as follows:

1. Change of the importer or the exporter;
2. Change of the name, physical properties and chemical composition of wastes;

3. Change of the quantity of wastes whose importation has been scheduled;
4. Change of waste disposal or recycling method, or the place for disposal;
5. Change of the domestic customs offices at the place of clearance or the domestic port of arrival;
6. Change of the customs office or the competent authority of the State of export or the State of transit.

(2) A person, who desires to amend the details of the permission for import of wastes for the reasons under any subparagraph of paragraph (1), shall submit an application for amendments to permission for import of wastes in annexed Form No. 4, accompanied by the following documents to the Minister of Environment: *<Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001>*

1. Original of the permit for import of wastes;
2. Documents supporting the amended details.

(3) Where the Minister of Environment receives an application for amendments to permission for import of wastes pursuant to paragraph (2), he/she shall issue a permit for amendments to a permission for import of waste in annexed Form No. 4 pursuant to Article 9 (2) and (5). *<Newly Inserted by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001>*

Article 12 (Preparation, etc. of Import Movement Documents)

(1) Import movement documents under Article 11 of the Act shall be as in the format in annexed Form No. 5.

(2) Import movement documents under paragraph (1) shall be prepared at the time when the imported wastes are recognized as domestic articles and are then carried out of a bonded area under Article 154 of the Customs Act (including a place outside the boundary of a bonded area for which permission for storage is granted under Article 156 of the same Act) or a free trade zone under subparagraph 1 of Article 2 of the Act on the Designation and Management of Free Trade Zones. *<Amended by Presidential Decree No. 17048, Dec. 29, 2000; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20387, Nov. 15, 2007>*

Article 12-2 (Entering Details of Handover and Takeover of Imported Wastes into Electronic Information Processing Program)

The details of contents, method and timing, etc. with respect to the handover and takeover of imported wastes to be entered pursuant to Article 11-2 of the Act into an electronic information processing program referred to in Article 11-3 (1) of the Act (hereinafter referred to as "electronic information processing program") shall be as set forth in attached Table1.

Article 12-3 (Duties, etc. Utilizing Electronic Information Processing Program)

The term "duties such as reporting, etc. prescribed by Presidential Decree" in Article 11-3 (3) of the Act means the following duties:

1. Submission of application documents under Article 6 (1) of the Act for permission for export of wastes or change of permitted matters;
2. Submission of reports under Article 7 (2) of the Act on cease of the export of wastes;

3. Submission of application documents under Article 10 (1) of the Act for permission for import of wastes or change of the permitted matters;
4. Deleted; <by Act No. 25126, Jan. 28, 2014>
5. Submission of the copies of documents under Article 14 of the Act describing the receipt of the imported wastes and the results of their treatment;
6. Submission of reports or materials under Article 22 (1) of the Act;
7. Submission of reports under Article 19 (1);
8. Submission of applications for the refund of fees for permission for export/import of wastes under Article 21 (2).

Article 13 (Records, etc. of Import Movement Documents)

"Other matters prescribed by Presidential Decree" in Article 12 (1) of the Act means:

1. The trade name, address of the place of business, and contact address of a carrier;
2. Means of transportation.

Article 14 Deleted. <by Act No. 25126, Jan. 28, 2014>

Article 15 (Notice of Results of Disposal of Imported Wastes, etc.)

Any person who completes the disposal of imported wastes under Article 14 of the Act shall serve a notice prepared in annexed Form No. 7 with respect to the receipt of the relevant wastes and the results of their disposal on the competent authority of the State of export and the exporter, and submit a copy thereof to the Minister of Environment within ten days from the date of completion of such disposal.

Article 16 Deleted. <by Presidential Decree No. 15965, Dec. 31, 1998>

Article 17 (Method of Packing and Attaching Marks)

The method of packing wastes or the method of attaching marks to such package in accordance with Article 17 (1) of the Act, except as provided for by other statutes, such as the Ship Safety Act and the Aviation Act, shall be in accordance with the standards contained in attached Table 2. <Amended by Presidential Decree No. 20387, Nov. 15, 2007; Presidential Decree No. 21959, Dec. 31, 2009; Presidential Decree No. 22385, Sep. 17, 2010>

Article 18 (Prohibitions on Export and Import, etc.)

(1) The Minister of Environment shall, when he/she intends to take steps to prohibit or limit the export and import of wastes in accordance with Article 19 (1) of the Act, specify and publicly announce the lists of prohibited or limited items, method of prohibition or limitation and term of the prohibition or limitation thereon, etc. <Amended by Presidential Decree No. 14450, Dec. 23, 1994; Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

(2) Wastes prohibited from being imported under Article 19 (2) and (4) of the Act shall be hazardous wastes which are feared to cause serious damages to human health and environment, and the domestic recycling and proper disposal of which are determined to be impossible by the Minister of Environment and published so after consultations thereon with the Minister of Trade, Industry and Energy. <Amended by Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 20680, Feb. 29, 2008; Presidential Decree No.

