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## MINIMUM WAGE ACT

[Enforcement Date 01. Jan, 2019.] [Act No.15666, 12. Jun, 2018., Partial Amendment]

고용노동부 (근로기준정책과) , 044-202-7535

### CHAPTER I GENERAL PROVISIONS

**Article 1 (Purpose)** The purpose of this Act is to stabilize employees' life and to improve the quality of the labor force by guaranteeing a certain minimum level of wages to employees, thereby contributing to the sound development of the national economy.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 2 (Definition)** The terms "employee", "employer" and "wages" in this Act mean the employee, employer and wages prescribed in Article 2 of the Labor Standards Act.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 3 (Scope of Application)** (1) This Act shall apply to all kinds of business or workplaces which employ employees (hereinafter referred to as "business"): Provided, That this Act shall not apply to business which only employs relatives living together with the employer and to persons employed for housekeeping.

(2) This Act shall not apply to seafarers subject to the Seafarers Act and to ship owners employing such seafarers.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

### CHAPTER II MINIMUM WAGE

**Article 4 (Criteria for Determination and Classification of Minimum Wage)** (1) The minimum wage shall be determined taking into account the cost of living of employees, the wages of similar employees, the labor productivity, the distribution of income, etc. In such cases, the minimum wage may be determined by type of business.

(2) The classification by type of business under paragraph (1) shall be determined by the Minister of Employment and Labor, subject to the deliberation by the Minimum Wage Commission under Article 12.

<Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 5 (Minimum Wage Amount)** (1) The minimum wage (referring to the smallest amount of wage set out in law; hereinafter the same shall apply) shall be expressed in hourly, daily, weekly, or monthly terms. In such cases, where the minimum wage is determined in daily, weekly, or monthly terms, the amount shall also be expressed as an hourly rate.

(2) The minimum wage different from that set forth in paragraph (1) may be offered to a person for whom three months have not passed since the beginning of his/her probation at work under a one-year or

longer labor contract, as prescribed by Presidential Decree: Provided, That this shall not apply to those engaged in simple labor falling under any of the job categories determined and publicly notified by the Minister of Employment and Labor. <Amended by Act No. 14900, Sep. 19, 2017>

(3) Where wages are usually fixed on a piecework basis or in any other similar manner, and where it is deemed inappropriate to determine the minimum wage in the manner prescribed in paragraph (1), the minimum wage may be determined separately for each piecework, as prescribed by Presidential Decree. [This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 5-2 (Conversion of Wages for Application of Minimum Wage)** Where the unit period used to determine the wage of an employee subject to the minimum wage is different from the unit period used to determine the minimum wage under Article 5 (1), the methods to calculate the wage of the relevant employee on the basis of the unit period of the minimum wage shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 6 (Effect of Minimum Wage)** (1) Each employer shall pay employees covered by the minimum wage, at least the minimum wage amount or more.

(2) No employer may lower the previous wage level on the ground of the minimum wage determined under this Act.

(3) Where a labor contract between an employer and an employee covered by the minimum wage provides for a wage below the minimum wage amount, the relevant stipulation concerning the wage shall be null and void and the invalidated part shall be considered to stipulate that the same wage as the minimum wage amount determined under this Act shall be paid.

(4) Wages regularly paid at least once per month shall be included in the wages referred to in paragraphs (1) and (3): Provided, That none of the following wages shall be included: <Amended by Act No. 15666, Jun. 12, 2018>

1. Wages, other than those paid for the contractual working hours under Article 2 (1) 8 of the Labor Standards Act (hereinafter referred to as "contractual working hours") or the contractual working days, which are prescribed by Ordinance of the Ministry of Employment and Labor;
2. Bonuses and others equivalent thereto, which amount to 25/100 of the monthly conversion amount calculated based on the hourly minimum wage amount of the relevant year, among the monthly payment amount of wages prescribed by Ordinance of the Ministry of Employment and Labor;
3. Any of the following wages for subsidy for living or welfare of employees, such as food, accommodation, and transportation expenses:
  - (a) Wages, other than those paid in a currency;
  - (b) Parts corresponding to 7/100 of the monthly conversion amount calculated based on the hourly minimum wage amount of the relevant year, among the monthly payment amount of wages paid in a currency.

(5) Notwithstanding paragraph (4), the scope of wages included in the minimum wage of drivers in taxi transport business pursuant to Article 3 of the Passenger Transport Service Act and subparagraph 2 (c) of Article 3 of the Enforcement Decree of the same Act shall be wages prescribed by Presidential Decree other than the wages calculated on the basis of the output.

