

# F A Q

## *(Korea RoHS/WEEE/ELV)*

### [Scope]

**[Q.1]** What does it mean by “Electrical and Electronic Equipments” and what kinds of products are included in the category? How can a company make a clear judgment on if its products are regarded as “Electrical and Electronic Equipment”?

**[A.1]** “Electrical and Electronic Equipment” means equipment or device (including components and parts thereto) operated by electric currents or electromagnetic fields. For only electrical and electronic products, the product scope of Korea RoHS is identical to that of existing environmental regulation, 「Extended Producer Responsibility」. The list of applied products is indicated on Article 6 in Enforcement Ordinance of the Act. Therefore you can identify whether the products your company produces come under “Electrical and electronic Equipment” or not referring to the list.

**[Q.2]** Does “Vehicle” mean any vehicle on the market?

**[A.2]** “Vehicle” means a vehicle (including components and parts thereto) provided in Article 2, Section 1 of the Automobile Management Act. Passenger cars, vans and trucks under 3.5 ton are included.

**[Q.3]** Are there exceptions in Korea RoHS/WEEE/ELV as in EU RoHS and ELV?

**[A.3]** Yes. Materials and parts exempted from the concentration limits of hazardous substance are listed on Annex 2 in Enforcement Ordinance, and the exceptions are expected to be similarly applied with EU RoHS.

**[Q.4]** Are semiconductors in scope?

**[A.4]** Semiconductors used as components of electrical or electronic products indicated in Enforcement Ordinance, Article 6 come under the scope. However, as there are exceptions made under economic and technical consideration, companies should check if their products are in scope when they comply with Korea RoHS.

**[Q.5]** Are medical devices in scope?

[A.5] Korea RoHS does not cover medical products yet. But they can be covered in the future as EPR scope is extended. Therefore, continuous monitoring is needed.

[Q.6] Is Aerospace in scope?

[A.6] No, it is not. However, continuous monitoring is needed as medical devices can be covered in the future according to extension of EPR scope.

[Q.7] Is industrial equipment in scope?

[A.7] Industrial equipment or products are not covered. Consumer products and some office supplies are covered in Korea RoHS currently. However, as the scope is expected to be extended, continuous monitoring is needed.

[Q.8] Is this act applied to electrical and electronic products used inside vehicles?

[A.8] If the product can be used in itself beside the main function, it is not included in the scope. However, if the product is used as only designated usage in vehicles, it is in scope.

[Q.9] Are components for A/S and secondhand products in scope?

[A.9] It is not stated clearly in the act. However, it is under discussion that products marketed before certain date shall not have compliance obligations considering legal delay. A legal delay has not been promulgated yet. Approving use of secondhand products is also under discussion now, and there is positive expectation for the approval.

[Q.10] Are batteries in scope?

[A.10] No, they are not. Regulations regarding batteries are covered in 「Quality Management and Safety Control of Industrial Products Act」.

[Q.11] Is Korea RoHS a regulation for final products as EU RoHS is? What about products or components provided by supply chains?

[A.11] In principle, EU RoHS covers final products. However, supply chains are required to comply with certain provisions regarding components they supply, which is applied to Korea RoHS as well.

[Q.12] Is it expected that the scope will be extended?

[A.12] Yes it is. At this stage, Korea RoHS will be come into effect based on applied items of EPR. However, the scope of electrical and electronic products is expected to be

extended.

### **[Restriction on the use of hazardous substances]**

**[Q.13]** Which substances are restricted for use? Are homogeneous materials supposed to be analyzed?

**[A.13]** Korea RoHS bans the placing on the Korean market of new electrical and electronic equipment containing more than agreed levels of lead, cadmium, mercury, hexavalent chromium, polybrominated biphenyl (PBB) and polybrominated diphenyl ether (PBDE) flame retardants. In case of vehicles, use of four major heavy metals, lead, mercury, hexavalent chromium, and cadmium is restricted. The level of regulated concentration indicated in Enforcement Ordinance, Annex 1 is identical to that of EU RoHS and ELV.

**[Q.14]** Is there a standard for analysis methods of hazardous substances promulgated?

**[A.14]** No. there is not. Therefore, before a standard is promulgated, analysis can be conducted based on common methods used internationally. The standard is expected to be identical to that of EU RoHS.

**[Q.15]** Is use of hazardous substances in packing materials restricted?

**[A.15]** Korea RoHS does not cover regulations on packing materials. There is a separate law regulating use of packing materials in Korea.

