



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY IN EUROPE

KOREA

The [Korean Waste Management Act of 2008](#) originally created a duty of care similar to the UK, although with fewer administratively defined requirements. After 2015, there is an additional duty to check vendors, as set out below.

“Article 3-2 (Basic Principles of Waste Management) (1) *The company shall minimize the generation of waste by improving the production method of the product, and minimize the discharge of waste by recycling the generated waste by itself.*

2) If anyone discharges waste, appropriate measures should be taken in advance so as not to endanger the environment or the health of the residents.

3) Waste should be treated appropriately for environmental protection and national health protection, such as reducing the quantity and harmfulness in the treatment process.

4) Any person who causes environmental pollution due to waste shall be responsible for restoring the polluted environment and shall bear the cost of remedying the damage caused by pollution.

5) The wastes generated in Korea should be treated in Korea if possible, and the import of waste should be restrained as much as possible.

6) Waste should be recycled first, rather than disposed of such as incineration or landfill, to contribute to the improvement of resource productivity.

Link: <http://www.moleg.go.kr/english/korLawEng?pstSeq=47552>

Additionally the 2008 law provides:

“Article 13 (Criteria for Disposal of Waste) ① *Anyone who disposes of wastes shall follow the standards and methods prescribed by [Presidential Decree](#) .*

But by [2015](#), this duty has been made more explicit:

“Article 17 (Duties of Waste Generators of Workplace Waste)

3. In order to entrust disposal of wastes in accordance with Article 18 (1), waste wastes from the workplace shall be disposed of by the consignee in accordance with the waste disposal standards and methods in accordance with Article 13 or the waste recycling principles and regulations in accordance with Article 13-2. And to check whether they have the ability to do so, as determined by the Ordinance of the Ministry of Environment.

[Korea Waste Management Act as amended \(through 2017\).](#)

This appears to be an obligation that goes beyond simply checking their legal status, as it was already illegal to give wastes to an unlicensed third-party.

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