

Act on the Registration and Evaluation, etc. of Chemical Substances

[Enforcement Date 01. Jan, 2015.] [Act No.11789, 22. May, 2013.,]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect public health and the environment by providing for the matters pertaining to the registration of chemical substances, the examination and evaluation of hazards and risks of products containing chemical substances and 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. "Chemical substance(s)" means any chemical element and/or compound, any substance obtained through artificial reactions thereto, and any substance obtained by chemical modification, extraction, or purification of a substance that exists in nature;
2. "Preparation(s)" means any substance or solution composed of two or more substances;
3. "Phase-in substance(s)" means any of the following:
 1. (a) Chemical substances domestically distributed for commercial purposes prior to February 2, 1991 and publicly announced by the Minister of Environment after consultation with the Minister of Employment and Labor; or
 2. (b) Chemical substances examined with respect to hazards after February 2, 1991 pursuant to the former Toxic Chemicals Control Act and publicly announced by the Minister of Environment.

"Non-phase-in substance(s)" means all chemical substances excluding phase-in substances;

"Phase-in substance(s) subject to registration" means phase-in substances deemed necessary to register for the purposes of the hazard examination under Article 18 or the risk evaluation under Article 24 and publicly announced by the Minister of Environment after deliberation of the Chemical Substance Evaluation Committee under Article 7;

"Toxic substance(s)" means such hazardous chemical substances as determined and publicly announced by the Minister of Environment in accordance with the standards prescribed by Presidential Decree;

"Substance(s) subject to authorization" means any chemical substance deemed to pose a risk that the Minister of Environment publicly announces pursuant to Article 25 after consultation with the head of an appropriate central administrative agency and deliberation of the Chemical Substance Evaluation Committee under Article 7 in order to have such substance manufactured, imported, or used with the authorization of the Minister of Environment;

"Restricted substance(s)" means any chemical substance deemed to pose a high risk, if used for a certain purpose, that the Minister of Environment publicly announces pursuant to Article 27 after consultation with the head of an appropriate central administrative agency and deliberation of the Chemical Substance Evaluation Committee under Article 7 in order to prevent such substance from being manufactured, imported, sold, stored/preserved, transported, or used for such purpose;

"Prohibited substance(s)" means any chemical substance deemed to pose a high risk that the Minister of Environment publicly announces pursuant to Article 27 after consultation with the head of an appropriate central administrative agency and deliberation of the Chemical Substance Evaluation Committee under Article 7 in order to prohibit such substance from being manufactured, imported, sold, stored/preserved, transported, or used for any purpose;

"Hazardous chemical substance(s)" means any toxic substance, substance subject to authorization, restricted substance, prohibited substance, and other chemical substances that pose, or are likely to pose, a hazard or risk;

"Hazard(s)" means properties of chemical substances, including toxicity, which are detrimental to human health or the environment;

"Risk(s)" means the degree of damage that human health or the environment may sustain when exposed to hazardous chemical substances;

"Generic name" means a name given in place of the original name of a chemical substance for the purpose of data protection;

"Business entity" means a person who manufactures, imports, uses, and/or sells chemical substances for the purpose of business;

"Product(s)" means any of the following that are final consumer goods, or parts or accessories thereof, and are likely to expose consumers to chemical substances:

0. (a) A product consisting of a preparation; and/or
1. (b) A product functioning in a specific solid form and not releasing any chemical substance therein when used.

"Product(s) of concern over risks" means any of the following chemical products that the Minister of Environment notifies, after consultation with the head of an appropriate central administrative agency, as likely to pose a risk to public health or the environment:

0. (a) Products used by general consumers mainly as household items such as cleaners, air fresheners, adhesives, polishes, deodorizing agents, synthetic detergents, bleaching agents, and fabric softeners; or
1. (b) Products used to kill or disturb/hinder the activity of harmful living things, except humans and animals, such as insect repellents, disinfectants, and preservatives.

"Downstream user(s)" means a person who uses a chemical substance or preparation in the course of business activities (in the case of a corporation, it shall be limited to a legal entity that is established in Korea) with the exception of a person who manufactures, imports, or sells chemical substances or preparations, or consumers; and

"Sale" means an act to launch any chemical substance, preparation, or product on the market.

Article 3 (Scope of Application)

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

1. Radioactive substances under subparagraph 5 of Article 2 of the Nuclear Safety Act;
2. Pharmaceutical products and quasi-drugs under subparagraphs 4 and 7 of Article 2 of the Pharmaceutical Affairs Act;
3. Narcotics under subparagraph 1 of Article 2 of the Act on the Control of Narcotics and Other Analogous Substances;

4. Cosmetics and raw materials thereof under subparagraph 1 of Article 2 of the Cosmetics Act;
5. Pesticides and active ingredients under subparagraphs 1 and 3 of Article 2 of the Agrochemical Control Act;
6. Fertilizers under subparagraph 1 of Article 2 of the Fertilizer Control Act;
7. Food, food additives, devices, and containers/packages under subparagraphs 1, 2, 4, and 5 of Article 2 of the Food Sanitation Act;
8. Feeds under subparagraph 1 of Article 2 of the Control of Livestock and Fish Feed Act;
9. Gunpowder under Article 2 (3) of the Control of Firearms, Swords, Explosives, etc. Act;
10. Military supplies under Article 2 of the Act on the Management of Military Supplies, and under subparagraph 2 of Article 3 of the Defense Acquisition Program Act (excluding routine items under Article 3 of the Act on the Management of Military Supplies);
11. Health supplements under subparagraph 1 of Article 3 of the Functional Health Foods Act; or
12. Medical appliances under Article 2 (1) of the Medical Appliances Act.

Article 4 (Duties of State)

- (1) The state shall identify the hazards and risks of chemical substances and establish and implement measures required to prevent any damage caused thereby.
- (2) The state shall provide technological, administrative, and financial support to ensure that information on hazards and risks of chemical substances is produced, acquired, and systematically managed and such information is duly transferred in the course of handing over and receiving chemical substances.
- (3) The state shall establish and implement measures on the safe management of products to protect public health and the environment from and against chemical substances contained in products.
- (4) The state shall provide small and medium enterprises with support for their registration and evaluation of chemical substances, such as investigation, research, education, and public relations, as prescribed by the Ordinance of the Ministry of Environment.

Article 5 (Duties of Business Entity)

- (1) A business entity shall reduce the use of hazardous chemical substances or take other necessary measures including the development of substances or new technologies to replace hazardous chemical substances.
- (2) A 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 the execution of the state's policies with respect to the registration of chemical substances, examination of hazards, and evaluation of risks.
- (3) A business entity shall make efforts to protect public health and the environment by such means as active production of information on the use and stability of chemical substances and countermeasures to exposure to chemical substances.
- (4) A business entity that manufactures or imports products shall prevent any damage to public health or property due to hazardous chemical substances contained in products.

