

KOREA, REPUBLIC**Plant Protection Act, 2004**Source: <http://www.ipfsaph.org>

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| Wholly amended By | 1995. 12. 6 | Act No. 5021 |
| Amended By | 1996. 8. 8 | Act No. 5153 |
| Amended By | 1999. 2. 5 | Act No. 5758 |
| Amended By | 1999. 2. 5 | Act No. 5764 |
| Amended By | 2002. 5. 13 | Act No. 6696 |
| Amended By | 2004. 1. 29 | Act No. 7136 |

**CHAPTER I
GENERAL PROVISIONS**

Article 1 (Purpose)

The purpose of this Act is to contribute to the security and promotion of agricultural and forest production, by prescribing the necessary matters on the quarantine of imported and exported plants and domestic plants, and on the pest control of animals and plants inflicting harms on the plants.

Article 2 (Definitions)

The definitions of the terms used in this Act shall be as follows: <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

1.The term "plants" shall mean such categories as the seed plant, fern, moss, mushroom, and their seeds, fruits and processed products (referring to what are prescribed by the Ordinance of the Ministry of Agriculture and Forestry, that are simply processed to the extent of not changing the original nature of plants), which exclude the harmful plants under subparagraph 3;

2.The term "harmful animals" shall mean the insects, mites, nematodes, snails, and other invertebrates inflicting harms on the plants;

3.The term "harmful plants" shall mean such plant pathogens as the eumycetes, myxomycetes, bacteria, and virus, etc. and the parasitic plants and weeds (including their seeds), which directly or indirectly inflict harms on the plants;

4.The term "control pests or diseases" shall mean the pests or diseases falling under each of the following items, whose extent of inflicting harms on the plants is deemed to be great unless such measures as disinfection or disposal are taken, from among the harmful animals and plants (hereinafter referred to as the "pests or diseases"):

(a) Pests or diseases of such importance as having a concern over latently inflicting a great economic damage, against which a business of predicting their outbreak and other measures for pest control are being conducted while they do not exist in the country or are spread to some regions, which are determined by the Ordinance of the Ministry of Agriculture and Forestry (hereinafter referred to as "quarantine pests or diseases"); and

(b) Non-quarantine pests or diseases controlled in the country since they inflict damages of economically-unadmittable extent on the plants for cultivation, which are determined by the Ordinance of the Ministry of Agriculture and Forestry (hereinafter referred to as "control non-quarantine pests or diseases");

5. The term "temporary control pests or diseases" shall mean the pests or diseases which have been first detected in the quarantine course for imported plants or are under analyses of risks from pests or diseases under Article 8, against which such measures as disinfection and disposal are temporarily taken corresponding to the control pests or diseases;

6. The term "non-quarantine pests or diseases" shall mean the pests or diseases excluding the control and temporary control pests or diseases, which are designated by the Minister of Agriculture and Forestry; and

7. The term "plants, etc." shall mean the plants and the containers or packages to put the plants in or to pack them.

Article 3 (Plant Disinfection Officials)

(1) Plant disinfection officials may be assigned to the Ministry of Agriculture and Forestry, and the plant disinfection officials who are the local public officials may be assigned to the Special Metropolitan City, Metropolitan City or Do (hereinafter referred to as the "City/Do") in order to let them deal with the duties of quarantine or pest control under this Act. <Amended by Act No. 5153, Aug. 8, 1996>

(2) Qualifications and selection procedures for the plant disinfection officials pursuant to paragraph (1), and other necessary matters shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

Article 4 (Authority of Plant Disinfection Officials)

(1) The plant disinfection official may inspect the plants, etc. the lands, storing places, warehouses, business places, vessels, vehicles, or aircraft, etc., all of which are doubtful of being stuck by the control pests or diseases, temporary control pests or diseases, or the pests or diseases subject to pest control under Article 20 (3), and those which are doubtful of having the prohibited items under Article 7 (1). <Amended by Act No. 6696, May 13, 2002>

(2) When the plant disinfection official has, as a result of his inspection under paragraph (1), detected the control pests or diseases, temporary control pests or diseases, or the pests or diseases subject to pest control under Article 20 (3), or discovered the prohibited items under Article 7 (1), he may order the owners of relevant plants, etc., lands, storing places, warehouses, business places, vessels,

vehicles, or aircraft, etc., or their agents to whom a disposal authority has been delegated (hereinafter referred to as the "agent") to conduct the disinfection, disposal, and other necessary measures under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

(3) When the plant disinfection official deems it necessary for the inspection under paragraph (1), he may gain access to the lands, storing places, warehouses, business places, vessels, vehicles, or aircraft, etc. required for the relevant inspection, or interrogate the interested parties, and collect free of charge the minimum quantity of test samples required for the inspection. <Newly Inserted by Act No. 6696, May 13, 2002>

Article 5 (Production of Certificate)

When the plant disinfection official performs his duties under this Act, he shall carry a voucher indicating his authority, and produce it to the persons concerned.