24451, Mar. 23, 2013>

(3) Deleted. <by Presidential Decree No. 17307, Jul. 16, 2001>

Article 18-2 (Nations to which Export of Wastes are Prohibited)

Wastes shall be prohibited from being exported to any nation in accordance with Article 19 (3) and (4) of the Act with the exception of nations falling under each of the following subparagraphs:

1. Signatories to bilateral, multilateral or regional agreements or arrangements under Article 11 of the Convention;
2. The member nations of the Organization for Economic Cooperation and Development, the member nations of the European Union, and Liechtenstein.

Article 19 (Report)

(1) Any person falling under any of the following subparagraphs who has exported, imported, transported, or disposed wastes shall submit the following reports to the Minister of Environment by the end of February of the following year: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 21959, Dec. 31, 2009; Presidential Decree No. 25126, Jan. 28, 2014>

1. Any person who has obtained permission for export of wastes under Article 6 (1) of the Act: A report on the result pertaining to the export of wastes in annexed Form No. 8;
2. Any person who has obtained permission for import of wastes under Article 10 (1) of the Act: A report on the result pertaining to the disposal of imported wastes in annexed Form No. 9;
3. Any person who has transported or disposed imported wastes pursuant to Article 12 of the Act (limited to persons entrusted with transportation or disposal thereof): A report on the result pertaining to the entrusted transportation of imported wastes in annexed Form No. 10 or a report on the result pertaining to the entrusted disposal of imported wastes in annexed Form No. 10-2.

(2) Deleted. <by Presidential Decree No. 17307, Jul. 16, 2001>

Article 19-2 (Recording and Keeping of Import/Export Status, etc. of Wastes)

Books which shall be prepared, recorded and kept as referred to in the main sentence of Article 21-2, excluding its subparagraphs, of the Act by a person falling under any of the subparagraphs of the same Article shall be as classified in the following: <Amended by Presidential Decree No. 25126, Jan. 28, 2014>

1. A person who has obtained permission for export under Article 6 (1) of the Act: A ledger for management of exported wastes in annexed Form No. 11;
2. A person who has obtained permission for import under Article 10 (1) of the Act: A ledger for management of imported wastes in annexed Form No. 12;
3. A person who has transported or disposed imported wastes under Article 12 of the Act (limited to persons entrusted with transportation or disposal thereof): A ledger for management of the entrusted transportation of imported wastes in annexed Form No. 13 or a ledger for management of the entrusted disposal of imported wastes in annexed Form No. 13-2.

Article 20 (Calculation Method, etc. of Fees)

(1) Pursuant to Article 23 (2) of the Act, the fee for permission for export or import of wastes (hereinafter referred to as "export/import permission fee") shall be calculated by the following methods: Provided, That the amount less than 1,000 won is excluded from the amount for the calculation, and where the standard amount is denominated in a foreign currency, the calculation shall be made by applying the exchange rate as at the time of payment: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

1. For export: F.O.B. price of the relevant wastes $\times 1 \div 1,000$
2. For import: C.I.F. price of the relevant wastes $\times 1 \div 1,000$
3. Where the C.I.F. price or the F.O.B. price is unknown: disposal cost of the relevant wastes determined by the Minister of Environment $\times 1 \div 1,000$

(2) Any person who intends to export or import wastes (hereinafter referred to as "importer/exporter"), after calculating the export/import permission fee under paragraph (1), shall submit a statement of payment for the waste export/import permission fee in annexed Form No. 14, to a bank which deals with foreign exchanges, and submit the payment receipt to the Minister of Environment when he/she applies for permission for the export/import of the relevant wastes concerned. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 22385, Sep. 17, 2010>

(3) With respect to package export and import, the Minister of Environment may permit an exporter/importer to pay the export/import permission fee for the relevant wastes each time the export or import has taken place until the total amount of the export/import permission fee is paid, or he/she may permit the exporter/exporter to pay the total amount in installments, as determined and announced by the Minister of Environment. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

Article 21 (Refund of Fees)

(1) When the Minister of Environment has received an application for permission for export or import of wastes under Article 3 or 9, but chooses not to permit the waste export or import, or where the exporter or importer does not export or import the pertinent wastes for which the permission has been granted, or where the exporter or importer has mistakenly overpaid the fee, he/she shall totally or partially refund the already paid export/import permission fee. <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001>

(2) Any person who intends to get refund of export/import permission fee under paragraph (1) shall submit, to the Minister of Environment, an application for the refund of the export/import permission fee in annexed Form No. 15, accompanied by the following documents: <Amended by Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 22385, Sep. 17, 2010>