(6) Paragraphs (1) and (3) shall not oblige any employer to pay wages for the hours or days which an employee has not worked due to any of the following reasons:

1. Where an employee has not worked the contractual working hours or contractual working days due to the employee's own reason;

2. Where an employer has not let an employee work the contractual working hours or contractual working days for a justifiable reason.

(7) In cases of performing a project on a piecework basis, when a contractor pays employees wages below the minimum wage amount due to any reason for which a contractee is liable, both the relevant contractee and contractor shall be jointly and severally liable therefor.

(8) The scope of reasons for which a contractee is liable under paragraph (7) shall be as follows:

1. An act of a contractee which sets the unit price of labor costs below the minimum wage when entering into the contract;
2. An act of a contractee which lowers the unit price of labor costs below the minimum wage during the term of the contract.

(9) Where a project is performed under a contract for work made at least twice, "contractor" in paragraph (7) and "contractee" in paragraphs (7) and (8) shall be construed as "subcontractor" and "immediate upper tier contractor (a contractor who directly awards a subcontract to a subcontractor)", respectively.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

#### Article 6-2 (Special Cases concerning Procedures for Amending Employment Rules to Include Minimum Wages)

Where an employer intends to amend employment rules to change wages paid for a period exceeding one month to wages paid monthly without a change in the total amount in order to include in wages included pursuant to Article 6 (4), notwithstanding Article 94 (1) of the Labor Standards Act, he/she shall hear the opinion of a trade union if there is such trade union composed of the majority of the employees in the business or workplace concerned, or otherwise hear the opinion of the majority of the said employees if there is no trade union composed of the majority of the employees.

[This Article Newly Inserted by Act No. 15666, Jun. 12, 2018]

#### Article 7 (Exclusion from Application of Minimum Wage)

@Article 6 shall not apply to any of the following persons for whom the employer has obtained authorization from the Minister of Employment and Labor, as prescribed by Presidential Decree: <Amended by Act No.10339, Jun. 4, 2010>

1. An employee with a very limited working capacity due to a mental or physical disability;
2. Other employees to whom it is deemed inappropriate to apply the minimum wage.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

### CHAPTER III DETERMINATION OF MINIMUM WAGE

Article 8 (Determination of Minimum Wage)(1) The Minister of Employment and Labor shall determine the minimum wage by August 5 of every year. In such cases, the Minister of Employment and Labor shall request deliberation by the Minimum Wage Commission under Article 12 (hereinafter referred to as the "Commission") as prescribed by Presidential Decree, and shall determine the minimum wage according to the minimum wage proposal which has been deliberated on and decided by the Commission.

<Amended by Act No. 10339, Jun. 4, 2010>

(2) Where the Commission receives a request for deliberating on the minimum wage under the latter part of paragraph (1), it shall do so and shall decide a minimum wage proposal to submit it to the Minister of Employment and Labor within 90 days from the date of receipt of the request for deliberation. <Amended by Act No. 10339, Jun. 4, 2010>

(3) If the Minister of Employment and Labor deems it difficult to determine a minimum wage according to the minimum wage proposal which is deliberated on and submitted by the Commission under paragraph (2), he/she may request, within 20 days, the Commission to redeliberate on the proposal for a fixed period of at least 10 days, indicating the reasons for such request. <Amended by Act No. 10339, Jun. 4, 2010>

(4) The Commission shall, upon receiving a request for redeliberation under paragraph (3), redeliberate on the proposal and submit the result thereof to the Minister of Employment and Labor within the prescribed period. <Amended by Act No. 10339, Jun. 4, 2010>

(5) If the Commission redecides the initial minimum wage proposal referred to in paragraph (2) in making a redeliberation under paragraph (4) with attendance of a majority of all members and by the concurrent vote of 2/3 of the members present, the Minister of Employment and Labor shall decide the minimum wage according to the proposal. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 9 (Raising of Objection to Minimum Wage Proposal)**(1) When the minimum wage proposal is submitted to the Minister of Employment and Labor by the Commission under Article 8 (2), the Minister of Employment and Labor shall publicly notify the proposal, as prescribed by Presidential Decree.