CHAPTER II QUARANTINE OF IMPORTED AND EXPORTED PLANTS

Article 6 (Import Restrictions)

(1) Any person intending to import the plants, etc. shall be prohibited from any imports, unless he attaches the inspection certificate, or its copy, issued by a government agency of the exporting state, whereto entered the fact of verification that no control pests or diseases are stuck to such plants as a result of inspection: Provided, That the same shall not apply to the cases where the plants, etc. are imported from a state having no government agency for plant quarantine, where they are imported as a hand luggage, where they are imported as a postal matter, and other cases prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

(2) Plants, etc. and the prohibited items whose import is possible under Article 7 (2) shall not be imported through any other places than harbors, airports, railway stations and other places prescribed by the Ordinance of the Ministry of Agriculture and Forestry (hereinafter referred to as "quarantine place"), except for the case of importing as a postal matter. <Amended by Act No. 6696, May 13, 2002; Act No. 7136, Jan. 29, 2004>

(3) Deleted. <by Act No. 6696, May 13, 2002>

(4) When the Minister of Agriculture and Forestry deems that any situations occurred which require an urgent control of pests or diseases, such as there exists a concern over the inflow of control pests or diseases into the country because of their outbreak in a specific district of a foreign state, he may temporarily restrict any import of the plants, etc. which have been produced or shipped from the relevant districts or passed through such districts. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999>

(5) The Minister of Agriculture and Forestry may restrict any import of the plants from the state which has failed to conduct the inspection or disinfection measures demanded under Article 13 (4). <Newly Inserted by Act No. 5764, Feb. 5, 1999>

Article 7 (Prohibition of Import)

(1) Goods, etc. falling under any of the following subparagraphs (hereinafter referred to as "prohibited items") shall not be imported: <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

1.Plants growing in the areas distributed with such pests or diseases as are deemed, as a result of the analysis of risks from pests or diseases under Article 8, to inflict a great damage on the domestic plants if they are flowed into the country, and those passing through the relevant areas. In this case, the Ordinance of the Ministry of Agriculture and Forestry shall prescribe the pests or diseases, areas and plants subject thereto;

2.Pests or diseases;

3.Soil as specified by the Ordinance of the Ministry of Agriculture and Forestry or plants stuck by soil; and

4.Containers or packages of the goods, etc. under the provisions of subparagraphs 1 through 3.

(2) Prohibited items may be imported in case where they fall under any of the following subparagraphs, notwithstanding the provisions of paragraph (1): <Newly Inserted by Act No. 6696, May 13, 2002>

1.Where the Minister of Agriculture and Forestry has granted permit for the purpose of offering prohibited items to the test and research, or to the international exhibition approved by the Government;

2.Where the exporting state has presented a means of annihilating the pests or diseases inhabiting the relevant plants under paragraph (1) 1, for which the Minister of Agriculture and Forestry has admitted that there exists no concern over causing any damages to domestic plants as a result of the analysis of risks from the pests or diseases under Article 8, in regard to whether or not the said means are pertinent; and

3.Where any person intending to import for the first time the pests or diseases under paragraph (1) 2 for the purpose of biological pest control or for that specified by the Minister of Agriculture and Forestry, has furnished the well-founded data indicating that the relevant pests or diseases do not harm the plants or the means of risk management, and where the Minister of Agriculture and Forestry has admitted that there exists no concern over causing any damages to domestic plants as a result of analysis of risks from the pests or diseases under Article 8, in regard to whether or not the said data or means are pertinent.

(3) The Minister of Agriculture and Forestry may impose such conditions as import method, management method after import and other requirements on the prohibited items whose import is possible under paragraph (2). <Newly Inserted by Act No. 6696, May 13, 2002; Act No. 7136, Jan. 29, 2004>

Article 8 (Analysis of Risks from Pests or Diseases)

(1) When any pests or diseases flow into the country, the Minister of Agriculture and Forestry shall, in order to prevent any economic losses, etc. which may be incurred in agricultural crops, natural environment, etc., perform the analysis and assessment of any risks from the pests or diseases (hereinafter referred to as "analysis of risks from the pests or diseases") to evaluate the extent of such risks and devise the schemes capable of reducing the extent of such risks. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6696, May 13, 2002>

(2) Methods and procedures for the analysis of risks from the pests or diseases, and other necessary matters shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

Article 9 (Inspection of Imported Plants, etc.)

(1) Any person who imports the plants, etc. or the prohibited items under Article 7 (2) shall promptly file a report thereon with the head of an agency in charge of plant quarantine to be established in the Ministry of Agriculture and Forestry (hereinafter referred to as the "national plant quarantine agency"), and undergo an inspection by the plant disinfection official in regard to whether or not he violates Article 6 (1) or the matters of import restriction under paragraphs (4) and (5) of the same Article, whether the said plants, etc. or prohibited items are prohibited from import, or whether there exist any control pests or diseases: Provided, That the same shall not apply to the case where they have undergone the inspection under paragraph (3), and where they have been imported as the postal matters. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

(2) Deleted. <by Act No. 7136, Jan. 29, 2004>

(3) When the plant disinfection official has been doubtful of an existence of any control pests or diseases in the imported plants, etc. or prohibited items, and has deemed that there exists a concern over a prevalence of such control pests or diseases, he may gain access to the vessels, vehicles or aircraft to inspect the relevant plants, etc. or prohibited items before the customs clearance. <Amended by Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

(4) When the head of post office who performs the duties related to the customs clearance procedures has received any postal matters which contain the plants, etc. or prohibited items or are doubtful of containing them, he shall promptly notify the head of the national plant quarantine agency of such facts.

(5) Any plant disinfection official in receipt of a notification from the head of post office under paragraph (4), shall inspect the relevant postal matters. In this case, if it is deemed necessary for the inspection, he may open and inspect the relevant postal matters in the presence of the relevant post officials.

(6) Any person, who has received the postal matters containing the plants, etc. or prohibited items which failed to undergo the inspection under paragraph (5), shall promptly file a report on such fact with the head of the national plant quarantine

agency by appending such postal matters, and undergo an inspection by the plant disinfection official.