Article 6 (Basic Plan for Evaluation, etc. of Chemical Substance)

- (1) The Minister of Environment shall formulate the basic plan every five years concerning the registration and evaluation of chemical substances, declaration of products containing hazardous chemical substances, safety management of products of concern over risks, etc. (hereinafter referred to as "basic plan").
- (2) The Minister of Environment shall establish the basic plan after deliberation of the Chemical Substance Evaluation Committee under Article 7 following consultation with the head of an appropriate central administrative agency. The same shall apply to the case where the Minister of Environment amends the basic plan.
- (3) The basic plan shall include the following:
 1. Methods and plans for the registration and evaluation of chemical substances, the declaration of products containing hazardous chemical substances, and the evaluation of products of concern over risks;
 2. Matters pertaining to the development of technologies necessary for the registration of chemical substances, the declaration of products containing hazardous chemical substances, and the examination and/or evaluation of hazards and/or risks;
 3. Matters pertaining to the investigation and/or research on hazards and risks of chemical substances or products containing hazardous chemical substances, and the safety management and international cooperation for products of concern over risks;
 4. Matters pertaining to the industrial activities, and safety support and education for workers and consumers to prevent any damage to public health or the environment caused by chemical substances or products of concern over risks; and
 5. Other matters necessary to carry out the registration of chemical substances, hazard examination, risk evaluation, and others.
- (4) Upon establishment of the basic plan, the Minister of Environment shall promptly notify the head of an appropriate central administrative agency and the head of the local government of the details thereof.
- (5) The head of an appropriate central administrative agency and the head of the local government shall establish and implement the policy that concerns them in accordance with the basic plan.

Article 7 (Chemical Substance Evaluation Committee)

- (1) The Chemical Substance Evaluation Committee (hereinafter referred to as the "Evaluation Committee") shall be established under the Minister of Environment to deliberate on each of the following matters with respect to the registration of chemical substances, the declaration of products containing hazardous chemical substances, and the examination and/or evaluation of hazards and/or risks:
 1. Formulation of the basic plan;
 2. Designation of the phase-in substances subject to registration;
 3. Designation of substances subject to authorization, restricted substances, or prohibited substances;
 4. Registration of chemical substances of which manufacturing/import quantity is less than one ton per year under the proviso to Article 10 (1);
 5. Safety and labeling standards for the products of concern over risks; and

6. Other matters determined by Presidential Decree in regard to the registration of chemical substances, the examination and/or evaluation of hazards and/or risks, and the safety management of products of concern over risks.
 - (2) The Evaluation Committee shall have up to 30 members including one chairman and one vice chairman.
 - (3) The chairman of the Evaluation Committee shall be the Vice Minister of Environment, and the vice chairman shall be elected from among the members.
 - (4) The members of the Evaluation Committee shall be appointed or commissioned by the Minister of Environment from among the following:
 1. Any person recommended by the head of an appropriate central administrative agency from among public officials responsible for businesses relating to chemical substances or products who belong to such agency;
 2. Any expert with knowledge and extensive experience in chemistry, the environment, public health, and other related areas, and a person concerned with industries and private organizations relating to chemical substances; and
 3. Any person recommended by the head of an appropriate central administrative agency from among the persons under subparagraph 2.
 - (5) Meetings of the Evaluation Committee shall commence with the attendance of a majority of all the incumbent members, and a resolution thereof shall require the consent of a majority of those present.
 - (6) Where necessary for professional research and review of the deliberations of the Evaluation Committee, expert committees consisting of members of the Evaluation Committee and experts of each if related areas, such as the risk evaluation committee or the committee on the management of products of concern over risks, may be established for each subject matter.
 - (7) Matters necessary for the formation and operation of the Evaluation Committee and the expert committees other than those set forth in subparagraphs 1 through 6 shall be prescribed by Presidential Decree.

CHAPTER II REGISTRATION OF CHEMICAL SUBSTANCE

Article 8 (Report of Manufacturing, etc. of Chemical Substance)

- (1) A person who manufactures, imports, or sells a non-phase-in substance or more than one ton per year of a phase-in substance shall report the usage of the chemical substance, the quantity thereof, etc. to the Minister of Environment every year, as prescribed by the Ordinance of the Ministry of Environment.
- (2) A chemical substance falling under any of the following shall not be subject to paragraph (1):
 1. A chemical substance that is an integral part of an imported machine;
 2. A chemical substance imported along with a machine or equipment for the purpose of a trial run;
 3. A chemical substance which is contained in a product functioning in a specific solid form and which is not released when the product is used; or

4. Other chemical substances manufactured and/or imported for the purpose of inspection or research, as prescribed by Presidential Decree.
- (3) Where there are such changes in the reported items under paragraph (1) as determined by Presidential Decree, including changes in the usage of the chemical substance, such change shall be reported as prescribed by the Ordinance of the Ministry of Environment.
- (4) Matters necessary for the report other than those set forth in paragraphs (1) through (3) shall be determined by the Ordinance of the Ministry of Environment.

Article 9 (Designation of Phase-in Substances Subject to Registration)

The Minister of Environment shall designate and notify the phase-in substances subject to registration in consideration of the following after deliberation of the Evaluation Committee, as prescribed by the Ordinance of the Ministry of Environment:

1. Quantity of the chemical substance domestically distributed; and
2. Information on the hazards or risks of the chemical substance.

Article 10 (Registration of Chemical Substances)

- (1) A person who manufactures or imports a non-phase-in substance or more than one ton per year of a phase-in substance subject to registration shall register such substance before manufacture or import: Provided, that where the Minister of Environment, after deliberation of the Evaluation Committee, designates and publicly announces a chemical substance as a substance of considerable concern in regard to severe damage to public health or the environment, such chemical substance shall be registered even if the manufacturing or import quantity is less than one ton per year.
- (2) Notwithstanding paragraph (1), a person who intends to manufacture or import a phase-in substance subject to registration may manufacture or import such without registration during the grace period for registration, as determined by Presidential Decree (hereinafter referred to as "grace period for registration").
- (3) A person who intends to make registration under paragraph (1) shall apply for the registration with the Minister of Environment as prescribed by the Ordinance of the Ministry of Environment.
- (4) The Minister of Environment shall make decisions over such registration and notify the applicant of the result within the period prescribed by the Ordinance of the Ministry of Environment after receipt of such registration under paragraph (3).
- (5) Matters necessary for the registration of chemical substances other than those set forth in paragraphs (1) through (4) shall be determined by the Ordinance of the Ministry of Environment.

Article 11 (Exemption from Registration of Chemical Substance)

- (1) A person who intends to manufacture or import any of the following non-phase-in substances or phase-in substances subject to registration may manufacture or import such without the registration under Article 10:
 1. Chemical substances falling under Article 8 (2) 1 through 3; or
 2. Other chemical substances determined by Presidential Decree, which have been confirmed for the exemption from registration by the Minister of Environment (hereinafter referred to as "confirmation of

registration exemption"), including chemical substances manufactured or imported at less than 10 tons per year to be entirely exported.