### **[Recycling Method]**

**[Q.16]** What is the difference between “Recyclability Rate” and “Recycling Rate”?

**[A.16]** “Recyclability Rate” means targeted rate for recycling which should be considered in designing process of products, and “Recycling Rate” refers to targeted rate which should be complied in actual recycling process. Recyclability rate and recycling rate for each product are indicated in Enforcement Ordinance and Enforcement Regulations.

**[Q.17]** How can ‘Recycling (Recyclability) Rate’ be calculated? Is the rate notified regularly?

**[A.17]** Target ‘Recycling(Recyclability) Rate’ is indicated with consideration about technical level of industries. Target rates are calculated according to the computation

standard in Enforcement, Annex3, go through deliberation of committee, and finally announced before the relevant year begins. As target rates are different by years and products, every case should be checked in Enforcement Ordinance and Enforcement Regulations.

**[Q.18]** What is ‘Technical Guidance on the Improvement of Materials and Structure’?

**[A.18]** In the guidance, details about how to achieve target recycling rate by improving materials and structure are presented. The contents include the use of easily recyclable materials, simplification of materials, marking of material information and easy disassembly and dismantling.

**[Q.19]** Can a company use any kind of authorized recycling agency if it is impossible to establish internal recycling system?

**[A.19]** Producers and/or importers can either recycle collected waste directly or implement obligations by joining into Recycling Mutual Aid Association.

**[Q.20]** How much does it cost to join Recycling Mutual Aid Association? What is the payment procedure?

**[A.20]** Considering cost for product recycling, allotted charges are calculated. Calculation standard and payment procedure are regulated by the association.

**[Q.21]** What are ‘Recycling Requirement Implementation Plan’ and ‘Recycling Requirement Implementation Report’?

**[A.21]** Manufacturers or importers of electrical and electronic equipment or a Recycling Mutual Aid Association should submit a ‘Recycling Requirement Implementation Plan’ to the Ministry of Environment for authorization. After a plan is approved, manufacturers or importers should submit ‘Recycling Requirement Implementation Report’ to Ministry of Environment. Submission procedure of ‘Recycling Requirement Implementation Plan’ is mentioned in Enforcement Ordinance, Article 14 and that of ‘Recycling Requirement Implementation Report’ is indicated in Article 16.

#### **[Declaration of Compliance]**

**[Q.22]** Is whether a company complies with the regulation or not confirmed by self-declaration like in EU? Is there certification process like China RoHS?

**[A.22]** Producers and importers of electrical and electronic equipment and vehicles shall

make self-declaration on their compliance with the concentration limits of hazardous substances or recyclability rate of their products. Declaration method is to notify the fact on Operation and Management System and company homepages. Details about declaration are mentioned in Enforcement Ordinance, Annex 1. There is no provision about certification, but producers or importers who do not comply with the regulation are subject to punishment of confinement or fine payment.

**[Q.23]** Does self-declaration of a company have to be made for each product?

**[A.23]** In principle, declaration is to be made for each product. However, products which have similar product spec or version can be integrated for one declaration. In those cases, model names of each product should be stated on declaration form.

**[Q.24]** Is it regulated that products should be labeled about hazardous substance content and recyclability?

**[A.24]** There is no provision about labeling. Producers and importers are subject to voluntary confirmation and declaration.

**[Q. 25]** For how long will the record of recycling performance be kept?

**[A. 25]** Record of recycling performance shall be kept for 5 years since the last record is made. It shall be kept by years.

**[Q. 26]** How is supervision of implementation made?

**[A. 26]**Supervision will be conducted by Korea Environment & Resources Corporation, and concrete process is under discussion.

**[Schedule]**

**[Q.27]** When is the enforcement date?

**[A.27]** Korea RoHS will come into effect from January 1, 2008.

**[Q.28]** Is enforcement date corresponding to the date when products are released on the market or the date when products are actually manufactured?

**[A.28]**Currently, Korea RoHS is applied to products marketed or imported after January 1, 2008. However, considering requests from related industries, it is under discussion that the regulation should be applied from the date when products are manufactured.

**[Current Status]**

**[Q.29]** When will the Enforcement Ordinance and Enforcement Regulations be promulgated?

**[A.29]** The Act passed deliberation of the National Assembly in April 2007, and opinion collection about Enforcement Ordinance and Enforcement Regulation is in progress now in September 2007. Promulgation is expected to be made in October or November in 2007 according to discussion among ministries and offices.

**[Q.30]** Are English versions of the Act, Enforcement Ordinance and Enforcement Regulations available?

**[A.30]** Because they are official papers for Korean law, papers written in English are not published by Korean government. Eco Frontier distributed English version of the act for free, and are selling English version of Enforcement Ordinance and Enforcement Regulations.

[End of Document]

**For Further Information**

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