(7) In case where it is deemed difficult to judge whether or not there exist any control pests or diseases as a result of the inspection of such seeds as prescribed by the Ordinance of the Ministry of Agriculture and Forestry under paragraphs (1), (3), (5) and (6), the plant disinfection official may order the owner of relevant seeds or his agent to perform an isolated cultivation and perform an inspection at such cultivation place, or may perform such inspection by having a portion of relevant seeds cultivated isolatedly in the national plant quarantine agency. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

(8) Matters necessary for the report under paragraph (1) and the method and procedure, etc. for inspections through an isolated cultivation under paragraph (7), shall be determined by the Ordinance of the Ministry of Agriculture and Forestry. <Newly Inserted by Act No. 6696, May 13, 2002>

Article 9-2 (Designation of Plant Inspection Places, etc.)

(1) The inspection by plant disinfection officials provided for in the main sentence of Article 9 (1) shall be performed in places designated by the head of the national plant quarantine agency (hereinafter referred to as the "inspection places").

(2) Any person who intends to have a place designated as an inspection place shall have facilities, etc. necessary to perform the inspection meeting the standards set by the Ordinance of the Ministry of Agriculture and Forestry.

(3) Necessary matters concerning procedures for designation referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(4) Any person who has had a place designated as an inspection place shall manage such inspection place under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(5) Any designated storage area provided for in Article 169 of the Customs Act and any customs-inspection place provided for in Article 173 of the same Act shall be deemed to have received a designation of inspection place.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 9-3 (Revocation of Designation of Inspection Place, etc.)

(1) The head of the national plant quarantine agency may, in the cases where falling under any of the following subparagraphs, order any person who has had a place designated as an inspection place to take correctional measures:

1. Where his inspection place fails to meet the designation requirements provided for in Article 9-2 (2); and

2. Where he fails to adhere to the management standards provided for in Article 9-2 (4).

(2) The head of the national plant quarantine agency may, in the cases where falling under any of the following subparagraphs, revoke the designation of inspection

place: Provided, That in the case of subparagraph 1, the designation shall be revoked:

1. Where any person has had his inspection place designated by means of falsity and illegality;
2. Where any person has failed to execute an order given to take correctional measures under paragraph (1); and
3. Where any inspection place is no longer needed to be maintained on the grounds of a decrease in the import of plants, etc. and for other reasons.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 10 (Measures such as Disinfection and Disposal, and Certificate of Passing Inspection)

(1) In case where it falls under any of the following subparagraphs as a result of the inspection under Article 9 (1) or (3), the plant disinfection official shall order the owner of relevant plants, etc. or prohibited items or his agent to dispose of or return them under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry:

1. Where the certificate of inspection issued by a government agency of the exporting state under the main sentence of Article 6 (1), or its copy, has not been attached;
2. Where having violated the import restrictions under Article 6 (4) or (5);
3. Where having imported the prohibited items in contravention of Article 7 (1);
4. Where having imported the prohibited items without obtaining a permit under Article 7 (2) 1; and
5. Where having imported the prohibited items in contravention of Article 7 (2) 2 or 3.

(2) In case where it falls under any of the following subparagraphs as a result of the inspection under Article 9 (5) and (6), the plant disinfection official shall order the owner of relevant plants, etc. or prohibited items or his agent to dispose of or return them under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry:

1. Where having violated the import restrictions under Article 6 (4) or (5);
2. Where having imported the prohibited items in contravention of Article 7 (1);
3. Where having imported the prohibited items without obtaining a permit under Article 7 (2) 1; and
4. Where having imported the prohibited items in contravention of Article 7 (2) 2 or 3.

(3) Plant disinfection officials shall order the owner or his agent to dispose of or return the plants, etc. or the prohibited items falling under any of the following subparagraphs under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry: <Amended by Act No. 7136, Jan. 29, 2004>

1. The plants, etc. or the prohibited items that have been imported through other place than the quarantine place in violation of Article 6 (2);

2.The plants, etc. or the prohibited items that have failed to undergo their inspection provided for in Article 9 (1) or have undergone their inspection by means of falsity and illegality; and

3.The plants, etc. or the prohibited items that have failed to undergo their inspection provided for in Article 9 (6) or have undergone their inspection by means of falsity or illegality.

(4) In case where any control pests or diseases have been detected as a result of the inspection under Article 9 (1), (3), (5) through (7), the plant disinfection official shall order the owner of relevant plants, etc. or prohibited items from which the control pests or diseases have been detected, or his agent to disinfect, dispose of or return them according to the details of disposition decided upon as a result of analysis of risks from the pests or diseases. In case where any temporary control pests or diseases have been detected, the said official may order the owner of relevant plants, etc. or prohibited items from which the control pests or diseases have been detected, or his agent to disinfect, dispose of, or return them. <Amended by Act No. 7136, Jan. 29, 2004>

(5) Notwithstanding the provisions of paragraphs (1) through (4), the plant disinfection official may disinfect or dispose of the plants, etc. or prohibited items by himself, in case where they fall under any of the following subparagraphs:

1.Where it is judged to be efficient if the plant disinfection official deals directly with the plants, etc. or prohibited items which are imported in a small quantity as a postal matter or as a hand luggage, and a consent has been obtained from the relevant owner or his agent;

2.Where the owner or his agent subjected to the order under paragraphs (1) through (4) fails to comply with such order, not later than the period specified by the Ordinance of the Ministry of Agriculture and Forestry; and

3.Where it is impossible to issue an order under paragraphs (1) through (4) due to the reasons that the owner or his agent is obscure or his whereabouts is unknown.

(6) No claims for the compensation shall be filed against the quality damages, harmful effects of medicines, and other damages equivalent thereto, which have been incurred by any disinfection or disposal by an order of the plant disinfection official under paragraphs (1) through (5), or by his own direct execution under an adequate performance of duties.