- (2) A person who intends to obtain the confirmation of registration exemption shall apply for the confirmation of registration exemption with the Minister of Environment. In such case, the Minister of Environment shall verify if the chemical substance is eligible to be exempt from registration and notify the applicant of the result, as prescribed by the Ordinance of the Ministry of Environment.
- (3) Matters necessary for the confirmation of registration exemption such as standards for the confirmation of registration exemption, other than those set forth in paragraphs (1) and (2), shall be determined by the Ordinance of the Ministry of Environment.

Article 12 (Registration or Declaration of Changes, etc.)

- (1) Where any of the following changes occurs, a person who has registered under Article 10 shall register such change as prescribed by the Ordinance of the Ministry of Environment:
 1. Where the annual manufacturing or import quantity of a registered chemical substance has been increased above the limit determined by the Ordinance of the Ministry of Environment; or
 2. Where any matter concerning the usage, hazard, risk, etc. of a registered chemical substance has been changed as prescribed by the Ordinance of the Ministry of Environment.
- (2) Where the name, location, or representative of a person who has made a registration under Article 10 is changed, such person shall declare the change as prescribed by the Ordinance of the Ministry of Environment.
- (3) Matters necessary for the registration or declaration of changes other than those set forth in paragraphs (1) and (2) shall be prescribed by the Ordinance of the Ministry of Environment.

Article 13 (Measures, etc. for Non-Performance of the Duty of Registration)

- (1) A person who manufactures or imports any chemical substance may not manufacture or import such chemical substance until he/she is notified of whether registration is made under Article 10 (4) or whether registration is exempted under Article 11 (2).
- (2) Where a person manufactures or imports any chemical substance without registration under Article 10, the Minister of Environment may order the manufacturer or importer of such chemical substance to take such necessary measures as prescribed by Presidential Decree, including suspension of manufacturing, import, use, or sale of such chemical substance, or recovery of such chemical substance.

Article 14 (Materials to be Submitted for Application for the Registration of Chemical Substance)

- (1) A person who intends to apply for the registration under Article 10 (3) shall submit the following information and data materials (hereinafter referred to as "materials for registration application") as prescribed by the Ordinance of the Ministry of Environment: Provided, that in the case of non-phase-in substances or phase-in substances subject to registration determined by Presidential Decree, part of the information and data materials need not be submitted, as prescribed by the Ordinance of the Ministry of Environment:

1. Name, location, and representative of a person who intends to manufacture or import the chemical substance;
2. Identification information of the chemical substance such as name, molecular formula, structure, etc. thereof;
3. Use of the chemical substance;
4. Classification and labeling of the chemical substance;
5. Physical and/or chemical properties of the chemical substance;
6. Information on the hazards of the chemical substance;
7. Information on risks of the chemical substance including the method of handling throughout the life cycle thereof and the exposure scenario describing the method of control and management of exposure (This shall apply only to the case where the intended manufacturing and/or import quantity of the chemical substance is more than 10 tons per year.);
8. Materials pertaining to the guidance on safe use (e.g. protective equipment, emergency measures for explosion, fire, or leak); and
9. Other materials determined by the Ordinance of the Ministry of Environment.
 - (2) The documents recording the outcome of tests conducted by any of the following institutions shall be submitted in lieu of the materials determined by the Ordinance of the Ministry of Environment from among the materials for registration application with respect to the matters set forth in paragraph (1) 5 and 6:
 1. Domestic testing institutions under Article 22 (1); or
 2. Foreign testing institutions confirmed to comply with the standard operating procedures of the OECD Good Laboratory Practice, as prescribed by the Ordinance of the Ministry of Environment.
 - (3) A person who intends to apply for the registration under Article 10 (3) may submit a plan containing test descriptions, test schedules, etc. (hereafter referred to as "test plan" in this Article) in lieu of some materials for registration application concerning the matters set forth in paragraph (1) 5 and 6, as prescribed by the Ordinance of the Ministry of Environment. In such case, the Minister of Environment shall review the appropriateness of test descriptions and schedules in the test plan and notify the manufacturer and/or importer of the details of the test, the deadline for submission of materials, etc., as prescribed by the Ordinance of the Ministry of Environment.
 - (4) Matters necessary for the method of developing details of the materials under paragraph (1), the method of testing to produce the materials for registration application concerning the matters set forth in paragraph (1) 5 and 6, the method of developing materials concerning the risk under paragraph (1) 7, and the method of developing a test plan shall be prescribed by the Ordinance of the Ministry of Environment.
 - [Enforced on January 1, 2015] Where the intended manufacturing and/or import quantity of a chemical substance is more than 100 tons a year, among the amended provisions in Article 14 (1) 7
 - [Enforced on January 1, 2017] where the intended manufacturing and/or import quantity of a chemical substance is more than 70 tons a year, among the amended provisions in Article 14 (1) 7
 - [Enforced on January 1, 2018] Where the intended manufacturing and/or import quantity of a chemical substance is more than 50 tons a year, among the amended provisions in Article 14 (1) 7

- [Enforced on January 1, 2019] Where the intended manufacturing and/or import quantity of a chemical substance is more than 20 tons a year, among the amended provisions in Article 14 (1) 7
- [Enforced on January 1, 2020] Where the intended manufacturing and/or import quantity of a chemical substance is more than 10 tons a year, among the amended provisions in Article 14 (1) 7

Article 15 (Method of Submitting Materials When Applying for Registration for Phase-in Substance Subject to Registration)

- (1) A person who intends to apply for the registration of phase-in substances subject to registration within the grace period for registration shall apply for such registration individually pursuant to Article 10 (3); however, such materials for registration application as determined by the Ordinance of the Ministry of Environment shall be jointly submitted by an appointed representative: Provided, that in any of the following cases, materials may be submitted individually after obtaining the confirmation of the Minister of Environment (hereinafter referred to as "confirmation for individual submission"):
 1. Where it is expected that a trade secret is disclosed, thereby causing considerable commercial loss;
 2. Where joint submission costs more than individual submission; or
 3. Where a case falls under causes determined by Presidential Decree.
- (2) Matters necessary for the method and process of joint submission of the materials for registration application and confirmation for individual submission shall be prescribed by the Ordinance of the Ministry of Environment.

