

## **CHAPTER V-2 MANAGEMENT OF BROADCASTING AND COMMUNICATIONS EQUIPMENT**

### **SECTION 1 Conformity Assessment of Broadcasting and Communications Equipment**

#### **Article 58-2 (Conformity Assessment of Broadcasting and Communications Equipment)(1)**

Any person who intends to manufacture, sell, or import broadcasting and communications equipment, and machinery which causes electromagnetic interference or is affected by electromagnetic waves (hereinafter referred to as "broadcasting and communications equipment, etc.") shall, with regard to the relevant equipment, obtain certification of conformity under paragraph (2), registration of conformity under paragraphs (3) and (4), or interim certification under paragraph (7) (hereinafter referred to as "conformity assessment") in accordance with the following standards (hereinafter referred to as "technical requirements for conformity assessment"): <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. Technology requirements provided for in Articles 37 and 45;
2. Technical requirements for human exposure to electromagnetic wave under Article 47-2;
3. Technical requirements for electromagnetic compatibility under Article 47-3 (1);
4. Technical requirements under Article 28 of the Framework Act on Broadcasting Communications Development;
5. Technical requirements provided for in Articles 61, 68, and 69 of the Telecommunications Business Act;
6. Technical requirements provided for in Article 79 of the Broadcasting Act;
7. Technical requirements that the Minister of Science and ICT is mandated by other statutes to set with regard to broadcasting and communications equipment, etc.

(2) Any person who intends to manufacture, sell, or import equipment which is likely to cause harm to the spectrum environment, the broadcasting and communications networks, etc., equipment which causes significant electromagnetic interference, or equipment affected by electromagnetic waves to the extent that its normal function is compromised, shall obtain certification of conformity for the equipment from the Minister of Science and ICT, after undergoing tests on standards for conformity assessment conducted by a designated testing body under Article 58-5. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(3) Any person who intends to manufacture, sell, or import broadcasting and communications equipment, etc., which is not subject to certification of conformity under paragraph (2), shall verify whether the relevant equipment meets the technical requirements for conformity assessment, after undergoing tests on technical requirements for conformity assessment

conducted by a designated testing body under Article 58-5, and register such fact with the Minister of Science and ICT: Provided, That as for the equipment specified by Presidential Decree in consideration of defect rates, etc., he/she may conduct self-tests, or undergo tests conducted by a testing body, other than those designated under Article 58-5, to register with the Minister of Science and ICT. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(4) A person who has filed for registration under paragraph (3) (hereinafter referred to as "registration of conformity") shall display documents proving that the relevant equipment meets the technical requirements for conformity assessment.

(5) When any person who has undergone conformity assessment under paragraphs (2) and (3) intends to revise matters related to such assessment, he/she shall file a report with the Minister of Science and ICT. In such cases, when revisions to matters related to the technical requirements for conformity assessment, among the matters he/she intends to revise, are included, he/she shall undergo conformity assessment under paragraphs (2) and (3), with regard to the relevant matters. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(6) When any person who has undergone conformity assessment intends to sell or lease the relevant equipment, display (including posting on the web-site; hereinafter the same shall apply), keep, or transport the relevant equipment for the purpose of selling or leasing it, or install the relevant equipment in a radio station or a broadcasting and communications network, he/she shall indicate the fact that he/she has undergone conformity assessment on the relevant equipment and the packaging thereof.

(7) In any of the following cases in which it is impracticable to conduct conformity assessment under paragraph (2) or (3) due to a lack of technical requirements for the conformity assessment of broadcasting and communications equipment, etc. or on any other grounds, the Minister of Science and ICT may allow the manufacture, import, and sale of the relevant equipment (hereinafter referred to as "interim certification") by attaching conditions, such as a region or the effective term, after conducting conformity assessment in accordance with the relevant domestic or international standards, specifications, and technical requirements: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. If the relevant equipment does not cause harm to the use of a network; for example, if it does not disturb a broadcasting and communications network;
2. If the relevant equipment does not cause harm to the spectrum environment; for example, if it does not cause radio wave interference;
3. If there is no hazard in using the relevant equipment; for example, if there is no hazard to the life or property of users.

(8) When technical requirements for conformity assessment of the relevant equipment are established or a cause making it impracticable to conduct the conformity assessment ceases to exist, a person who has obtained interim certification under paragraph (7) shall undergo conformity assessment under paragraph (2) or (3) within a prescribed period.

(9) When any person who has obtained interim certification fails to undergo conformity assessment within the period set under paragraph (8), the interim certification shall become invalid.

(10) Except as otherwise expressly prescribed in paragraphs (1) through (9), necessary matters concerning the technical requirements for conformity assessment and the subjects, methods and procedures of the conformity assessment and reports on revisions shall be prescribed by Presidential Decree. <Amended on Jun. 3, 2014; Mar. 27, 2015>

[This Article Newly Inserted on Jul. 23, 2010]

**Article 58-3 (Exemption from Conformity Assessment)**(1) Any of the following machinery prescribed by Presidential Decree may be exempt from all or part of the conformity assessment: <Amended on Apr. 7, 2011; Aug. 4, 2011; Mar. 23, 2013; Dec. 22, 2015; Jul. 26, 2017>

1. Where machinery only limited to the purpose of use for testing, research, technology development or display is manufactured or imported;
2. Where machinery is not manufactured for domestic demand, but exclusively for exports;
3. Where the Minister of Science and ICT grants interim certification under Article 58-2 (7) and a person who requests interim certification submits the test results of the relevant machinery, which is conducted by a designated testing body under Article 58-5;
4. Where any of the following machinery undergoes conformity assessment concerning electromagnetic interference and electromagnetic susceptibility under related statutes or regulations, which corresponds to the assessment under this Act:
  - (a) Items certified pursuant to Article 15 of the Industrial Standardization Act;
  - (b) Deleted; <Dec. 22, 2015>
  - (c) Deleted; <Jan. 27, 2016>
  - (d) Automobiles that have conducted self-certification under the Motor Vehicle Management Act;
  - (e) Firefighting equipment that have obtained type approval under the Installation, Maintenance, and Safety Control of Firefighting Systems Act;
  - (f) Medical devices that have obtained permission or have filed a report by item category or item under the Medical Devices Act.

