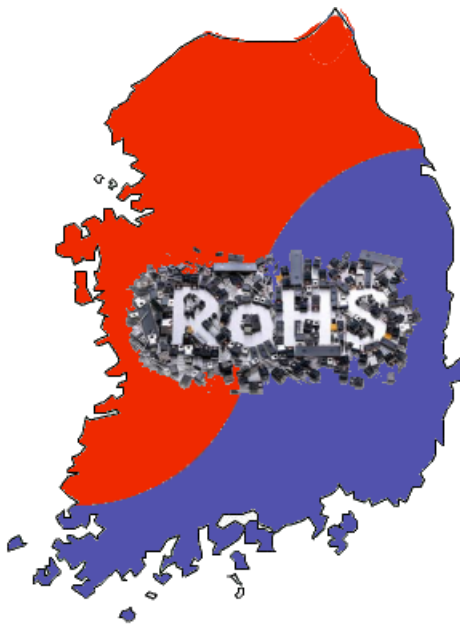


# Act for Resource Recycling of Electrical and Electronic Equipment and Vehicles – Korean RoHS, WEEE & ELV



Further Korean RoHS compliance information:  
[www.element14.com/legislation](http://www.element14.com/legislation)



Note that this Act takes precedence over earlier legislation.

The new legislation incorporates the requirements of the existing “Act on the Promotion of Saving and Recycling of Resources” which set up an Extended Producers Responsibility (EPR) System in January 2003 and already applies to 15 items; TVs, refrigerators, air conditioners, laundry machines, personal computers, audio cassettes, cellular phones, tyres, lubricating oil, fluorescent light bulbs, batteries, and four plastic packaging materials including paper packs, metal cans, glass bottles, and synthetic resins - and added printers, copy machines, and fax machines to the items which must be recycled under the EPR system in 2006. All EEE in scope of the new legislation will need to follow the Korean EPR system.

### Scope

The scope of “Korea RoHS” is defined by Article 6 in the Enforcement Ordinance and applies to the following EEE:

- Televisions
- Refrigerators
- Mobile telephone terminals (including batteries and chargers)
- Washers (limited to those for household use only)
- Personal computers (including monitors and keyboards)
- Audio equipment
- Air-conditioners
- Printers (including ink cartridges and toner cartridges)
- Copiers (including ink cartridges and toner cartridges)
- Fax machines (including ink cartridges and toner cartridges)

The following types of vehicle are also applicable:

- Passenger cars
- Vans
- Trucks less than 3.5 tons

### Background

The Act for Recycling of Electrical and Electronic Equipment and Automobiles, Bill Number 176319 (known as Korea-RoHS) passed a Second Reading in the Korean National Assembly on the 2 April 2007 and came into force on 1st January 2008. The legislative text is available in Korean and, as an unofficial translation, in English language.

The Act includes four main requirements:

- Restrictions on hazardous materials (from 1st July 2008)
- Design for efficient recycling
- Collection and recycling of WEEE
- Recycling of vehicles at end-of-life

Many of the detailed requirements are not included in the legislation and have been announced subsequently by a series of Presidential Decrees or Enforcement Ordinances. These are available only in Korean language.

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The Korean Government has indicated this is the initial scope and that other products may be included in the future. Batteries are out of scope since they are already covered by the Quality Management and Safety Control of Industrial Products Act.

## Substance restrictions

The restriction on the use of substances applies to products put on the market since 1 July 2008. It applies to the same six substances as RoHS in the European Union (EU) with the same concentration limits in homogeneous materials, i.e. Pb, Cr VI, Hg, PBB and PBDE at 0.1% and Cd at 0.01% by weight, but the PBB and PBDE restrictions do not apply to vehicles.

The Enforcement Ordinance lists essentially the same exemptions as EU RoHS although the wording is slightly different and the Deca-BDE exemption still applies in Korea at present. It is likely that Korea will copy EU RoHS exemptions although there will obviously be a delay in updating Korea RoHS to track EU exemption changes and in principal, different Korean exemptions could be added.