Article 16 (Shared Use of Existing Materials for Registration Application)

- (1) A person who intends to apply for the registration under Article 10 (3) may utilize, for his/her own application for registration, the materials for registration application determined by the Ordinance of the Ministry of Environment, from among the materials that have been submitted by other registrants under Article 14 (1), with the consent of the owner thereof: Provided, that the materials for registration application that were registered more than 15 years ago may be utilized without the consent of the owner.
- (2) A person who intends to apply for the registration under Article 10 (3) may, in order to utilize existing materials for registration application, inquire of the Minister of Environment about whether the same chemical substance was registered. In such case, the Minister of Environment shall notify the inquirer of the outcome of the inquiry, as prescribed by the Ordinance of the Ministry of Environment.
- (3) Matters necessary for the shared use of the materials for registration application other than those set forth in paragraphs (1) and (2) shall be prescribed by the Ordinance of the Ministry of Environment.

Article 17 (Special Cases Concerning Vertebrate Animal Test Data)

- (1) Where there are existing data of tests on a vertebrate by a testing institution under each subparagraph of Article 14 (2) (hereinafter referred to as "vertebrate animal test data"), a person who intends to apply for the registration under Article 10 (3) shall utilize, for his/her own application for

registration, such vertebrate animal test data with the consent of the owner thereof in order to minimize animal testing: Provided, that if vertebrate animal test data were submitted as the materials for registration application and registered more than 15 years ago, said data may be utilized without the owner's consent.

- (2) Notwithstanding paragraph (1), if the owner of vertebrate animal test data refuses to give consent, a person who intends to apply for registration may not submit the materials for registration application after obtaining the confirmation of the Minister of Environment: Provided, that where it is deemed necessary for vertebrate animal test data to be submitted due to difficulty in judging a hazard, etc. of chemical substances without such data, the Minister of Environment may order the production and submission of such data within the period determined by the Ordinance of the Ministry of Environment.
- (3) A person who is requested to give consent to use of vertebrate animal test data subject to paragraph (1) shall comply with such request unless there is a justifiable reason determined by Presidential Decree to not do so.
- (4) A person who refuses to give consent to use vertebrate animal test data without a justifiable reason under paragraph (3) may not submit such vertebrate animal test data for the purpose of applying for registration.
- (5) Matters necessary for the consent to use vertebrate animal test data other than those set forth in subparagraphs 1 through 4 shall be prescribed by the Ordinance of the Ministry of Environment.

CHAPTER III HAZARD EXAMINATION AND RISK EVALUATION OF CHEMICAL SUBSTANCE

Article 18 (Hazard Examination)

- (1) The Minister of Environment shall examine the hazards of a chemical substance registered pursuant to Article 10 and notify the registrant of the result thereof.
- (2) If necessary for the examination of the hazards, the Minister of Environment may order a registrant to submit materials required to examine the hazards.
- (3) Matters concerning the hazard examination and the notification of the result thereof under paragraph (1), and the order for submission of materials under paragraph (2) shall be prescribed by the Ordinance of the Ministry of Environment.

Article 19 (Hazard Evaluation, etc.)

- (1) The Minister of Environment shall evaluate the hazards of a chemical substance deemed necessary to carry out hazard evaluation, including chemical substances that Korea is required to evaluate among the chemical substances of which hazards are to be evaluated by an international agency, as prescribed by the Ordinance of the Ministry of Environment.
- (2) A person who intends to use the outcome of hazard evaluation under paragraph (1) for the registration of chemical substances or application for hazard examination subject to foreign country's laws shall obtain the approval of the Minister of Environment therefor.
- (3) Matters necessary for approval of the use of results of hazard evaluation under paragraph (2) shall be prescribed by the Ordinance of the Ministry of Environment.

Article 20 (Designation of Toxic Substance)

For any substance that is found to have hazards as a result of hazard examination, the Minister of Environment shall designate and publicly announce such substance as a toxic substance, in accordance with the standards determined by Presidential Decree.

Article 21 (Disclosure of Results of Hazard Examination)

- (1) Upon completion of hazard examination for a chemical substance, the Minister of Environment shall publicly announce the chemical substance by name, the hazards thereof, and the toxicity thereof under Article 20, and other information determined by the Ordinance of the Ministry of Environment.
- (2) Where the name of the chemical substance to be publicly announced pursuant to paragraph (1) is subject to data protection under Article 45 (1), the Minister of Environment shall publicly announce such by a generic name until the data protection period therefor expires: Provided, that if such chemical substance falls under toxic substances under Article 20, the name of the chemical substance shall be publicly announced.
- (3) Detailed matters necessary for the public announcement under paragraphs (1) and (2) shall be prescribed by the Ordinance of the Ministry of Environment.

Article 22 (Designation, etc. of Testing Institutions)

- (1) The Minister of Environment shall designate testing institutions that can carry out tests on physical and chemical properties and hazards of chemical substances from among research institutions determined by Presidential Decree. In such case, types of tests done or items tested by such testing institution shall also be designated.
- (2) The head of a research institution that intends to be designated as a testing institution pursuant to paragraph (1) shall apply for such designation with the Minister of Environment. If he/she desires to change such important matters on his/her application as determined by the Ordinance of the Ministry of Environment, he/she shall apply for such change.
- (3) The Minister of Environment shall evaluate on a periodic basis whether the testing institution designated subject to paragraph (1) is properly operated, as prescribed by the Ordinance of the Ministry of Environment.
- (4) Matters necessary for the designation of a testing institution, the standards and processes for changes in the designation, and management standards for a testing institution other than those set forth in paragraphs (1) through (3) shall be prescribed by the Ordinance of the Ministry of Environment.

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

- (1) Where a person who has been designated as a testing institution pursuant to Article 22 falls under any of the following, the Minister of Environment shall revoke the designation of the testing institution:
 1. Where a testing institution has obtained designation by fraud or other wrongful means;
 2. Where testing business has been carried out during a period of suspension of business; or
 3. Where false test results have been produced by intent or gross negligence.
- (2) Where a person who has been designated as a testing institution pursuant to Article 22 falls under any of the following, the Minister of Environment may revoke the designation of the testing institution

or the designation for specific testing types or items, or order the suspension of such types of testing or testing on such items for a fixed period of not more than six months:

1. Where a designee is found to fall short of the standards for designation or violates management standards under Article 22 (4) as a result of the evaluation under Article 22 (3);
 2. Where a designee fails to commence the designated types of testing or testing on designated items within two years from the designation as a testing institution or has no business results continuously for more than two years without any justifiable reason; or
 3. Where a designee conducts other types of testing or testing on other items than those designated or issues a test report therefor.
- (3) Where two years have not passed since designation was revoked pursuant to paragraph (1) or (2), the designee may not be designated as a testing institution under Article 22.
 - (4) Where six months have not passed since the designation of testing types or items was revoked pursuant to paragraph (2), the designee may not be granted the designation under Article 22 for the same testing types or items.
 - (5) The criteria for the administrative measures under paragraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Environment.