(7) In case where the plant disinfection official disinfects or disposes of the plants, etc. or prohibited items by himself under paragraph (5), he may claim the expenses required therefor to the relevant owner or his agent.

(8) The plant disinfection official shall issue a certificate of passing the inspection for the plants, etc. which are not in contravention of Article 6 (1), (4) and (5), or 7, or which are deemed to be not stuck with any control pests or diseases and temporary control pests or diseases, as the results of inspections under Article 9 (1), (3), (5) through (7): Provided, That he shall issue the certificate of passing the inspection for the plants, etc. imported as a hand luggage only in the case where there exists any request from the importer. <Amended by Act No. 7136, Jan. 29, 2004>

(9) Matters necessary for the claims for expenses for the disinfection or disposal under paragraph (7), and for the issuance of a certificate of passing the inspection under paragraph (8), shall be specified by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Wholly Amended by Act No. 6696, May 13, 2002]

Article 11 (Inspection of Exported Plants, etc.)

(1) Any person who intends to export plants, etc., shall undergo the inspection by the plant disinfection official as to whether the relevant plants, etc. satisfy the matters demanded by the importing state, and shall not export them unless being passed as a result of such inspection: Provided, That the same shall not apply to the plants, etc. which are exported as the postal matters, or for which the importing state does not demand any certificate of passing an inspection, and other plants, etc. specified by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

(2) The Minister of Agriculture and Forestry shall publicly announce the matters demanded by the importing state under paragraph (1). <Amended by Act No. 5153, Aug. 8, 1996>

(3) Any inspection under paragraph (1) shall be performed at the place where the national plant quarantine agency is located: Provided, That in case where any person intending to undergo the inspection desires to undergo it at the cultivation place, etc. of the plants, etc. subject to an inspection, and when the plant disinfection official deems that the relevant place, etc. is suitable for a place for inspection, the inspection may be performed at such a cultivation place, etc.

(4) In case where the plant disinfection official deems it necessary for complying with the demand by the importing state, he may reinspect the plants, etc. which have undergone the inspection under paragraph (1).

Article 12 (Inspection Methods, etc.)

Methods of the inspections under Articles 9 through 11, the criteria for the administrative dispositions taken as a result of inspection, fees for inspection, and other necessary matters, shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

Article 13 (Inspection, etc. of Plants, etc. to be Imported in Exporting State)

(1) The Minister of Agriculture and Forestry may let the plant disinfection official take an official trip to the exporting state and inspect the plants, etc. to be imported (hereinafter referred to as the "spot inspection") in case where it falls under any of the following subparagraphs: <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

1. Where the exporting state requests that the Korean plant disinfection official perform the inspection in the relevant state prior to the export, for the purpose of exporting the plants, etc. of the relevant state;

2. Where the plants under Article 7 (1) 1 are imported pursuant to paragraph (2) 2 of the same Article; and

3. Where the Minister of Agriculture and Forestry deems it necessary for preventing the inflow of any other control pests or diseases.

(2) Inspection methods necessary for any spot inspection under paragraph (1) and any other matters required for the inspection shall be decided on and publicly announced by the Minister of Agriculture and Forestry, by applying mutatis mutandis the methods, etc. of inspections under Article 12. <Amended by Act No. 5153, Aug. 8, 1996>

(3) The provisions of Article 9 (3) or (7) shall not be applicable to the plants, etc. accompanied by the certificate of passing an inspection, which indicates the result of the spot inspection under paragraphs (1) and (2). <Amended by Act No. 7136, Jan. 29, 2004>

(4) The Minister of Agriculture and Forestry may demand the exporting state to perform the inspection or disinfection measures for the plants to be imported from the state which is distributed with the control pests or diseases. In this case, the state and the plants subject to such demand shall be determined by the Minister of Agriculture and Forestry. <Newly Inserted by Act No. 5764, Feb. 5, 1999>

CHAPTER III

QUARANTINE OF FOREIGN PLANTS, ETC. THAT PASS THROUGH KOREA

Article 13-2 (Approval for Passing Through Korea)

(1) Foreign plants, etc. or prohibited items that have to pass through Korea shall be permitted only to be transported between quarantine places.

(2) Any owner or his agent who intends to truck his foreign plants, etc. or prohibited items in Korea shall obtain approval for trucking them in Korea from the head of the national plant quarantine agency having jurisdiction over the quarantine place of their departure.

(3) Any person who intends to obtain approval for trucking his foreign plants, etc. or prohibited items in Korea in accordance with paragraph (2) shall take the safety measures for their quarantine (hereinafter referred to as the "safety measures") under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry in connection with the transportation of his foreign plants, etc. or prohibited items and file an application therefor with the head of the national plant quarantine agency.

(4) The head of the national plant quarantine agency shall, upon receiving the application for approving the transportation of the foreign plants, etc. or prohibited items in Korea under paragraph (3), get plant disinfection officials to inspect such foreign plants, etc. or prohibited items and deliver a written approval for trucking them in Korea to the relevant applicant when it is recognized that the applicant has taken the safety measures, and control pests and diseases and the temporary control pests and diseases are not found on the outsides of the truck.