1. The permit for export/import of wastes (except cases where the permission has not been granted);
 2. Waste export/import movement documents (except cases where the permission has not been granted);
 3. The payment receipt of waste export/import permission fee.
- (3) When the Minister of Environment receives an application for the refund of waste export/import permission fees under paragraph (2), he/she shall serve on the applicant a statement of decision on the refund of waste export/import permission fees in annexed Form No. 15 within five days from the date of the receipt of such application, and shall refund such fees to him/her. *<Amended by Presidential Decree No. 21959, Dec. 31, 2009; Presidential Decree No. 22385, Sep. 17, 2010>*
- (4) Deleted. *<by Presidential Decree No. 17307, Jul. 16, 2001>*

Article 22 (Designation of Competent Authorities, etc.)

The competent authorities under Article 25 of the Act shall be the Minister of Environment, and the liaison officer shall be the director in charge of the tasks for export and import of wastes at the Resource Recirculation Bureau of the Ministry of Environment. *<Amended by Presidential Decree No. 14450, Dec. 23, 1994; Presidential Decree No. 15585, Dec. 31, 1997; Presidential Decree No. 15734, Feb. 28, 1998; Presidential Decree No. 16406, Jun. 21, 1999; Presidential Decree No. 17307, Jul. 16, 2001; Presidential Decree No. 21959, Dec. 31, 2009>*

Article 23 Deleted. *<by Presidential Decree No. 15585, Dec. 31, 1997>*

Article 24 (Delegation and Entrustment of Authority)

(1) The Minister of Environment shall delegate his/her authority falling under each of the following subparagraphs to the head of a basin environmental office or regional environmental office in accordance with Article 27 (1) of the Act: *<Amended by Presidential Decree No. 17698, Aug. 8, 2002; Presidential Decree No. 20387, Nov. 15, 2007; Presidential Decree No. 22385, Sep. 17, 2010>*

1. Authority for granting permission for export and amending, and attaching conditions thereto under Article 6 (1), (4) and (5) of the Act;
2. Authority for seeking consent from the State of import or transit of wastes under the main sentence of Article 6 (3) of the Act;
3. Authority for receiving reports on the cancellation of waste export plans under Article 7 (2) of the Act;
4. Authority for granting permission for import and amending, and attaching conditions thereto under Article 10 (1), (5) and (6) of the Act;
5. Authority for determining whether to give consent with respect to import of wastes and serve notices thereof under Article 10 (4) of the Act;
6. Deleted; *<by Act No. 25126, Jan. 28, 2014>*
7. Authority for receiving documents detailing the results of disposal of imported wastes under Article 14 of the Act;
8. Authority for canceling permission for export or import of wastes under Article 15 of the Act;

9. Authority for determining whether to give consent with respect to the transit of wastes and serve notices thereof under Article 16 (1) of the Act;
 10. Authority for designating ports where wastes are loaded and unloaded, limiting areas where wastes are loaded and unloaded, and consultations thereabout under Article 18 (1) of the Act;
 11. Authority for limiting transit ports or transit areas of wastes and consultations thereon under Article 18 (2) of the Act;
 12. Authority for ordering exporters and importers to ship wastes into and out of areas or to control such wastes under Article 20 (1) of the Act;
 13. Authority for receiving requests from the heads of administrative agencies for steps necessary for shipping wastes into or out of areas, taking such steps and serving notices on the results thereof under Article 20 (2) and (3) of the Act;
 14. Authority for performing administrative vicarious execution and collecting expenses necessary therefor under Article 21 of the Act;
 15. Authority for issuing orders to file reports, requesting the submission of materials and conducting inspection under Article 22 (1) of the Act;
 16. Authority for requesting the heads of relevant administrative agencies to furnish necessary materials under the former part of Article 24 of the Act;
 17. Authority for imposing and collecting administrative fines under Article 32 of the Act;
 18. Authority for performing the business of refunding fees under Article 21.
- (2) The Minister of Environment shall, under Article 27 (1) of the Act, entrust the Korea Environment Corporation under the Korea Environment Corporation Act with the duties concerning computer processing of details on handover and takeover, etc. of imported wastes pursuant to Article 11-3 of the Act. <Newly Inserted by Presidential Decree No. 22385, Sep. 17, 2010>

Article 24-2 (Re-Examination of Regulation)

The Minister of Environment shall examine the propriety of each of the following matters every third year (referring to the period that ends on the day before the base date of every third year) from each relevant base date and take measures for improvement, etc.:

1. Permission for export of wastes under Article 3: January 1, 2014;
2. Permission for import of wastes under Article 9: January 1, 2014.