Article 24 (Risk Evaluation)

- (1) The Minister of Environment shall evaluate the risk of any chemical substance falling under any of the following subparagraphs, among the chemical substances registered under Article 10, based on the result of the hazard examination thereof, as prescribed by the Ordinance of the Ministry of Environment, and notify the registrant of the result of such risk evaluation:
 1. Chemical substances of which manufacturing and/or import quantity is more than 10 tons per year; or
 2. Chemical substances deemed necessary to make risk evaluation based on the result of hazard examination.
- (2) If necessary for the risk evaluation, the Minister of Environment may order a registrant to submit materials required for the risk evaluation, as prescribed by the Ordinance of the Ministry of Environment.
- (3) The Minister of Environment may take measures necessary to minimize risks based on the risk evaluation, as determined by Presidential Decree.
- [Enforced on January 1, 2015] Where the intended manufacturing and/or import quantity of a chemical substance is more than 100 tons a year, among the amended provisions in Article 24 (1) 1
- [Enforced on January 1, 2017] Where the intended manufacturing and/or import quantity of a chemical substance is more than 70 tons a year, among the amended provisions in Article 24 (1) 1
- [Enforced on January 1, 2018] Where the intended manufacturing and/or import quantity of a chemical substance is more than 50 tons a year, among the amended provisions in Article 24 (1) 1
- [Enforced on January 1, 2019] Where the intended manufacturing and/or import quantity of a chemical substance is more than 20 tons a year, among the amended provisions in Article 24 (1) 1
- [Enforced on January 1, 2020] Where the intended manufacturing and/or import quantity of a chemical substance is more than 10 tons a year, among the amended provisions in Article 24 (1) 1

CHAPTER IV DESIGNATION AND CHANGE OF SUBSTANCES SUBJECT TO AUTHORIZATION

Article 25 (Designation of Substance Subject to Authorization)

- (1) The Minister of Environment may designate chemical substances deemed likely to have risks as a result of the hazard examination and risk evaluation or chemical substances falling under any of the following as substances subject to authorization of the Minister of Environment and make public announcement thereof prior to the manufacturing, import, or use thereof, after consultation with the head of an appropriate central administrative agency and deliberation of the Evaluation Committee. In such case, the Minister of Environment may grant the period during which such chemical substance may be manufactured, imported, and used without such authorization, as prescribed by Presidential Decree (hereafter referred to as "grace period for authorization" in this Article):
 1. Substances that cause or are likely to cause cancer, mutation, reproductive capacity disorder, or endocrine system disorder to humans;
 2. Substances that readily accumulates in the body of humans, animals, or plants, and remain in the environment for a long time; or
 3. Substances that may incur the same risk as or more severe risk than the substance under subparagraphs 1 and 2.
- (2) In designating and publicly announcing a substance subject to authorization pursuant to paragraph (1), the Minister of Environment shall include the name, usage, grace period for authorization, etc. of the substance subject to authorization.
- (3) Matters necessary for the designation and public announcement of substances subject to authorization other than those set forth in paragraphs (1) and (2) shall be determined by Presidential Decree.

Article 26 (Revocation, etc. of Designation of Substance Subject to Authorization)

- Where a substance subject to authorization falls under any of the following subparagraphs, the Minister of Environment may revoke the designation thereof or change all or part of the matters publicly announced pursuant to Article 25 (1), after deliberation of the Evaluation Committee. In such case, the revocation or change of the designation shall be publicly announced:
 1. Where a substance subject to authorization is not required to be used due to the development of a new substance or new technology to replace the substance subject to authorization;
 2. Where the use of a substance subject to authorization does not pose any risk owing to the commercialization of a new technology; or
 3. Where new scientific evidence that a substance subject to authorization does not pose any risk has been confirmed.

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

- (1) Where a chemical substance falls under any of the following substances, the Minister of Environment shall designate such chemical substance as a restricted substance or prohibited

substance after consultation with the head of an appropriate central administrative agency and deliberation of the Evaluation Committee, as determined by Presidential Decree:

1. Where a chemical substance is deemed to have risk as a result of hazard examination and risk evaluation;
 2. Where an international body, etc. recognizes that a chemical substance poses risks;
 3. Where the manufacturing, import, or use of a chemical substance is prohibited or restricted in accordance with international conventions, etc.; or
 4. Where a chemical substance falls under substances subject to authorization of which designation has been revoked for the reasons set forth in subparagraph 1 of Article 26.
- (2) In designating a restricted substance or prohibited substance, the Minister of Environment shall make advance notice of the name, expected time for such designation, etc. of the restricted substance or prohibited substance in the Official Gazette or the website: Provided, that this shall not apply to the case where an emergency measure is needed as the chemical substance poses or is likely to pose material risks to human health or the environment.
 - (3) In designating and publicly announcing a restricted substance or prohibited substance, the Minister of Environment shall include the name and prohibitions on use of the restricted substance or prohibited substance.
 - (4) Matters necessary for the designation and public announcement of a restricted substance or prohibited substance other than those set forth in paragraphs (1) through (3) shall be determined by Presidential Decree.

Article 28 (Revocation, etc. of Designation of Restricted or Prohibited Substance)

- Where a restricted substance or prohibited substance falls under any of the following subparagraphs, the Minister of Environment shall revoke the designation thereof or change all or part of the matters publicly announced pursuant to Article 27 (1), after deliberation of the Evaluation Committee. In such case, the revocation or change of the designation shall be publicly announced:
 1. Where the use of a restricted or prohibited substance does not pose any risk owing to the commercialization of a new technology; or
 2. Where new scientific evidence that a restricted or prohibited substance does not pose any risk has been confirmed.

CHAPTER V PROVISION OF INFORMATION ON CHEMICAL SUBSTANCES

Article 29 (Provision of Information on Chemical Substances)

- (1) A person who transfers a chemical substance registered pursuant to Article 10 or a preparation containing such chemical substance to a transferee shall compile and provide the information determined by the Ordinance of the Ministry of Environment, including the registration number, name of the substance, and hazards and risks, and instructions for safe use, to the transferee, as prescribed by the Ordinance of the Ministry of Environment: Provided, that in cases where the material safety data sheet under Article 41 of the Occupational Safety and Health Act is required to be prepared and provided, said information shall be recorded on the material safety data sheet.

- (2) Where the transferer under paragraph (1) repeatedly transfers the same chemical substance or preparation containing such chemical substance to the transferee on an ongoing basis, the information under paragraph (1) may only be provided at the first transfer.
- (3) If any change determined by the Ordinance of the Ministry of Environment occurs to the provided information, a transferer or a transferee under paragraphs (1) and (2) shall notify the other party of such change within one month from becoming aware of such change, as prescribed by the Ordinance of the Ministry of Environment.
- (4) The provision of information under paragraphs (1) through (3) shall apply only to the case where a chemical substance or preparation is transferred to be used or consumed as raw material of products at a place of business.
- (5) Matters necessary for the provision of information on chemical substances other than those set forth in paragraphs (1) through (4) shall be determined by the Ordinance of the Ministry of Environment.