(5) Necessary matters concerning the application for approving transportation in Korea referred to in paragraph (3), and the inspection and the delivery of the written approval for transportation in Korea, referred to in paragraph (4) shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 13-3 (Transportation Period in Korea)

Foreign plants, etc. or the prohibited items for which approval is granted for their transportation in Korea (hereinafter referred to as the "transit goods") in accordance with Article 13-2 (2) shall arrive at a quarantine place that is their transportation destination within 7 days from the date on which the written approval is delivered for transporting them in Korea (hereinafter referred to as the "transit period"): Provided, That the head of the national plant quarantine agency may, if it is deemed necessary on the grounds of disaster and other inevitability, extend the transit period under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 13-4 (Report on Problems Arising in Safety Measures)

(1) Any person who has obtained approval for transportation in Korea in accordance with Article 13-2 (2) shall, when problems arise in the safety measures of the transit goods on the grounds of disaster or vehicle accident, etc., make a report without delay to the head of the national plant quarantine agency thereon, who has granted the approval for the transportation.

(2) Necessary matters concerning ways and procedures for making the report on problems in the safety measures, etc. referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 13-5 (Investigation and Control of Diseases and Insect Pests Following Problems in Safety Measures)

(1) The head of the national plant quarantine agency shall, upon receiving any report on problems in the safety measures in accordance with Article 13-4 (1), investigate without delay the cause of such problems in the safety measures and whether or not the control pests or diseases or the temporary control pests or diseases are spreading or are feared to spread: Provided, That in the event that the area in which problems in the safety measures arise is outside the area of his jurisdiction he shall promptly notify the head of the national plant quarantine agency having jurisdiction over the area in question in order for the latter to investigate the case.

(2) The head of the national plant quarantine agency who has conducted the investigation in accordance with paragraph (1) shall, if he deems that the control pests or diseases or the temporary control pests or diseases are spreading or are feared to spread, take emergency measures to control and eradicate the control pests or diseases or the temporary control pests or diseases.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 13-6 (Prohibition from Outflow of Transit Goods in Korea)

Any person who has obtained approval for trucking the transit goods in Korea in accordance with Article 13-2 (2) shall be prohibited from draining them in Korea.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 13-7 (Report on Arrival of Transit Goods)

(1) Any person who has obtained approval for trucking transit goods in Korea in accordance with Article 13-2 (2) shall, when the transit goods arrive in their quarantine place that is their destination, promptly make a report thereon to the head of the national plant quarantine agency having jurisdiction over the quarantine place.

(2) Necessary matters concerning ways and procedures, etc. for making the arrival report referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 13-8 (Check of Transit Goods)

Plant disinfection officials may check the transit goods in order to confirm whether or not problems exist in the safety measures of the transit goods under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry until such transit goods are shipped out of Korea.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 13-9 (Order Given to Take Disposition for Disinfection and Disposal, etc.)

(1) Plant disinfection officials may, in the cases falling under any of the following subparagraphs, order the owner of the transit goods or his agent to disinfect, dispose of, return or ship them out of Korea under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry:

1. Where the transit goods fail to arrive at a quarantine place that is their destination within the transit period;
2. Where it is recognized that the control pests or diseases or the temporary control pests or diseases are spreading or are feared to spread as a result of the investigation that is conducted in accordance with Article 13-5 (1);
3. Where the transit goods are drained in Korea in violation of Article 13-6; and
4. Where it is recognized that problems exist in the safety measures of the transit goods as a result of the check that is performed in accordance with Article 13-8.

(2) Plant disinfection officials may, in the cases falling under any of the following subparagraphs, disinfect or dispose of the transit goods for themselves:

1. Where the owner or his agent who is under the order referred to in paragraph (1) fails to execute the order by the period set by the Ordinance of the Ministry of Agriculture and Forestry; and

2. Where the owner or his agent is not identified and his whereabouts are unknown, making it impossible to issue the order referred to in paragraph (1).

(3) With respect to quality damage, harmful effects of medicines and other damage corresponding thereto that are done by plant disinfection officials when they disinfect or dispose of the plants, etc. or prohibited items in the course of giving orders and performing their duties in accordance with paragraphs (1) and (2), no damage claim shall be filed.

(4) In the event that plant disinfection officials disinfect or dispose of the plants, etc. or prohibited items for themselves in accordance with paragraph (2), they may file a claim with the relevant owner or his agent for paying the cost thereof.

(5) Necessary matters concerning the claim filed for paying the cost of disinfection or disposal referred to in paragraph (4) shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

CHAPTER IV QUARANTINE AND PEST CONTROL FOR DOMESTIC PLANTS

Article 14 (Domestic Quarantine)

In case where it is deemed necessary for preventing any spread of the pests or diseases which have been first flowed in the country or already broken out in a part of regions in the country, the Minister of Agriculture and Forestry may conduct the quarantine for the plants, and either order the owner of relevant plants or his agent to disinfect or dispose of them, or take necessary measures, such as the restrictions on their conveyance. In this case, the plants and areas subject to the quarantine and the methods, etc. shall be determined and publicly announced by the Minister of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999>

Articles 15 through 18

Deleted. <by Act No. 5764, Feb. 5, 1999>

Article 19 (Pest Control)

(1) The Minister of Agriculture and Forestry, or the Special Metropolitan City Mayor, Metropolitan City Mayor, or Do governor (hereinafter referred to as the "Mayor/Do governor") shall perform the pest control when he deems it necessary for exterminating the pests or diseases or for preventing any spread of them, in case where there exists any concern over inflicting a serious harm on the agricultural or forest products by the spread of the pests or diseases which have first flowed into the country, or already broken out in a part of regions in the country, or where there exists a concern over causing any impediment to the export of agricultural and forest products by the pests or diseases: Provided, That it shall be excluded in case where any pest control is executed under the conditions as otherwise prescribed by other Acts, such as the control of the pests or diseases in the forests. <Amended by Act No. 5153, Aug. 8, 1996>

(2) When the Minister of Agriculture and Forestry or the Mayor/Do governor performs the pest control under paragraph (1), he shall make a public notification of the matters falling under any of the following subparagraphs not later than 14 days prior to the performance of the pest control: <Amended by Act No. 5153, Aug. 8, 1996>

- 1.Areas and date for performing the pest control;
- 2.Types of the pests or diseases subject to the pest control;
- 3.Details of the pest control; and
- 4.Other necessary matters related to the pest control.