## Declaration of compliance with substance restriction

This is on the basis of self-declaration by producers, importers and manufacturers. The producer or importer must make a declaration to the authorities from 1 July 2008 regarding any product within the scope of the legislation which they put on the Korean market. This is a declaration either that the product complies with the substance restrictions or a declaration of a recyclability rate.

The declaration of compliance with substance restrictions must contain the following information; product name, model number, product weight, manufacturer or importer name, date of placing on the market, responsible contact details (name, contact telephone number, fax, e-mail), Corporation Registration Number, Taxpayer Identification Number, and Resident Registration Number of the Company Representative. As an example, HP has provided this information via its website. In general a submission must be made for each specific model although it is permissible to use the same declaration for very similar products, if the data

provided is the same and each individual model number covered must be listed. An authorised signatory (e.g. the Compliance Manager) must sign the declaration.

The “Compliance with the Yearly Percentage of Recyclable Content” declaration requires similar information about the company and data on the percentage recyclable and recoverable from the product.

### Declaration can be done in one of two ways:

- Entering the required information about the product on [www.ecoas.or.kr](http://www.ecoas.or.kr), the Electrical and Electronic Equipment Assurance System (only in Korean language)

or

- Provide the same information on a company website and inform the authorities.

Note that neither certification of the absence of restricted substances nor labelling of products is required.

## Recycling Obligations

The Ministry of the Environment and the Ministry of Commerce, Industry and Energy has published “Technical guidance on the improvement of materials and structures”: but this is available only in Korean language. Producers and importers will be obliged to comply, while maintaining safety and reliability of products.

### Electrical and electronic equipment specific requirements

#### Recycling:

The main requirements for Producers and importers are:

- Provide recyclability information, most easily done directly by supplying this to the Recycling Information Network (in which case it is taken to have been provided to recyclers).
- Recycle products in accordance with the “Recycling Methods and Standards by Product Categories” as prescribed by the Ministry of the Environment Ordinance.

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- Most manufacturers / importers will meet their obligations by joining an approved “Recycling Mutual Aid Association” (similar to an EU compliance scheme) but it is also possible to comply individually. In either event the party taking on the responsibility to recycle must provide exacting information concerning how they will fulfil their obligations and report regularly (similar to EU-WEEE). This is a rather onerous process for an individual producer.
- Comply with the obligatory national recycling rates
- Sellers of EEE (including retailers) are required to take back an old product when selling a new one (irrespective of the maker), and also the packaging from the new product, free of charge. Any products to be recycled must be dealt with in an approved manner by the reseller, by an individual producer / importer or by a Mutual Aid Association. In general this means meeting similar requirements for a Mutual Aid Association in terms of capability, approval and reporting.

## Vehicle specific requirements:

### Manufacturers and importers must:

- Comply with annual recycling rates and use measures such as marking, simplification of materials etc. Vehicle Recycling Associations (similar to Mutual Aid schemes)

- have been established to meet producers and importers obligations. Performance reports must be submitted to the Korean Government on a quarterly basis.
- Develop recycling technologies to meet targets and provide technical support to recyclers.

### In addition to the below:

- There shall be no disposal cost for a person disposing of a vehicle.
- Recycling must be in accordance with “Recycling Methods and Standards (Vehicles)” prescribed in a Presidential Decree.
- Recycling must be carried out by approved operators.

### Additional information on Korean RoHS:

- Documentation – Producers, importers, manufacturers, sellers and those in the recycling chain must maintain records and accounts to show they are meeting their obligations.
- Enforcement - Notice of 7 days will normally be given but inspection without notice is allowed where necessary (e.g. to stop evidence being destroyed).
- Penalties - These are defined and can be penal and financial.

### Please note:

The information contained in this guide is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No-one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

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