<Amended by Act No. 10339, Jun. 4, 2010>

(2) If a representative of employees or employers has any objection to the minimum wage proposal publicly notified under paragraph (1), the representative may raise an objection to the Minister of Employment and Labor, as prescribed by Presidential Decree, within 10 days from the date the minimum wage proposal is publicly notified. In such cases, the scope of a representative of employees or employers shall be prescribed by Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

(3) If the Minister of Employment and Labor deems an objection raised under paragraph (2) to be reasonable, he/she shall request the Commission to redeliberate on the minimum wage proposal under Article 8 (3), specifying the contents of the objection. <Amended by Act No. 10339, Jun. 4, 2010>

(4) With respect to the minimum wage proposal on which a request for redeliberation has been made under paragraph (3), the Minister of Employment and Labor shall not determine the minimum wage until the Commission submits a minimum wage proposal redeliberated on and decided under Article 8 (4).

<Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 10 (Public Notice and Taking Effect of Minimum Wage)**(1) When the Minister of Employment and Labor determines the minimum wage, he/she shall publicly notify its contents without delay.

<Amended by Act No. 10339, Jun. 4, 2010>

(2) The minimum wage publicly notified under paragraph (1) shall enter into force beginning on January 1 of the next year: Provided, That the Minister of Employment and Labor may, if deemed necessary, may determine a separate effective date by each type of business, taking into consideration the wage bargaining period, etc. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 11 (Obligation to Give Notice)**Any employer to whom the minimum wage applies shall notify the employees of the relevant minimum wage by displaying it at a conspicuous place or by using other appropriate means, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

## CHAPTER IV MINIMUM WAGE COMMISSION

**Article 12 (Establishment of Minimum Wage Commission)**The Minimum Wage Commission shall be established under the Ministry of Employment and Labor for the deliberation of minimum wage and other important matters related thereto. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 13 (Functions of Commission)**The Commission shall perform the following functions: <Amended by Act No. 10339, Jun. 4, 2010>

1. Deliberation or redeliberation on the minimum wage;
2. Deliberation on classification by type of business to which the minimum wage is applicable;
3. Research and suggestions for the development of the minimum wage system;
4. Deliberation on other important matters related to the minimum wage, which are referred by the Minister of Employment and Labor to meetings.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 14 (Composition of Commission)**(1) The Commission shall be comprised of the following members:

1. Members who represent employees (hereinafter referred to as "employee members"): Nine members;
2. Members who represent employers (hereinafter referred to as "employer members"): Nine members;
3. Members who represent the public interest (hereinafter referred to as "public interest members"): Nine members.

(2) The Commission shall have two permanent members, who are to become public interest members.

(3) The term of office of a member shall be three years, and the consecutive appointment may be permitted.

(4) Where a vacancy occurs, the term of office of any members filling the vacancy shall be the remaining period of his/her predecessor's term.

(5) On the expiration of a term of office, a member shall continue to perform his/her duties until his/her successor is appointed or commissioned.

(6) Matters necessary for qualifications, appointment, commission, etc. of members shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 15 (Chairperson and Vice-Chairperson)**(1) The Commission shall have one Chairperson and one Vice-Chairperson.

(2) The Chairperson and the Vice-Chairperson shall be elected by the Commission from among the public interest members.

(3) The Chairperson shall exercise overall control over affairs of the Commission and represent the Commission.

(4) When the Chairperson is unable to perform his/her duties due to unavoidable reasons, the Vice-Chairperson shall act on behalf of the Chairperson.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 16 (Special Members)**(1) The Commission may appoint up to three special members from among the public officials of relevant administrative agencies.

(2) Special members may attend and speak at meetings of the Commission.

(3) Matters necessary for qualifications, commission, etc. of special members shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 17 (Meetings)**(1) Meetings of the Commission shall be convoked by the Chairperson in any of the following cases: <Amended by Act No. 10339, Jun. 4, 2010>

1. Where the Minister of Employment and Labor requests the convocation of a meeting;
2. Where at least 1/3 of all the members request the convocation of a meeting;

3. Where the Chairperson deems necessary to convoke a meeting.

(2) The Chairperson shall preside over meetings of the Commission.

(3) Except as otherwise provided in this Act, the Commission shall make a decision with attendance of a majority of all members and by the concurrent vote of a majority of members present.

(4) For decision-making under paragraph (3), the Commission shall have attendance of at least 1/3 of employee members and employer members, respectively: Provided, That the same shall not apply where employee members or employer members fail to attend without justifiable reasons even after the issuance of two or more summons.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 18 (Hearing of Opinion)** If deemed necessary to perform its duties, the Commission may hear the opinion of the employees, employers and other relevant persons.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 19 (Technical Committee)** (1) If deemed necessary, the Commission may establish a technical committee by type of business or specific matter.