Article 25 (Criteria for Imposition of Administrative Fines)

The criteria for imposition of administrative fines under Article 32 (1) and (2) of the Act shall be as set forth in attached Table 3. <Amended by Presidential Decree No. 22385, Sep. 17, 2010>

ADDENDUM

This Decree shall enter into force on the day on which the Convention becomes effective in the Republic of Korea.

ADDENDA <Presidential Decree No. 14450, Dec. 23, 1994>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDUM <Presidential Decree No. 15585, Dec. 31, 1997>

This Decree shall enter into force on January 1, 1998: Provided, That the amended provisions of Article 18 (3) shall enter into force on July 1, 1998.

ADDENDA <Presidential Decree No. 15734, Feb. 28, 1998>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDUM <Presidential Decree No. 15965, Dec. 31, 1998>

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

ADDENDUM <Presidential Decree No. 16406, Jun. 21, 1999>

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

ADDENDA <Presidential Decree No. 17048, Dec. 29, 2000>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2001.

Articles 2 through 8 Omitted.

ADDENDA <Presidential Decree No. 17307, Jul. 16, 2001>

(1) (Enforcement Date) This Decree shall enter into force on July 17, 2001.

(2) (Transitional Measures concerning Nations to Which Exports of Wastes are Prohibited) The member nations of the Organization for Economic Cooperation and Development, the member nations of the European Union and Liechtenstein under the amended provisions of subparagraph 2 of Article 18-2 shall be deemed signatories to the Convention by the date preceding the date on which the Annex VII of the Convention adopted at the third general meeting of "signatories to the Convention" takes effect.

(3) (Transitional Measures concerning Pending Procedures) Any application, declaration and report, etc. that are filed with the Minister of Commerce, Industry and Energy under the previous provisions at the time when this Decree enters into force shall be deemed filed with the Minister of Environment under this Decree.

ADDENDA <Presidential Decree No. 17698, Aug. 8, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 17824, Dec. 30, 2002>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2003. (Proviso Omitted.)

Articles 2 through 6 Omitted.

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

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

ADDENDUM <Presidential Decree No. 20387, Nov. 15, 2007>

This Decree shall enter into force on November 18, 2007.

ADDENDA <Presidential Decree No. 20680, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Presidential Decree No. 21215, Dec. 31, 2008>

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

ADDENDA <Presidential Decree No. 21959, Dec. 31, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2010.

Article 2 (Special Cases concerning Report on Export, Import and Takeover of Wastes)

Notwithstanding the amended provisions of Article 19 (1) and annexed Form Nos. 8 through 10, only the actual results of the later half of 2009 out of those of 2009 shall be submitted in the previous forms by not later than January 15, 2010.

Article 3 (Transitional Measures concerning Requests for Consent to Import and Transit of Wastes)

A request for consent to import or transit of wastes for an application for permission for export that has been received before this Decree enters into force shall be governed by the previous provisions, notwithstanding the amended provisions of Article 3 (2).

Article 4 (Transitional Measures concerning Notices on Requests for Consent to Import of Wastes)

A notice on a request for consent to import which has been received before this Decree enters into force shall be governed by the previous provisions, notwithstanding the amended provisions of Article 9 (2).

Article 5 (Transitional Measures concerning Issuance of Statement of Decision on Refund of Waste Export/Import Permission Fees)

The issuance of a statement of decision on the refund of waste export/import permission fees and the refund of the fees decided to be refunded concerning an application for the refund of waste export/import permission fees received before this Decree enters into force shall be governed by the previous provisions, notwithstanding the amended provisions of Article 21 (3).

Article 6 (Transitional Measures concerning Criteria for Imposition of Administrative Fines)

(1) The criteria for imposition of administrative fines for a violation committed before this Decree enters into force shall be governed by the previous instances.

(2) Where the criteria for imposition of administrative fines shall be applied according to the frequency of violations under the amended provisions of attached Table 2, the first violation committed after this Decree enters into force shall be deemed one time violation.

ADDENDA <Presidential Decree No. 22151, May 4, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on May 5, 2010.

Articles 2 through 4 Omitted.

ADDENDUM <Presidential Decree No. 22385, Sep. 17, 2010>

This Decree shall enter into force on September 23, 2010.

ADDENDA <Presidential Decree No. 24451, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Presidential Decree No. 25050, Dec. 30, 2013>

This Decree shall enter into force on January 1, 2014. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 25126, Jan. 28, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 31, 2014.

Article 2 (Applicability concerning Reporting on Result pertaining to Transportation or Disposal of Imported Wastes)

The amended provisions of Article 19 (1) 3, annexed Form No. 10, and annexed Form 10-2 shall apply starting from the first reporting on the result pertaining to transportation or disposal of imported wastes in 2014.