Article 20 (Plan for Pest Control)

(1) The Minister of Agriculture and Forestry shall prepare every year the guideline containing the formulation of pest control plans and the basic matters pertaining to the pest control (hereinafter referred to as the "basic guideline for pest control"), in order to efficiently perform the pest control under Article 19, and instruct the Mayor/Do governor thereto. <Amended by Act No. 5153, Aug. 8, 1996>

(2) When the Mayor/Do governor has been instructed as to the basic guideline for pest control by the Minister of Agriculture and Forestry, he shall promptly formulate and implement the plans for pest control suitable for the relevant areas. <Amended by Act No. 5153, Aug. 8, 1996>

(3) Matters to be contained in the basic guideline for pest control and the plans for pest control under paragraphs (1) and (2) shall be as follows:

1.Basic guideline for pest control:

- (a) Basic directions of pest control;
- (b) Types of the pests or diseases subject to the pest control;
- (c) Guidelines for promoting the pest control, and the matters related to the budget for the pest control; and
- (d) Other matters necessary for a formulation of the plans for pest control, and for the pest control; and

2.Plans for pest control:

- (a) Basic directions of pest control suitable for the peculiarities of the areas;
- (b) Areas and date subject to the pest control;
- (c) Types of the pests or diseases subject to the pest control; and
- (d) Definite details of pest control, and other matters necessary for the pest control.

(4) When the Mayor/Do governor has formulated the plans for pest control under paragraph (2), he shall promptly announce their details on the City/Do Gazette, and file a report thereon with the Minister of Agriculture and Forestry. The same shall apply when such details have been altered: Provided, That any report on the alteration of plans for pest control shall be limited to the important matters. <Amended by Act No. 5153, Aug. 8, 1996>

Article 21 (Presumption beforehand Outbreak of Pests or Diseases)

For the pests or diseases deemed to have a concern over causing a serious damage to the agricultural and forest products by a rapid and wide spread, rather than a local spread, of their distribution, the Administrator of the Rural Development Administration, the Administrator of the Forest Service, and the Mayor/Do governor shall investigate the situations on propagation of relevant pests or diseases, weather, and growth of the agricultural and forest products, and provide the interested parties with such information. <Amended by Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

Article 22 (Obligation for Report)

When the Administrator of the Rural Development Administration, the Administrator of the Forest Service, the head of the national plant quarantine agency, and the Mayor/Do governor have discovered such facts as are in need of performing the pest control under Article 19 (1), they shall promptly file a report thereon with, or give a notification to, the Minister of Agriculture and Forestry or the Mayor/Do governor. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6696, May 13, 2002>

Article 23 (Joint Pest Control)

When the Mayor/Do governor deems that it is rather efficient to perform the pest control under Article 19 jointly with Si/Gun/autonomous Gu, the farmers, the agricultural management entities, the producers' organizations under subparagraphs 2 through 4 of Article 3 of the Framework Act on Agriculture and Rural Community (hereinafter referred to as "farmers, etc."), or the pest control businessmen under the Agrochemicals Control Act, he may perform the joint pest control within the competent districts, pursuant to the pest control plans under Article 20 (2). <Amended by Act No. 5153, Aug. 8, 1996; Act Nos. 5758, 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002>

Article 24 (Details of Pest Control Orders)

(1) When the Minister of Agriculture and Forestry or the Mayor/Do governor deems it necessary for performing the pest control under Article 19, he may issue the orders falling under each of the following subparagraphs: <Amended by Act No. 5153, Aug. 8, 1996>

1.To order the cultivators to restrict or prohibit any cultivation of such plants as are stuck with the pests or diseases subject to pest control, or are apprehensive of being stuck with them;

2.To order the owner or his agent to restrict or prohibit any transfer or conveyance of such plants as are stuck with the pests or diseases subject to pest control, or are apprehensive of being stuck with them;

3.To order the owner or his agent to take measures, such as disinfection, disposal, etc. of such plants as are stuck with the pests or diseases subject to pest control, or are apprehensive of being stuck with them; and

4. To order the owner or his agent to take measures, such as disinfection, etc. of such goods as farming implements or transport equipment, etc. or such installations as warehouses, etc., which are stuck with the pests or diseases subject to pest control, or are apprehensive of being stuck with them.

(2) When the Minister of Agriculture and Forestry or the Mayor/Do governor deems it necessary for urgently performing the pest control under Article 19 (1), he may let the plant disinfection official take measures equivalent to paragraph (1) 3, without making any public notice under Article 19 (2). <Amended by Act No. 5153, Aug. 8, 1996>

Article 25

Deleted. <by Act No. 5764, Feb. 5, 1999>

Article 26 (Bearing of Expenses)

In a case where the Mayor/Do governor has performed the joint pest control under Article 23, any expenses therefor shall be borne at the basic subsidy rate under the Act on the Budgeting and Management of Subsidies: Provided, That when the Mayor/Do governor deems that the pest control has led to the remarkable benefits for the beneficiaries, he may let the beneficiaries bear a portion of such expenses under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5764, Feb. 5, 1999>

Article 27 (Compensation for Losses)

(1) For the persons who have suffered any losses resulting from the orders issued under Article 24, the State and the City/Do may compensate them for losses in proportion to their conditions.