(2) A technical committee shall perform the functions prescribed in any of the subparagraphs of Article 13, with part of the Commission's authority delegated.

(3) A technical committee shall be comprised of an equal number of members, each not exceeding five employee members, employer members, and public interest members, respectively.

(4) Matters concerning the operation, etc. of the Commission under Articles 14 (3) through (6), 15, 17 and 18 shall apply mutatis mutandis to a technical committee. In such cases, the "Commission" shall be deemed a "technical committee".

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 20 (Secretariat)** (1) The secretariat shall be established with the Commission to manage its affairs.

(2) The secretariat may have up to three researchers for the investigation and research into technical matters necessary for deliberation on minimum wages, etc.

(3) Matters necessary for qualifications, appointment and allowances of researchers, and the organization and operation of the secretariat shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 21 (Allowance of Members)** Any member of the Commission or technical committees may be paid allowances and travel expenses, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 22 (Operational Regulations)** The Commission may enact regulations concerning the operation of the Commission and technical committees to the extent that the regulations do not violate this Act.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

## CHAPTER V SUPPLEMENTARY PROVISIONS

**Article 23 (Survey of Living Expenses and Wage Conditions)** The Minister of Employment and Labor shall survey the living expenses, actual wage conditions, etc. of employees each year. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 24 (Support by Government)** The Government shall make its best effort to furnish the relevant data and to give any other necessary assistance to employees and employers in order to ensure the efficient application of the minimum wage system.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 25 (Reports)** The Minister of Employment and Labor may request employees or employers to report on matters relating to wages, within the scope necessary for the enforcement of this Act. [<Amended by Act No. 10339, Jun. 4, 2010>](#)

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 26 (Authority of Labor Inspector)**(1) The Minister of Employment and Labor shall have a labor inspector take charge of the matters relating to the enforcement of this Act under Article 101 of the Labor Standards Act, as prescribed by Presidential Decree. [<Amended by Act No. 10339, Jun. 4, 2010>](#)

(2) In order to exercise the authority prescribed in paragraph (1), a labor inspector may enter workplaces, demand presentation of accounting books and documents, inspect other articles, and ask relevant persons any question.

(3) A labor inspector who enters workplaces and conducts inspection under paragraph (2) shall carry with him/her an identification card indicating his/her status, and present it to relevant persons.

(4) A labor inspector shall discharge the duties of a judicial police officer, as prescribed by the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of Their Duties, on any crime committed in violation of this Act.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 26-2 (Delegation of Authority)**@Part of the authority of the Minister of Employment and Labor under this Act may be delegated to the head of a regional employment and labor office, as prescribed by Presidential Decree. [<Amended by Act No. 10339, Jun. 4, 2010>](#)

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 27 Deleted.** [<by Act No. 8364, Mar. 21, 2008>](#)

## CHAPTER VI PENALTY PROVISIONS

**Article 28 (Penalty Provisions)**(1) A person who has paid to one's employee a wage below the minimum wage amount or reduced previously-paid wages in line with the minimum wage rates, in violation of Article 6 (1) or (2), shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 20 million won. In such case, both the imprisonment with labor and fine may be imposed concurrently. [<Amended by Act No. 11278, Feb. 1, 2012>](#)

(2) Notwithstanding the corrective order issued by a labor inspector instructing a contractee to fulfill a joint and several liability after such liability came into existence as prescribed in Article 6 (7), where such contractee fails to fulfill such liability within the time limit for correction, he/she shall be punished by imprisonment with labor for not more than two years, or by a fine not exceeding 10 million won. [<Newly Inserted by Act No. 11278, Feb. 1, 2012>](#)

(3) A person who fails to hear opinions in violation of Article 6-2 shall be punished by a fine not exceeding five million won. [<Newly Inserted by Act No. 15666, Jun. 12, 2018>](#)

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

**Article 29 Deleted.** [<by Act No. 5888, Feb. 8, 1999>](#)

**Article 30 (Joint Penalty Provisions)**(1) If a representative of a corporation, or agent, employee or other servant of a corporation commits an offence under Article 28 in connection with the business of the corporation, not only shall such offender be punished, but also the corporation shall be punished by a fine under the relevant provisions.