Article 30 (Provision of Information on Downstream User, etc.)

- (1) Upon request of a manufacturer or importer of a chemical substance or preparation for the purpose of reporting on manufacturing, etc. under Article 8 (1) and registration under Article 10, a downstream user and a seller of such chemical substance or preparation shall provide him/her with information on the substance being used and/or sold such as its use, exposure, quantity used and/or sold, and instructions for safe use thereof.
- (2) Upon request of a downstream user and a seller of a chemical substance or preparation, a manufacturer or importer of such chemical substance or preparation shall provide him/her with information on the substance such as its properties, use, manufacturing or import quantity, and instructions for safe use thereof.
- (3) Matters necessary for the provision of information on chemical substances under paragraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Environment.

Article 31 (Declaration, etc. for Provision of Information on Chemical Substance)

- For the purpose of facilitating the provision of information on chemical substances under Articles 29, 30, and 35, if any change is made to the information to be provided under Articles 29, 30, and 35, the Minister of Environment shall take necessary measures, including notifying the registrant under Article 10 and the declarer under Article 32 of such change without delay, as prescribed by the Ordinance of the Ministry of Environment.

CHAPTER VI MANAGEMENT OF PRODUCT OF CONCERN OVER RISK, ETC.

Article 32 (Declaration of Product Containing Hazardous Chemical Substance)

- (1) If the total quantity of a hazardous chemical substance contained in a domestically produced or imported product exceeds one ton a year, the person who produces or imports such product shall declare to the Minister of Environment about the name, content, hazard information, and use of the

hazardous chemical substance contained in the product prior to production or import, as prescribed by the Ordinance of the Ministry of Environment: Provided, that this shall not apply to any product functioning in a specific solid form and not releasing any chemical substance therein when the product is used.

- (2) Where a product falls under any of the following subparagraphs and obtains the confirmation of declaration exemption from the Minister of Environment (hereinafter referred to as "confirmation of declaration exemption"), the product may be produced or imported without the declaration under subparagraph (1), as prescribed by the Ordinance of the Ministry of Environment:
 1. Where the exposure of a chemical substance to humans or the environment may be blocked if the product is used for general purposes; or
 2. Where a chemical substance was registered pursuant to Article 10 to be used for the product.
- (3) A person who intends to obtain the confirmation of declaration exemption shall apply for the confirmation of declaration exemption with the Minister of Environment. In such case, the Minister of Environment confirms whether the product is eligible for the confirmation of declaration exemption and notifies the applicant of the result, as prescribed by the Ordinance of the Ministry of Environment.
- (4) Matters necessary for the declaration of products containing hazardous chemical substances other than those set forth in paragraphs (1) through (3) shall be determined by the Ordinance of the Ministry of Environment.

Article 33 (Risk Evaluation, etc. of Product)

- (1) To prevent any hazardous chemical substance contained in a product from doing any harm to human health or the environment, the Minister of Environment shall carry out risk evaluation for each item of a product of concern over risks, as prescribed by the Ordinance of the Ministry of Environment.
- (2) In the case of a product of concern over risks to public health or the environment due to its being known to contain hazardous chemical substances at home and abroad, the Minister of Environment shall conduct risk evaluation without delay and determine whether such product poses risks, as prescribed by the Ordinance of the Ministry of Environment.
- (3) In conducting the risk evaluation under paragraphs (1) and (2), the Minister of Environment, where necessary, may commission a specialized agency designated by the Minister of Environment to carry out such risk evaluation.
- (4) The Minister of Environment may notify the head of an appropriate central administrative agency of the result of the risk evaluation under paragraphs (1) and (2), as prescribed by the Ordinance of the Ministry of Environment.
- (5) For the purpose of the risk evaluation under paragraphs (1) and (2), the Minister of Environment may order a producer, importer, seller, and distributor of a product to submit necessary materials or cause appropriate public officials to enter an operational site in question to collect, free of charge, a sample of the minimum amount necessary for the risk evaluation.
- (6) Any public official who enters the operational site under paragraph (5) shall carry with him/her a certificate indicating his/her authority and present it to the persons concerned.
- (7) Matters necessary for the target, standard, method, and time of the risk evaluation other than those set forth in paragraphs (1) through (6) shall be determined by the Ordinance of the Ministry of Environment.

Article 34 (Safety and Labeling Standards, etc. for Product)

- (1) Upon completion of the risk evaluation under Article 33, the Minister of Environment shall determine and publicly announce the safety and labeling standards for risks, etc. for each item of the manufactured or imported product of concern over risks.
- (2) In the safety and labeling standards under paragraph (1), hazardous chemical substances that cannot be used for a product shall be designated, or the standards for content, yield, or evaporation amount, etc. of hazardous chemical substances in a product shall be determined and publicly announced.
- (3) In determining safety and labeling standards under paragraph (1), if a container or package is likely to cause risks, the Minister of Environment may include safety standards for such container or package in the safety and labeling standards.
- (4) In determining safety and labeling standards under paragraph (1), the Minister of Environment shall undergo, in advance, consultation with the head of an appropriate central administrative agency and deliberation of the Evaluation Committee.

Article 35 (Provision of Information on Chemical Substance Contained in Product)

- (1) A person who transfers a product containing any hazardous chemical substance declared under Article 32 shall compile information on the name, use, and conditions of chemical substances contained in the product and provide such information for a transferee, as prescribed by the Ordinance of the Ministry of Environment.
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- (2) Where a consumer of a product requests the information on a product, a person who transfers the product under paragraph (1) shall provide the information on the safe use of the product, as prescribed by the Ordinance of the Ministry of Environment.
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- (3) The provisions of Articles 29 (2) through (4) or 30 shall apply mutatis mutandis to the means of providing the information on chemical substances contained in a product, etc.
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- (4) Matters necessary for the provision of information on chemical substances contained in a product other than those set forth in paragraphs (1) through (3) shall be determined by the Ordinance of the Ministry of Environment.

Article 36 (Prohibition of Sale, etc.)

- (1) No one may sell, give, or import, or display, keep, or store for the purpose of sale or gift any product that is not compliant with the safety and labeling standards for a product of concern over risks that are publicly announced under Article 34.
- (2) A person who intends to produce or import a product of concern over risks, of which safety and labeling standards under Article 34 are not publicly announced, shall submit the materials set forth in each subparagraph of Article 14 (1) with respect to chemical substances contained in the product, as prescribed by the Ordinance of the Ministry of Environment.

Article 37 (Order of Recovery, etc.)