(2) Any person who intends to claim the compensation under the provisions of paragraph (1) shall apply for it to the Minister of Agriculture and Forestry or the Mayor/Do governor having jurisdiction over the location of the goods, etc. subject to compensation under the conditions as prescribed by the Ministry of Agriculture and Forestry. In this case, any application to the Minister of Agriculture and Forestry shall pass through the Mayor/Do governor having jurisdiction over such location. <Amended by Act No. 5153, Aug. 8, 1996>

(3) The Minister of Agriculture and Forestry or the Mayor/Do governor shall, when there exists any application under paragraph (2), promptly make a decision on whether or not granting the compensation pursuant to the criteria and procedures prescribed by the Ordinance of the Ministry of Agriculture and Forestry, and notify the applicant of the results of such decision. <Amended by Act No. 5153, Aug. 8, 1996>

Article 28 (Keeping and Transfer, etc. of Chemicals)

(1) The Minister of Agriculture and Forestry shall keep the chemicals required for the performance of pest control duties, or may let the National Agricultural Cooperatives Federation keep such chemicals. <Amended by Act No. 5153, Aug. 8, 1996>

(2) To any local governments, farmers, etc., or pest control businessmen under the Agrochemicals Control Act, who are slated to perform a pest control under the pest control plans, the Minister of Agriculture and Forestry may transfer the chemicals kept under the provisions of paragraph (1), or subsidize a portion of expenses required for the purchase of chemicals necessary for the pest control. <Amended by Act No. 5153, Aug. 8, 1996>

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 29 (Raising Objections)

(1) Any person falling under any of the following subparagraphs may, when he is dissatisfied with relevant dispositions, raise an objection in writing to the Minister of Agriculture and Forestry or the Mayor/Do governor within 14 days from the date of being subjected to such disposition under the conditions as determined by the Ordinance of the Ministry of Agriculture and Forestry. In this case, any application to the Minister of Agriculture and Forestry shall pass through the head of the national plant quarantine agency or the competent Mayor/Do governor: <Amended by Act No. 5153, Aug. 8, 1996>

1. Person subjected to the order under Article 4 (2);
2. Person who has become unsatisfactory as a result of inspection under Article 11 (1);
3. and 4. Deleted; and <by Act No. 5764, Feb. 5, 1999>
5. Person subjected to a decision on whether or not granting a compensation under Article 27 (3).

(2) The Minister of Agriculture and Forestry or the Mayor/Do governor shall, when any objection has been raised under paragraph (1), promptly notify the applicant of the date and place, and thereby provide the applicant or his agent with an opportunity to state his opinions: Provided, That the same shall not apply to the case where the relevant applicant or his agent fails to comply with it without any justifiable reasons, or where it is impossible to provide him with an opportunity to state his opinions due to an obscurity of his address, etc. <Amended by Act No. 5153, Aug. 8, 1996>

(3) The Minister of Agriculture and Forestry or the Mayor/Do governor shall examine the application within 14 days from the date of receiving it under paragraph (1), and notify the applicant of the results thereof. <Amended by Act No. 5153, Aug. 8, 1996>

Article 30 (Honorary Plant Quarantine Supervisor)

(1) The Minister of Agriculture and Forestry may, in order to establish order in plant quarantines, commission the farmers, the officers and employees, etc. of the consumers' organization and the agriculture-related producers' organization as the honorary plant quarantine supervisors, and have them perform the supervision, guidance and enlightenment as to the order in plant quarantines.

(2) The Minister of Agriculture and Forestry may pay the expenses required for the supervisory activities to the honorary plant quarantine supervisors.

(3) Matters necessary for the qualifications, commissioning method and duties, etc. of the honorary plant quarantine supervisors under the provisions of paragraph (1) shall be specified by the Ordinance of the Ministry of Agriculture and Forestry.

[This Article Newly Inserted by Act No. 6696, May 13, 2002]

Article 30-2 (Reward Money)

The Minister of Agriculture and Forestry may, under the conditions as prescribed by the Presidential Decree, pay the reward money to the persons, etc. who have reported or accused to the national plant quarantine agency or the investigation agency the persons who have failed to undergo the inspections under Article 9 (1), (3), (5) and (6), or who have undergone the inspections by falsity or other illegal means.

[This Article Newly Inserted by Act No. 6696, May 13, 2002]

Article 30-3 (Hearing)

The head of the national plant quarantine agency shall, if he intends to revoke his designation of any inspection place in accordance with Article 9-3 (2), hold hearing.

[This Article Newly Inserted by Act No. 7136, Jan. 29, 2004]

Article 31 (Delegation of Authority)

(1) The Minister of Agriculture and Forestry may delegate part of his authority under this Act to the head of the national plant quarantine agency or the Mayor/Do governor under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996>

(2) The Mayor/Do governor may delegate part of his authority under this Act to the head of Si/Gun/autonomous Gu under the conditions as prescribed by the Presidential Decree.