(2) Matters necessary for the methods of, and procedures for exemption from conformity assessment shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Jul. 23, 2010]

**Article 58-4 (Revocation of Conformity Assessment)**(1) When any person who has undergone conformity assessment falls under any of the following, the Minister of Science and ICT may revoke the conformity assessment of the relevant equipment or issue an order to take necessary measures, such as improving, correcting, collecting, removing, or destroying the relevant equipment, or ceasing to manufacture, importing, selling, or using the relevant equipment: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. Where the relevant broadcasting and communications equipment, etc. no longer complies with the technical requirements for conformity assessment;
2. Where he/she fails to indicate conformity assessment or indicate conformity assessment in a fraudulent manner;
3. Where he/she fails to file a report on revised matters concerning conformity assessment;
4. Where he/she fails to display related documents, in violation of Article 58-2 (4).

(2) When any person who has undergone conformity assessment falls under any of the following, the Minister of Science and ICT shall revoke the conformity assessment of the relevant equipment, as prescribed by Presidential Decree: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. When he/she undergoes conformity assessment by fraud or other improper means;
2. When he/she fails to comply with an order to take necessary measures, such as an improvement order under paragraph (1).

(3) No person, for whom measures to revoke conformity assessment are taken, may undergo the conformity assessment of the relevant equipment for such a period, not exceeding one year after such assessment is revoked, as prescribed by Presidential Decree.

[This Article Newly Inserted on Jul. 23, 2010]

**Article 58-5 (Designation of Testing Bodies)**(1) The Minister of Science and ICT may designate corporations satisfying the following requirements as a testing body that performs testing affairs for conformity assessment: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. To have facilities and human resources necessary for testing for conformity assessment;
2. To have quality control regulations in line with the international technical requirements;
3. To meet other requirements deemed necessary for securing the objectivity and fairness of testing by the Minister of Science and ICT.

(2) When any testing institution designated under paragraph (1) (hereinafter referred to as "designated testing body") intends to revise designated matters by halting the designated testing-related affairs for a certain period of time or repealing part of the designated testing-related affairs, or to repeal all of the designated testing-related affairs, they shall apply for revisions to the designated matters or the repeal of the designated testing-related affairs to the Minister of Science and ICT. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(3) When any person, other than a designated testing body, intends to succeed to the status as a designated testing body by acquiring or merging with a designated testing body, he/she shall obtain approval from the Minister of Science and ICT in advance. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(4) The Minister of Science and ICT may order a specialized examination institution prescribed by Presidential Decree to examine requirements for the designation of testing bodies. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(5) Matters necessary for the procedures and methods of examination and designation (including revision, repeal and approval) of testing institutions under paragraphs (1) through (4) shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Jul. 23, 2010]

**Article 58-6 (Inspection of Designated Testing Bodies)**(1) To inspect whether a designated testing body is performing its duties as required, the Minister of Science and ICT may request the testing body to submit relevant data, as prescribed by Presidential Decree, or order public officials under its jurisdiction to inspect relevant offices or business places of the testing body, or other places as needed. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(2) When inspection of a designated testing body is conducted under paragraph (1), the provisions of Article 71-2 (3) and (4) shall apply mutatis mutandis to the prior notification of inspection plans, the presentation of identification, etc.

(3) Matters necessary for the procedures and methods of the inspection of designated testing bodies shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Jul. 23, 2010]

**Article 58-7 (Revoking Designation of Testing Bodies)**(1) When any designated testing body fails to observe matters prescribed by Presidential Decree, such as testing procedures and the management of measurement facilities, the Minister of Science and ICT may order such body to take corrective measures. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(2) When any designated testing body falls under any of the following, the Minister of Science and ICT may order such body to suspend all or some of its duties for a specified period not to exceed one year, as prescribed by Presidential Decree: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. When it carries out testing affairs inaccurately by intention or gross negligence;
2. When it refuses, obstructs or evades requests for the submission of data or inspection, etc. under Article 58-6 (1) without justifiable grounds;
3. When it is no longer qualified for designation under Article 58-5 (1);
4. When it fails to carry out testing-related affairs without good cause;
5. When it fails to comply with corrective orders issued under paragraph (1).

(3) When any designated testing body falls under any of the following, the Minister of Science and ICT shall revoke the designation thereof: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. When it is designated by fraud or other improper means;
2. When it carries out testing-related affairs during the period of business suspension;
3. When a designated testing body, which has already received two or more orders to suspend business for violating paragraph (2), once again violates the same paragraph and thereby providing a reason to suspend its business.

(4) Matters necessary for corrective orders under paragraphs (1) through (3) and administrative disposition etc. shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Jul. 23, 2010]