- (1) Where sale or gift of a product of concern over risks, which is not compliant with the safety and labeling standards under Article 34, or of which safety and labeling standards are not publicly announced, is deemed likely to incur damage to human health or the environment, the Minister of Environment may order necessary measures including recovery, prohibition of sale, or disposal of the product, as prescribed by the Ordinance of the Ministry of Environment.
- (2) Where any chemical substance contained in a product of concern over risks has incurred material damage to human health or the environment, the Minister of Environment may order a manufacturer, producer, or importer of the chemical substance or the product to take emergency measures required to prevent further such damage.

CHAPTER VII SUPPLEMENTARY RULES

Article 38 (Application for Registration by Appointee by Overseas Manufacturer and Producer)

- (1) A person who manufactures or produces or intends to manufacture or produce chemical substances or products that are to be imported to Korea (hereafter referred to as "overseas manufacturer or producer" in this Article) shall appoint a person who is qualified as prescribed by the Ordinance of the Ministry of Environment to carry out the following tasks in lieu of the person who imports or intends to import the chemical substances or products:
 1. Report of the use, quantity, etc. of chemical substances under Article 8;
 2. Application for registration under Article 10 (3);
 3. Declaration under Article 32; and
 4. Other tasks prescribed by Presidential Decree.
- (2) A person who is appointed pursuant to paragraph (1) shall declare his/her appointment or dismissal by the overseas manufacturer or producer to the Minister of Environment, as prescribed by the Ordinance of the Ministry of Environment.

Article 39 (Establishment and Operation of Information Processing System for Chemical Substances)

- (1) The Minister of Environment shall implement and operate an information processing system for chemical substances in order for a person who manufactures, produces, or imports, or intends to manufacture, produce, or import chemical substances or products to electronically handle the tasks determined by Presidential Decree including report of manufacturing, etc. under Article 8, registration under Article 10 (3), or declaration under Article 32.
- (2) Matters concerning the implementation and operation of the information processing system for chemical substances under paragraph (1) shall be determined by Presidential Decree.

Article 40 (Designation and Operation of Green Chemical Center)

- (1) The Minister of Environment may designate and operate institutions determined by Presidential Decree as green chemical centers after consultation with the head of an appropriate central administrative agency in order for them to develop technologies to prevent any damage caused by hazards and risks of chemical substances.

- (2) A green chemical center under paragraph (1) (hereinafter referred to as "green chemical center") may carry out the following tasks:
 1. Produce information on chemical substances, and develop, educate, and train experts on hazard examination and risk evaluation;
 2. Develop technologies to produce information on chemical substances, conduct hazard examination and risk evaluation, and mitigate and prevent risks of chemical substances;
 3. Support industries' activities to mitigate risks of chemical substances and prevent any damage to public health and the environment caused by chemical substances; and
 4. Other tasks necessary to prevent any damage caused by hazards and risks of chemical substances.
- (3) The Minister of Environment or the head of an appropriate central administrative agency may cover all or part of costs required to conduct tasks of green chemical centers to the extent that the budget allows.
- (4) Matters necessary for the designation process and requirements and operation of green chemical centers other than those set forth in paragraphs (1) through (3) shall be determined by Presidential Decree.

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

- (1) Where a green chemical center falls under any of the following subparagraphs, the Minister of Environment shall revoke the designation or order the suspension of all or part of business for a fixed period of not more than six months: Provided, that the designation shall be revoked in cases of subparagraphs 1 and 2:
 1. Where a green chemical center has obtained designation by fraud or other wrongful means;
 2. Where tasks under any of the subparagraphs of Article 40 (2) have been carried out during the period of suspension of business;
 3. Where the designation requirements under Article 40 (4) have not been met; or
 4. Other cases determined by Presidential Decree.
- (2) Matters necessary for the revocation of designation, and standards and processes for the suspension of business under paragraph (1) shall be determined by Presidential Decree.

Article 42 (Disclosure of Information on Chemical Substances))

The Minister of Environment shall disclose information on chemical substances such as name or hazards thereof in order for the general public to readily verify and utilize the information on hazards and risks of chemical substances, as prescribed by the Ordinance of the Ministry of Environment.

Article 43 (Report and Inspection, etc.)

- (1) The Minister of Environment may order the person falling any of the following subparagraphs to report or submit materials or have public officials concerned to enter his/her facility or operational site to collect chemical substances or inspect relevant documents, facilities, and equipment:
 1. A person who manufactures or imports chemical substances;
 2. A person who is required to apply for the registration of chemical substances under Article 10 (3);

3. A person who has applied for the confirmation of registration exemption for chemical substances under Article 11 (2);
4. A person who produces or imports products containing hazardous chemical substances under Article 32 (1);
5. A person who produces or imports products of concern over risks; and
6. A person who is commissioned to do tasks by the Minister of Environment pursuant to Article 48 (2).
 - (2) Any public official who enters the operational site for inspection under paragraph (1) shall carry with him/her a certificate indicating his/her authority and present it to the persons concerned.

Article 44 (Document Record and Preservation)

- The person falling any of the following subparagraphs shall keep records and preserve matters pertaining to manufacturing, import, sale, and use of chemical substances, as prescribed by the Ordinance of the Ministry of Environment:
 1. 1. A person who has reported manufacturing, etc. of chemical substances under Article 8 (1);
 2. 2. A person who has applied for the registration of chemical substances under Article 10 (3);
 3. 3. A person who has applied for the confirmation of registration exemption of chemical substances under Article 11 (2);
 4. 4. A person who has declared products containing hazardous chemical substances under 32 (1);
 5. 5. A person who has applied for the confirmation of declaration exemption of products containing hazardous chemical substances under Article 32 (3);or
 6. 6. A person who has submitted materials concerning chemical substances contained in products of concern over risks of which safety and labeling standards are not publicly announced under Article 36 (2).

Article 45 (Data Protection)

- (1) Where a person who has submitted materials under Articles 8 (1), 11 (2), 12 (1), 14 (1), 18 (2), 24 (2), 32 (1) and (3), and 36 (2) makes a request for confidentiality for the materials including components of chemical substances, the Minister of Environment shall not disclose the materials during the period of data protection determined by Presidential Decree: Provided, that the materials which have already been disclosed or fall under the materials determined by Presidential Decree may be disclosed.
- (2) Where the material for which a request for data protection is made under the main clause of subparagraph (1) is not eligible for protection, the Minister of Environment shall notify the requester of such fact.
- (3) Matters necessary for the process to request data protection other than those set forth in subparagraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Environment.

Article 46 (Fee)

- A person who intends to conduct any of the following subparagraphs shall pay fees prescribed by the Ordinance of the Ministry of Environment:
 1. Registration of chemical substances under Article 10;
 2. Confirmation of registration exemption for chemical substances under Article 11 (2);
 3. Registration of changes in chemical substances under Article 12 (1);
 4. Approval for use of the findings of hazard evaluation under Article 19;

5. Declaration of products containing hazardous chemical substances under Article 32 (1); and/or
6. Confirmation of declaration exemption for products containing hazardous chemical substances under Article 32 (3).