CHAPTER VI PENAL PROVISIONS

Article 32 (Penal Provisions)

Any person falling under one of the following subparagraphs shall be punished by imprisonment for not more than 1 year, or by a fine not exceeding 10 million won: <Amended by Act No. 7136, Jan. 29, 2004>

1. Person who has violated the order for disinfection or disposal, etc. under Article 4 (2);

2. Person who has imported the plants, etc. without attaching a certificate of inspection issued by a government agency of the exporting state or its copy, in contravention of the main sentence of Article 6 (1);

3. Person who has imported the plants, etc. or prohibited items through the places other than the quarantine place, in contravention of Article 6 (2);
4. Person who has imported the plants, etc. in contravention of a temporary import restriction under Article 6 (4);
5. Person who has imported the plants, etc. in contravention of an import restriction under Article 6 (5);
6. Person who has imported the prohibited items in contravention of Article 7 (1);
7. Person who has imported the prohibited items without obtaining a permit under Article 7 (2) 1;
8. Person who has imported the prohibited items in contravention of Article 7 (2) 2 or 3;
9. Person who has violated the order for disposal, return, etc. under Article 10 (1) through (4);
10. Person who has refused, obstructed or avoided the disposition of disinfection or disposal by the plant disinfection official under Article 10 (5);
11. Person who has transported the foreign plants, etc. or the prohibited items in Korea without obtaining approval therefor in violation of Article 13-2 (2);
12. Person who has failed to make a report on problems arising in the safety measures in violation of Article 13-4 (1);
13. Person who has drained the transit goods in Korea in violation of Article 13-6;
14. Person who has failed to execute an order given to disinfect, dispose of, return, or ship the foreign plants, etc. or the prohibited items out of Korea in violation of Article 13-9 (1); and
15. Person who has rejected, impeded or evaded the disposition of disinfection or disposal performed by plant disinfection officials in violation of Article 13-9 (2).

[This Article Wholly Amended by Act No. 6696, May 13, 2002]

Article 33 (Penal Provisions)

Any person falling under one of the following subparagraphs shall be punished by a fine not exceeding 5 million won: <Amended by Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002; Act No. 7136, Jan. 29, 2004>

1. Person who has refused, obstructed, or evaded the inspection under Article 4 (1);
2. Person who has refused, obstructed or avoided an access to the place such as the land, etc., or a collection of testing samples under Article 4 (3);
3. Person who has failed to undergo the inspection under Article 9 (1), (3), (5) and (6), or has undergone the inspection by means of falsity or other illegality (excluding a person who has imported the plants, etc. as a hand luggage);

4. Person who has exported the plants, etc. without obtaining any passing of inspection in contravention of Article 11 (1), or has exported the plants, etc. with obtaining a passing of inspection by means of falsity or other illegality; and

5. Person who has rejected, impeded or evaded the check performed by plant disinfection officials in accordance with Article 13-8.

Article 34 (Joint Penal Provisions)

If the representative of a corporation, or an agent, an employee or any other employed person of a corporation or an individual has committed an offense under Articles 32 and 33, not only shall such an actor be punished accordingly, but the corporation or individual shall be punished by a fine as prescribed in each of the respective Articles.

Article 35 (Fine for Negligence)

(1) Any person falling under one of the following subparagraphs shall be punished by a fine for negligence not exceeding 5 million won: <Amended by Act No. 5764, Feb. 5, 1999; Act No. 6696, May 13, 2002; Act No. 7136, Jan. 29, 2004>

1. Person who has failed to undergo an inspection under Article 9 (1) for the plants, etc. imported as a hand luggage, or has undergone an inspection by means of falsity and other illegal means;

2. Person who has violated the order for an isolated cultivation of seeds under Article 9 (7);

3. Person who has violated the order for pest control under Article 24 (1), or has refused, obstructed, or evaded the disposition under Article 24 (2); and

4. Person who has failed to make a report on the arrival of the transit goods in violation of Article 13-7 (1).

(2) The Minister of Agriculture and Forestry or the Mayor/Do governor (hereinafter referred to as the "imposing authority") shall impose and collect the fine for negligence under paragraph (1), under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996>

(3) Any person who is dissatisfied with the disposition of a fine for negligence under paragraph (2) may raise an objection to the imposing authority within 30 days from the date of receiving the notification.

(4) When any person subjected to the disposition of a fine for negligence under the provisions of paragraph (2) makes an objection under the provisions of paragraph (3), the imposing authority shall promptly notify the competent court thereof, and the court in receipt of such a notice shall bring the case to trial under the Non-Contentious Case Litigation Procedure Act.

(5) If neither is an objection raised nor is a fine for negligence paid within the period as prescribed in paragraph (3), it shall be collected by referring to the practices of dispositions on national or local taxes in arrears.

ADDENDA

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

(2) (Transitional Measures for Inspection Procedure, etc.) Notwithstanding the provisions of Articles 6 (4) and 12, the previous provisions shall govern the restriction on plants, etc. returned by the exporting state under the previous provisions before this Act enters into force, and the inspection procedure, etc. therefor.

(3) (Transitional Measures for Application of Penal Provisions) The previous provisions shall govern any application of penal provisions to the acts committed before this Act enters into force.

ADDENDA <Act No. 5153, Aug. 8, 1996>**Article 1 (Enforcement Date)**

This Act shall enter into force on the enforcement date of the Presidential Decree relating to the organization of the Ministry of Maritime Affairs and Fisheries and of the National Maritime Police Agency pursuant to the amended provisions of Article 41, within 30 days from its promulgation. [Enforced on the date of its promulgation pursuant to the Presidential Decree No. 15135, dated Aug. 8, 1996]

Articles 2 through 4

Omitted.

ADDENDA <Act No. 5758, Feb. 5, 1999>**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2000.

Articles 2 through 11

Omitted.

ADDENDA <Act No. 5764, Feb. 5, 1999>

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

(2) (Application Examples) The amendments to Articles 6 (5) and 10 (2) shall apply beginning from the plants, etc. shipped after the enforcement of this Act.

ADDENDA <Act No. 6696, May 13, 2002>

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

(2) (Application Examples to Reward Money) The amended provisions of Article 30-2 shall apply beginning from what have been reported on, or accused of, the offenses first occurred after the enforcement of this Act.

ADDENDUM <Act No. 7136, Jan. 29, 2004>

This Act shall enter into force six months after the date of its promulgation.