(2) If a representative of an individual, or agent, employee or other servant of an individual commits an offence under Article 28 in connection with the business of the individual, not only shall such offender be punished, but also the individual shall be punished by a fine under the relevant provisions.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

[Article 31 \(Administrative Fines\)](#)(1) Any of the following persons shall be punished by an administrative fine not exceeding one million won:

1. A person who fails to notify employees of the relevant minimum wage through appropriate means prescribed in Article 11, in violation of the same Article;
2. A person who fails to report on the matters related to wages under Article 25 or make a false report;
3. A person who refuses, interferes with or evades a demand or inspection by a labor inspector under Article 26 (2) or falsely answers a question.

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Employment and Labor, as prescribed by Presidential Decree. [<Amended by Act No. 10339, Jun. 4, 2010>](#)

(3) A person dissatisfied with the disposition of an administrative fine under paragraph (2) may raise an objection to the Minister of Employment and Labor within 30 days from the date the person is notified of such disposition. [<Amended by Act No. 10339, Jun. 4, 2010>](#)

(4) Where a person who has been subject to the disposition of an administrative fine under paragraph (2) raises an objection under paragraph (3), the Minister of Employment and Labor shall, without delay, notify such objection to the competent court, which in turn shall proceed to a trial on the administrative fine pursuant to the Non-Contentious Case Procedure Act. [<Amended by Act No. 10339, Jun. 4, 2010>](#)

(5) Where neither an objection is raised nor an administrative fine paid within the period under paragraph (3), the administrative fine shall be collected in the same manner as delinquent national taxes are collected.

[This Article Wholly Amended by Act No. 8964, Mar. 21, 2008]

[+](#) [ADDENDA <Act No. 4575, Aug. 5, 1993>](#)

(1) (Enforcement Date) This Act shall enter into force on January 1, 1994.

[+](#) [ADDENDA <Act No. 5474, Dec. 24, 1997>](#)

[Article 1 \(Enforcement Date\)](#)

[+](#) [ADDENDA <Act No. 5888, Feb. 8, 1999>](#)

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

[+](#) [ADDENDA <Act No. 6278, Oct. 23, 2000>](#)

(1) (Enforcement Date) This Act shall enter into force one month after the date of its promulgation.

[+](#) [ADDENDA <Act No. 7563, May 31, 2005>](#)

(1) (Enforcement Date) This Act shall enter into force on September 1, 2005: Provided, That the amended provisions of Article 5 (2) 2 shall enter into force on January 1, 2007, and paragraph (3) of the Addenda shall enter into force on July 1, 2005.

[+](#) [ADDENDUM <Act No. 7827, Dec. 30, 2005>](#)

This Act shall enter into force on March 1, 2006.

[+](#) [ADDENDA <Act No. 8372, Apr. 11, 2007>](#)

[Article 1 \(Enforcement Date\)](#)

[ADDENDA <Act No. 8818, Dec. 27, 2007>](#)

The enforcement date of this Act shall be as follows:

[ADDENDA <Act No. 8964, Mar. 21, 2008>](#)

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the enforcement date of the amended provisions of Article 6 (5) shall be as follows:

[ADDENDA <Act No. 10339, Jun. 4, 2010>](#)

[Article 1 \(Enforcement Date\)](#)

[ADDENDUM <Act No. 11278, Feb. 1, 2012>](#)

This Act shall enter into force on July 1, 2012.

[ADDENDA <Act No. 14900, Sep. 19, 2017>](#)

[Article 1 \(Enforcement Date\)](#)

[ADDENDA <Act No. 15666, Jun. 12, 2018>](#)

[Article 1 \(Enforcement Date\)](#)

This Act shall enter into force on January 1, 2019.

[Article 2 \(Special Cases concerning Application of Effect of Minimum Wages\)](#)

(1) Notwithstanding the amended provisions of Article 6 (4) 2, the following ratios shall apply, in lieu of “25/100” prescribed in the same subparagraph:

1. 20/100 for the year 2020;
2. 15/100 for the year 2021;
3. 10/100 for the year 2022;
4. 5/100 for the year 2023;
5. 0/100 from the year 2024.

(2) Notwithstanding the amended provisions of Article 6 (4) 3, the following ratios shall apply, in lieu of “7/100” prescribed in item (b) of the same subparagraph:

1. 5/100 for the year 2020;
2. 3/100 for the year 2021;
3. 2/100 for the year 2022;
4. 1/100 for the year 2023;
5. 0/100 from the year 2024.