Article 47 (Hearings)

If the Minister of Environment intends to revoke the designation pursuant to Articles 23 and 41, he/she shall hold a hearing thereon.

Article 48 (Delegation and 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 environment office and the head of a regional environment office, as prescribed by Presidential Decree.
- (2) The Minister of Environment may entrust part of his/her tasks under this Act to a chemical management association established pursuant to the Toxic Chemicals Control Act, as prescribed by Presidential Decree.

CHAPTER VIII PENAL PROVISIONS

Article 49 (Penal Provisions)

- A person who falls under any of the following subparagraphs shall be imprisoned for not more than seven years or fined not more than 200 million won:
 1. A person who sold or gave, or imported, displayed, kept, or stored for the purpose of sale or gift any product that is not compliant with the safety and labeling standards for a product in violation of Article 36 (1);
 2. A person who has produced or imported a product of which safety and labeling standards are not publicly announced without submitting materials or by submitting such in a fraudulent manner in violation of Article 36 (2);
 3. A person who has not fulfilled the order for such purpose as recovery, prohibition of sale, or disposal of products under Article 37 (1); or
 4. A person who has not fulfilled the order of emergency measures under Article 37 (2).

Article 50 (Penal Provisions)

- A person who falls under any of the following subparagraphs shall be imprisoned for not more than five years or fined not more than 100 million won:
 1. A person who has manufactured or imported non-phase-in substances or phase-in substances subject to registration without registering them or by registering them in a fraudulent manner in violation of Article 10 (1);
 2. A person who has not registered changes in chemical substances or registered such in a fraudulent manner in violation of Article 12 (1);
 3. A person who has violated the order to take measures under Article 13 (2);
 4. A person who has produced or imported products containing hazardous chemical substances without declaring them or by declaring them in a fraudulent manner in violation of Article 32 (1); or
 5. An appointee under Article 38 (1) who has performed the tasks under subparagraphs (2) and (3) in a fraudulent manner.

Article 51 (Penal Provisions)

- A person who falls under any of the following subparagraphs shall be imprisoned for not more than three years or fined not more than 50 million won:
 1. A person who has not reported the manufacturing, etc. of chemical substances or reported such in a fraudulent manner in violation of Article 8 (including an appointee under Article 38)
 2. A person who manufactured or imported non-phase-in substances or phase-in substances subject to registration without obtaining the confirmation of registration exemption or by obtaining such in a fraudulent manner in violation of Article 11;
 3. A person who has violated the order of submitting materials under Articles 18 (2) and 24 (2); or
 4. A person who has produced or imported products containing hazardous chemical substances without obtaining the confirmation of declaration exemption of products containing hazardous chemical substance or by obtaining such in a fraudulent manner in violation of Article 32 (3).

Article 52 (Penal Provisions)

- A person who falls under any of the following subparagraphs shall be imprisoned for not more than one year or fined not more than 30 million won:
 1. A person who has not provided information on chemical substances or provided such in a fraudulent manner in violation of Articles 29 (1) and 35 (1);
 2. A person who has not provided information or provided such in a fraudulent manner in violation of Article 30 (1) and (2); or
 3. A person who has not provided consumers with information on safe use of products or provided such in a fraudulent manner in violation of Article 35 (2).

Article 53 (Joint Penal Provisions)

Where the representative of a juristic person, or an agent, an employee, or any other employed person of the juristic person or an individual commits such a violation as prescribed in Articles 49 through 52 in connection with the affairs of said juristic person or individual, not only shall such wrongdoer be punished accordingly, but the juristic person or individual shall be fined under the respective Articles: Provided, that this shall not apply to the case where the juristic person or individual was not negligent in exercising due care and supervision over said affairs to prevent such violation.

Article 54 (Fines for Negligence)

- (1) A person who falls under any of the following subparagraphs shall be fined not more than 10 million won for negligence:
 1. A person who has not declared the change or declared such in a fraudulent manner in violation of Article 12 (2);
 2. A person who has not submitted the materials for registration application without obtaining the confirmation for individual submission in violation of Article 15 (1);
 3. A person who has not notified the changes in information or notified such in a fraudulent manner in violation of Article 29 (3);
 4. A person who has not reported, not submitted materials, submitted such in a fraudulent manner, and refused, obstructed, or avoided public officials' entry or inspection in violation of Article 43 (1); or
 5. A person who has not performed the duty of keeping records and preserving documents in violation of Article 44.

- (2) The fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Environment, as determined by Presidential Decree.

ADDENDA <Act No. 11789, May 22, 2013>

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 following dates, respectively:
 1. Where the intended manufacturing and/or import quantity of a chemical substance is more than 100 tons a year: January 1, 2015
 2. Where the intended manufacturing and/or import quantity of a chemical substance is more than 70 tons a year: January 1, 2017
 3. Where the intended manufacturing and/or import quantity of a chemical substance is more than 50 tons a year: January 1, 2018
 4. Where the intended manufacturing and/or import quantity of a chemical substance is more than 20 tons a year: January 1, 2019
 5. Where the intended manufacturing and/or import quantity of a chemical substance is more than 10 tons a year: January 1, 2020

Article 2 (Transitional Measures concerning Designation and Public Announcement of Toxic Substance, Restricted Substance, and Prohibited Substance)

Any toxic substance, restricted substance, and prohibited substance designated and publicly announced pursuant to the former Toxic Chemicals Control Act at the time this Act enters into force shall be deemed to have been designated and publicly announced as a toxic substance under Article 20 and a restricted substance or prohibited substance under Article 27.

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

- (1) A person who received the hazard examination pursuant to the former Toxic Chemicals Control Act at the time this Act enters into force shall be deemed to have completed the registration of chemical substances under Article 18 and the hazard examination under Article 18. In such case, the person shall declare such to the Minister of Environment, as determined by Presidential Decree.
- (2) Notwithstanding the latter part of paragraph (1), if a declarer falls under any of the cases set forth in the subparagraphs of Article 12 (1), he/she shall apply for the registration of changes.

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

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

Article 5 (Transitional Measures concerning Designation of Testing Institution)

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

Article 6 (Transitional Measures concerning Administrative Measure)

- (1) The revocation of designation of a testing institution or the suspension of business thereof due to any act committed prior to the enforcement of this Act, notwithstanding Article 23, shall be governed by the former Toxic Chemicals Control Act.
- (2) Any testing institution of which designation was revoked or of which business was suspended pursuant to Article 14-2 (1) or (2) of the former Toxic Chemicals Control Act at the time this Act enters into force shall be deemed to have had its designation revoked or its business suspended pursuant to Article 23 (1) or (2).

Article 7 (Transitional Measures concerning Penalties and Fines for Negligence)

The imposition of penalties and fines for negligence due to any act committed prior to the enforcement of this Act shall be governed by the former Toxic Chemicals Control Act.